

NATIONAL CHILD PROTECTION POLICY



National Child Protection Authority



Ministry of Child Development and Women's Affairs

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National Child Protection Policy

Foreword

Giving our children a childhood they can be proud of.

This is the guiding principle on which this Policy is built.

The Government of Sri Lanka (GoSL) recognizes that the quality of childhood has tremendous influence on the development of the individual. Children must be respected as young citizens with a valued contribution to make and a voice of their own. They must be supported by family, school and the wider society to enjoy a fulfilling childhood that enables them to realize their full potential.

This Policy is intended to ensure effective coordination amongst all organizations and actors working for the protection and development of the children of this country. It will address not only protection in terms of rights and obligations, but also general care and well being which will include education in the fullest sense, provision for leisure, the encouragement of creativity and participation in social activities. It will be aimed at adults as well as children since no child lives outside the sphere of influence of adults.

We aim to create a protective and caring environment, where girls and boys are free from violence, exploitation, and unnecessary separation from family. Laws, services, behaviour and practice must minimize vulnerability, in addressing risk factors while strengthening the resilience of children and their capacity to resist abuse. The approach is based on a human rights perspective, and emphasizes prevention as well as the accountability and responsibility of governments and other entities and institutions dealing with the care and well-being of children. The policy is presented now for public consultation so that all stakeholders will be able to contribute to this subject, which is central to the advancement of our society.

Sri Lanka is in the midst of rapid infrastructural and economical development after a protracted period of conflict. This leads to rapid changes that affect the way society thinks, behaves, and reacts. In preparing this Policy we must be conscious of these transitions, and in supporting our children must ensure that they are capable of adapting to emerging needs and challenges.

For this purpose it is imperative that there is dialogue and solidarity between generations. For the various bodies dedicated to different aspects of child care and development in the

country, we need coordination that will facilitate understanding of the problems children face and promote concerted efforts to deal with them.

The National Child Protection Policy recognizes the valuable work of the United Nations through the United Nations Convention on the Rights of the Child (UNCRC) of 1989, which Sri Lanka signed and ratified in 1991. Though there seemed then to be little awareness of issues related to child abuse, particularly sexual abuse, GoSL over the ensuing period took remedial action to protect children better, as a follow-up to the UNCRC. The Rights enshrined in the Convention are reflected in the Children's Charter of Sri Lanka. Monitoring the proper implementation of the UNCRC is pursued by the National Monitoring Committee which functions under the Ministry of Child Development and Women's Affairs. The National Child Protection Authority (NCPA) was established by the Act No.50 of 1998. As the principal authority for the protection of children and the promotion of child rights, The NCPA was also entrusted with the task of formulating national policies on the Protection of Children, the Prevention of Child Abuse, and the Treatment of Child Victims. It has to coordinate and monitor action against all forms of child abuse and deal with matters connected therewith or incidental thereto.

Since many issues require multi-sectoral involvement, the NCPA Act stipulates the establishment of a multi-sectional and multi-disciplinary membership. This includes pediatricians, psychiatrists, forensic specialists and psychologists, and high level representation from the Attorney General's Department and the Police. Ex-officio members include the Commissioner of Probation and Child Care, the Commissioner of Labour and the Chairman of the National Monitoring Committee on Child Rights.

Introduction

For the purposes of this policy, children are defined as: *'every human being below the age of eighteen years'* (Article 1, United Nations Convention on the Rights of the Child.) Over the last decade, and especially after GoSL ratified the Convention on the Rights of the Child, there has been a significant growth in awareness of the need and importance of children as active participants of society. Children have their own rights. This Policy acknowledges that children are not just the future of a country but they are people of today. Children matter in their own right, here and now, and their needs and interests should be a priority for society.

This draft National Child Protection Policy is rooted in the principles of the UNCRC, the most ratified human rights treaty in history. The Convention recognizes children's rights as human rights, and establishes a universal set of standards, to be adhered to by all signatories. It focuses on the child as a whole and enshrines children's rights to protection, provision, and participation. It lays down civil, cultural, political, economic, social, and basic human rights, which every child should enjoy. The 'best interests' of the child should be given primary consideration, and the environment in which children live and function must be child-friendly. Children are citizens in their own right, and should not be seen as mere passive recipients.

Whilst noting the commendable efforts of the GoSL in putting children at the forefront of the national agenda, this Policy encourages stakeholders to continue to invest in supporting children's development. For a children's policy to be truly effective, structures must be developed and reinforced. Ready access to information and services is vital for children to be able to exercise their rights and be able to participate fully in society. Recognition is required of the creativeness of children, not only for themselves, but also for adults they interact with, and for society at large.

The ultimate objectives of this Policy are to offer the necessary opportunities for children to grow up in a context in which their value is recognized, and thereby to give them a childhood they can be proud of. Well-being should be viewed not as a luxury but rather as a necessity, to be enjoyed by all, without exceptions. This requires a multi-dimensional approach, which needs to be reviewed continuously, in accordance with changing circumstances.

Policy Context

Children today grow up in a society characterized by increasing social change. Fluctuating family structures, demographic realities, historical developments, and technological advances put pressure on societies to adapt to changing times. These changes set a number of challenges for both adults and children. Whereas children are changing themselves, which may make social changes less unusual, adults may find changes more challenging in the context of settled expectations. These different experiential contexts can lead to conflicting relationships, especially where the same indicators of well-being are not shared.

The traditional family structure with the father as the main breadwinner and the mother as the career is no longer common in the country. Other changes affect the traditional social definition of the family. The nature of the household is undergoing changes. Marriage and child bearing are being postponed to a later age by educated young adults, which has led to more challenges and changes in society. The earlier role of grandparents in their old age taking care of grandchildren is also vanishing as many of that older generation are still active in the labour market. All this necessitates a social need to invest in more childcare centers and family friendly measures. This policy recommends to make a proper National Guidelines for all child care centers including Day Care centers.

Abuse, violence, exploitation and neglect of children cuts across all segments of Sri Lankan society, irrespective of geographic locality, ethnicity, social status and religion. Incidents occur in homes and in the community as well as in schools and educational and child care institutions, and in detention centers. Though Children have rights as adults do, they lack the awareness and power to report and respond to such situations and the younger the child, the greater the vulnerability and inability to articulate traumatic events.

Prevalence of incidents of abuse, violence, exploitation, and neglect are particularly high in situations of poverty and family strife. Other risk factors include unemployment, alcoholism, drug abuse, disability, and single parent families. Families of migrant mothers are at high risk.

The most effective approach to such situations is prevention. If this is not possible and children are affected, they need special protection and care. Lack of such protection could result in early death when there are severe physical injuries, particularly in very young children. In other instances children survive, but remain with serious physical, sexual, and

emotional scars. In addition, their capacity to learn, grow, and develop to their full potential is adversely affected.

Physical, emotional, and sexual abuse are often perpetrated on the same child. Physical consequences of abuse, exploitation, and violence include abdominal and thoracic injuries, brain injuries, bruises, burns, fractures, lacerations and abrasions, injuries to the nervous system, damage to the eyes and disability. Sexual dysfunction can occur when such children grow up to be adults. HIV/AIDS and other sexually transmitted diseases and pregnancy can result.

Psychological consequences of abuse include alcohol and drug abuse, cognitive impairment, criminal, violent and risk-taking behavior, depression and anxiety, eating and sleep disorders, and oppressive feelings of shame and guilt. Other acute and long-term consequences include hyperactivity, weak interpersonal relationships, low school performance, poor self-esteem, post-traumatic stress and psychosomatic disorders, suicidal behavior and self harm. Neglect, particularly of very young children, could lead to retarded growth and development.

Perpetrators of abuse can include parents, members of the extended family, friends of the family, neighbors, teachers, principals, caretakers, including clergy, all of whom children are taught to trust and respect from childhood as people of authority. Older children could also be perpetrators. Children in child labour including working children, child domestic labour, child combatants, children caught in commercial sex networks, street children, and disabled children are particularly vulnerable to abuse. Other types of abuse and exploitation include pornography and internet schemes which lure children and exploit them.

Children who are victims or even witnesses to abuse and violence are also at increased risk of delinquency and criminally violent behavior. Intervening in the lives of victimized children before negative patterns of behavior are established is essential to prevent future violence. No form of abuse and violence against a child, or exploitation and neglect, can ever be justified, and require a zero-tolerance policy. Nor should such situations be regarded as inevitable. The underlying causes of child abuse are well-known and have been identified, and therefore can be addressed. Protection through prevention is possible and should be given the highest priority.

Once incidents have occurred, the response in terms of law enforcement, judicial action, rehabilitation, and reintegration could take a very long time. This can contribute to continuation of abuse. Access to services may not always occur. It is the State's primary

responsibility therefore to intervene swiftly and effectively in the child's best interests. Protection of all children within the context of a multi-sectoral network of effective responses to all forms of abuse, violence, exploitation, and neglect is essential. Services need to be easily accessible to all children. It is important that the response is coordinated. Adequate training is needed for all doctors, law enforcement officers, child care workers and social welfare officers who are in key positions to undertake child protection work. Pediatric and forensic aspects have to be given due importance. Social guidelines are important and should involve both community aspects of child care as well as hospital practices.

Acts of parents bordering on cruelty can occur because of social factors such as poverty. In such situations, the best interest of the child may require providing assistance to overcome poverty rather than prosecuting the parent.

Only a small proportion of acts of abuse and violence against children are either reported or investigated, though reporting has been better during the first half of 2013 with better systems in place to encourage this. Children are often unable to articulate offences committed against them by adults who are amongst those they trust and love, or who are in positions of authority over them. The stigma attached to sexual abuse is also a barrier to reporting such incidents. Another problem is that in the current law enforcement and legal system, very few adult perpetrators are called to account for their crime against a child. Physical abuse, particularly corporal punishment, still occurs and is generally accepted as a form of discipline in homes, schools, and child care institutions, though prohibited. The ban on corporal punishment in schools and child care institutions must be strictly enforced, since it is not easy to draw a distinction between acts of an abusive nature which are undertaken in the name of discipline and acts that are not in any way related to discipline. It is also important to promote non-abusive, alternative forms of discipline.

The criminal justice system must place high penalties on the victimization of children. The majority of Sri Lankan communities still do not view crimes against children as a very serious. Unless perpetrators are made to know that their actions will have severe consequences, and that they cannot get away with impunity even if they are related to the child victim, such incidents will continue.

Protection aspects have been laid down in relation to international criminal, humanitarian, and labour laws and the International Covenant on Economic, Social and Cultural rights. Although general international human rights treaties and other international agreements

provide protection to children, it is the UN Convention on the Rights of the Child (CRC) which sets out well-defined legally binding standards. Sri Lanka was among the first countries to ratify the UNCRC, and it must take steps to abide effectively by its framework of legal principles, standards, policies, and practices. This includes the twin need to promote preventive aspects as well as the implementing of relevant responses when a child is victimized.

Various articles of the CRC assert the rights of children to physical and personal integrity and establish high standards of protection. Article 19 requires Sri Lanka as a signatory to the CRC to take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical and mental violence, injury and abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse while in the care of parent(s), legal guardians, or any other person designated to provide care for a child. Prevention of any breach of this obligation has been emphasized by the International Monitoring Committee on the UNCRC and declared as a State obligation.

The need for protection is entrenched in Articles 32 to 36 in the UNCRC and entails legal rights to protection from various forms of economic exploitation. This protection must be provided for children who engage in work that is likely to be hazardous or which interferes with the child's education and which is harmful to his/her health, physical, mental, spiritual, moral, and social development. In Sri Lanka, this mostly occurs in the non-formal sector.

Another requirement is protection from the illicit production and trafficking of illicit substances. Protection must also be provided with regard to all forms of sexual exploitation and sexual abuse particularly prostitution and pornography, and from abduction, sale and trafficking and other forms of exploitation, all of which are detrimental to children. The protection of children is also included in Article 38 of the UNCRC which binds the State to undertake to respect and ensure the applicability of international humanitarian law in relation to children in an armed conflict situation. It recalls obligations laid down in the Geneva Conventions. The optional protocol to the UNCRC establishes that no child under 18 years should be recruited into the armed forces. Article 37 declares that no child shall be subjected to torture or other cruel inhumane or degrading treatment or punishment nor should a child be sentenced to capital punishment or to life imprisonment without the possibility of release. Article 39 obliges Sri Lanka to take all appropriate measures to promote physical and psychological recovery and social integration of child victims of abuse. Article 37 and Article 40 set out detailed safeguards for children on the administration of juvenile justice. It is

clearly enunciated that children in conflict with the law should be treated in a manner which is consistent with protecting a child's sense of dignity and worth. This together with Article 19 requires that children should not suffer violence at the hands of state officers. Treatment and punishment should not involve any sort of physical or mental violence.

The Optional Protocol to the CRC on the involvement of children in armed conflict is particularly relevant to Sri Lanka in the context of the prolonged conflict. It placed a heavy obligation on the Government to prevent the recruitment of children under the age of 18 years. This also included an obligation by the Government to provide such children with necessary physical and psychosocial rehabilitation and support for reintegration within society. Responses to child combatants who surrender fall under the purview of the Commissioner General of Rehabilitation, under the overall support of the office of H. E. the President. The procedures and processes follow a special gazette issued by the President on the 15th of December 2008. In 2012, Sri Lanka was delisted from the UN Security Council Resolution 1612, on Children and Armed Conflict, as we had resolved issues pertaining to the forcible recruitment of children as combatants. A policy framework on protective care, rehabilitation, and reintegration of child combatants was developed by a multi-sectoral committee through the NCPA as a focal point institution.

Continuing areas for action include amendments in the judicial system in relation to children found guilty of infringing the law. These should ensure due consideration by authorities providing institutional care, establishing of guidelines and supervision orders; better counseling and probation mechanisms; access to educational and vocational training programmes, all of which serve the best interest of the child. In formulating legal and social policy, a fair balance between the gravity of the crime and the interests of the accused child is important. Other relevant aspects of the UNCRC in relation to the protection of children include freedom of expression, access to information, the practice of individual religions, association, peaceful assembly, and privacy. Children should be guaranteed the right not to be separated from their parents unless in their best interests, while the State should render appropriate assistance to parents and legal guardians in the performance of child rearing responsibilities. Another important aspect of protection includes the sale and trafficking of children and the commercial sexual exploitation of children both of which have been defined in optional protocols to the UNCRC. As signatory to these, it is required that the government criminalises such activities and continues to draw attention to the gravity of such offenses. This includes instituting strong penalties for all those who participate in such acts, including

related attempts and conspiring. SAARC has also provided a forum to establish regional mechanisms and processes to protect children of South Asia from abuse and exploitation with emphasis on trafficking. All available methods should be facilitate and provide services for child victims of such abuse.

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Guiding Principles

The protection of children is the responsibility of all. Protection of children is based on four guiding beliefs:

1. Recognition of children's Best interests
2. Protection against any form of harm, exploitation or abuse
3. Coordinated response to child protection
4. Early intervention and prevention

For these guiding principles to work, all child protection work needs to be developed around the crux of love, peace, honesty, right action, and non-violence to ensure empathetic and ethical solutions to children's issues.

Following ratification of the United Nations Convention on the Rights of the Child, GOSL has been under obligation to uphold and promote the rights and obligations inherent in the Convention's provisions. It is acknowledged that all children need services and benefits which are universal. These include access to health care, education, and children's allowances when necessary. The State must invest in guaranteeing an optimum standard of these services. For all children to benefit, structures need to be inclusive and to address the multiple needs which children may have. In certain instances, arrangements may be needed for services targeting a particular sector of the population. These may include provision for children with learning difficulties, children with disabilities, and community services specifically targeted at families and children. Community centers in specific localities may therefore be needed, or community centers which offer services to children and their families with identified needs. Furthermore, services which offer specialised care may be essential, to address sensitive issues such as child abuse, alternative care, domestic violence, or substance abuse.

Often service provision requires personalised and family support, and a continuum of services may be needed to ensure that children in need get the necessary protection. In recognising children's interests, it is crucial that the right of children to be involved in matters affecting them is not jeopardized. All rights of children should be adequately observed and promoted.

Amendments to the Children and Young Persons Ordinance are necessary then to regulate the different scenarios of child care to ensure that equal protection rights are granted to all,

irrespective of the different circumstances Ultimately ensuring that children's interests are prioritized entails a commitment towards ensuring development which enhances children's well-being, enabling them to reach their full potential, and to take an active role at all levels of society.

NCPA is the regulatory government authority responsible for the protection and promotion of the well-being of children, The Department of Probation promotes social welfare standards and regulates social welfare services related to children and the family, as well as ensuring the implementation of established standards to improve service delivery and enhance the quality of life of service-users. The role of both entities is central for the protection of children, but adjustments are necessary to address the structural deficits which still exist. It is thus recommended that NCPA, within the Ministry of Child Development and Women's Affairs is strengthened through further investment both in capital and resources. It is appreciated the appointment of Child Protection and Psychosocial Officers to all divisional secretariat in the country. They should be given proper training to handle all child protection matters. Since Probation and Child Care Services are the responsibility of the Provincial mechanisms, it should ensure that services are provided in accordance with National Policy which should be put in place. For this purpose it is essential to ensure more effective collaboration between the NCPA and the Central Department of Probation, which may require combining efforts of the two or else ensuring structural coordination.

Prevention should be accorded the highest priority. This includes identifying and responding to risk factors in families such as poverty and unemployment, domestic violence, family separation, especially in families with migrant mothers, alcoholism and drug abuse. Relevant information must be collected by *Grama Niladaris* and Public Health Midwives who are the first interface between the people and public services. The GNs, PHMs with the support of other officials as well as the community, must develop Vulnerability Index of those at risk, to ensure that support is available as needed. More resources will be needed to formulate suitable programmes, which should be linked with ongoing poverty alleviation schemes such as the *Samurdhi* programme.

Effective responses must be ensured for child victims and child witnesses by all those involved in the criminal justice system, commencing with the crime scene, and continuing through to prosecution. A positive environment, without child abuse or exploitation should be created in homes, communities, schools, and child care institutions. This will require public and parent education, advocacy and the training of teachers and care givers. Training must

follow the setting of standards of practice and codes of conduct. Community confidence and knowledge about the legal system should be developed to bring all perpetrators of child abuse to justice, ensuring that they are held accountable through appropriate criminal, civil, administrative, and professional proceedings and sanctions.

This must be accompanied by the development of 'child friendly' and child sensitive procedures for investigating cases of child abuse which avoid child victims being subjected to multiple interviews and investigations. Court processes must ensure that child witnesses are sensitively treated and that they are not subjected to extended court proceedings, and that their privacy is respected. It is recommended child victims should not be present in court houses all the time, but to use the latest technology to see them when it is required, SKYPE etc. Accessible services for recovery, rehabilitation and social reintegration should be provided, to include health care and social services in addition to legal assistance. Rehabilitation and reintegration must focus on eliminating the cycle of abuse, violence, and exploitation which tends to occur among vulnerable families. Easy access to professional therapy and counseling services is essential.

The establishment of a safe, well-publicized, confidential, and accessible mechanism for children and others to report child abuse could include strengthening the existing National Child Helpline 1929 established in 2010, along with other readily accessible help points. Advice should be confidential and provided by trained and professional staff. This will need more effective training, and should encompass those who come into contact with children at all levels.

Developing and implementing systematic national data collection, with provision for research, must be a priority. This should identify vulnerable groups and provide information for policy and programming at all levels. A set of indicators will need to be developed. The compilation of data, analysis, and dissemination to monitor progress on a time-bound basis should be undertaken. This should include data on children in the criminal justice system, children without parental care, disaggregated by sex, age, family characteristics, urban/rural and education. Information should also be collected on vulnerable groups and risk factors. Particular attention is needed for the gender dimensions of child abuse, particularly incest and other forms of sexual abuse against girl children. Such events are often due to mothers leaving home for employment abroad, increasing the vulnerability of their daughters to becoming victims of rape including incest. The involvement of children through active engagement involving schools/youth groups must be promoted, along with child-led

initiatives against child abuse. Care should be taken to determine if trafficking has played a role in situations of child labour, child commercial sex networks, and when under-age girls are sent abroad for employment with false documentation. This includes determining legal processes which can assist in promoting convictions of those involved in trafficking. This Policy aims to ensure that children's views are not only listened to, but also taken into account. Through the adoption of such an approach, children will be respected as human beings, with the capacity to shape and determine the directions their lives will take.

The ten principles underpinning this Policy are:

- Best Interests
- Mainstreaming
- Well-being
- Participation
- Inclusion
- Accessibility
- Protection
- Families
- Accountability
- Sustainability

The Best Interests of the Child

The principle of 'the best interests of the child' is reflected in various international treaties, with the responsibility on signatories to effectively integrate and implement it in programmes. The UNCRC states that 'In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.' (Article 3, United Nations Convention on the Rights of the Child.)

Mainstreaming Children's Perspectives

Mainstreaming children's perspectives entails recognising that almost all matters of both national and international policy affect children to some extent, either directly or indirectly. Accordingly, governments must ensure that at all levels the interests and needs of children

are duly considered and taken into account. The policy also encourages a system of ‘child budgeting’ where the impact of the national budget on children is assessed, and also that ‘child impact assessments’ are developed and systematically conducted to appraise how laws, policies, actions and practices are affecting children.

Mainstreaming children requires building institutional capacity and providing the necessary resources. Issues related to children are cross-cutting, and such multi-dimensionality makes it therefore imperative that policy makers across all fields understand this concept and adopt an integrated approach. Coordination between and within ministries, as well as at local level, is to be enhanced. This calls for training and awareness raising, as well as facilitating the establishment of monitoring systems and supportive infrastructures. Ultimately adopting a children’s mainstreaming approach is the most successful tool to adequately respond to the challenges faced by societies in spheres related to children.

Well-being

As children interact with other members of society and with the community at large, it is crucial that their well-being is looked at both on a micro and macro level. Well-being is associated with the quality of life of the individual, although its definition may have different meanings to different people. This subjectivity makes well-being a fluid concept, which deserves the close attention of policy-makers and practitioners. Ultimately, it is important to recognise that the well-being of children should not be put at peril, and that needs are addressed, for the child to be able to develop in a safe and secure environment which provides opportunities for growth.

Family and school are the institutions where the child develops the networking capacity required for development. It is essential therefore that they provide conducive environments which promote emotional and physical well-being. The community also plays a central role in the development of children, and it is necessary to ensure that a healthy network is created which enables children to develop community ties through a positive and creative perception of the communities they belong to. Community involvement should encourage children to be empowered and active participants who voice their opinions and contribute to civic well-being while establishing a sense of personal identity in the context of the community.

Effective social and emotional skills are essential at all life stages, and it is thus necessary that institutions are supported in creating the healthy environment which children need. It is

vital that children whose background puts them at a disadvantage, are given the opportunity to develop such skills, on par with their peers. The enhancement of strengthened early intervention services, which should generally be community based, is crucial. Skills must be developed to provide children with resilience to positively engage in society, which should also be a crucial component in education.

Families, the community, schools, Government, public services, voluntary organizations, the business industry, the media, and others have a crucial part to play in valuing children and promote their well-being. Benefits accrued from endowing children with confidence and positive social skills are widespread. Empowering children to actively participate in society is a prerequisite, if societies are to fully adhere to the Convention on the Rights of the Child. Active citizenship entails that participation of all members is promoted. For this to be possible, opportunities for involvement and access to information are central. Communities, schools, and children's rights practitioners play a crucial role in developing the participation needed, for children to feel empowered in society.

Participation

A difference needs to be made between consultation and participation. Whereas participation implies that children are actively engaged in designing programmes and in decision-making, taking into account their age, abilities and cultural diversity, the former means those children's views are sought, but not necessarily put into practice. In such exercises, very often younger children are not given the opportunity to participate. This is unfortunate, for children of all ages have the right to be heard and be actively involved. Alternatively, society must explore different methodologies whereby participation is facilitated for all age groups. Participation skills, which are essential for children to be empowered, are best learnt by providing the relevant opportunities to effectively experience active learning. Putting this into practice entails developing initiatives at all societal levels, to involve children through different means of expression.

When adults translate this into practice, they must take care that the methods adopted are not inherently tokenistic. For successful involvement to be practiced, the mechanisms adopted should ensure that children experience a sense of ownership. Top-down as well as bottom-up approaches are possible, but there should be evaluation of these along with children, to identify the processes which work best to empower them.

Inclusion

Society must ensure that children are safeguarded from all risks of social exclusion, whether material, social, or emotional. The right to inclusion involves understanding the different dimensions which cause stumbling blocks for children experiencing social exclusion. Such obstacles are to be overcome through committed action, which promotes an active inclusive approach that integrates access to enabling services, participatory measures and adequate support structures. Social exclusion is both a cause and effect of discrimination and can be seen to be widespread in certain communities. Very often the seeds of exclusion are sown early in life, and therefore early intervention programmes and preventive services should be administered. Children and their families should receive the necessary support to be able to address the potential barriers inhibiting their development. Achieving inclusion at all levels is a national priority, particularly in the post-war state. All children should be given the required opportunities to develop their capacities and enjoy their rights. These benefits when given to children uplift the wider society and the economy considerably.

Whilst acknowledging that States should provide universal services, it is also recognised that children experiencing social exclusion merit a targeted approach. Delivering targeted benefits is thus essential in ensuring that children who are vulnerable are given the protection needed, to develop their full potential. This also reduces the risk of perpetuating intergenerational social exclusion. In dealing with social exclusion, a pro-active approach yields more positive results, as opposed to a punitive approach. This entails adopting delivery mechanisms which ensure that children who are socially excluded, or at risk of being so, are supported, rather than being confronted with additional barriers, which may stigmatize or accentuate more their exclusion from society.

Accessibility

Society must ensure that all children grow up with access to adequate resources and quality services. At all stages of their life cycle, children are to be provided with appropriate services that address their needs and interests. These services should include both formal and informal structures, which children could rely on. It is thus crucial that a sound relationship is built between the State and the family, which is the primary source of care.

The provision of adequate services should be viewed in a holistic manner. All policy-makers and service providers are to ensure that services are adequate and that they are of high

quality. Such services must be child and family friendly. Early childhood is to be recognised as the crucial stage in children's development. It is necessary that the State continues to invest in services which directly target children in their early years. Such services should be accessible to all children, and take into account the diversity of the needs which must be fulfilled. Early childhood services should be based on an educational approach, where children are given the opportunity to develop both emotionally and cognitively.

Protection

Both on a national and international scale, child protection has achieved prominence, and is seen as the responsibility of all. Treaties, laws, conventions, policies, and strategies specify the need for societies to make every effort to protect children from susceptible situations. Whilst acknowledging that all children have the right to be protected, it is recognised that there are specific groups of children who are more vulnerable than others. This entails the provision of services which address directly the situation which puts them at risk.

Professionals dealing with child protection must invariably work also with the families, whenever this is possible and in the best interest of the child, and must ensure that child care protection systems that are based on integrated family and community support are developed. Children and families are to be given a voice and involved in the establishment of support services which influence them. Moreover, children and adults who have experienced vulnerability can be key stakeholders in improving standards of practice. Professionals are to be adequately sensitized to work with children from specific backgrounds, and a multi-disciplinary approach adopted, whilst encouraging inter-agency collaboration and flexible management. The State is to invest more in resources, ensuring that different professionals working in child protection are supported and to strengthen and develop the services available. Creating a positive family environment and ensuring that families are given the necessary assistance, both in their family life and in their professional life, is crucial to the well-being and development of the child. Government's priority must be to support families to cope with the challenges they may face. Family breakdown often leads to adverse repercussions for the development of the children. It is worth noting as well that parents experiencing conflict often undergo distress through procedures of breakdown, and it is essential that an integrated approach is adopted, providing assistance to all parties involved. Whilst reconciliation is desired, it is important to recognise that there are situations where reconciliation is highly unlikely.

The Child within the Family

As the convention on the Rights of the Child stipulates, the Child has a fundamental right to be protected by the family. A coherent plan of action must therefore be designed which ensures that the priority is given for children to grow up with the family in all possible circumstances. Removing children from their families is to be seen as a last resort. In circumstances where children cannot live with their parents, the State is to provide the child with alternative care. Government is to ensure that quality care and welfare services are provided for those children who are in need of residential care, out-of-home care or other forms of alternative care. Standards are to be fixed and maintained, to ensure that the rights of all children are observed. It is further recommended that children who need alternative care are informed about their rights, choices and circumstances, and that they are involved in the decision-making process, depending on the age, maturity, and abilities of the child. Information is to be child-friendly, and a multi-disciplinary team of professionals is to continue to assist the child in this process of transition. Regardless of whether the child stays in alternative care for a short or a long period, that child is to be guaranteed the stability, safety, and support needed for a healthy development. The family of origin, where possible, and care givers, are to be supported through community-based programmes and family support systems. The universality, inalienability, and indivisibility of children's rights call on societies to devise concrete actions. Children are not solely viewed as targets of rights, but holders of rights. Entitlements are equally important, and cannot be ranked in a hierarchical order. The standards set out in the United Nations Convention on the Rights of the Child are non-negotiable and States and Societies are thus obliged to ensure that these rights are respected.

The family is the place where most children grow up, and cannot be overlooked in any Policy. The family is the primary focus of socialization, within which the child's needs and interests are defined. Accordingly, providing the necessary security needed for children to grow up in a healthy environment, implies ensuring stable families and providing opportunities for families to develop. Societies should then place a strong focus on parenting and families. Giving weight to the critical relationships between children and their families, and providing them with support mechanisms, ensures a broader societal well-being.

The fundamental role played by fathers and mothers should be recognised. Traditionally, child rearing was seen as the responsibility mainly of the mother. Little attention was given to the role the father plays in the life of the child. Overcoming the barriers which restrict men's

involvement with their children and family life is a priority, which societies today must work at. The State can be a model of best practice in this regard, by strengthening the existing initiatives at the workplace aimed at promoting the positive benefits of involved fathering. Encouraging fathers to avail themselves of special entitlements related to their fatherhood, should be one of the priorities related to the well-being of children and the family as a whole. These initiatives should be complemented by other family-friendly measures giving fathers both pride and responsibility as to fatherhood. Reconciliation between family life and the career ladder is one of the requisites for a stable family environment.

Positive parenting is crucial for the well-being of the child. It is recognised that all parents want to be a good mother or father to their children. Nonetheless, parenting can be a challenging responsibility, especially where family indicators of well-being are not being met. Society must therefore pay special attention to parents, so that the necessary conditions to raise children and help them develop to their full potential are facilitated. Though parenting is a personal domain, the State should support parents by securing appropriate living standards, offering accessible and affordable quality services, addressing problematic risk factors such as poverty and social exclusion, and providing incentives which support families in their private and professional life. It is thus recommended that a positive parenting strategy is developed which presents clear and concrete milestones in this sphere.

Parents and children experiencing poverty and social exclusion need additional support to move away from the cycle of deprivation. State support, school-based programmes and proactive community programmes are crucial in this field. It is further recommended that services for children, whose parents are in institutions such as prison, mental health institutions, or rehabilitation programmes, should be strengthened. Society should acknowledge that children have the right to know their parents, and to build a healthy relationship with their family, and thus contact with the parent in a child-friendly atmosphere should be ensured.

Accountability

Ultimately, the responsibility of combating poverty and social exclusion should not rest solely within government parameters. Business communities can make a significant difference in their Corporate Social Responsibility (CSR) projects. An integrated approach which coordinates the efforts of all actors is essential. In circumstances where the child cannot remain with the parents, society is to ensure that formal arrangements are in place.

These should safeguard stable and loving relationships with caregivers, and enhance the protective factors needed to overcome poor adjustment to such substitutes. Moreover, in situations where parental conflict arises to the extent that family breakdown is inevitable, and reconciliation is unlikely, measures are essential to ensure that the children's well-being is not threatened. Good parental relationships with children after family breakdown should be encouraged and facilitated. Family breakdown often precipitates phases of stress and tension. It is hence imperative, that all members of the family are provided with the support needed to deal with such situations.

Where circumstances of conflict between parents prevail, it is important to recognise that even though the roles of husband and wife may come to an end, the roles of father and mother continue. In most instances, children want to retain a relationship with both parents, as they are significant figures in the life of the child. It is therefore crucial that flexible and responsive measures are adopted, which focus on the well-being of the child and the family, through integrated cooperation between state provision, school-based programmes, and the court. Other stakeholders play a more subsidiary role, but nonetheless are important in the promotion of the child's well-being. It is crucial to stress the role of the media, which should be sensitive to the well-being of children and the broader family, and avoid sensationalism.

Investing in the child means ensuring that early childhood education and care is prioritised, and that parents are supported in the early years of the child's upbringing. Failure to support development in childhood has irreversible effects for the individual child, denying the child's opportunity for realising his or her full potential. Focusing on the formative years facilitates early prevention of victimization, and provides a higher probability of reducing inter-generational transfer of poverty, social exclusion, and anti-social behaviour. The Government must continue supporting the family and strengthening the strategy that invests in societal developments which look at the development of the child and the family context, which is central for the well-being of the child.

Sustainability

Adopting an inclusive approach entails analysing the contextual transformations characterizing societies, and providing the necessities that ensure the opening up of opportunities and life-chances for all. The State must ensure that opportunities and life chances are not dependent on social inheritance. Having effective formal arrangements in

place as early as possible in childhood years ensures that children are not trapped in a system which under-privileges their life opportunities. This demands a concerted vision to prioritise universal access to education, life-long learning, modernized social services, affordable and adequate child-care services, flexible working arrangements for parents, and incentives which strengthen families. It is strongly recommended that Government continues to invest in creating a healthy environment for children and their families, by continuing to analyse further the family within the labour market and within society. This Policy thus views family-friendly measures as an essential part of the work pattern. An additional leave entitlement should be offered, which gives opportunity of work absence for parents when children are unwell. Defined in practical terms, this provision gives the possibility to parents to avail themselves of leave in lieu of sick leave when their children are ill. Also this policy suggests that the State review the procedures and situations of migrant mothers who leave their very young children to labour in a foreign country. Measures to ensure children and the family in such situations are essential. Mobilising the potential of children and families from all social backgrounds and life circumstances is pivotal, if one of the principles adhered to by society is safeguarding the well-being of the people, and achieving social inclusion. Mainstreaming children and the family in all policy actions taken is one of the prerequisites which promote inclusion. Putting children and family welfare at the centerpiece of policy-making is a priority, and this Policy seeks to accomplish it.

Rights and Obligations

In Sri Lanka, particularly during the last 10 years, there has been an increased interest in the promotion of children's rights. With adherence to the United Nations Convention on the Rights of the Child which is legally binding, the GoSL undertook the commitment of putting children's rights at the forefront of the national agenda. Children are seen as fully-fledged recipients of human rights. The vision portrayed by the CRC is of children as individuals, and members of a family and a society, with rights and responsibilities appropriate to their age and stage of development. The Convention thus looks at the whole child, articulating that rights should be enjoyed by all children, rather than being the privilege of the few. Hence, countries are to guarantee these rights irrelevant of the place children come from, their gender, race, creed, religion, and cultural or ethnic background. These rights are the key to ensure that the child grows with the full possibilities for development. The NCPA is entrusted with the role of promoting children's welfare and interests, as well as ensuring that the rights enshrined in the UNCRC, and other international documents are complied with at national level.

The UNCRC which is divided into fifty-four articles stipulates that civil, political, economic, social, and cultural rights are to be safeguarded. These rights can be classified in three categories, namely protection, provision, and participation. Protection rights guarantee the safety of children and prohibit all forms of abuse, neglect, violence, and exploitation. Provision rights cover the special needs of children and their right to access quality services, as well as the right to an adequate standard of living. Participation rights ensure that children and young people are given the opportunity to be involved in the decisions which concern them, and to have time for leisure, play, and cultural activities. The UNCRC emphasises the child's right to respect, highlighting the recognition of the human worth of all people. The Convention further expands the State's responsibility to ensure the health and safety of a child, ranging from warranting that the child has a safe place to live, ideally within a family, to encouraging the media to disseminate information which is reliable and socially and culturally beneficial to the child.

States are also to ensure the child's access to the highest attainable standard of health and treatment of illness, including action to reduce infant and child mortality, and to guarantee appropriate maternal, prenatal, and postnatal health care. Through the UNCRC, States recognise the right of every child to a standard of living which is adequate for the child's physical, mental, spiritual, moral, and social development. The Convention also establishes

the rights of children accused or convicted of crime. The State is to protect all children from any form of discrimination and to take action to promote their rights. The State is also obliged to provide the child with adequate care when parents or guardians, who should be responsible for that child, fail. The Convention further insists on the State's responsibility to provide services to support families, including measures for reconciliation between family and work.

Parents are the principal persons endowed with the protection of a child. Hence, they are obliged to do all that is in their powers to protect their child and to ensure that the best interests of the child are given primary consideration. The Convention specifies that it is the child's right to know and, as far as possible, be cared for by their parents. Article 18 of the United Nations Convention stipulates that both parents should share the responsibility for the upbringing and development of their child. Parents are under the responsibility to make sure that their children attend school, and to encourage them to develop their skills and talents to the best of their abilities. Parents are also to encourage children to participate and to voice their opinions, especially in decisions that concern them and Parents are to be assisted by the State in providing the necessary guidance and direction. This shall be done through the development of institutions, facilities, and services for the care of children, which should be utilised by the parents or guardians.

The Convention, whilst conferring duties on the State and to parents, makes reference as well to the responsibilities of children, which should be age-specific. Accompanying rights by responsibilities ensures an understanding that every human being within society is to respect the rights of others. This entails ensuring a collective effort towards the realisation of rights and duties, where children have an active role to contribute. Where the Convention stipulates that the rights apply to everyone, whatever their race, religion, abilities or regardless of what they think or say, and whatever type of family they come from, it also places responsibility on the child to respect others, notwithstanding the differences between children.

Article 29 states that children are to respect their parents and their own and other cultures. Moreover, if children are bestowed the right to be protected from violence, abuse and neglect, they have also the responsibility not to harm or bully others. Where children have a right to a clean environment, they have also the duty to contribute towards looking after the environment. If children have a right to freedom of thought, conscience, and religion, they are also under the obligation to respect other's thoughts or principles. By giving children the right to make mistakes, the Convention is encouraging them to learn from their mistakes.

Where children have the right to education, they have also the obligation to share their knowledge, and not distract others in the classroom. Satisfying, promoting and protecting the rights of children are not abstract causes, but rather a duty which everyone is called to attend to. Government, parents, teachers, journalists, professionals dealing with children's issues, researchers, and children themselves play decisive roles in guaranteeing the implementation of children's rights. Civil society, the private industry and the media are also encouraged to recognise the child as an important subject for the development of society, as well as acknowledging the invaluable role that they can play in the achievement of children's rights.

The draft Policy recognises the effort made by most parents to guarantee the environment needed for their children to enjoy the rights conferred on them. Society is thus to ensure that contradictions between parents' and children's needs and rights are avoided, through the necessary provisions which offer the required support. In spite of the recognition of the central role played by families, it is also acknowledged that areas of overlap between children and their family do exist. It is important that legislators, policy-makers and service providers are aware of the divergence between children's and families' rights, and that they appreciate that children are not an annex to adults' issues, but rather social actors with current needs and rights which are not necessarily analogous to those of adults. Holistic understanding is thus essential, and an appropriate balance found when rights and interests come into conflict. Children's experiences and perspectives are to be listened to, as these may differ from the views encompassed by adults. Children are to be seen as individuals in their own right, but mutually dependent on adults and society at large. Consequently, societies are to uphold both children's and human rights of all members of the family, and make provisions so that distinct and complementary interests within the family do not give rise to tension.

A sensitive issue which can materialise into friction is that relating to health matters, where the child and family divide may escalate. In issues concerning the health of minors, parental agreement is requested. Yet there may be cases of conflict where minors choose to deal with health-related matters without their parents' consent. At times the rights of children may not be guaranteed by parents because they are unable to ensure an adequate standard of living. In such instances, as the UNCRC specifies, the State is to intervene to ensure that the child's rights are not undermined. Furthermore, the State is also called to offer the necessary support to parents. This entails providing synchronised support for families and their children. Government is thus entrusted with taking informed decisions to find a cohesive response to these situations, through greater investment in preventative and support services.

Rights often involve a weighing process. When the family is going through breakdown, the balancing of rights is necessary. This policy strongly suggests giving priority to the wellbeing of the children in divorce cases and family separations. In order for the well-being of children and the family members to be maximized, even in adversarial situations, the State is to commit the resources needed to provide adequate family support. In these instances, welfare of the children is best promoted where a relationship with both parents is safeguarded, as long as this is in the child's best interest to do so. The UNCRC through the adoption of a child-centered approach explicitly recognises the importance of the family. Hence, to avoid the risk of having a fragmented approach, the protection of children and the assistance needed by families cannot be separated.

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Key Policy Recommendations

Advocacy, Communication and Social Mobilization

Advocacy and better communications are essential to respond to and prevent child abuse, exploitation, violence, and neglect. The focus should be to change social attitudes and promote a culture based on respect. Mass media should be deployed along with educational programmes for key groups. Advocacy should also aim to restrain elements in the mass media which promote violence and aggression among young children. Child protection actors should

- Undertake strategic communication activities which are evidence-based and result-oriented and take local context into account.
- Develop monitoring systems to identify elements in the mass media which promote violence and aggression in children and ensure action to eliminate such programmes.
- Promote behavioral change and changes in social and cultural norms so as to ameliorate negative situations for children such as ingrained attitudes towards corporal punishment, gender inequity/inequality, and to foster non-violent relationships.
- Encourage the participation of children in communication strategies and to develop key messages focused on preventing child abuse and encouraging reporting of incidents that occur.
- Contribute to collation of relevant information.
- Promote advocacy as a continuous process to help mobilize resources and galvanize political and social leadership to prevent child abuse, exploitation, violence and neglect.
- Maintain the right and dignity of children used for advertisements and promotional activities in the media.
- Curtail access of children to pornographic and violent videos.
- Prevent violence being promoted through programmes shown on media during hours when children are likely to view such programmes.
- Promote social mobilization, bringing together relevant institutional partners, allies, institutions, networks and communities.

Family Risks and Vulnerabilities

It is desirable to identify and deal with factors which contribute to the increased risk of child abuse, exploitation, violence, and neglect in homes, communities, schools and child care institutions. Such risks should be minimized through policies and programmes which strengthen and support families and children at risk, addressing the underlying community and social factors that permit child abuse to exist and even thrive. Risk factors include poverty and unemployment, domestic violence, alcoholism and drug abuse, and single-parent families, particularly those with migrant mothers.

Identification of the vulnerable should be accompanied by the setting up of safety nets to protect such families, with support schemes which can provide assistance and undertake preventive action while promoting better reporting and access to justice.

It is desirable also to promote a culture of appropriate parenting through programmes at family and community levels which are protective of children, utilizing community networks and religious institutions, the District Child Development Committees, Divisional Child Development Committees with other relevant government institutions such as the Department of Probation and Child Care Services, and non-governmental and all other organizations working for children. It is recommended that Grama Niladharis arrange weekly Protection meetings, which while focusing on children, could also help to alleviate problems for other vulnerable groups. Participation should not be restricted, but all those concerned should be invited, including in particular religious institutions. The development of programmes and implementation of activities at village level could be supported by the Divisional and District administrations to reduce family risks and vulnerability, along with the support of existing civil society organizations such as School Development Committees, Sanasa Societies, and Youth Clubs and so on.

Therapy, Counseling & Rehabilitation

The NCPA currently provides services in relation to therapy, counseling and rehabilitation for children who have been victims of abuse, violence and exploitation. Such services need to be expanded, with coordination of all service providers from both Government institutions and voluntary organizations. The public should be made aware of available services, while training is required to ensure better access all over the country. The expertise of health

professionals as well as other counselors must be used, with coordination of supply as well as referral systems to ensure appropriate expertise for all cases.

Therapy and counseling should aim where feasible at rehabilitation and reintegration into families and communities. This will include improving and strengthening the pre-hospital and emergency response system using the existing primary health care network of services as well as hospital infrastructure and non-governmental organizations that already provide services for child victims of abuse. Pediatric wards and services should be used as necessary, with provision also for physical and psychological rehabilitation and counseling services.

The proposed Special Units for Child Victims in teaching hospitals and District hospitals and the establishment of Safe Houses to give victims psychosocial support and rehabilitate will be beneficial to them before they are reunited with their families. Also if they cannot be sent back to the family they can be provided with alternative care options such as kinship or foster care. In addition these Special Units will ensure the protection of children who have been identified as victims of child abuse and will be able to prevent the secondary victimization.

The different officials belonging to the Women and Children's Units at Divisional level should all have basic training in counseling, with the ability to refer cases to those with the required greater expertise.

The support of psychologists should be available if necessary. Where necessary there should be provision for child care institutions, safe homes and shelters, for victims of abuse, but their progress and welfare must be carefully monitored. These should be located on an equitable basis island-wide, with at least one per district. Such access points for services need to be publicized and made widely known to all stakeholders. Government and non-governmental organizations should form a network of such services which extend to all parts of the island, and which are made known to the general public. A Foster Parents Care System is also needed, to give necessary protection to children temporarily or permanently deprived of the family environment.

Universal Education

In implementing universal access to education, primary and secondary schools must be rights-based and protective of children, offering safe, healthy, gender-sensitive, and inclusive learning environments for both girls and boys, including children who are disabled. It is necessary therefore to

- Prohibit all forms of abuse and violence in schools, particularly the practice of corporal punishment, and the humiliating and degrading treatment of children, bullying, and sexual and gender-based violence.
- Recognize that abuse also occurs when children are pressurized excessively. The right to leisure must be respected, and education providers must aim to ensure an enjoyable and creative experience for children.
- Set up a monitoring and reporting system in relation to such offences against children is important. This should also include processes through which those who commit such acts of violence do not get away with impunity.
- Strengthen and expand non-formal education opportunities for children who have not been to school, children who have been drop-outs, and children who have been child labourers. An added focus should be placed on high-risk and vulnerable geographic locations. Strengthen and expand inclusive/special education opportunities for disabled children, ensuring their protection from abuse and any form of discriminatory behavior within families and communities. Encourage the participation of children in reporting processes and enhance opportunities to report incidents in relation to abuse and violence including corporal punishment. Improve knowledge and awareness of abuse and exploitation through schools clubs and special programs using child-to-child and teen-to-teen communication strategies. Ensure that all school heads and teachers are trained in the use of non-violent teaching, learning and disciplinary measures involving alternative discipline, and that they are motivated to desist from the use of corporal punishment, placing value on child rights. Establish School Protection Committees based on children's rights, which involve teachers, children, and parents.

Creativity

Allowing creativity to be nurtured at every stage in a child's life is crucial to enable the child to grow in different dimensions. This gives children the chance to process ideas, be creative, think flexibly, and use their imagination effectively and in different ways. Children can absorb the creative experience in different ways, ranging from emotional involvement to problem solving as well as the acquisition of knowledge.

Children should be subjected to the creative experience in its different formats through a structured learning framework, which supports the development of the child through creativity, and appreciates the potential of a cross-sectoral approach towards learning. Recognising creativity as a catalyst for the well-being of society, this Policy affirms the right of children to engage in creative activity. Children need to be provided with opportunities to develop a wide range of competencies which encourage their individual talents and capacities to flourish. The education system plays an important role in enhancing the appreciation of culture, and in instilling creativity in children. This entails the understanding that creative learning cannot be separated from other types of learning in the education system, Children and young people should thus be encouraged to develop their thinking skills, through opportunities for creativity and innovation. Educators need to ensure that children are given opportunities to experience creativity and culture, and that this is done across all subjects, not just the aesthetic arts. Creative learning should be mainstreamed into the curriculum, and simply focusing on textbooks should not occur. Rather, children need to be encouraged to engage more through creative means, which foster movement, free thinking, and experimentation.

In order for this creativity to flourish in schools, structures need to be strengthened and professional development programs offered and encouraged. It is recommended that teachers of all levels are provided with resources designed specifically to create an environment that encourages creativity. It is also recommended that cultural organizations be further supported by the state to collaborate with schools and invest more in children's creative and cultural appreciation and involvement. The state should also encourage child-related events and functions to enhance exchange of ideas and cultivate a more inclusive, culturally sensitive, creative, and collaborative society.

A Criminal Justice System Protective of Children

In all instances of child abuse, violence and exploitation which are presented to court, confidentiality needs to be respected, the child's identity and privacy protected. The child concerned should not be subject to excessive interviews and statements, hearings and unnecessary contact within the judicial processes. The child should be accompanied by a trusted adult throughout the legal process if it is in his/her best interest. The highest consideration should be given to the use of pre-recorded video and other forms of testimony

which are protective of children and which contribute towards reducing anxiety and pressure on children who, when already victims of abuse, often have to undergo lengthy court procedures beyond their comprehension. To work towards early recognition and reporting of crimes against children, it is important to train criminal justice professionals to identify children exposed to abuse, violence, exploitation and neglect as victims or witnesses. This should include enhancing knowledge on techniques to interview children, and to understand and respond reasonably to abuse-related injuries and the emotional impact of abuse and legal issues. This must also include knowledge of the development needs of child victims and witnesses, and a willingness to abide by sensitive treatment of the child at all times during the investigation and trial process. In all instances, contacts between children and their alleged perpetrator must be minimized, and avoided if possible, during legal procedures. Attention should be paid to reducing negative elements in court related factors such as multiple interviews, inappropriate language, delays, repeated testifying, lack of communication among professionals, face to face contact with perpetrators, court practices insensitive to development needs and harsh cross examination. There should be adequate preparation of children for testifying, with sequestration of witnesses who may be supportive of the child and the provision of adequate victim and witness support services. Access for remedial action is also essential.

This policy recommends several measures to eliminate the trafficking of children by improving detection and undertaking proactive identification of traffickers and victims, improving prosecution, and providing protection to child victims and prevention. It is crucial to adopt a victim-centered approach to the trafficking of children for child labour, sexual exploitation, migrant work, forced begging, and ensure emphasis on rescue, rehabilitation and re-integration. This should include the provision of improved victim protection services and preventive action. Systems should be developed to identify child traffickers in relation to commercial sex, forced labour, begging and other illegal occupations. Access to shelters and temporary care and victim and witness protection schemes are necessary, while law enforcement must be strengthened to improve arrests, prosecutions and conviction of traffickers.

A Child-Friendly Law Enforcement System

The capacity of the law enforcement system to respond positively to the judicial needs of child victims of abuse and exploitation, and in a child friendly manner, must be strengthened. A formal policy on child abuse, violence, exploitation and neglect should be laid down for the police, to provide sufficient guidelines for them to make important decisions on whether or not to arrest the suspected perpetrator, or to place the child in protective custody, and how they should deal with unusual and different situations which invariably occur in situations of crimes against children.

There is need to strengthen the law enforcement system in this regard, particularly by establishing a special police unit attached to NCPA (as proposed in ‘Mahinda Chintana Idiri Dekma’) and strengthening the Women and Children’s Police Bureau and Women and Children’s desks in all police stations. These must be capable of responding immediately to the protection needs of all children who are victims of abuse and exploitation. To do this, a strong relationship must be built up with medical and psychological health providers, child protection agencies and victim protection and assistance providers. Furthermore, the capacity of the police needs to be improved, including with regard to their knowledge and basic information on child rights, relevant child protection laws and judicial processes. This will also help them to deal effectively with the reporting of incidents.

The police should also select child focused and committed police officers for special training. Specific skills and tools on how the police should communicate with children are essential. Adherence to the UNCRC and other international instruments which are relevant to the protection rights of children must be promoted. All police officers should have at least a basic training in recognizing and responding to children who are abused, who have undergone violence and who have been exploited and neglected. This should include in-depth training in interviewing children, child development and an understanding of the importance of preventing re-victimization of the child and the impact of witnessing violence on children.

Child-Friendly Courts and Child Attorneys

One of the main issues of concern in the area of children and justice is the access which children have to justice, or the availability of child-friendly justice that is not restricted only to children who are in conflict with the criminal law. Both victims and perpetrators who are still minors should be ensured of access to the judicial system. Access to justice is a human

right, and hence the State is to ensure that all individuals, regardless of age, should be able to benefit from it. Hence, it is recommended to have special child-friendly children courts for child victims too.

NCPA should strengthen its collaboration with the Court system, to ensure that the child is heard. A person representing the rights of the minor should always be present at court hearings. This person shall be a lawyer known as a Child Attorney or a Social Worker, a Child Protection Officer or a Child Right Promotion officer or a Probation Officer. They should work together to safeguard the social, emotional and civic rights which the child is entitled to. Specific guidelines on the practices of the Child Attorneys in court cases are to be established.

Court procedures involving children must be efficient, and such cases should not be prolonged. There should be greater commitment to recruiting Child Attorneys to the Attorney General's Department or to the Legal Aid Commission. The Sri Lanka Bar Association throughout the island should also undertake services in this area as a component of its Professional Social Responsibility.

Children should be given the right to ask, at their own discretion, to be represented by an Attorney. This right should not be restricted by age. Sections 75 and 76 of the Penal Code of Sri Lanka should be amended to increase the age of criminal responsibility from eight years to ten years. A Child Welfare section should be established within the police forces, to ensure that services are victim-focused. Children must be given the chance to be heard, and they should be accompanied by a social worker, a PO, a CRPO or a Child Protection Officer, when they are interrogated. The State must ensure that children are protected in judicial proceedings, and interviewed in a child-friendly environment, and that alternative measures are found which are child-friendly, and which focus on rehabilitation. With reference to children as witnesses, it is to be understood that a child who is called to testify in court proceedings is vulnerable and it is thus crucial that the prosecutor and adults who deal with children in the judicial process ensure that children's needs are understood and that they are given adequate protection. This further promotes the right of the child to be heard. Children are to be treated in a caring and sensitive manner throughout the investigation and prosecution process, taking into account the age and level of maturity of the child. During the pre-trial stage of the proceedings, the prosecution must treat as paramount the protection of children, and avoid any risk of further trauma and victimisation.

The use of audiovisual statements is encouraged where possible from children who are witnesses. This involves expanding the current video evidence recording system in place at the NCPA. When more than one statement or interview is requested, this should preferably be carried out by the same person, in order to ensure coherence of approach in the best interests of the child. Interview protocols should take into account the different stages of the child's development. Direct contact, confrontation or interaction between a child victim or witness with alleged perpetrators should be avoided, unless at the request of the child victim. With the aim of protecting the child in such vulnerable circumstances, children should be given the opportunity to give evidence in court proceedings without the presence of the alleged perpetrator.

Juvenile Justice

The Policy recommends implementing policies governing child care and protection through the justice system so that children in care or custody are protected, reducing the number of children entering institutions (both public and private) as well as police custody and juvenile detention centers. A zero tolerance position should be exercised about ensuring that no child is kept in an adult prison. Protective care institutions should also be regarded only as options of the last resort. A review should be undertaken of institutions under the juvenile justice system and measures taken to eliminate any abuse and possibility of exploitation in such institutions while promoting protection and care strictly according to the best interest of the child concerned. It is also necessary to develop community/family support schemes for children in 'Conflict with the law' and to consider mediation as an initial measure, with institutionalization occurring only if this is not possible.

Young offenders need to have access to community-based mechanisms such as mediation boards which can handle minor offences before children are brought before the formal justice system. This will prevent the risk of exposing such children to an isolating, brutalizing environment in which anger and resentment grows, where violent behavior is regarded as a norm and recidivism is almost guaranteed. Measures should be determined through which mediation boards could be utilized to deal with juvenile justice issues which then enable children to be protected and prevented from getting institutionalized. Children should be detained only as a last resort and kept in institutions for the shortest possible length of time. In this connection, improved screening systems need to be established. Children in

institutions should absolutely have the right to a speedy legal process. Access to legal support for these children should be forthcoming and mandatory.

The Child Offenders Registry

A Child Offender's Registry is an urgent need to enhance child protection in Sri Lanka. It is intended to protect minors from adults who had previously been found guilty of abuse whether mental, physical or sexual. The information captured on this registry will be accessible for relevant authorities working in areas related to children. This will enable employers to determine through appropriate checks whether persons seeking employment which involves working with children have been found guilty of offences against minors. Anyone convicted of a crime against children will be automatically included in this register. The list includes rape, having sex with minors, child abduction, prostitution, pornography, trafficking of minors, harassment, cruelty and neglect. People acquitted on grounds of insanity shall still be listed. Furthermore, the court will have the discretion to order that a person convicted of other crimes is listed if it feels there is a threat to children from such person. Once listed a person will not be able to be a member, work or hold any position within an establishment or organization involved in the education, care, custody and welfare of minors. The length of time that a person is listed should depend on the seriousness of the crime committed and will range from two to 15 years.

Alternative Care Models including Adoption, Kinship and Foster Care

Recognition that all children deserve care and protection entails that the State invest in a legislative framework and service provision which ensure that the principles of the UNCRC are implemented. Child victims and children at risk of neglect, abuse, maltreatment, and exploitation are entitled to find accommodation in a place of safety, and this right extends to temporary and long term accommodation of the child in such a place, with required aftercare. GoSL has established various laws and regulations of alternative care to guarantee this right.

The United Nations Convention on the Rights of the Child cites the significance of foster placements as a means of alternative care for the well-being of the child. This policy recommends that a Foster Care Act be implemented through a Foster Care Commission (FCC) which will have a consultative role and will be convened by the National Child Protection Authority. This Commission could make recommendations and guidelines for the

effective implementation of the provisions under the Act, as well as specify what type of foster care is suitable to be provided by each Kinship or Foster carer, and determine the suitability or otherwise of prospective Kinship or Foster carers. The guidelines will also include monitoring mechanisms and follow-up of the well-being of children in Kinship or Foster care, to be implemented by social and child protection workers working with such children and their families. Furthermore, Kinship or Foster family care though temporary in nature may continue to adulthood if necessary, but should not preclude either return to the child's own parents or adoption. Also, the foster placement of children should be regulated by law. This Policy recommends that children under the age of three are not admitted into residential care, but are provided with an alternative family, to give them the much needed one to one care. This policy strongly recommend in situations where children are deprived of a family environment, the State is to provide the necessary mechanisms which ensure that children are endowed with the care needed in such delicate circumstances.

The regulatory framework which offers alternative care to children in institutional settings should be reviewed to move towards a Kinship and Foster care system. For the effective implementation of the proposed Kinship and Foster Care Act, the type of Kinship or Foster care which would be provided by each Carer should be specified, with systems to determine the suitability or otherwise of prospective Kinship or Foster Carers. A Kinship or Foster Carer shall ensure that the child placed in his care shall be cared for, maintained, instructed, and educated according to the child's abilities, aspirations and natural inclinations. The child should also be monitored by the officers of the NCPA and the CRPO of the area. But the State should invest in Kinship and Foster Carers, and provide incentives to more adults to take up the role of Kinship or Foster Carers, particularly in the North and East and Southern Provinces where the numbers of children under kinship care is high. Article 20 in the UNCRC concerns children who are temporarily or permanently deprived of a family environment or for their own best interest cannot be allowed to remain in that family environment either because of unavoidable circumstances such as death, displacement, neglect or abandonment or because the state has decided that they must be removed for their best interest. Such children are entitled to special protection and assistance. The article principally applies to foster placement and adoption nationally and internationally.

Article 20 implies though it does not spell out that placement in suitable institutions for the care of children is a last resort, second best to placement in an alternate family. Institutional

care is particularly inappropriate for younger children who need a one-to-one relationship with a permanent adult caregiver.

Section (a) of Article 21 of the UNCRC states: 'The State shall recognize foreign adoption and such adoption may be considered as an alternative means of child care if the child cannot be placed in a foster or an adoptive family or cannot in any suitable manner be cared for in the child's country of origin.' The Policy recommends the State to take appropriate measures to ensure the best interests of the child by amending the Adoption of Children Ordinance together with its Amendment Act No.15 of 1992. Inter-country adoption of children is seen as a solution of last resort, and the State is under an obligation to take measures to ensure that all steps have been taken to find suitable care for the child in Sri Lanka. Foreign adoption should be discouraged except as a solution of last resort, unless the adopting parents are of Sri Lankan origin. The adoption process, whether it is national or inter-country adoption, should be reviewed by an expert board named Child Adoption Board under the Ministry of Child Development and Women Affairs. The Child Adoption Board must consist of a Director and a Deputy Director with a panel of members consisting the National Probation Commissioner, The Provincial Probation Commissioner of the Province where the child comes from, Chairperson or Deputy Chairperson of NCPA, and a senior members of a standing not less than Additional Secretary level, from the Ministry of Justice, Public Administration, Social Services, and Ministry of External Affairs and a pediatrician nominated by Ministry of Health. Necessary amendments need to be made to the Adoption of Children Ordinance of Sri Lanka as currently there is a marked difference in the time taken and the procedures involved with regard to the two types of adoption, namely local and foreign adoption.

One of the paramount principles guiding the alternative care of children noted by the UNCRC is that removal of a child from the care of her/his family shall be seen as a measure of last resort and shall be temporary and for the shortest possible duration unless permanency is in the best interests of the child. Preference should always be given to placing the child in family-based care. The State shall adopt an overall de-institutionalization strategy which would gradually allow for the progressive elimination of large residential care facilities and the replacement by family-based care, individualized and small group care. Existing institutions could be converted to Safe Homes or small group care institutions run by state or voluntary organizations which would ensure the quality and conditions conducive to the child's development while providing the feeling of love and care which is a primary right of every child.

Personnel working in care facilities or institutions, and private care-givers, shall be adequately trained to care for and educate children, and this training shall include awareness of the specific vulnerability of children to exploitation, and of the rights of children to be protected from exploitation. In the administration of alternative care, all care facilities, institutions, and private persons must be duly registered and authorized to carry out their activities by the NCPA, and rendering services without the required authorization and registration shall constitute an offence punishable by law. An independent inspection and monitoring mechanism for the operation of alternative care providers, including regular on-site inspections, ensuring conformity with safety and hygiene standards and satisfactory staff capacity and performance, shall be ensured by the NCPA, with implementation by Departments of Probation and Child Care Services.

Protective Care Providing Institutions

All children placed in a care system or detention facility must be free from all forms of abuse and violence. This requires a clear legal framework, policies, and regulations. Accordingly necessary laws, policies and guidelines should be established. It should be reiterated that children should be first given the option of a community based system of care and mediation and, only if these are not possible, may they be placed in an institution. Providing parental support schemes and livelihood enhancing programmes to enhance the capacity of parents, particularly those in vulnerable situations, reduces the abandonment and institutionalizing of children.

Particular care should be given to children with disabilities. It is imperative to develop alternatives to institutionalization for children in need of care with special emphasis on orphans, those with disabilities and children of marginalized groups. Detention and confinement should be restricted strictly to child offenders assessed as posing a real danger to others, and as a last resort for the shortest possible time, following a judicial hearing. Alternative methods of family/community rehabilitation and reintegration should be developed. The Policy recommends legal reforms in relation to sentencing norms related to children under age of 18 years. Consideration should be given to decriminalizing survival behavior such as begging, selling sex, scavenging, vagrancy and loitering, trafficking, and anti-social or unruly behavior. Services should be provided both to prevent, and to provide remedies which avoid further suffering for child victims of exploitative situations. The

juvenile justice system should be responsive to child rights, with rehabilitation and social integration as primary aims. It should conform to the child's right to due process, legal counsel, and access to family and the resolution of cases within the shortest possible time frame.

Independent monitoring of institutions for children caught in the juvenile justice system must be undertaken.

Disasters and Emergency Situations

To protect children from violence, exploitation and neglect in disaster situations, conflicts and emergencies, it is necessary to lay down a systematic framework to deal with such situations. In each case, it is crucial that immediate assessment of needs is performed. Relevant authorities must set up a database of children affected, particularly in relation to separations, unaccompanied children, and children who have lost one or both parents in order to determine an appropriate and satisfactory response to such vulnerable children. It is imperative that surveillance and progress of interventions is undertaken during and after the course of the disaster response.

This policy recommends several measures to eliminate the trafficking of children by improving detection and undertaking proactive identification of traffickers and victims, improving prosecution, and providing protection to child victims and prevention. It is crucial to adopt a victim-centered approach to the trafficking of children for child labour, sexual exploitation, migrant work, forced begging, and ensure emphasis on rescue, rehabilitation, and re-integration. This should include the provision of improved victim protection services and preventive action. Systems should be developed to identify child traffickers in relation to commercial sex, forced labour, begging and other illegal occupations. Access to shelters and temporary care and victim and witness protection schemes are necessary, while law enforcement must be strengthened to improve arrests, prosecutions, and conviction of traffickers.

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Monitoring and Reporting Systems

For effective multi-agency coordination, a comprehensive database and reporting system should be established in relation to all forms of abuse, violence, exploitation, and neglect. This should also include a monitoring system and relevant indicators. It is necessary for the NCPA to coordinate with institutions, ministries, and departments which have data/information related to child protection. This includes health institutions, the police, specifically the Women and Children's Bureau and W&C police units, the judiciary, and relevant NGOs providing services in this field. The media must also be monitored to include all reported incidents. The NCPA should act as a focal point to gather all such information which would reflect the country situation, while maintaining the National Data Base on Child Abuse. NCPA should take a lead role in preventing the exposure of such children in the media and protecting their anonymity.

Coordinated Response to Child Protection

The protection of children requires a coordinated approach between different stakeholders responsible for safeguarding the well-being of children. This draft Policy encourages professionals working with children to operate in multi-disciplinary teams, with the objective of understanding the respective role and responsibilities of each, and organizing services around the needs of the child. Such a holistic approach would avoid fragmentation of services and duplication of the work, while creating continuity and stability for the child in need of protection.

Vulnerable children may need to interact with a number of professionals from different spheres, and it is thus essential that the child does not receive conflicting messages from the persons meant to offer guidance and support. Hence, effective dialogue and information sharing are crucial. To support staff in this respect, Central Government and the Provincial Councils must immediately take the following key actions:

- All ministries concerned with working for children, including the Ministry of Social Services, should give priority to the safety of children. Key frontline services should be given sufficient resources to determine these priorities. The policy recommends full integration and joint working of Central Government and Provincial Councils.
- The Ministry of Child Development and Women's Affairs must immediately address the inadequacy of the training and skills of frontline child protection and child welfare workers in the Island. Without the necessary specialist training and knowledge, these workers should not be allowed to engage in child related work. No time should be lost in demanding best practices for the most vulnerable citizens of our society.

While it is the mandate of the National Child Protection Authority to monitor and coordinate child protection responses by other agencies, it is imperative that the NCPA submit quarterly reports of its child protection activities including a situation report to the President of Sri Lanka and to the Minister of Child Development and Women's Affairs. Reporting should be mandatory, and professionals should receive adequate protection and support, when divulging sensitive information as to the welfare of children.

Training and Education on Child Protection

Child protection education should be initiated in schools to raise awareness in children about child rights as well as responsibilities. While having child protection procedures in place, schools can help children protect themselves. Personal, Social and Health Education lessons can cover such issues as risky behavior, appropriate and inappropriate physical contact, and dealing with peer pressure. The lessons learned can also assist students in developing skills in recognizing and responding to unsafe situations, seeking assistance effectively, and establishing and maintaining relationships and strengthening attitudes and values related to equality, respect and responsibility.

A module on Child Protection should be developed in close collaboration with the Ministry of Education and key local actors in social care and the child protection and care sector. The module will look at the basic framework of child rights, social policy, and the legislative backdrop in relation to children and families. It will also look at legislation relating to education, child protection and health, and an understanding of the roles and responsibilities of agencies working with children and families. It will ensure students have a good understanding of identifying signs of abuse and of strategies for intervention and action, with emphasis on child-centered approaches.

Child Protection should also be introduced as a subject for students who study sociology in all Sri Lankan Universities, and Child Protection Laws should be a subject for law students at the Universities and the Sri Lanka Law College. Multi-agency training and educating of all practitioners working with children, young adults and their families is considered to be central to the protection of children. Professionals are to ensure that they are adequately trained in the legal framework related to children, and that they understand the importance of adopting a child-focused approach.

Frontline workers are often confronted with delicate and intricate matters. Specialized training is necessary for professionals to be equipped with the skills and competencies needed to deal with particular situations. Practitioners working with children should receive specialized training in child protection, to complement the training already received in their field of work.

The commitment of professionals working in the field of children is to be appreciated. Ultimately, the mission of all professionals working with children is to ensure child well-being, and guarantee the holistic development of the child. The role they occupy in society

makes a difference to children who are exposed to risks. Each of these persons in the frontline of services offered to children, including professionals working in the sphere of protection services, has a demanding task, and requires knowledge, courage, and conviction to fulfill their obligations in the best interests of the child. They require as well the resilience to deal with extreme levels of conflict that may arise in certain situations.

There should therefore be a special emphasis on the mental health of workers dealing with children. Training of these workers must include psychosocial support and effective means of coping with stress, as it has long been shown that anxiety and worries undermine good practice in dealing with cases. Additionally, staff should always be systematically supervised, with no worker working or deciding crucial matters alone. The assurance of good practice must become an elementary requirement during service. Overall, it is critically important to ensure the well-being, confidence and workplace happiness of child protection workers – including Probation Officers (POs), NCPA Officers, Child Rights Promotion Officers (CRPOs), Social Workers on the field, and anyone who comes into repeated contact with and handles cases of children. In particular, issues of low morale and self esteem amongst such workers should be rectified as soon as possible.

This task should be wholeheartedly embraced by Central Government and Provincial Councils under whom these workers fall. Resources should be increased, so that case loads decrease, workplace stress is reduced, and as a result retention of workers and their overall motivation is improved, and resilience reinforced. Working towards improving efficiency and effectiveness is central to the protection of the child. This necessitates that delays in court cases and service provision are reduced, while the necessary setting is created so that children are heard and supported in child-friendly environments.

Way Forward

Sri Lanka's vision of a safe and violence-free environment to enable children to develop their full potential depends on their protection from abuse, exploitation, violence and neglect. Implementing their right to physical and personal integrity needs creating a positive, non-child abusive and non-exploitative environment in homes, communities, schools and child care institutions. The provision of accessible recovery and social integration services to all children, including a safe, confidential, and well-publicized reporting system, is essential to justice, and facilitates preventing perpetrators committing crimes against children with impunity. Promoting the participation of children themselves in such processes is also essential. Our mission is to ensure a Sri Lankan society free of abuse, violence and exploitation for all children, affording every child affected a prompt, professional, ethical, and good opportunity to be healed and enjoy a due place in society. The years of childhood pass all too quickly and become the foundation upon which the rest of life builds. To protect the beautiful childhood of all our children, a multifaceted and systematic framework of action to both prevent as well as respond effectively to all forms of abuse, violence, and exploitation against children is essential. This must be integrated into the national planning process, and be monitored and coordinated by the National Child Protection Authority. The mobilization of a multiplicity of sectors relevant to the protection of children is important. Prompt, professional and ethical services afforded to every child affected, the best opportunity to heal, and minimizing exploitation, violence and neglect, are all essential. Making necessary regulations to have a well developed child protection system is a key policy matter which should be given priority by the State and all other stake holders.

The policy has identified goals to promote all aspects of protecting children. This together with an effective legal law enforcement, rehabilitation, therapeutic and reintegration response forms a policy framework which embodies accountability and prevents impunity, in addition to accessing a child-friendly reporting system and creating a child protective environment in homes, schools, communities and child care institutions in which the children will be encouraged to actively participate in their own protection. Though the policies, legislation, structures and procedures are of immense important as the means of securing childhood with better opportunities, only the robust and consistent implementation of these policies and procedures will keep children safe and protected. Whist this policy repeats that a child's safety, protection and wellbeing is a matter for all of us, a heavy responsibility has rightly been placed on the key statutory services to ensure this.

To achieve the above key policy actions on child protection, development, and well being it should ensure that legislation, policies and services are systematically reviewed. Also it should carry out the necessary studies to ensure that the protection of children in different spheres is enhanced by encouraging multi-agency training and enforcement mechanisms to promote protection and curb all forms of abuse. It is also acknowledge the protection and opportunity complement one another to achieve the proper Child Protection Mechanism .It is therefore expected the society is adequately equipped with necessary intervention services that support children and their families in the country.

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