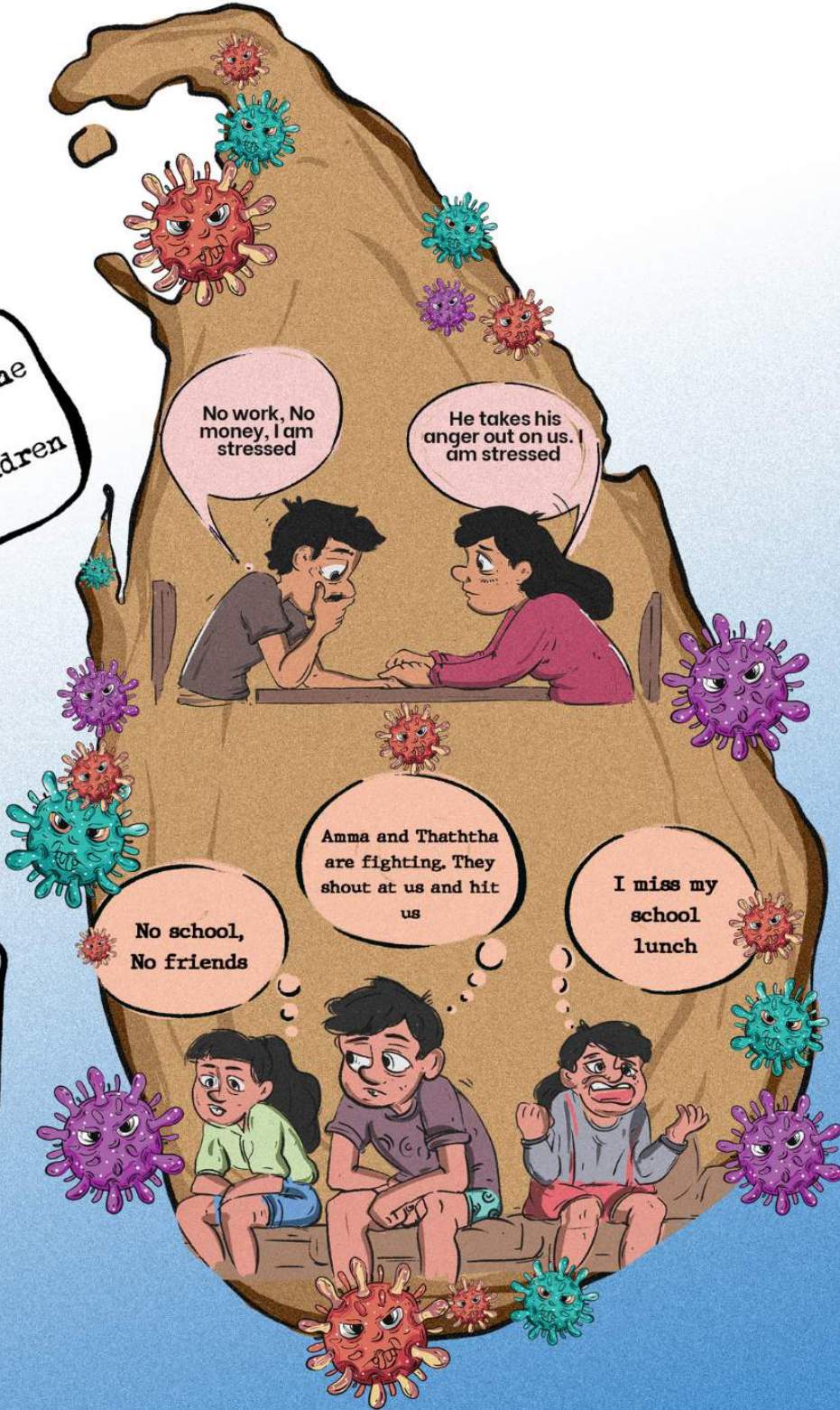


Children are the future

We must focus on the impact of the pandemic on children

Home should be a safe place for children

Minister of Mass Media says 25 cases of child abuse reported daily



Let's talk about how we can protect the rights of children during this pandemic

Democratic dialogue, active listening and inclusive citizen participation: creating spaces for inclusive civic participation in times of pandemic and social crisis

The objective of the project is to create spaces for inclusive civic participation during the pandemic and the socio-economic crisis that Sri Lanka is facing and to strengthen democratic institutions, the rule of law, and public accountability. As engaged citizens, we aim to ensure that government responses to the crisis are aligned to principles of constitutionalism and that government by exception will be restricted; misinformation and hate mongering prevented and that social solidarity will be strengthened through the positive engagement of change makers and influencers.

To achieve these objectives, the project has established an informal “civic watch” that analyses the government's rapid responses to health and economic challenges; promotes a public discussion on policy issues, documents fundamental rights violations; provides timely, fact-based information to citizens on emerging issues that impact on democratic values, constitutional principles and fundamental rights. The project also aims to conduct advocacy campaigns to strengthen democracy and the rule of law, as well as to conduct a needs assessment that enable citizens to articulate their needs, anxieties, and aspirations in the post-pandemic context.

This report was written by Milani Salpitikorala, Attorney-at-Law and Founder of Child Protection Force (Guarantee Limited) Sri Lanka, as a contribution towards the project. The Law and Society Trust (LST) appreciates her engagement in this project. The views expressed in the article do not necessarily reflect the views of the Board or the Management of LST.

Cover art by Sangeeth Madurawala

Let's talk about how we can protect the rights of children during this pandemic

Introduction

The rights granted to children by Sri Lankan law and through international conventions have been compromised in many ways due to the Covid-19 pandemic. With the island engulfed by the pandemic, people were restricted to their homes. This, in combination with other challenges such as the loss of jobs and diminished incomes and the inability to access basic resources, have created additional stresses within families. Parents and caregivers vent their frustrations on their children and spouses or partners. Children were stuck at home and during this time they were unable to receive a quality education, meet friends, exercise and play. Many children also experienced a fall in nutrition levels. The home, which should be a haven for families, often became like a stifling prison where abuse was common.

The Covid-19 pandemic had a cruel impact on everyone, and most so to our children. Abuse against children has spiked and surveys state that 76.8% of the respondents experienced verbal abuse, while 7.8% encountered physical and 5.6% sexual violence. Statistics further reveal that 49% of the perpetrators were neighbours, followed by parents who constitute 25% of the abusers, and intimate partners who constitute 24% of the perpetrators.¹ However, child rights activists know that these numbers do not portray the full picture as most cases of family violence go unreported. There are cultural taboos to discussing and reporting on violence within the family and so only the most extreme cases of prolonged violence and abuse may get reported. Thus, data on family violence during the COVID-19 pandemic too is not comprehensive. In addition, the lockdowns made it particularly difficult to access social services.

Who are the children of Sri Lanka?

At the outset it should be noted that the definition of who constitutes as a “child” varies in Sri Lankan law. Under Article 1 of the *Convention on the Rights of the Child* the definition is that “a child means every human being below the age of eighteen years.” Similarly, in the *Sri Lankan Penal Code (Amendment) Act No. 16 of 2006* the word “child” means “person under eighteen”. However, in certain laws a “child” is defined as “a person under the age of fourteen years”. To maintain consistency with both local and

international law; in this chapter the reference to a “child” will mean an individual below eighteen years of age. Throughout this chapter all the rights a child is entitled to and upheld by law will be addressed from this baseline. This will include a child’s rights to protection, shelter, nutrition, education, juvenile justice and more.

Protection and shelter

Under *Article 27(13) of the Constitution of the Democratic Socialist Republic of Sri Lanka* the country has pledged to “*promote with special care the interests 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*”. In addition, legal frameworks such as the Sri Lanka Penal Code and the Convention on the Rights of the Child protect the child's right to safety. This value is a foundational obligation that the country must uphold but it is a right of particular concern during the outbreak of the virus.

A report published by the World Health Organization (WHO) titled “Global status report on preventing violence against children 2020” expressed concerns regarding a spike in calls to helplines regarding cases of child abuse. The report went on further express the view that any decline in the numbers of calls is more likely to be due to a reduction in the ability of 3rd parties such as teachers and social workers being able to identify abuse virtually, as opposed to an actual reduction in the numbers of cases of domestic abuse.

This matter was brought to light by Minister Johnston Fernando’s statement to the parliament in February of 2020 in which he stated that in the first 15 days of the year 2020 there were over 54 cases of child abuse reported.²It is important to note that the number of cases reported is likely to be much lower than the actual number of cases prevalent.

A press release between the United Nations Children’s Fund and National Child Protection Agency (NCPA) in Sri Lanka presented facts that followed the concerns raised by the WHO report.³It stated that between 16 March – 7 April 2020 the number of complaints received to the NCPA helpline 1929, increased by 40%. Of the 292 complaints, 121 related to cruelty to children. As stated before, the real figure of child abuse and that which is reported is likely to be different, even much higher, as children may not be able to report the abuse safely or may even be unable to identify their treatment as abuse and as violations of their rights to safety and protection. This is supported by existing research which shows that child or domestic abuse increases during public health emergencies.⁴As the world locks down to keep safe from the deadly virus, children are being abused in their homes -

the very spaces that are meant to keep them safe, and by the people that are expected to protect them.

Testimony from a Human Resource Manager in a Private Hospital- Colombo (male, age 30, Pelmadulla)

“The daily lifestyles of people have changed dramatically with the pandemic. If we take children who are at school age, they cannot go to school. They now spend most of their time at home, engrossed in on-line education. In one sense, they have more love from their parents and family members. But school-age children need to associate with peer groups. That aspect is completely missing. Sports, aesthetic and many other collective activities are also impossible to conduct. The method of learning on-line is quite different and it has increased pressure among students.”

Children need and deserve special care during this pandemic. It is a time where they do not have access to resources such as their friends, teachers or other trusted members of society that could in ordinary circumstances provide support and protection. The pandemic has resulted in increased levels of fear and insecurity, the loss of livelihoods, it has created an unstable economy, and almost overnight changed the working and living conditions of everyone. However, despite these being probable factors explaining as to why children are being abused at an alarming

rate, it does not amount to a valid excuse. In a time where society must rely on one another for survival, the most vulnerable of our society, children are subjected to the most horrific forms of abuse.

The pandemic has paved the way for an increase in the exploitation and abuse of children. Prevention needs to take precedence and resources are needed to help survivors overcome their trauma. The country is indeed going through unprecedented times with high levels of uncertainty, but a significant amount of attention must be given to protecting and enforcing the rights of children.

Education

Article 27 (2) (h) of the Constitution of the Democratic Socialist Republic of Sri Lanka mentions that one of the objectives of the state is *“the complete eradication of illiteracy and the assurance to all persons of the right to universal and equal access to education at all levels.* Moreover, the country ratified the Convention on the Rights of the Child in 1991 and as per Article 28 of the Convention the child’s right to education is recognized. The law of the country has time and time again recognized the importance of education both as a human right and as a cornerstone obligation of the country.

Testimony from a Self Employed / Daily Wage Worker (Female, age 49, Hiripitiyagama, Anuradhapura)

“My two sons have finished their school education, but my daughter is still in school. Currently, she is in Grade 7. After schools closed due to the pandemic, the main alternative method she had was to follow online education. We faced many difficulties in facilitating that. Because none of us had an Android phone, which is a basic need for online education. No one took care of these difficulties. This is a common issue for most of the people in the village. Teachers are always saying they are doing on-line classes, but no one highlights these difficulties. Actually, this year, my daughter should be in grade 8, but there is still no way for her to complete grade 7. None of the examinations were properly conducted. Furthermore, students in grade 5 who are preparing for scholarship exams, Grade 11 ordinary level exams, and Grade 13 Advanced Level exams face numerous challenges in dealing with these critical educational milestones. Some of them have given up now. Also, some of the teachers do not have proper knowledge of technology”.

The move to on-line education was a natural response to the pandemic. However, this shift is accompanied by its own set of problems relating to accessibility. According to the report, After Access, ICT access and use in Asia and the Global South; in 2019 in Sri Lanka 78% of individuals between the ages of 15-56 owned a mobile phone but only 12% owned a laptop. In addition, only 34% had an internet connection. This was highlighted by the Ceylon Teachers’ Union General Secretary Joseph Stalin, who commented that over 60% of students have not had access to on-line education during the closure of schools. There were images of children having to climb trees, rocks and onto tree houses to connect to the internet and receive their education. There remains a wide digital divide between those who have access to technology and the internet and those who do not have it but need it.

There are also issues regarding the quality of education that children receive at this time. An article published by Development Asia which is an initiative of the Asian Development Bank showed that in 2020 only 4% of teachers utilized platforms such as Zoom and Microsoft Teams whilst 41% opted to use platforms such as WhatsApp and Viber to share notes with the children. This shows the challenges in delivering the same quality of education to all children. Some children receive one-way communications from their teachers and this is not likely to stimulate and motivate young children.

Children’s access to education has been further complicated by the recent strike orchestrated by teachers in government schools. This strike followed the arrest and quarantine of 22 trade unionists who were protesting against the government decision to allow a military academy to conduct higher

education courses. This decision to strike indefinitely and withdraw from online schooling has left more children without access to any form of education.

These disruptions and the difficulty to access basic education may also encourage children not to return to school once schools re-open. Children from families of lower economic status have had to take on jobs to supplement the income or have taken on a role of being caregivers and they are likely to find it more difficult to make the shift back to the routine of going to school. The drop-out rate of children from the school system is likely to rise.

Health and Nutrition

Sri Lanka has always struggled with providing children with good nutrition and Covid-19 has further aggravated this. As per the Demographic and Health Surveys (DHSs) of the Census and Statistics Department, the nutrition status of children under the age of 5 has not improved over the years. The latest available data from 2016 showed that the percentage of underweight children below the age of 5 declined only marginally from 21 per cent in 2006/07 to only 20.5 per cent in 2016. Moreover, 17 per cent of children under age 5 are stunted, 21 per cent are underweight and 15 per cent are thin for their height. As households lose income due to the pandemic and prices rise due to inflation, there is bound to be a further loss in nutrition and this will disproportionately affect poorer communities. Poor nutrition during early childhood will impact the mental and physical development of children.

The closure of schools has exacerbated the nutritional challenges of school children as over 1.1million children will be unable to receive their daily free school meals. Most often this meal is their main sources of nutrition and it was an incentive for marginalized communities to ensure that their children go to school.

Testimony from a Logistic Manager in a Private Company in Colombo (male, age 34, Bandarawela)

“My brothers' sons started school in 2019. Now he is in Grade Two. There are many things they have missed. They don't have practical knowledge. Also, the behaviours of the children have changed in a very negative manner. We should be advanced with technology and many other things. But we must find solutions for the other negative impacts, that would be very important.”

The lack of social interaction with other children combined with the increase in the use of on-line tools have resulted in increased levels of stress, and mental health issues among children. Many

children are experiencing an addiction to technology, spending time on games and not exercising and using their motor skills. Professor Kalinga Silva of the University of Peradeniya referred to this during a webinar, commenting that “Children are now addicted to telephone games. People are under chronic stress.” There is a rapid increase in their use of screen time and this has created its own set of problems.

Conclusion

There are several community measures that have been taken, to mitigate violence against children and women during the COVID-19 pandemic. These include initiatives such as including faith leaders to play a proactive role to mitigate domestic violence.⁵As much as the governments and community’s efforts to mitigate the crippling effects of the pandemic on society should be appreciated, we only see the tip of the iceberg of the problems that children and families are facing at this time. Taking into consideration good examples from countries like New Zealand and Singapore, where strategic plans to prevent and respond to violence against children during the pandemic were developed, Sri Lanka too could do much more to minimize the risk of safety for children.

Sri Lanka too, requires a strategic plan that includes:

- The engagement of multiple sectors (health, education, law enforcement, social workers etc.), that contribute to preparedness and risk mitigation strategies, communication platforms and there are adequate resources allocated for these activities.
- Plan prevention and response programs and services for those affected by violence that will include:
 - Mental health, psychosocial support, and protection services
 - Alcohol and substance use prevention programs, counselling services, and medical treatment including immediate post-rape care services.
- Promotion of paid sick, medical, family leave, and affordable childcare for all essential workers.
- A public information programme on the prevalence of violence and abuse of children during the pandemic and the availability of services to prevent and respond to violence or self-help or peer support groups for survivors of violence.

- The public information must be disseminated via radio, television, online, posters, leaflets notices in grocery shops or pharmacies. The communications must be accessible in all three national languages and in communication forms accessible to the hearing and visually impaired.
- Alert essential service providers in the community such as mail carriers, meter readers, first responders, and food delivery services about signs that indicate violence or abuse and what they should do if help is needed by survivors.
- Law enforcement officers to be trained to identify and reduce risks associated with violence, including harm caused by alcohol, weapons, drug use, and other addictive behaviours.
- Make provisions to allow those seeking help for violence to safely leave the home, even during the lockdown.
- Keep existing helplines functioning or establish new ones including regular phone calls, text messages, chat or missed calls, and the delivery of telemedicine free of charge and ensure that all survivors of violence can access them.
- Establish multi-sectoral collaboration to address violence that includes the criminal justice system, health, social services, and civil society organizations.
- Provide parenting tips to caregivers during lockdowns or quarantine period and encourage self-care, techniques to reduce stress and mental distress, support positive coping strategies, social support, safety planning, and techniques to avoid tobacco, alcohol, or drug usage.

Protecting and enforcing the rights of children, especially during the pandemic, is of paramount importance. It is evident from all of the research and empirical data available and presented, that the negative effects of the pandemic disproportionately affect children from across the social, economic spectrums of society. Whilst the virus itself does not discriminate on who gets infected the distribution of the adverse impact on different communities differs widely.

The Covid-19 pandemic has widened the existing inequalities and vulnerabilities in society. Whilst all children are affected by the pandemic, some groups of children have their basic and most fundamental rights violated and this will impact their life chances in the years to come. Children are Sri Lanka's most valuable resource and more must be done to protect the future generations of Sri Lanka.

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