

Commonwealth Human Rights Initiative (CHRI) and the National Action and Coordination Group (NACG) to End Violence Against Children

Statement on the report from the UN Special Rapporteur on contemporary forms of slavery on his mission to Sri Lanka, to be tabled during the 51st Regular Session of the Human Rights Council (15 September 2022)

On 6 July 2022, the UN Special Rapporteur on contemporary forms of slavery, Mr. Tomoya Obokata, issued a report [A/HRC/51/26/Add.1](#) on his visit to Sri Lanka which was conducted from 26 November to 3 December 2021.

The Commonwealth Human Rights Initiative ([CHRI](#)), together with Foundation for Innovative Social Development (FISD) (a member of the [Commonwealth 8.7 Network](#))⁽¹⁾, Blooming Bud Social Foundation, ChildFund Sri Lanka, OECRP, PMN, RAHAMA, SAFE Foundation, SAMADANA and World Vision Lanka, members of the National Action and Coordination Group to End Violence Against Children ([NACG](#)), welcome the country report of Mr. Tomoya Obokata, Special Rapporteur on contemporary forms of slavery, on his visit to Sri Lanka to be tabled during the [51st Regular Session](#) of the UN Human Rights Council on 15 September 2022.

This statement is primarily based on information provided by the National Action and Coordination Group to End Violence Against Children (NACG), comprised of grassroot organisations that work to combat violence against children in Sri Lanka.⁽²⁾

Child Labour

We appreciate the Special Rapporteur's inclusion of a section on children, and child labour as a specific area of concern in Sri Lanka. We also welcome the recognition that child labour increased during the pandemic as a consequence of school closures.

Sri Lanka is committed to addressing contemporary forms of slavery in recent years and has taken steps to prevent and address this issue, i.e. joining Alliance 8.7 as a Pathfinder Country in 2018. Further, the Labour Department declared the years 2021 to 2030 as the decade of eradicating child labour. However, there is a long way to go before child labour is eradicated.

Formal education is compulsory up to the age of 16. A compulsory education committee must be established in every school, which is responsible to gather information on school dropouts and reintegrate them. However, the implementation of this is slow and there is lack of proper monitoring of reinstated students.⁽³⁾

School closures have enhanced the vulnerability of children to becoming victims of child labour.⁽⁴⁾ During the COVID-19 pandemic and in the current economic crisis, children from vulnerable communities are the most affected by the prevalent digital gap. Educational institutions are struggling to conduct academic activities due to frequent power outages and shortages of supplies.⁽⁵⁾ Although in 2020 the

Humanitarian Cluster Team (HCT) headed by UNICEF in collaboration with the Ministry of Education developed an emergency response plan for COVID-19, it was not properly budgeted or implemented, thereby enhancing the vulnerability of children from marginalised communities.

The 2020 report 'Investing in the Future: A Universal Child Benefit for Sri Lanka's Children' produced with support from the EU, revealed that the majority of children in the country live in families with a per person expenditure of less than LKR 506 per day (approx. 1.40 USD).⁽⁶⁾ Within the last 3 years many families lost all or part of their income. Of the poorest children, 1 in 3 are at risk of dropping out of school in Sri Lanka. Of this group, 20% do so due to familial financial hardships and opt to join the workforce to support the family income.⁽⁷⁾ Children have become one of the most neglected categories of society amidst all these challenges. Although the Government of Sri Lanka was recommended to introduce a Universal Child Benefit programme,⁽⁸⁾ such an initiative has not been implemented to date.

The Labour Department increased the number of inspectors in 2019, yet the number of incidents on child labour being reported has not increased.⁽⁹⁾ On a national scale there are several mechanisms with a mandate to report and curtail trafficking. While functionality of these mechanisms is debatable, the public also lacks awareness of them. There is a lack of information about child labour in Sri Lanka. According to the Right to Information (RTI) Act, the Government shall publish policies, action plans, and budgets online. Unfortunately, the only place where the Sri Lankan National Policy on Elimination of Child Labour can be accessed is the website of the International Labour Organisation (ILO). Although CSOs and INGOs play an important role in advocating to keep children and families central to the agenda, they have received limited attention from successive national administrations over the last 3 years.

Recommendations

We support the recommendations contained in the Special Rapporteur's report and further urge the Government of Sri Lanka to:

1. Activate and allocate sufficient funds to the District Child Development Committees.
2. Reconstruct the education system, including tertiary level, in order to adapt to a crisis.
3. Form and implement an emergency response plan for education in the face of multifaceted challenges.
4. Introduce a Universal Child Benefit for young children as recommended by the report 'Investing in the Future: A Universal Child Benefit for Sri Lanka's Children' published in 2020 by UNICEF.
5. In regard to children who have dropped out of school, make the reinstatement process more efficient and develop a monitoring mechanism to oversee this process regarding reinstated children.
6. Develop and implement an awareness campaign to encourage children to enrol in vocational training.
7. Conduct Right to Information (RTI) awareness sessions for the public.
8. Conduct widespread sensitisation campaigns on the plans to eradicate child labour while encouraging open dialogue within the communities.
9. Conduct capacity building on child labour for police and immigration officers, and introduce the officers to the general public along with the reporting mechanism.
10. Establish a government led multi-stakeholder agenda including CSOs and INGOs to eradicate child labour.

11. Improve access to information on public policies and statistics related to child labour and encouraging pro-active disclosure from government agencies.
12. Develop competencies of the police and immigration officers on detection and investigation of child trafficking, including skills to investigate on sophisticated, technological platforms.
13. Create awareness on the types of evidence needed for prosecution of trafficking and techniques to gather such evidence.
14. Improve current regulatory efforts, such as developing a national standard guideline for juvenile safe workplaces, to create a protective, non-discriminatory workplace.
15. Establish a national certification system to identify 'young worker friendly workplaces' using national standard guidelines for juvenile safe workplaces.
16. Create incentives for businesses to offer decent and dignifying work opportunities for youth.
17. Implement efficient monitoring systems to identify sectors and places that illegally employ children and ensure proper law enforcement.
18. Adopt a holistic approach in combatting child labour while acknowledging its benefits to help improve the quality of life of marginalised children.
19. Strengthen anti-trafficking legislation, impose adequate sanctions, increase resources allocated to the investigation of such cases, and ensure that perpetrators are brought to justice.
20. Cooperate with neighbouring countries and NGOs in the region to set up prevention and awareness-raising mechanisms, including increasing the resources allocated to support physical and psychological recovery for victims.
21. Implement a mechanism to strengthen survivor voices so that survivors do not fall back into 'victimhood'.
22. Ensure the active functioning of the grievance handling mechanism, merge the district anti-trafficking forum and district migration forum. Allocate sufficient funds from the national budget or annual budgets of the respective ministry or National anti human trafficking task force (NAHTTF).
23. Create public awareness on incident reporting mechanisms and make them accessible in all national languages.
24. Improve the efficiency of the reporting hotlines and introduce a digitalised complaint tracking system.
25. Register and regulate manpower agencies under the Company Act (No 7 of 2007). Ensure mandatory contracts to ensure legal enforceability.
26. Ensure quarterly visits to manpower agencies by the labour department.
27. Introduce a mechanism wherein two members of the Board of Directors of the Bureau for Foreign Employment engage with migrant workers and four members of the Board of Directors of the Bureau for Foreign Employment engage with CSO and trade unions involved in safe migration and anti-trafficking activities.
28. Out of the 70% paid to employment agencies, ensure that 20% is allocated to a welfare and social security fund.
29. Ensure the implementation of the official language policy and offer language training, preferably of the destination country. At the time of signing the contract, an official translation in the mother tongue must be provided as per the above policy.
30. Use guidance notes on the identification, protection and referral of child trafficking victims as a supplement to the Standard Operating Procedures (SOP).
31. Utilise existing measures and tools to protect children from all forms of violence such as the National Child Protection Case Management System.

32. Enhance multi-stakeholder coordination at community and divisional level to increase holistic support for vulnerable families and children. This will increase the level of identification at community level, ensuring improved reporting of cases.
33. Consider and implement recommendations in Concluding Observations on the combined fifth and sixth reports of the Committee of the Rights of the child for Sri Lanka.⁽¹⁰⁾

Endnotes

- (1) See generally, <https://www.commonwealth-87.org/>.
- (2) The NACG perspective is based on CSO consultations and on their own empirical experience, validated with latest reports on Sri Lanka.
- (3) Compulsory Education Age 16 Section 43 of the Education Ordinance; Compulsory Attendance of Children at Schools Regulation No. 1 of 2015 (Free Public Education Section 47 of the Education Ordinance)
- (4) ILO and UNICEF (2020), Covid-19 and Child Labour: A time of crisis, a time to act, p. 17. Available at: https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---ipec/documents/publication/wcms_747421.pdf
- (5) The Island Online (2022), Education at a time of economic crisis. Available at: <https://island.lk/education-at-a-time-of-economic-crisis/>
- (6) UNICEF (2022), Universal Child Benefit critical in reducing vulnerability and poverty, new UNICEF Sri Lanka report finds. Available at: <https://www.unicef.org/srilanka/press-releases/universal-child-benefit-critical-reducing-vulnerability-and-poverty-new-unicef-sri>
- (7) Talking Economics (2022), Education Equity in Sri Lanka: A Pathway out of Poverty. Available at: <https://www.ips.lk/talkingeconomics/2020/12/28/education-equity-in-sri-lanka-a-pathway-out-of-poverty/>
- (8) UNICEF (2022), Universal Child Benefit critical in reducing vulnerability and poverty, new UNICEF Sri Lanka report. Available at: <https://www.unicef.org/srilanka/press-releases/universal-child-benefit-critical-reducing-vulnerability-and-poverty-new-unicef-sri>
- (9) US Embassy in Sri Lanka (2020), Child Labour and Forced Labour Report: Sri Lanka. Available at: <https://lk.usembassy.gov/wp-content/uploads/sites/149/2020-Child-Labor-and-Forced-Labor-Report-Sri-Lanka.pdf>
- (10) Committee on the Rights of the Child (2018), Concluding observations on the combined fifth and sixth periodic reports of Sri Lanka. Available at: <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPrICAqhKb7yhsielGx7SihWhGe2DDOs2oa3sf3DVocPZ6t2fN0WRVx92GNJIQbMTGN7krzrvJ20SQ1Q8YUgf0XjXVWL1YL2umcQXoXRlpHnUUEfC5wKucoHO>