

Sri Lanka

Violations related to the conflict 1983-2009	Official statistics	Local statistics
Killings	35,000 (estimated)	N/A
Recruitment	6,259 (3,784 boys and 2,475 girls)	6,000 (3,852 boys and 2,148 girls)
Sexual violence	13,4% of the population estimated having experienced sexual violence [52% of Tamils who assisted armed groups experienced sexual violence, compared to 20% of non-Tamil supporters of the military/armed groups and 11% of Tamils who did not support armed groups]	N/A
Abduction	N/A	N/A
Attack on schools and hospitals	N/A	more than 100 (estimated) on hospitals
Denial of humanitarian access	N/A	N/A

Violations	International Data 2022	Outcome of the research (2022-first months 2023)
Killing and maiming	Unknown	N/A
Recruitment	N/A	N/A
Sexual violence	3 to 5 children experience violent behavior or the risk of rape every day	
Abduction	N/A	N/A
Attack on schools and hospitals	N/A	N/A
Denial of humanitarian access	N/A	N/A
Physical punishment	N/A	72.5% of children experience at least one episode of corporal punishment in school
Child marriage	1% of girls married by 15 10% of girls married before 18	62,630 amongst women aged 15-19 and 2,200 under the age of 15 (for Sinhalese) 9,396 amongst women aged 15-19 and 372 under the age of 15 (for Tamil) 11,916 amongst women aged 15-19 and 471 under the age of 15 (for Muslim community)

Challenges met during the research

Typology	Challenges	Comment
Quantitative	Data collection	Access to data is extremely challenging due to the fact that there is no national database and the reluctance of national/ international organisations/stakeholders in the field to share information.
Qualitative	Cross reference and verification of data	See comment <i>supra</i> .

1. Country Analysis

Sri Lanka (Ceylon under British dominion) obtained independence on 4 February 1948. The United National Party (UNP), a coalition of a number of nationalist and communal parties, won the elections held in 1947 and Don Stephen Senanayake was chosen as prime minister. The consensus that the government represented embraced only a small fraction of the population - the English-educated Westernized elite groups as opposed to the great mass of Sinhalese and Tamil-educated residents and unschooled citizens. The continued neglect by the government of local culture as embodied in religion, language, and the arts created a gulf that divided the ruling elite from the rest of the population. Inevitably, traditionalist and revivalist movements arose to champion local values. The island's three export products - tea, rubber, and coconuts - provided some 90 percent of foreign exchange earnings. Nevertheless, the country began to face economic difficulties. A rapidly increasing population and the free import of consum-

er goods swiftly ate into earnings from foreign trade. The falling price of rubber and tea and the increase in the price of imported food added to the acute foreign exchange problem. Additionally, the expanded school system produced a large number of educated persons who could not find employment.²⁵

1.1. Conflict

The various factors of political and economic discontent converged after 1955, and a new Sinhalese nationalism was unleashed. It found a spokesman in S.W.R.D. Bandaranaike. In the 1956 elections the UNP was defeated, and Bandaranaike's Sri Lanka Freedom Party (SLFP) came to power. With the Sinhala Only Bill, the new government made Sinhalese the sole official language, and it took measures to provide state support for Buddhism and for Sinhalese culture. It also wedded the new nationalism to a form of socialism, in which the state was given a powerful role in economic development and the creation of economic equality. The period of Sinhalese nationalism was also a time of political instability. The language policy alienated the Tamils, who, under the Federal Party, carried on a bitter opposition. Educational policies angered the small but influential Christian community. Reforms of Buddhist and other cultural practices offended different factions within the Sinhalese community. Bandaranaike was assassinated in September 1959. After a period of political instability, his widow, Sirimavo Bandaranaike, in 1960, formed a government, thus becoming the first woman in the world to hold the office of prime minister. Continuing the program of Sinhalese nationalism, she implement-

²⁵ For this section see also: Arasaratnam, S. and Peiris, Gerald Hubert (2024). Sri Lanka. Encyclopedia Britannica. <https://www.britannica.com/place/Sri-Lanka>.

ed policies to nurture and protect local industry and to extend the state sector. By 1965 an economic crisis - caused by increasing unemployment, the rising cost of living, an acute shortage of consumer goods, and the failure of state enterprise in industry and trade - made people look back to the UNP. This party gained the support of minorities, and in 1965 it returned to power under Dudley Shelton Senanayake, who, as the son of Don Stephen Senanayake, had served as prime minister (1952–53) after his father's death and briefly in 1960. Senanayake's government enjoyed a five-year term of office, during which it encouraged private enterprise and made an effort to extend agricultural productivity. These measures, while having moderate success, also tended to create inflation and to increase social inequality. The SLFP formed an alliance with Marxist parties and waged a campaign against the government that called for increased state control of the economy. In 1970 this coalition won, and Sirimavo Bandaranaike again became prime minister. In a new constitution proclaimed in 1972, Ceylon became the Republic of Sri Lanka, while maintaining its link with the British Commonwealth. As Sri Lanka's economic decline continued, the immense economic power held by the state provided the party in power with the opportunity for patronage, nepotism, and corruption. By 1977 unemployment had risen to about 15 percent. In July of that year the SLFP was defeated by a reorganized UNP under the leadership of J.R. Jayawardene, who became prime minister. A new constitution was promulgated in 1978. Jayawardene was elected president and Ranasinghe Premadasa (UNP) became prime minister.

Political unrest escalated in the 1980s as groups representing the Tamil minority moved toward organized insurgency. From 1983 to 2009, Sri Lanka was confronted by an internal conflict. Tamil bases were built up in jungle areas of the northern and eastern parts of the island and increasingly in the southern districts of

the Indian state of Tamil Nadu, where Tamil groups received official and unofficial support. The Liberation Tigers of Tamil Eelam (LTTE) - popularly known as the Tamil Tigers - emerged as the strongest group. The Sri Lankan government responded to the unrest by deploying forces to the north and the east. In July 1983 there were extensive organized anti-Tamil riots in Colombo and elsewhere. Sinhalese mobs systematically attacked Tamils and destroyed Tamil property, and the riots forced refugees to move within the island and from Sri Lanka to Tamil Nadu. After prolonged negotiations, an agreement signed between India and Sri Lanka on 29 July 1987, offered the Tamils an autonomous integrated province in the northwest within a united Sri Lanka. Later that year, Tamil was recognized as an official language (alongside Sinhalese) by constitutional amendment. Meanwhile, the agreement provided for the introduction of an Indian Peace-Keeping Force (IPKF) to enforce its terms. However, the Sri Lankan government, the LTTE, and the IPKF disagreed over implementation of the agreement, and the LTTE resumed its offensive, this time against the IPKF, which was trying to disarm it. In January 1989 Jayawardene retired and was succeeded by Premadasa, who had defeated Sirimavo Bandaranaike in the December 1988 elections. Premadasa negotiated a withdrawal of the IPKF, which was completed in March 1990, and the battle against Tamil insurgency was taken up by the Sri Lankan army. In 2002 a landmark cease-fire was negotiated between the LTTE and the government. Within just a few years, however, violence had resumed, and the cease-fire had virtually dissolved. In addition to struggling with ongoing political unrest in the early 21st century, Sri Lanka was rattled by a tremendous natural disaster. In December 2004 the island was struck by a large tsunami that had been generated by an earthquake centred in the Indian Ocean near Indonesia. The wave killed tens of thousands of people and severely damaged

the country's northern, eastern, and southern coastal areas. Recovery was steady in the eastern and southern zones but was slower in the north because of the ongoing conflict. In 2005 Mahinda Rajapaksa, known for his strong stance against the LTTE, was elected president as head of a broad coalition of parties called the United People's Freedom Alliance (UPFA). The conflict between the Tamil rebels and the government raged on, and in 2006 the LTTE was declared a terrorist organization by the European Union. In January 2008 the government formally abandoned the 2002 cease-fire agreement, and the fighting intensified. Over the following months, the government captured major strongholds of the LTTE. The town of Kilinochchi, the administrative centre of the LTTE, came under government control in January 2009. Government troops continued their advance into LTTE-controlled territory, cornering the remnants of the rebel fighters along the northeast coast by late April. The army launched a final offensive in mid-May and succeeded in overrunning and occupying the rebels' last stronghold. The LTTE's leaders (including founder Vellupillai Prabhakaran) were killed during the operation, and the LTTE effectively ceased to exist as an organization. The number of civil-war-related deaths in Sri Lanka since the early 1980s was estimated at between 70,000 and 80,000, with many tens of thousands more displaced by the fighting.

A specific aspect of the conflict was the **role of women and girls in the LTTE**. Almost all Tamil militant groups in the history of Sri Lanka made deliberate appeals for females to enrol into armed forces (Alison, 2004). Due to a shortage of manpower, in the early 1980s women were initially targeted out of necessity - particularly women who were involved in political movements and actively participated in public demonstrations, protests and campaigns against state oppression, as well as women who were enrolled in university (Ponnambalam, 1983). In 1983, the LTTE founded a

special section for females called the *Vituthalai Pulikal Munani* (Women's Front of the Liberation Tigers) and by 1989, the unit had its own leadership structure (Fox, 2004). Initially, females cadres in the LTTE, who are referred to as '*birds of freedom*', performed mainly supporting roles. However, after 1985 females were increasingly being used in active combat and provided with extensive training in mining, explosives, weapons technology, electronics, intelligence work, and combat (Ann, 1993; Bouta, 2005). Although abductions and coerced recruitment by the LTTE have been documented (Hogg, 2006), many females appeared to join voluntarily, often to escape abusive home situations or due to nationalist loyalty, poverty, sexual violence, or perceived social injustices (Fox, 2004; Alison, 2004). The role of female in the LTTE has been associated to their emancipation. The LTTE's explicit discourse promoting the liberation of women from conventional Sri Lankan roles and expectations, as well as the inclusion of females in combat roles and suicide bombings, clearly contradicts accepted cultural conceptions of gender ideals. At the time, within Sri Lankan society, the female was constructed as subordinate to the male and socially constructed to symbolically represent the nurturer of the entire nation. Young women tended to be under the control of their father and brother, and generally remained under the control of a male figure throughout their lives. Despite the LTTE's policy of 'equality', the privileged wartime experience of female tigers may not guarantee that women will receive similar treatment upon return to community life. In fact, research has shown that men have dominated the negotiations between the Sri Lankan government and the LTTE. Although a 'Gender Subcommittee' was formed after lobbying by women's groups, women have not been present within the early phases of the negotiation process (Rajasingham-Senanayake, 2004). As a result, women's concerns have tended to be ghettoized and there

has been little public discussion of how an adequately gendered peace may be achieved. The expanded space for females attained in the context of armed conflict may therefore not automatically translate into post-conflict social changes ultimately beneficial to women.

1.2. Post-conflict situation

Several international bodies including UNROW Human Rights Impact Litigation Clinic, Human Rights Watch and Permanent People's Tribunal raised allegations on the government for genocide against Tamils. On 10 December 2013, the Permanent People's Tribunal unanimously ruled Sri Lanka guilty of the crime of genocide against the Tamil people (Peoples' Tribunal on Sri Lanka, Final Report, 2013).

Since 2010, Sri Lanka has witnessed a sharp rise in foreign debt. The onset of the COVID-19 pandemic-induced global recession accelerated the crisis and by 2021, the foreign debt rose to 101% of the nation's gross domestic product (GDP), causing an economic crisis. In March 2022, spontaneous and organized protests by both political parties and non-partisan groups over the government's mishandling of the economy started. On 31 March 2022, a large group gathered around the residence of the President Rajapaksa to protest against the power cuts that had reached over 12-hours a day. On 9 July 2022 after many months of protests, the President's residence was stormed by protesters. On 20 July 2022, the Parliament elected prime minister Wickremesinghe as new president.

Accountability for the past is still an issue in Sri Lanka. In October 2015, Sri Lanka co-sponsored the adoption by the Human Rights Council of Resolution 30/1 promoting reconciliation, accountability, and human rights. The Resolution emphasised the importance

of a comprehensive approach for dealing with the past by incorporating a full range of judicial and non-judicial measures including investigations and prosecutions; and truth-seeking mechanisms. Subsequently, the Human Rights Council passed a second resolution (34/1), in March 2017 requesting the High Commissioner to continue monitoring the progress of the Sri Lankan Government in the matter. In March 2020, Sri Lanka, however, withdrew its co-sponsorship of HRC Resolution 40/1 that encouraged the continuation of the engagement in promoting and protecting human rights, truth and justice, reconciliation and accountability in Sri Lanka. In a recent report on the situation of human rights in Sri Lanka (2023), the UN High Commissioner for Human Rights noticed that the country suffers from a continuing accountability deficit - be it for war crime atrocities, more recent human rights violations, corruption, or abuse of power - which must be addressed for the country to move forward. Fourteen years since the end of the war, tens of thousands of victims and their families continue to experience the pain and agony of seeking truth, justice, and remedy. While the Government has proposed a new truth-seeking mechanism, the Report stressed that the groundwork needs to be laid by genuine efforts to create the enabling environment for any transitional justice process to succeed.

Sri Lanka suffers from an acute economic crisis with worsening food insecurity forecasted for 2023. In accordance with UNICEF (2022), an estimated 6.2 million people (28 per cent of the total population in the country) are moderately acute food insecure, while 66,000 people are severely acute food insecure. Two in five households (41.8 per cent) spend more than 75 per cent of their expenditures on purchasing food, leaving little to spend on health and education. Many families have exhausted their savings and are struggling to make ends meet due to crippling inflation. In a context of soaring inflation, heightened income insecurity and scarce avail-

ability of essential products (e.g., food, fuel, fertilizers and medicines), families are unable to meet their basic needs. Following the onset of the crisis in March 2022, headline inflation (year-on year change in Colombo Consumer Price Index) increased to 29.8 per cent in April, from 14.2 per cent in January 2022. In September 2022, headline inflation was at a record high of 69.8 per cent from 64.3 per cent in August 2022. In addition, food inflation (year-on-year) increased to 94.9 per cent in September from 25 per cent in January 2022. As a result, many families are prioritizing food and health expenses over education and child protection needs. Children continue to face protection challenges, with increasing reports of more parents seeking to admit their children to childcare institutes due to rising food insecurity, poverty and labour migration by parents. Sri Lanka's outward labour migration has increased by 286 per cent in 2022 amid deepening economic and political crises in the country. Schools re-opened for all students, all 5 days a week, from mid-August 2022, relieving students and parents of concerns on learning losses. However, school attendance is frequently low among students and teachers, particularly those in rural schools, due to transportation challenges, economic hardship and limited provision of school meals, which discourages school attendance. In addition, essential health services have been severely affected by critical shortages of medicines, affecting pregnant and lactating women and children. Shortages of pharmaceutical medicines and medical equipment continue, affecting surgeries and medical examinations performed at major hospitals. This situation is unchanged in 2023 (Save the Children, 2023).

1.3. Social, cultural and religious aspects

One distinctive feature of Sri Lankan culture is the way in which ethnicity, language and religious affiliation correlate with one

another, each being key determinants of an individual's identity. Alongside the two largest ethnic groups – Sinhalese and Tamil – the third largest ethnic group is Sri Lankan Moors. Ethnicity and religion are often closely linked in Sri Lanka. In fact, one's religion is often able to be interpreted from their ethnicity. The prevalence of Buddhism in Sri Lanka tends to reinforce the dominance of the Sinhalese majority. There are three official languages of Sri Lanka: Sinhala, Tamil and English. This is evident throughout the country, with most signs written in all three languages. Despite ethnic tensions in the past, Sri Lankans tend to interact and befriend those of different ethnicities and religious affiliations. Divisions generally occur more in regards to social class. This is largely due to the hierarchies of the caste system that the society previously operated under. In the context of Sri Lanka, the caste system refers to the 'kula' structure. This structure determines the social community into which one is born, often referred to in terms of vocation. Ideas about purity provide the rationale for the division of society into various groups, with the hierarchy of caste being determined by each group's relative level of perceived impurity. This refers to both physical purity, in terms of one's body and occupation, as well as one's spiritual purity.

While Sri Lankans tend to be acutely aware of the social status they hold in relation to their peers, this attitude is more common outside of urban areas, particularly in villages. People in each kula are expected to preserve the distinct social classes with one example being endogamy/inter-caste marriages. However, it is worth noting that the caste hierarchy differs among those of Tamil and those of Sinhalese ethnicity. Since Tamils generally correlate to Hinduism, their model of the caste system resembles the model observed in Indian society. Regarding those of Sinhalese ethnicity, attitudes and ideas related to the caste system still prevail to an extent among the older generation, despite being abolished by law.

However, the younger generation of Sinhalese Sri Lankans tend not to consider caste as a relevant factor when interacting with others. Indeed, a lot of the Sinhalese youth are unaware of their caste. Moreover, the caste system plays a minor role in terms of one's spiritual progress or access to opportunities. Outside of the private sphere, most social interactions occur without reference to the caste system. Life revolves around the family for most Sri Lankans. In collectivist cultures such as that of Sri Lanka, the family is the first group a person becomes a member of at birth. The interests of the family are expected to come before those of the individual and loyalty (such as preferential treatment) is shown to fellow family members. Furthermore, the acts of an individual can impact the perception of the entire family by others. A person's most important relationships are usually within the nuclear family, but connections with one's extended family are also deeply valued. Three or four generations often live together, with the male side of the family connecting the relations. While the mother holds a significant amount of household authority and is respected, the father (or eldest son) is usually the patriarch. Age is also a source of hierarchy within the household, with elders being highly respected and cared for at home by the family far into their old age. As a token of respect, it is customary to address any elders as "aunty" or "uncle". Although there is a longstanding tradition of both men and women participating in the labour force, the general trend is for men to focus on income opportunities while women focus on the domestic sphere. Many women do participate in the paid workforce on a significant level; however, their contribution is not evenly distributed, with a high concentration of women in professions such as tea picking, garment creating and teaching. However, women in Sri Lankan society tend to hold a higher position in society than they do in other South Asian countries. This is largely due to the fact that South Asian traditions such as child marriage are uncom-

mon in Sri Lanka. Moreover, Sri Lanka was the first country in the world to elect a female prime minister (1960). Formally, women have full citizenship rights, but they are still expected to defer to men across most (if not all) domains of life.

1.4. Implementation of human rights

Significant human rights issues include reports of unlawful and arbitrary killings, including extrajudicial killings; torture and cruel, inhuman, or degrading treatment or punishment by the government; harsh and life-threatening prison conditions; arbitrary arrest and detention; transnational repression against individuals in other countries; serious problems with the independence of the judiciary; arbitrary and unlawful interference with privacy; restrictions on freedom of expression and media, including violence and threats of violence against journalists, unjustified arrests of journalists, and censorship; serious restrictions on internet freedom; substantial interference with the freedom of peaceful assembly and freedom of association, including overly restrictive laws on the organization, funding, or operation of nongovernmental organizations and civil society organizations; restrictions on freedom of movement; serious government corruption; serious government restrictions on or harassment of domestic and international human rights organizations; lack of investigation and accountability for gender-based violence, including but not limited to domestic and intimate partner violence and sexual violence; crimes involving violence targeting members of national, racial, and ethnic minority groups; crimes involving violence or threats of violence targeting lesbian, gay, bisexual, transgender, queer, and intersex persons; laws criminalizing consensual same-sex sexual conduct between adults, even if the laws were not enforced; and restrictions on workers' freedom of association. The government took

minimal steps to identify, investigate, prosecute, and punish officials who committed human rights abuses or engaged in corruption, and there was impunity for both. The law prohibits rape and domestic violence, but enforcement of the law was inconsistent. The law does not criminalize rape of men but does criminalize “grave sexual abuse.” The prescribed penalties for rape are seven to 20 years’ imprisonment and a fine. For domestic violence, a victim can obtain a protection order for one year and request a maintenance allowance. The law prohibits spousal rape only if the spouses are legally separated.

Women’s organizations reported police and judiciary responses to rape and domestic violence incidents and cases were inadequate. In November member of parliament Rohini Kumari Wijerathna told local media that there was a backlog of 5,000 sexual violence cases in the courts. A 2018 Ministry of Health circular banned medical practitioners from carrying out FGM/C, but since the practice was usually carried out by traditional practitioners known as *Ostha Maamis*, activists said the prohibition had little effect. Several civil society groups led mostly by Muslim women continued to campaign against female genital mutilation (FGM). There remained a significant level of public concern regarding the high incidence of violence, including sexual violence, against children, as well as incidents of online violence and bullying. A 2021 study by the University of Sri Jayawardenapura found a higher prevalence of child sexual abuse reported in the war-affected northern part of the country, where mostly Tamils reside, and in areas associated with the tourism industry. There was also growing concern regarding the impact of the economic crisis on vulnerable children, including access to food and basic services. Most child abuse complaints were received by the National Child Protection Authority (NCPA) via a toll-free 24-hour hotline. Civil society organizations working on children’s matters asserted chil-

dren had insufficient mechanisms to safely report domestic violence or abuse. Although police stations were supposed to have an officer dedicated to handling abuse complaints from women and children, the government did not consistently implement this practice nationwide.

2. Level of adequacy to international law

Historically influenced by British constitutional practice, Sri Lanka has followed the dualist approach in the conclusion of treaties and their incorporation into the domestic legal order. All post-independence constitutions recognized that the conclusion of treaties is an ‘executive act’ influenced by the British constitutional practice of the ‘Crown Prerogative’. The current Constitution of 1978 includes the power to conclude treaties within the executive powers of the President which, in practice, is exercised in consultation with the Cabinet of Ministers (Articles 3(2) and 44 of the Constitution of the Democratic Socialist Republic of Sri Lanka of 1978). The Directive Principles of State Policy incorporated in the Constitution require the executive to promote respect for international law (Article 27(15) of the Constitution of 1978). In accordance with the constitutional provision empowering the President to assign subjects and functions to the Cabinet of Ministers, the subject of ‘International Treaties’ is assigned to the Minister of Foreign Affairs (Article 44(2) of the Constitution of 1978). In keeping with the dualist approach of ‘transforming’ a treaty into domestic law through enabling legislation, an ‘enabling act’ is presented to Parliament for approval to give domestic effect to a treaty (for example, in respect of law enforcement treaties for the purpose of creation of offences, or conferring special jurisdiction on domestic courts). In this instance, it is not the treaty itself

which is approved by Parliament, but the enabling act which gives effect to its provisions.

Sri Lanka has ratified all the main UN International Human Rights Conventions:

- International Covenant on Economic, Social and Cultural Rights (ICESCR);
 - International Covenant on Civil and Political Rights (ICCPR);
 - Convention on the Elimination of All Forms of Discrimination against Women (CEDAW);
 - Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT);
 - Convention on the Rights of the Child (CRC);
 - International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW);
 - Convention for the Protection of All Persons from Enforced Disappearance (CED) ;
 - Convention on the Rights of Persons with Disabilities (CRPD);
 - Optional Protocol to the CRC on the involvement of children in armed conflict (CRC-OP-AC);
 - Optional Protocol to the CRC on the sale of children, child prostitution, and child pornography (CRC-OP-SC);
 - Optional Protocol to ICCPR, concerning individual petition;
 - Optional Protocol to CEDAW, concerning individual complaints and inquiry procedures;
 - Optional Protocol to CAT, concerning regular visits by national and international institutions to places of detention
- (UN treaty Body Database, 2023).

Sri Lanka is a party to the four Geneva Conventions of 1949. The Geneva Conventions Act of 2006 broadly provided for the domestication of ‘grave crimes’ committed in international armed conflict and the conferring of appropriate jurisdiction on the High Court for their prosecution and punishment. Sri Lanka participated in the international conference for the establishment of the International Criminal Court but it is not a State party.

3. National legislation

The 1978 Constitution guarantees the right to equality, equal protection of the law and non-discrimination on grounds of sex (Article 12). Chapter III of the Constitution embodied in substance a vast majority of the rights under the ICCPR and, for the first time in its constitutional history, made such rights enforceable before the Supreme Court of Sri Lanka (the highest court in the country). However, Chapter III does not specifically contain provisions on the right to life or the right to property, as enshrined in the ICCPR. In this regard, a liberal approach has been adopted by the Supreme Court, in several fundamental rights applications before it, resulted in the right to life being read into the Constitution, taking into account the fact that Sri Lanka had subscribed to the ICCPR (*Weerawansa v The Attorney General and Others* (2000) 1 Sri LR 387). Similarly, in the case of the CAT, an issue that has consistently come up before the treaty monitoring body, the UN Committee against Torture, is the question of whether the offence of torture in domestic law (in the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment Act No 22 of 1994) was wide enough to cover both physical and mental torture, as required in the Convention. Here again, the Supreme Court adopted a liberal approach in interpreting the statutory provision in a

manner consistent with Sri Lanka's obligations under the CAT, holding that the provision was wide enough to cover both physical and mental torture as required by the Convention.

Concerning **women's protection**, the policy framework includes the Women's Charter of 1993 created as a means of translating the CEDAW commitments into a Sri Lankan context. The Charter spells out more detailed steps the State should take in ensuring the equal rights of women. Although it does not provide for an enforcement mechanism, it requires the state to take measures to ensure women's rights within seven areas: political and civil rights; rights within the family; right to education and training; right to economic activity and benefits; right to health care and nutrition; right to protection from social discrimination and right to protection from gender-based violence. The National Plan of Action for Women (2002-2007) aimed at implementing the goals of the Beijing Declaration and identified a number of issues of concern, including access to education, health care and violence against women.

In terms of legislation, several amendments to the 1995 Penal Code redefined sexual offences and offences of grave physical harm; introduced the crimes of incest, grave sexual abuse, sexual harassment and sexual exploitation; and augmented the penalties for rape. In 2005, the Prevention of Domestic Violence Act No. 34 was adopted. It provides measures against any domestic violence and the possibility for the victims – including minors – to ask for an injunction by filling out an application form to be submitted to the Magistrate's Court.

The legislation on children's rights dates back to the colonial era, and the Code of Conduct, first enacted in 1883, provides for the protection of children.

The Children and Young Persons Ordinance (CYPO) - promulgated in 1939 - is the key instrument governing the child welfare and

child justice system in Sri Lanka. Said Ordinance was amended in November 2022 in relation to the age of the child. Previously, only those up to 16 years were treated as children before the courts and as a result there were 16-17-year-old children in prisons designed for adults. In addition, the amendments repeal the possibility of court sanctioned corporal punishment, which represents an important contribution towards prohibiting corporal punishment in Sri Lanka.

Concerning liability of minors, according to Sections 75 and 76 of the Penal Code (2020), any act committed by a child under the age of 8 years or any act committed by a child under the age of 8 years who is not sufficiently mature but under the age of 12 is not considered to be a crime under the law. It is also a punishable offence for a parent or guardian to give up a child under 12 years of age.

The Penal Code (Amendment) Act No. 22 (2020) describes child cruelty, child sexual exploitation, child sexual abuse, child pornography or pornography use or promotion, possession of such publication holding, selling, distributing and assisting as child abuse offences. The Judiciary (Amendment) Act No. 27 of 1998 removes the statutory requirement for a preliminary hearing in cases of rape or rape of a child under 16 years of age. This has accelerated child abuse cases and minimised the bitter experience of the victim repeatedly having to testify. The Penal Code (Amendment) Act No. 29 of 1998 defines the use of children under the age of 18 as a grave offence and imposes penalties on the use of children for begging, hiring of children for sexual intercourse, employment, use of children for the transportation of limited goods, such as toxins, opium and other drugs. The Employment of Women, Young Persons and Children Act (2006) sets the minimum age for employment at 14 and the minimum age for employment in hazardous work at 18. In 2011, the government adopted a list

of hazardous occupations and/or working conditions prohibited for children. The list contains all of the major occupations and/or working conditions most prevalent in the worst forms of child labour, with the exception of domestic service. In 2020, a National Steering Committee on Elimination of Child Labour was formed by the Ministry of Labour, to realize the goal of a child labour free country.

Act No 50 (1998) established the National Child Protection Authority with the task of preventing child abuse, protecting and supporting abused children, and developing policies and actions to prevent child abuse. Section 3 (1) b of the Victims and Witnesses Protection Act No. 04 of 2015, provides that when determining whether a child is a victim, the child's maximum benefit should be considered. Section 4 of Circular No. 12/2016 prohibits the use of corporal punishment in government schools, but this does not apply to all schools and has not been confirmed in legislation (De Silva, 2021). In February 2023 Sri Lanka adopted its first National Action Plan (NAP) for the period 2023-2027. It was launched by the Ministry of Women, Child Affairs and Social Empowerment of the Government of Sri Lanka. The NAP development process began in 2019 through a consultative process with input from provincial and district level public sector officials, civil society, community-based organizations, women leaders and others with direct and diverse experiences of conflict and crises, with the help of the Government of Japan and the technical support of UN Women. The NAP recognizes that the civil war resulted in "large-scale loss of lives, conflict-related disappearances, civilian casualties, conflict-related disabilities, and pervasive destruction of property and environment" and states that "The Ministry of Women, Child Affairs and Social Empowerment intends to contribute to redressing past harms and creating a conducive environment for gender equality, lasting peace, and the security of women." The

NAP aims to provide targeted support for women who have been and continue to be, directly harmed by conflict, violence and climate insecurity. In addition, it aims to strengthen the security of marginalized women and girls, and the economic empowerment of women through access to equal opportunities and resources.

4. Judicial system

Sri Lanka judiciary is a legal system which is a combination of English common law, Roman-Dutch civil law and customary law. The Supreme Court is the highest and final court of law. The Appellate Courts comprise of the Supreme Court, the Court of Appeal and the High Court. The Court of First Instances are the High Court, the Commercial High Court, the District Court and the Magistrates' Courts. Within this system are incorporated specific courts to deal with Islamic Law, Labour Tribunals, Courts Martial and other Tribunals which perform functions of a quasi-judicial nature.

The Supreme Court has jurisdiction for all constitutional matters; protection of fundamental human rights; final appellate jurisdiction from the High Courts and Court of Appeal; consultative jurisdiction; jurisdiction in election petitions.

There is one Court of Appeal which sits in Colombo and has appellate jurisdiction in respect of matters from the High Court. Each province has a Provincial High Court which has commercial jurisdiction, appellate and revision jurisdiction in respect of convictions, sentences imposed by District Courts and Magistrates Courts. The High Court has jurisdiction over matters coming from the Court of First Instance.

District Courts hear, *inter alia*, cases related to marriage, guardianship of minors, adoption. Magistrates' Courts hear cases for different offences up to a certain value.

5. Crimes against and affecting children: qualitative and quantitative results

5.1. Recruitment and Use of Children

During the 26 years conflict, children were vulnerable to recruitment and use in hostilities. The LTTE recruited children since the commencement of the conflict in 1983. The LTTE routinely visited Tamil homes to inform parents that they must provide a child for the “movement”. Families that resisted were harassed and threatened. Parents were told that their child may be taken by force if they do not comply, that other children in the household or the parents will be taken in their stead, or that the family will be forced to leave their home. Children were frequently abducted from their homes at night, or picked up by LTTE cadres while walking to school or attending a temple festival. Once recruited, children were not allowed to have contact with their families. The LTTE subjected them to rigorous and sometimes brutal training. They learned to handle weapons, including landmines and bombs, and military tactics. Children who made mistakes were frequently beaten. The LTTE harshly punished soldiers who attempt to escape. Children who try to run away were typically beaten in front of their entire unit, a public punishment used to dissuade other children who might be tempted to run away.

In June 2003, the LTTE and the Sri Lankan government, together with the United Nations Agencies and the Tamil Rehabilitation Organization, agreed to the formal Action Plan on Children Affected by War with the aim of stopping the recruitment of minors and releasing any remaining juveniles to their families or new transit camps. However, despite the agreement, the LTTE had recruited more than twice as many children as it released.

The LTTE deliberately started its re-recruitment of child soldiers in mid-2004 under the pretext of guarding them against external danger. As of 31 October 2004, UNICEF had documented 3,516 new cases of underage recruitment since the signing of the cease-fire agreement (including the re-recruitment of formerly released child soldiers). UNICEF noted that the number of cases represented only a portion of the total number of children recruited, as some families were unaware of the possibility of registering, afraid to do so, or had reaching the agency’s office (Human Rights Watch, 2004). As of 31 March 2008, UNICEF has recorded in its database 6,259 cases of child recruitment by the LTTE. Out of this total, 3,784 were boys, 2,475 girls; and 2,047 were regarded as released children (OHCHR, 2008). The UN Secretary General in the Report on children and armed conflict in Sri Lanka covering the period 15 September 2007 – 31 January 2009 noticed the limited progress with regard to action plans by armed groups - mainly the LTTE – to stop the recruitment and use of children. In February 2009, the Sri Lankan government and UNICEF launched a “Bring Back the Child” campaign.

Apart for the figures reported *supra*, the actual number of child soldiers is unknown due to the fact that a number of children were killed or are still missing, and many cases are unrecorded because of fear or re-recruitment and stigmatisation.

Despite the end of the conflict in 2009, former child soldiers continue to suffer from the repercussions of past events. As a result of all the violence, torture, and cruelty they witnessed or were forced to take part in, they suffer from a variety of problems. Some of these are health-related, while others are related to the issue of moral development, lack of education and impossibility to find a job. In any event, their social rehabilitation and reintegration remain extremely difficult (see part 6 *infra*).

5.2. *Sexual violence*

There has been uncertainty about the extent of sexual violence in Sri Lanka civil war, though reports indicate that sexual violence may have been systematic and asymmetric. Indeed, silence around sexual violence can stem from victims' feelings of shame or guilt or from a well-founded fear of stigmatization or repression, especially when the perpetrators remain in power.

In 2019, a study (Traunmüller, Kijewski, & Freitag, 2019) brought to light the extent of sexual violence in the context of the conflict. Rather than ask respondents directly whether they experienced sexual violence during the war, this list experiment presented individuals with a list of items and asked how many—not which—of these they experienced during the war. One group of respondents received a list that included three items, none of which had to do with sexual violence, resulting in a numerical response between 0 and 3. The other group of respondents received the same list but with an additional item about whether they personally experienced sexual assault, resulting in a numerical response between 0 and 4. By comparing the higher average number of the second group with the lower average number of the first group, the authors were able to determine the percentage of respondents who experienced sexual violence during the war—the only difference between the two lists that could have accounted for the different numerical averages. The list experiment was embedded in a broader face-to-face survey of Sri Lankans across the country in 2016 (1,800 respondents total) that also asked direct questions about whether individuals experienced or witnessed sexual assault. Additionally, the survey gathered respondents' demographic information, along with information on whether respondents had been displaced or had assisted and/or participated in the military or other armed group during the war. The study revealed that sexual violence was

in fact much more prevalent than direct questioning would suggest, with about 13.4% of the population estimated to have experienced sexual violence during the war, compared to 1.4% of the population when direct questioning is used. Second, comparing the list experiment results with those from the direct questions reveals which groups are most vulnerable to sexual violence, as well as which groups are most hesitant to report these experiences. For instance, non-combatants who assisted the military or other armed groups were the most vulnerable to sexual violence, at about 42%, though only 3% reported personal experience with sexual violence in the direct question. Additionally, although it is widely assumed that women are more vulnerable to sexual violence than men, 20% of men are estimated to have experienced sexual violence compared to 9% of women, though only 0.8% of men and 1.8% of women admit to experiencing wartime sexual violence in response to the direct question. Third, digging deeper into the relationships between variables like ethnicity, armed group assistance, gender, and displacement, the authors provide support for more specific determinants of wartime sexual violence in Sri Lanka - though their victim-centred data can provide only indirect support for claims about the perpetrators or their intentions. In particular, 52% of Tamils who assisted armed groups (presumably the LTTE or associated Tamil armed groups) experienced sexual violence, compared to 20% of non-Tamil supporters of the military/armed groups and 11% of Tamils who did not support armed groups. Additionally, although men and women among the non-displaced population experienced sexual violence at roughly equal levels (12% and 14%, respectively), among those who were displaced, men had a much higher rate of sexual violence at 31% as opposed to 10% for women. Taken together, these findings support the argument that government forces “perpetrated sexual violence asymmetrically and strategically against collaborators of the

LTTE” as they were fleeing the war zone to “coerce confessions, degrade suspects, and discourage broader Tamil involvement with the LTTE.”

The legacy of the conflict has had a significant effect on children growing up in Sri Lanka. Large numbers of children in the north and east were displaced and lived for years in camps before returning to their original homes after the end of the war. Many families have been resettled but threats to the safety of children remain. Children in Sri Lanka are at the heart of the crisis currently faced by the country due to disruption of services and increased needs in education, protection, health, nutrition, social protection and water, sanitation and hygiene. Child protection structures are underdeveloped, and children are vulnerable to a number of forms of abuse.

Even before the onset of the economic crisis in 2022, children and women in Sri Lanka were commonly exposed to some form of violence in their homes. As a proxy to children’s experiences of violence in the home, the 2019 Women’s Wellbeing Survey shows that 60 per cent of all women who reported any lifetime experience of physical intimate partner violence confirmed that their children had witnessed or overheard at least one incident. In 2017, a study by the National Child Protection Authority (NCPA) on the use of child disciplinary methods in schools in Sri Lanka, demonstrated that from a sample of 1,500 students over 80 per cent experienced corporal punishment. This included 72.5 per cent reporting any type of psychological aggression and over 50 per cent physical abuse in the term preceding the interview, including experiences of moderate to severe forms of physical aggression. Recent figures from UNICEF show that three to five children experience violent behaviour or the risk of rape every day (War Child, 2023). The limited national data on violence against children makes it extremely difficult to track progress in the realization of the right

to protection from all forms of violence and abuse.

As one important action, in the first months of the crisis, UNICEF, the NCPA and Non-Governmental Organization (NGO) partners set up a system to monitor the cases of violence. Reports are made through various channels: to the police, to NGOs, to health services and directly to NCPA and Child Care and Probation Services. However, people are also scared to come forward, uncertain they will receive any tangible support, concerned about revictimization in the system or worried that the perpetrators, often a family member, friend or neighbour, will get into trouble. The cases reported are often the tip of the iceberg.

At the same time, there were increased reports in the media and from NGOs of serious cases of violence and abuse against children and women.

Child marriage continues to be a significant issue in Sri Lanka. Contrary to popular belief, child marriages are not confined to a single ethnicity or cultural background. The prevalence of child marriages among different communities is alarming, as indicated by data obtained from ECPAT Sri Lanka and the Department of Census and Statistics. According to the data from Sri Lanka, child marriages are prevalent among the Sinhalese, Tamil and Muslim communities. In Sinhalese registered marriages, there were 62,630 marriages among individuals aged 15-19 and 2,200 marriages involving children under the age of 15. Among Tamil registered marriages, 9,396 marriages occurred among those aged 15-19, and 372 involved children under 15. In the Muslim community, there were 11,916 marriages among individuals aged 15-19 and 471 marriages involving children under 15 (Department of Census and Statistics, 2016). Several key factors contribute to the persistence of child marriages in Sri Lanka. Poverty plays a significant role, as mothers often migrate to the Middle East for domestic labour, leaving their daughters at home. This econom-

ic necessity forces many girls into early marriages. The lack of educational opportunities also contributes to child marriages, as girls who have limited access to education are more likely to rely on marriage as their only option. The civil war that plagued Sri Lanka for many years also fuelled child marriages. Parents living in conflict affected areas, particularly in the North and East, often felt compelled to give away their children in early marriage to protect and prevent forced recruitment by the LTTE.

The issue of pre-marital sex plays a role in child marriages. Parents may marry off their daughters to the offender to avoid shame or discrimination that may be brought upon their families. This practice fails to address the root causes and perpetuates the cycle of child marriage. Child marriage has severe consequences for the individuals involved and society as a whole. One of the most pressing concerns is the increased risk of infant mortality. Children born to child brides are 60 percent more likely to die in their first year of life than those born to mothers over the age of 19. Domestic violence is another significant issue faced by child brides. These young girls are often unable to negotiate safer sexual practices and are therefore at a higher risk of sexually transmitted infections. Child marriage also robs girls of their childhood, curtails their education and limits their economic opportunities. Early, frequent and high risk pregnancies put the health and wellbeing of child brides at great risk. Girls under the age of 15 are five times more likely to die in childbirth than women in their 20s and face a higher risk of pregnancy-related injuries such as obstetric fistula (Women's Wellbeing Survey, 2019). The Muslim Marriage and Divorce Act (MMDA), which governs marriage in the Muslim community, contains numerous provisions that violate the rights of women and girls, including by allowing child marriage without setting any minimum age. The act stipulates that only men can be judges of the Qazi (family) court, makes it easier for men than for women to obtain a divorce, and

does not require a woman or girl's consent to be recorded before the registration of her marriage. Furthermore, the penal code permits what would otherwise constitute statutory rape, in cases of child marriage that are permitted under the MMDA, by providing that a man having sexual relations with a girl under the age of 16 years commits rape unless she is above the age of 12 and is his wife. For decades, campaigners have called for the MMDA to be amended. In 2021, the cabinet approved reforms to the act that Muslim women's rights activists welcomed. However, they were not presented to parliament and the process appeared to have been derailed (Human Rights Watch, 2023).

5.3. Other forms of abuse

In Sri Lanka, 30 years of war have also had an extremely negative impact on children's education. On the one hand, the services themselves have suffered considerably (vandalism, looting and wholesale destruction of buildings, closing of schools, etc.); on the other hand, the children have fallen considerably behind in their schooling. Certain efforts have been made to improve the situation. However, the education sector has a long way to go before children's right to an education will be fully guaranteed for all young Sri Lankans.

It is estimated that in Sri Lanka, one out of every eight children is economically active. UNICEF estimates that some 10 per cent of Sri Lankan children are out of school and engaged in hard labour. Often, it is poverty that prompts families to make their children work. As for the sectors that make use of child labour, these include tea plantations and household help for rich families. Other children end up being exploited by traffickers who subject them to even worse forms of employment or sexual exploitation.

Children growing up without parents is another emerging issue.

An estimated 15,000 children are currently in the national care system. Many of these children are abandoned by parents who migrate overseas in search of work (War Child, 2023). In 2019, a report by the Department of Census and Statistics revealed that over 10,000 children live in children's homes in Sri Lanka, the majority are adolescent girls. Over 80% of these children have a parent or family member alive. UNICEF believes that the best place for children to grow up is at home with their family. As families struggle to make ends meet, parents are making some difficult choices. In 2022, there have been reports from child welfare and protection services of increasing requests from parents to place their children in institutions. Data from four Provinces shows that over 500 children were placed in children's homes in the period from March – August 2022. Families struggling to feed their families and keep a roof over their heads are driving this concerning trend. At the same time, the Sri Lankan Bureau of Foreign Employment (SLBFE) has reported a rapid increase in the number of persons taking on jobs overseas. In September 2022, the spokesperson for the SLBFE stated that 208,772 Sri Lankans that have registered with the Bureau had left during the year. Whilst child welfare and protection staff have remained on the ground throughout the crisis, their budgets have been reduced and they can no longer afford to provide all the services that families need to stay safe and stay together.

6. Rehabilitation and reintegration of children

The official reports show that 11,664 ex-combatants surrendered to the military forces during the last stages of 26 years of civil war in Sri Lanka. Amongst them 594 were minors aged 12-18; 231 were girls (Thalpawila, 2015).

The Bureau of the Commissioner General of Rehabilitation (BCGR) was founded as the special state authority responsible for the rehabilitation and reintegration program. Even before the fighting ended in May 2009, the BCGR managed rehabilitation centres in Ambepussa in the south, and Thelippale in the north for Tiger captives. These centres were named Protective Accommodation and Rehabilitation Centers (PARCs), accommodating nearly 11,500 cadres that either surrendered or were identified while masquerading as Internally Displaced Persons (IDPs) at the end of the conflict. The rehabilitation process was aimed at reintegrating the former LTTE leaders, members, and collaborators into the community. During the process, beneficiaries within the PARCs were supported to engage in a range of activities and through these activities reconnect to all aspects of individual and communal life, including familial, social, cultural, and religious. The majority of the beneficiaries were reintegrated within the 24-month mandated period and as of November 2012 approximately 11,04418 beneficiaries had been reintegrated. 594 child beneficiaries were reintegrated within the stipulated one-year rehabilitation period for children. 273 children wished to continue with their formal education. The rest underwent proper vocational training programmes at the technical college in Vavuniya under the Vocational Training Authority.

Six modes of rehabilitation were utilized at the PARCs: educational, vocational, spiritual, recreational, psychosocial, and familiar, social, and cultural.

Educational rehabilitation: The Tamil Tigers recruited from a cross section of society, but mostly from poor and under-aged groups. Many of the beneficiaries had either not completed their education or failed to achieve the country's national standard of completing the General Certificate of Education, Ordinary Level Examination (requiring ten years of study). Given that one of the

main aims of the rehabilitation program is education, the BCGR focused on promoting academic education. Between ten to twenty-five percent of the beneficiaries needed help with reading and writing in the Tamil language, and the majority spoke neither the national language of Sri Lanka, Sinhalese, nor English. The rehabilitation program created a space for providing formal education to those beneficiaries less than eighteen years of age within a residential school environment. Adult supplementary education was provided for adults in need of literacy and numeracy skills. Informal education also took place in groups within each rehabilitation centre. Beneficiaries identified as having teaching skills conducted informal classes to facilitate learning to read and write Tamil, as well as to learn English, Sinhala, and math.

Vocational rehabilitation: According to survey results, almost every beneficiary was keen to be employed. Follow-up surveys indicated that beneficiaries' desire for vocational training and employment gradually increased as their period in rehabilitation progressed. The BCGR therefore facilitated vocational training. Based on the beneficiaries' interests, their families' traditional vocations and businesses, and regional vocational opportunities, the beneficiaries were divided into centres for agriculture, carpentry, masonry, motor mechanics, beauty-culture, and the garment industry, among others. Members of the different industries' business communities were also involved in the program and eventually pledged training and jobs in their factories to the cadres in rehabilitation. Forty-two vocational training programs were conducted within rehabilitation centres and externally by NGOs (local and international), private businesses, state ministries, and volunteer organizations. The different business communities provided residential facilities for the beneficiaries to engage in vocational training programs on-site with mainstream populations. The vocational training also helped to gradually develop beneficiary con-

fidence in using their own skills to carve out a livelihood instead of following orders. The beneficiaries were motivated to engage in vocational training that would help them secure future financial stability and dignity by engaging in a vocation that would help themselves, their families, their communities, and their country.

Spiritual rehabilitation: Throughout the course of rehabilitation, many beneficiaries were faced with the realities of their actions. They felt the need to spiritually reconcile with their past and look forward to the future. The *Brahma Kumari* spiritual group from India conducted yoga and meditation for beneficiaries that relaxes the mind and nurtures a healthy balance between inner and outer worlds. The *Goenka Vipassana* program from India provided, "mindfulness training." This training involves developing self-awareness of emotions and thoughts. Those beneficiaries trained in mindfulness supported their peers to practice this method of meditation. Different religious organizations, including leaders from the Hindu, Satya Sai, and Christian traditions, also conducted religious ceremonies, rites, and rituals based on each person's faith. Finally, praying and chanting constituted a large part of spiritual rehabilitation with each PARC constructing Hindu temples or *kovils* (Tamil temple) for prayer and faith practice.

Recreational rehabilitation: Most beneficiaries put on weight during their period of rehabilitation. It was therefore vital that all the beneficiaries exercised both their minds and bodies. Cricket, volleyball, traditional sports, and other sports activities were conducted at every centre on a daily basis. Specific sports programs conducted included "Cricket for Change," regional athletic meets, inter-centre cricket and netball matches, sports meets, and New Year Festival activities. Board games such as carom were also popular. Gardening was also conducted in small plots within the centres.

Psychosocial rehabilitation: Enhanced interpersonal interaction contributed to beneficiaries expanding their skills in relating and

engaging with people at a social and community level. Beneficiaries were observed to have undergone a significant transformation in their attitudes and behaviour towards the Sinhalese, Muslims, and security forces personnel over the course of the first seven months of rehabilitation. This cognitive transformation appears to have taken place through informal interpersonal engagement with the centre staff. Having the opportunity to share their thoughts with the staff, the interpersonal interactional initiatives were a large part of the rehabilitation program because they allowed beneficiaries to engage in discussions cultivating their thinking in terms of family, future, and peace building. Less time was spent with thoughts of violence and hatred. Engaging in discussion related to society, social responsibility, and contributing towards the economy helped to cultivate a sense of citizenship. The BCGR conducted training sessions for their centre staff on counselling and advanced psychosocial skills training. Staff training sessions were conducted by a clinical psychologist, a counselling psychologist, counsellors, therapists, a community mental health worker and a psychology lecturer in the different PARCs to build in-house capability for counselling. The ongoing mentorship programs are essential to shift beneficiary thinking away from violence and separatism. A group of successful and well-respected persons in the Tamil community acted as mentors, reflecting a sense of responsibility and of a future that is achievable through unity rather than divisions. They motivated the beneficiaries to work hard and to build a successful future.³⁰ These business people, film stars, and athletes were testimony to the ability of people from the region to make a successful life with the opportunities available in Sri Lanka. Other psychosocial rehabilitation programs included Girl Guide and Boy Scout programs, creativity therapy programs, and art therapy. These programs were aimed at building a sense of social responsibility and comradeship among young people in

rehabilitation. Creative therapy rehabilitation provided effective ways for participants to express their inner thoughts and feelings through indirect means. Creative therapies can have a healing effect on large groups of people.

Social, Cultural and Family Rehabilitation: Social and educational tours were conducted for beneficiaries to provide experience of seeing the different parts of Sri Lanka. The majority of beneficiaries (estimates are as high as 99 percent) have not travelled in their lifetime out of the conflict area of the northeast to witness social and cultural life in the rest of the country. It was vital for them to see all ethnic communities living together in the rest of the country, the inter-marriages, working together, studying in university, in schools, partaking in sports and all walks of life. The beneficiaries realize that it is possible to develop and grow in strength in the absence of violence and terrorism. A welcoming, relaxed and warm atmosphere enabled family or next of kin to visit the beneficiaries. The relatively relaxed atmosphere prevailing within the PARCs enabled the redevelopment of family bonds. Family visits were encouraged (Hettiarachchi, 2012).

Despite all these efforts, studies indicate that after rehabilitation it was very difficult for ex-combatants; especially, for female to reintegrate into society (Martin, 2017). Even their own families were not ready to accept female as they felt ashamed of them. Women were at high ranks equal to men in LTTE but when they returned homes they could not reintegrate in Tamils patriarchal society. Stigmatization for all ex-combatants was at its highest and they were looked upon like traitors of the country and community. The society in general was not ready to accept them whole-heartedly as they inflicted them harm (Puthukudiyiruppu, 2014). Moreover, very little financial support was given after the release of rehabilitees. The government had also initiated loan program for ex-combatants in post rehabilitation.

The BCGR reveals that as of December 2017, only 1781 rehabilitees could receive this loan from different Sri Lankan Banks. The purpose of the loan was that the beneficiaries could launch small self-businesses in their post rehabilitation lives (BCGR, 2017). Initially, only 53 couples were got married at the PARCs and some less than 100 later, which does reveals a success story. More than 1500 females were sent to homes without giving any assistance for marriages. Also, the problem of stigmatization about females in society became one of the major hurdles and no man in the society felt encouraged to marry an ex-combatant girl (Khan, Minhas, Satti, 2018).

Some issues related to reintegration are still to be resolved by the Government but rehabilitation program has been seen as a success. One of the fundamental reasons behind a successful rehabilitation is the engagement of the community as well as involvement of international humanitarian organizations. The government appeared serious about the issues of Tamil community and a reconciliation process had been started. Dr. Hettiarachchi expressing about Sri Lanka rehabilitation program stated that, “the beneficiary gradually begins to see the “other” as non-threatening, observing in the “other” behaviour and values to emulate, thereby invalidating the distorted images propagated and maintained of the “other” by the propaganda” (Hettiarachchi, 2014).

7. Conclusions and Recommendations

The current crisis has not only exacerbated some of the child protection issues in Sri Lanka, but also highlighted some of the gaps in the national child protection system. Reform is needed to bring the legislation governing the system in line with international standards.

The institutions governing the child protection system in Sri Lanka – the National Child Protection Authority, the Department of Probation and Child Care Services, the National Secretariat for Early Childhood Development and the Bureau for the Prevention of Abuse of Children and Women under the Police – need to find a mechanism to coordinate their efforts and come together regularly to discuss the key child protection priorities and work together more holistically to find solutions. Similarly, the strong social service workforce for child protection in Sri Lanka cannot fulfil its role without improved coordination.

It is also important to generate data on the types of violence against girls and boys, the locations, the perpetrators and the accessibility of services. This will help improve planning and implementation of programmes to prevent and respond to the child protection issues.

A child-friendly legal framework, that is fit for Sri Lankan children in 2023, rather than laws drafted 80 years ago during the colonial period that far pre-date the ratification of the Convention on the Rights of the Child is also a priority. The principles of best interests and participation need to be brought into new legislation that provides the possibility for prevention, including family strengthening, and ensures that all forms of institutionalization and detention of children are a last resort and for the shortest possible time.

Finally, it is critical that the child welfare and justice services are preserved, allocated minimum financial resources and strengthened to provide vital relief and life-saving services to Sri Lanka’s most vulnerable children and families.

Accountability and reconciliation for the past is also a component which need to be enhanced. 14 years after the cessation of violence and the war was declared “over” there are still unresolved cases ranging from violence to disappearances during the war.

Recommendations:

- Enhance the legislation protecting children's rights in relation to physical punishment/aggression; child marriage; child exploitation and child trafficking.
- Raise awareness amongst the community members, parents and teachers about children's rights and the prohibition of practices such as physical punishment/aggression; child marriage; child exploitation and child trafficking.
- Strengthen the judicial capacity to respond to children's violations.
- Strengthen social services to support children via counselling and psychological support.
- Create educational programs to explain their rights to children.
- Enhance gender equality in education.

REFERENCES

- Alison, M. (2004). *Women as Agents of Political Violence: Gendering Security*. Sage Publications, Ltd. Vol. 35, No. 4.
- Bouta, T. (2005). *Gender and Disarmament, Demobilization and Reintegration: Building Blocks for Dutch Policy*. Conflict Research Unit: Netherlands Institute of International Relations "Clingendael". [online] Available at: <https://www.oecd.org/derec/netherlands/35112187.pdf>
- De Silva, K. B. N. (2021). *Child Rights in Sri Lanka: Legal Framework*. Academia Letters, Article 1392. [online] Available at: https://www.academia.edu/49673516/Child_rights_in_Sri_Lanka_Legal_framework
- Fox, M. J. (2004). *Girl Soldiers: Human Security and Gendered Insecurity*. Sage Publications, Ltd. Vol. 35, No. 4.
- Hogg, C. (2006) *Sri Lanka: The Liberation Tigers of Tamil Eelam (LTTE) and Child Recruitment*. Coalition to Stop the Use of Child Soldiers. [online] Available at: https://www.files.ethz.ch/isn/22729/case_study_Sri_Lanka_LTTE.pdf
- UNHRC. (2023). *Situation of human rights in Sri Lanka: Report of the UN High Commissioner for Human Rights, A/HRC/54/20*. [online] Available at: <https://www.ohchr.org/en/press-releases/2023/09/accountability-central-sri-lankas-future-un-human-rights-report>
- Human Rights Watch. (2004). *Living in Fear: Child Soldiers and the Tamil Tigers in Sri Lanka*. [online] Available at: <https://www.hrw.org/report/2004/11/10/living-fear/child-soldiers-and-tamil-tigers-sri-lanka>

lk/Resource/refference/WWS_2019_Final_Report

Hettiarachchi, M. (2013). *Sri Lanka's Rehabilitation Program: A New Frontier in Counter Terrorism and Counter Insurgency*. PRISM , Vol. 4, No. 2, pp. 105-121. [online] Available at: <https://www.jstor.org/stable/10.2307/26469814>

Thalpawila O. N. (2015). *Rehabilitation and Reintegration as a Key Activity of Post- War Peacebuilding*. Sri Lanka International Journal of Scientific Research and Innovative Technology ISSN: 2313-3759 Vol. 2 No. 12. [online] Available at: https://www.researchgate.net/publication/290192811_Rehabilitation_and_Reintegration_as_a_Key_Activity_of_Post-War_Peacebuilding_in_Sri_Lanka

Traunmüller, R., Kijewski, S., & Freitag, M. (2019). *The silent victims of sexual violence during war: Evidence from a list experiment in Sri Lanka*. Journal of Conflict Resolution, Vol. 63 (Issue 9), pp. 2015-2042.

UNICEF. (2022). *Sri Lanka Humanitarian Situation Report 1 July – 30 October 2022*. [online] Available at: <https://reliefweb.int/report/sri-lanka/unicef-sri-lanka-humanitarian-situation-report-2-economic-crisis-1-july-30-october-2022>

United Nations Secretary General (UNSG). (2009). *Report of the Secretary-General on children and armed conflict in Sri Lanka, S/2009/325*. Available at: <https://digitallibrary.un.org/record/659136?ln=es>