

අමෙරිකානු එක්සත් ජනපදයන්හි  
ශ්‍රී ලංකා තානාපති කාර්යාලය  
ஐக்கிய அமெரிக்க நாடுகளில்  
இலங்கைத் தூதரகம்

EMBASSY OF SRI LANKA IN  
THE UNITED STATES OF AMERICA



2148 Wyoming Avenue, NW  
Washington, DC 20008

Tel (202) 483-4025 Information  
(202) 483-4026/4028 Staff

Fax (202) 232-7181

E-mail [slembassy@slembassyusa.org](mailto:slembassy@slembassyusa.org)

February 14, 2014

Ms. Maricia Eugenia,  
Director,  
Office of the Child Labor, Forced Labor and Human Trafficking,  
US Department of Labor,  
Washington DC.

Dear Ms. Eugenio,

With reference to your communication on December 04, 2013, along with the copies of recently issued reports on Child Labor and Forced Labor in Foreign Countries by the US Department of Labor, I am pleased to send herewith updated information in respect of the Government of Sri Lanka.

Should you require any further information or clarifications in respect of the submission made by Sri Lanka, please do not hesitate to contact Mr. Bandula Somasiri, Minister ( Commercial) of this Embassy –email : [commercial@slembassyusa.org](mailto:commercial@slembassyusa.org)

Thanking you

Sincerely,

  
Jaliya Wickramasuriya,  
Ambassador

**US Department of Labor's Findings of Child Labor and Forced labor**  
**Information on Sri Lanka**

The Government of Sri Lanka (GOSL) is pleased to submit information on the subject of Child Labor. In this context, the GOSL reiterates that Sri Lanka pays utmost attention to this important subject and continues to implement progressive measures to minimize and eradicate any known instance of Child Labor in the country. Sri Lanka has always been recognized for maintaining internationally accepted standards of labor.

The Embassy of Sri Lanka is pleased to inform that the GOSL is committed to arrest and eliminate child labor. Existing domestic laws to prohibit the worst Forms of Child Labor are comprehensive enough to give effect to the ILO Conventions No. 138 and No. 182. These Laws are adequate for the implementation and enforcement to meet International Standards.

Furthermore, the Constitution of the Democratic Socialist Republic of Sri Lanka and its Laws are in full compliance with the ILO Conventions No. 138 and No. 182 . The specific Acts governing the above arrangements are listed below:

1. (a) Minimum Age for admission to employment in Sri Lanka is 14 years. In keeping with ILO Convention 138 (Employment of Women, Young Persons and Children's Act No. 47 of 1956, Section 34 (Interpretation of the term Child).
- (b) 18 years in line with the ILO Convention 182. (Employment of Women, Young Persons and Children's Act No. 47 of 1956, Section 20A).
- (c) Minimum Age to which education is compulsory is 14 years in line with the ILO Convention 138.
- (d) Sri Lanka has ratified the ILO Convention 182 on 1<sup>st</sup> March 2001.
- (e) Prohibition :-  
Hazardous Employment amendment to Employment of Women, Young Persons and Children's Act No. 47 of 1956, Section 20A. (Regulations made to give effect to this Provision by Gazette No. 1667/41 of 20th August 2010, under which 51 items were identified as hazardous occupations).

Obscene, publication, exhibition etc. relating to children:-

Penal Code (Amendment) Act No. 22 of 1995

Of Kidnapping and abduction:-

Section 360A -Penal Code (Amendment) Act No. 22 of 1995.

**The Ministry of Labour and Labour Relations of Sri Lanka wishes to share the following salient features in the context of child labour .**

**A: INFORMATION TO BE CONSIDERED IN PREPERATION OF TDA 2013 ASSESMENT**

**For corrections please see the annexure**

**1. PREVELANCE AND SECTORAL DISTRIBUTION OF WORST FORMS OF CHILD LABOUR**

1. During the reporting period the Department of Labour (DOL) has conducted 54213 Labour Inspections of which 53,983 were general inspections and 231 special child labour inspections. However no victims of child labour or no organization that violate the labour law in the land with regard to child labor was found in the Formal Sector.
2. The DOL has established a data base on child labour gathering data from Child Activity Survey conducted by the Department of Census and Statistics,

**2. LAWS AND REGULATIONS ON THE WORST FORMS OF CHILD LABOUR**

1. The following Bills and amendments to Acts have been prepared by the Ministry of Justice up to 31<sup>st</sup> August 2013.
  1. CHILDREN (JUDECIAL PROTECTION) BILL – It seeks to increase the collaboration between the Court, the Police and Probation. The best interest of the child is given paramount consideration in this Act. As per the sources of Ministry of Justice, It is expected to submit this as a joint Cabinet memorandum by the Ministry of Justice and the Ministry of Child Development and Women’s Affairs.
  2. OBSENCE PUBLICATION BILL – According to the sources of the Ministry of Justice, a section which deals with child pornography, in the computer crimes Bill was removed on the understanding that it would be included in the New Obscene Publication Bill which is under consideration by the Attorney General’s Department.

**3. GOVERNMENT TASKFORCE OR COMMEETEE ON CHILD LABOUR**

1. The National steering committee in the child labour to contribute to the efforts on the elimination of child labour is functioning under the Ministry of Labour and Labour Relations chaired by the Secretary of Ministry of Labour and Labour Relations. Periodical meetings in this regard are summoned to monitor the progress of the activities (based on the action plan) performed by the stake holders with the participation of International Labour Organization (ILO) as well.

At present the Ministry of Labour and Labour Relations is in the verge of finalizing the child labour policy for Sri Lanka.

Anti –Human Trafficking Task Force functions under the Ministry of Justice consisting of various government organizations, addresses child trafficking. The Department of Labour attends monthly meetings of the said task force.

#### **4. INSTITUTIONS AND MECHANISM FOR ENFORCEMENT OF LABOUR LAWS REGARD IN CHILD LABOUR AND HAZAROUS CHILD LABOUR**

1. The Department of Labour has a strengthened its labour inspections system through initiatives such as introduction of new labour inspection forms that include significant number of questions on child labour, preparation of training manuals on worst forms of child labour and capacity building of labour inspectors.

The women and children affairs division of the DOL has strengthened its coordination with other relevant organizations to speed up the process against child labour .

The district of Rathnapura is embarking on a journey that will make the district free of child labour by 2016. Several creative initiatives, getting education, vocational training, poverty elevation and other welfare programmes together, are being implemented to drive the district to become child labour free. As an extension of this programme the ministry of Labour and Labour Relations is now in the planning process of to achieve the zero tolerance for child labour in Kegalle and Ampara districts by declaring as child labour free zones.

2. The DOL is responsible for the enforcement of laws relating to child labour.
3. As far as child labour is concerned, the mandate of implementing legal provisions is vested with the DOL. However, in combating child labour well-coordinated effort from policy, strategy, programme and project prospective covering the areas of poverty, education, social security, health and vocational training are very much important. Therefore National Steering Committee on child labour has been established and functioning under the Ministry of Labour and Labour Relations.

4. Labour Inspectors

Commissioners of Labour – 7

Deputy Commissioners of Labour – 21

Assistant Commissioners of Labour – 54

Labour Officers – 428

Total – **510**

5. The Department of Labour has provided sufficient resources including vehicles to its district offices to carry out the inspections in efficient manner. Under the computerization of labour inspection project, all labour officers are to be provided with tablets in order to strengthen labour inspections in consistent with the E-government policy of Sri Lanka.
6. The labour inspectors have sufficiently been trained to look into complaints of child labour. The following programs during year 2013 have been conducted in this regard.
- Training of trainers' programme-4
  - One day Workshop – 4
  - Two day Workshop - 4
  - Sector vise awareness programme – 10
  - Risk area awareness programme – 20
- 7 Total number of inspections in year 2013 was 53982. During the reference period, the DOL received 232 complaints on child labour, only 2 cases which had some indication of Child labour were prosecuted. Any violators will be subject to penalties imposed by the Ministry of Labour and Labour Relations.
8. The Department of probation and child protection is responsible and taking measures to provide appropriate social services. Accordingly ten children were removed and assisted as a result of inspections.
9. Penalties for child labour violations were issued with regard to two cases.

**5. INSTITUTIONAL MECHANISM FOR EFFECTIVE ENFORCEMENT OF CRIMINAL LAWS ON CHILD LABOUR/FORCE LABOUR/TRAFFICKING/COMMERCIAL SEXUAL EXPLOITATION AND USE OF CHILDREN IN ILLICIT ACTIVITIES.**

1. Department of Police and Ministry of Justice

2. However there is coordination through the taskforce on Anti –Human Trafficking under the Ministry of Justice. Accordingly there is coordination among the following organizations.

Ministry of Justice

Ministry of Labour including the Department of Labour

Ministry of Child Development and Women’s Affairs

National Child protection Authority

Department of Probation and Child Care

Department of Police

3. 510 Labour Inspectors + officers of National Child Protection Authority ( including the Police Division)+ Officers of Sri Lanka Bureau of Foreign Employment + officers of Ministry of Child Development and Women’s Affairs + officers of the Ministry of Justice

4. Sufficient training has been provided.

5. Ten cases of which two were successful in terms of prosecution.

7. The Department of Probation and Child Care and the Ministry of Child Development and Women’s Affairs are responsible in this regard.

## **6. GOVERNMENT POLICIES ON CHILD LABOUR**

The ministry of Labour and Labour Relations is in the process of formulating child labour policy for Sri Lanka. In this context it should be noted that Sri Lanka meets ILO guidelines in respect of Child Labour.

The DOL and other stakeholder institutions have taken measures in terms of prevention of and promotion against child labour in year 3013. Accordingly, the DOL has conducted following awareness programmes.

a. 38 awareness programmes in Colombo and outside for School Children (3400)

b. 20 awareness programmes for social partners (800 beneficiaries)

c. 4 Training of Trainers programmes for police, probation and labour officers (160)

d. Celebration on World Day against child labour – Awareness for Teachers and parents (700)

e. 10 awareness programmes for children in the areas of fisheries, tourism (500)

f. Special Workshop to strengthen coordination among officers of Police Department, Department of Probation and Child Care and Department of Labour.

The Ministry of Child Development and Women's affairs has conducted 18 number of awareness programmes on Child abuse, Child Rights etc. for social partners. The total beneficiaries of these programmes were 2454. Further this Ministry has take measures with regard to programme for implementing National policy on Early Childhood and Development, programmes to develop Early Childhood Development Centers, Home based early Childhood Development, Research, Development and Training, Media programme on Early Childhood Development, Skills Development for Children, setting up of Model Villages on Early Childhood Care and Development.

As reported in previous reports, Sri Lanka has ratified ILO Conventions No. 138 and No. 182 and taking every effort to implement the provisions of the conventions in law and in practice. The bill to amend the law to increase compulsory education up to age 16 years is to be submitted to the parliament, according to the Ministry of Education.

Sri Lanka Ten Year Horizon Development Framework 2006-2016 (Mahinda Chinthana: Vision for new Sri Lanka) has emphasized the need for combating Chil labour and action that would be taken to formulate broader policies to address the issue historically. Accordingly Sri Lanka has strengthened labour legislations, improved access, quality, and relevance of the education.

## **7. SOCIAL PROGRAMMES TO ELEMIMATE OR PREVENT CHILD LABOUR**

There are number of social and poverty alleviation programmes in Sri Lanka that directly and indirectly address the child labour issues. For example, the action plan in relation to progmmme called child labour free zone is implemented through better coordination with relevant government organizations including the Ministry of Economic Development which implement the major poverty alleviation programmes.

## **8. RESPONSE TO "SUGGETIONS FOR GOVERNMENT ACTION" IN THE 2012 PROFILE**

It should be noted that the National Child Protection Authority is not functioning under the Department of Labour but under the Ministry of Child Development and Women's Affairs.

Since the Government of Sri Lanka has implemented significant number of initiatives meeting the ILO standards with the support of ILO , it was surprised to learn that the last report indicates that Sri Lanka has made a minimal advancement in efforts to eliminate the Worst Forms of Child labour

## **SECTION II: CHILD LABOUR AND THE FORCED LABOUR IN THE PRODUCTION OF GOODS.**

It is important to mention that Sri Lanka is not a country that produces goods and services with Child Labour and Forced Labour.

## **Annexure 1**

### **Comments on the 2012 Report**

- The government of Sri Lanka is of the view that Sri Lanka has made significant progress in the context of Child Labour and Forced Labour as child labour does not take place in the formal sector.
- **Prevalence and Sectorial Distribution of the WFCL**
  - We do not have any cases in 2012 about dangerous work in agriculture and manufacture.
  - No child labour cases on debt bondage domestic and forced labour in farming areas, fireworks and fish – drying industries but the Department of Labour monitor the above places regularly.

#### **Institutional Mechanisms for coordination and Enforcement**

- A NSC meeting was conducted in 2012 and the funding was available and no administrative deficit. And the recommendations were carried out.
- NCPA is not under the Ministry of Labour and labour Relations. It comes under the preview of Ministry of Child Development and Women's Affairs
- 600 social partners (Divisional Secretaries, Grama Niladharies, Family Health Officers, Labour officials, Probation officers & Police Officers) were trained on HFCL IN 2012.
- The child activity survey in Northern Province is planned for 2014.