

Article 22 of the Constitution of the ILO
Report for the period from 31st July 2011 to 31st July 2013
Made by the Government of Sri Lanka
On the
Worst Forms of Child Labour Convention (No182)
(Ratification registered on 01.03.2001)

I. – V.

Please refer the previous report sent for the period ending **31st July 2011**
The position remains same.

The provisions of the Convention are applied in satisfactory manner.

VI

Copies of the Report have been communicated to the following organizations.

Workers, Organizations:

Lanka Jathika Estate Workers Union
Sri Lanka Nidahas Sevaka Sangamaya
Ceylon Workers Congress
Inter Company Employees' Union
Ceylon Federation of Labour

Employers' Organizations

Employers' Federation of Ceylon

The comments of the Lanka Jathika Estate Workers Union has been received by this Ministry.

Observation 2011

Article 3 of the Convention Clause (b) Use, procuring of offering of a child for prostitution.

As reported by the National Child Protection Authority, the information in relation to child prosecutions as follows;

Subject	Year 2012	Year 2013
1) Reported	53	29
2) Prosecution	03	01
3) Convictions	-	-
Total	56	30

Source: Progress report, Police Unit, National Child Protection Authority.

Information regarding the penalties applied has not been received yet. Once, such information is received it will be sent to the Committee of Experts on the Application of Conventions and Recommendations.

In the observation made by the LJEWU indicates that above 14,000 children are in prostitution would be accepted without reservation. However, this figure is over estimated compared to cases reported. But, it is important to emphasize that number of initiative and measures have been taken against sexual exploitation of children. Some of them are as follows,

1. The National Child Protection Authority and the ILO (IPEC) developed the National Plan of the Action to combat trafficking in children for sexual and labour exploitation.
2. In 2006, the government developed a National Action Plan to combat sex tourism led by the UNICEF and the Tourist Board in Sri Lanka.
3. Establishment of Children's Council throughout the Island.
4. Special Committee to look in to the issue of reducing the duration of the judicial proceedings relating to Child Abuse.

Clause D Article 4/1

Around 65,000 Labour Inspections are conducted annually. However, there is no any incidence found by the Labor Inspectors in the formal sector.

Direct Request 2011

Clause 7(2) effective and time-bound measures.clause(a)

In education in Sri Lanka the gender parity has been achieved.

Clause (b)

Please see information in the report of Convention 29

Clause (d)

Please see information in the report of Convention 29

Part v of the report form

Please see information in the report of Convention 138

The report of the Child Activity Survey 2009 has been sent with the report of C-138.

Article 22 of the Constitution of the ILO
Report for the period from 31st July 2011 to 31st July 2013
Made by the Government of Sri Lanka
On the
Minimum Age Convention, 1973 (No138)
(Ratification registered on 2000)

I. – V.

Please refer the previous report sent for the period ending 31st July 2011

The position remains same.

The provisions of the Convention are applied in satisfactory manner.

VI

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Workers, Organizations:

Lanka Jathika Estate Workers Union

Sri Lanka Nidahas Sevaka Sangamaya

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The report of the Lanka Jathika Estate Workers Union has been received by this Ministry.

Observation 2011

Article 2(2) of the conventions and Article 2(3).

The regulation relating to provide compulsory education for children aged 05-14 years has been gazetted by the Gazette No. 1003/5 on 25th of November 1997.

The Ministry of Education has informed the Ministry of Labour and Labour Relations that the Cabinet of Ministers on 06/06/2013 has approved the cabinet memorandum submitted by the Ministry of Education seeking approval to enhance upper age limit of compulsory education from 14 years to 16 years.

At present, the amendments in this regard have been submitted to the approval of Attorney General. Once Attorney General approval is received it will be submitted to the parliament.

Part V of the report form. - Application of the conventions in practice.

The government of Sri Lanka is fully committed to eliminate Child Labour and also to achieve the Zero-Tolerance of Worst Forms of Child Labour by 2016. Sri Lanka's 10 year Horizon Development Frame Work 2006-2016 "Mahinda Chintana" mission for new Sri Lanka has specially expressed the need for combating Child Labour and the action that would be taken to formulate broader policies to address the issue holistically.

In this regard coherent approach including strengthening labour legislation, education, awareness, tying child labour with poverty elevation programs has been put in place.

As far as the labour legislation is concern, in addition to the penal code amendments of 1995 and 1998 making some of Worst Forms of Child Labour punishable offences, the penal code amendment No. 07 of 2006 made the following offences as punishable under the penal code. The offences are section 385(a) Death Bondage, Serfdom, Forced or Compulsory Labour or Slavery; when committed in relation to a child or engage for recruiting a child for use in armed conflict; section 360 (c) trafficking; Section 360 (D) offence related to adoptions; Section 360 (E) soliciting a child; Section 365 (B) Grave Sexual Abuse, if the offence is committed in respect of a person under 18 of age.

As mention in the previous reports the Employment of Women Young Persons and Children Act 46 of 1956 was amended by employment women young persons and Children (amendment) act No. 06 of 2006 in order to provide for enabling provisions to empower the minister to make regulations prohibiting certain occupations as hazardous occupations for persons under the age of 18 years. Consequently, 51 occupations have being identified as Hazards Occupation's after stake holder consultation and regulations have already been gazetted.

As far as prosecutions are concerned, the Department of Labour is taking every effort to enforce the law against child labour. In year 2012, the Department of Labour received 186 complaints of which 04 cases have been filed with the Magistrate Courts. It is important to mention that, Sri Lanka has good and effective Labour inspection system. Each and every labour inspector is subject to visit and investigates certain number of institutions per month in the formal sector. The monthly report that should be submitted by the labour inspector includes the questions on child labour as well. It has been observed that, there is no Child Labour identified in the formal sector. Therefore, the reported cases are from the informal sector. The Committee of Experts on the Application of Conventions and Recommendations has observed that number of complaints received is large, but number of cases that legal action has taken is few. This is not because of inefficiency of the Department of Labour. It is because of difficulty in finding evidence to take the legal action. Further, most of the cases reported are not actual cases. The government of Sri Lanka believes that prosecution along does not work to achieve the objective of elimination of child labour.

Having understood this situation, multi-disciplinary approach is implemented. For example one Administrative District called 'Rathnapura' has declared to be a Child Labour Free Zone by 2015. This would be a role model to expand this concept in to other districts as well. The important point of this concept is that, it has captured all government programs such as education, vocational training, and poverty elevation, other social welfare schemes and support of the private sector and Non Governmental Organizations. The main poverty elevation program called "Samurdhi" or "Divinaguma" and other supportive programs such as "Gamanaguma", have been linked to the work program of achieving Child Labour Free Zone by 2016. Therefore the government of Sri Lanka believes that there is a possibility to achieve Zero Tolerance of Worst Forms of Child Labour by 2016 as pledged in 2010 in Hague Netherlands.

(The Report of the Child activity survey 2008-2009 conducted by the Department of Census and Statistics is attached herewith as Annex)

US Department of Labour 2014 Findings on the Worst Forms of Child Labour and forced Labour

Report of the Government of Sri Lanka

The Ministry of Labour and Labour Relations of Sri Lanka wishes to share the following salient features in the context of Child Labour

Prevalence and Sectoral Distribution of Child labour

Sri Lanka has made significant progress in fighting against child labour including its Worst Forms. Child Activity Survey was conducted with ILO Assistance in 2009 and it was reported that the estimated figure of child labour including its worst forms as 2.5% of child population in the country. Due to unavailability of island wide new information on child labour, it has been suggested to conduct the child labour survey in year 2015 island wide.

Law Enforcement

During the reporting period, the Department of Labour carried out 8300 number of Labour inspections of which 8100 were general inspections and 200 were special child labour inspections but no victims of child labour or no organizations that violated the labour law in the land were found in the formal sector. However, the Department of Labour has received 133 complaints on child labour of which 09 cases were identified as real child labour cases. The Department of Labour prosecuted the above 09 cases and 01 case has been finalized imposing a fine of Rs. 100000.00 with suspended punishment for one year. The remaining 08 cases are pending at courts. It is also important to note that out of 09 cases identified, 02 cases were on worst forms of Child Labour including closed (finalized) case.

Taking legal action against child labour has some practical difficulties. Though promotional activities against child labour are continuously carried out, affected parties are not willing to give evidence before the court. Therefore Department of Labour has to undertake a comprehensive investigation procedure to prove the case before the court. Therefore, the Department of Labour is expecting 51 investigation reports from its district offices in respect of reported complaints mentioned above.

Once the investigation reports are received, the Department of Labour will prosecute the cases on the merits. Further out of 133 complaints 68 complaints were not Child Labour cases. Moreover, 72 cases reported from Rathnapura District where Child labour Free Zone initiative being implemented. The DOL conducted inspections in this regard but no child labour was found in year 2014.

Taking into consideration that the prevalence of child labour in agriculture, cracker industry and plantation sectors observed by the US DOL in its report, the Department of Labour conducted 44 special inspections including 11 night inspections in the plantation and agriculture sectors during the reference period to combat worst forms of child labour but no incidence of child labour was found. However, it has been planned to continue sudden inspections in those sectors and industries in year 2015 as well.

Children and Women Bureau of the Department of police has also taken significant effort to enforce criminal law in relation to child related incidences such as trafficking, prosecution etc. Accordingly, total number of cases reported and finalized through the legal procedure is shown in the following table.

Cases related to Child Labour during the period of January 2014 to November 2014		
Trafficking	Reported	6
	Settled	5
Child Abuse	Reported	752
	Settled	547
Sexual Abuse	Reported	649
	Settled	520
Other	Reported	1775
	Settled	1402

Promotional Programmes

1. World day against child labour

1. Kegalle and Ampara districts were declared as child labour free zones
2. The executive officers who are responsible for district administration were made aware the legal procedure of child labour and hazardous child labour.
3. Awareness programmes for stakeholders, estate workers and female workers who are supporting and helping to eradicate child labour were conducted.

2. International Children's day programme

Children, who were identified as vulnerable to be child labour, were selected and helped them to continue their education and distributed academic materials.

3. Discussion and consultation programmes with families

Identified vulnerable families in Kegalle and Ampara districts which were declared as child labour free zone were participated in awareness programmes conducted with the support of stake holders such as Ministry of Economic Development, Ministry of Health, Ministry of Education, District Secretariat etc. Accordingly, 10 Families in Kegalle 12 in Ampara, 05 in Kalmune and 12 in Awissawella were identified as vulnerable families. Total number of 662 participants (fathers and mothers of children in vulnerable families) of which 278 males of and 384 females attended these consultation programmes. Further, 31 awareness programmes on hazardous forms of child labour was conducted for stakeholders in Districts where Child Labour Free Zone initiative is being implemented

4. Issuing relevant circulars and printing the act with amendments.

Administrative circulars and guidelines were issued to update the knowledge of labour inspections.

5. Promotional campaigns such as Stage Drama, Street Drama, Art and Foster Competitions were held targeting children and general public in risk Areas for having child labour.

National Legislation and policies against Child Labour in Sri Lanka

Constitutional safeguards

Under the Constitution of Sri Lanka, 1978, Article 27 (13) Directive Principles of State Policy and Fundamental Duties, the State pledges to 'promote with special care for the interest of children and youth so as to ensure their full development, physical, mental, moral, religious, and social, and to protect them from exploitation and discrimination'.

Minimum age for employment

The minimum age for employment of children was raised to 14 years in December 1999 by an amendment to the Employment of Women, Young Persons and Children Act (No. 47), 1956. At present, the minimum age of employment in all sectors is 14 years.

Child trafficking

In April, 2006 the Penal Code was amended to reflect the international standards prescribed by the ILO Convention No. 182 and now deems the trafficking of persons for exploitative employment as a crime. The Penal Code was also amended in 2006 to recognize the recruitment of children in armed conflict as a crime, even where such recruitment is not forced or compulsory in nature.

Hazardous Child Labour

Hazardous Employment amendment to Employment of Women , Young Persons and Children ,s Act No 47 of 1956,Section 20 A.(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.)

Compulsory Education

Under the regulations framed in 1997, under the Education Ordinance of 1940, education and attendance at school were made compulsory for every Sri Lankan child aged between 5 and 14 years. The Ministry of Education is in the process to increase compulsory education up to 18 years of age.

International Conventions

Sri Lanka is a signatory to the:

- ILO Worst Forms of Child Labour Convention (No. 182);
- ILO Minimum Age for Employment Convention (No. 138);
- ILO Forced Labour Convention (No. 29);
- ILO Abolition of Forced Labour Convention (No. 105);
- UN Convention on the Rights of the Child (CRC).

Government policies and programmes

Since 1994, the Government of Sri Lanka has given high priority to the protection of children from physical and sexual abuse, from exploitation through child labour, and from the effects of armed conflict. In 1996, a Presidential Task Force on the prevention and control of child abuse was set up, which made far-reaching recommendations, including the establishment of a National Child Protection Authority (NCPA). The NCPA was established in June 1999. The basic goal of the NCPA is the elimination of child abuse in all its forms and manifestations. The NCPA operates in four main areas: protection, advocacy, rehabilitation, and legal reform. Since very often, child abuse entails an element of trafficking; the NCPA is the pre-eminent national agency driving the anti-trafficking mission. With support from the ILO's International Programme on the Elimination of Child Labour (IPEC), the NCPA has initiated an anti-trafficking unit. The powers and functions of the NCPA and its strategic location under the Executive President eminently qualify it to be the coordinating agency with the relevant ministries, provincial councils, local authorities, and private as well as public sector organizations.

In March 2001, Sri Lanka ratified the ILO Convention No. 182 and subsequently developed a National Plan of Action (NPA) to combat trafficking of children for sexual and labour exploitation, with support from the IPEC project for combating child trafficking for labour and sexual exploitation.

In October 2002, the Ministry of Employment and Labour took the initiative to begin developing a national policy and plan of action to eliminate the worst forms of child labour as a matter of

priority and requested ILO assistance to do so. This process was a participatory one with stakeholder participation that went beyond the alliance of the ILO's constituents and was undertaken at the national as well as local levels.

In September 2007 A Youth Employment Policy & National Action Plan, supported by the ILO, was presented for public comments and feedback. The policy takes into consideration the importance of eliminating child labour by placing great emphasis on the issue of access to quality education has being gazetted. The National Human Resources and Employment Policy for Sri Lanka were launched in 2012.

It is also important to note that the ministry of Labour and Labour relations is in the final stage of preparing the Child Labour Policy for the country.

New initiative (Child Labour free Zone)

The Government of Sri Lanka, particularly the Ministry of Labour & Labour Relations, recognizes that the Ministry itself cannot eliminate the Child Labour and coherent and multi disciplinary approach is required to fight against Child Labor. Though the Department of Labour is effectively and efficiently enforcing legislations, due to number of reasons such as poverty, education, social protection associated with child labour, an integrated approach is required towards Zero tolerance of worst Forms of child labour by 2016 as pledged in 2010 in Hague, Netherland. Therefore a new initiate equipped with integrated activities which is called Child Labour Free Zone is already being implemented in Rathnapura, Kegalle and Ampara Districts. In 2015, it will be implemented in other districts as well.

It was identified that the Child labour even though it is minimal in the country, is associated with poverty and other social backwardness in the society. Further, there are number of social protection programmes such as free education for all free Health, Poverty elevation programmes such as Divinaguma, Gamanaguma in the country. Therefore, without integrating Child Labour programmes in to other social programs, it is not possible to achieve the target of eliminating Worst Forms of Child Labour by 2016. That is why the new programme was planned and

implemented. The Child Labour Free Zone programme being implemented in the country includes following steps.

1. Conduct Child Activity Survey (CAS) in the particular administrative district.
2. Analyze national child labour policy status
3. Analyze relevant programmes and policies that lend itself to mainstreaming child labour concerns
4. Identify mainstreaming child labour concerns as a key strategy to zero tolerance and develop mainstreaming tool
5. Identify and negotiate with key district officials (District Secretary) to lead implementation of road map to zero tolerance.
6. Develop capacity and provide technical assistance at district secretariat level
7. Verify district level result of CAS
8. Identify places already known to employ children – data should be available based 100% on complaints
9. Places likely to employ identified – identified 50% of such by end 2013
10. Identify 100% of such by end 2014
11. Increased night raids by labour by 50% of current levels up to Dec 2013
12. Increased day time raids by 25% of current by end 2013
13. All relevant officers trained on laws standards and elimination process led by Department of Labour
14. All other officers made aware of CL/WFCL elimination targets
15. Public awareness campaigns reaching all villagers completed within 1 year
16. Visibility material at all prominent places in District and all Divisions. Suitable signage to be used
17. 100% schools covered through awareness
18. Stringent legal measures to be taken against all offenders starting end 2013
19. All families of children already engaged in CL/WFCL to be assisted through social protection and develop programmes as a matter of priority
20. Vulnerability Matrix in place and used to identified children likely to be engaged in CL/WFCL

21. All vulnerable families to be assisted through social protection measures

In Rathnapura, Kegall and Ampara Districts, child labour free zone initiative is implemented following above steps having consultation with social partners (employers and trade unions) and stakeholders.

What is important of this initiative is the strong monitoring mechanism it has. The districts where child labour free zone initiative is implemented, have established District Child Development Committee (DCDC) which meet all related offices chaired by the District Secretary (Government Agent) to discuss the progress and to take appropriate measures. Another important feature of this initiative is the availability of criteria for early identification of vulnerable families in which children would be getting involved in hazardous economic activities. The individual meetings with such vulnerable families are held and possible solutions are given integrating such families in to available social development and poverty elevation programmes in order to avoid children being employed.

Therefore this Ministry strongly believes that through these initiatives, it is possible to achieve Zero- tolerance of child Labour by 2016 and this initiative will address the negative references highlighted in 2014 report on the Worst Forms of Child Labour by US Department of Labour.

Other Activities

1. labour administration system of the DOL was strengthen
2. Labour Administration System Application is being implemented gradually
3. Training of Trainers programme on child labour including its hazardous form were conducted in year 2015 as well

Special activities to be undertaken in year 2015

1. Special investigations in plantation, fisheries and cracker industry
2. Child labour policy to be finalized
3. Conducting island wide Child Activity Survey with technical assistance of the ILO (external funding support is being negotiated)