

# Reporting on Child Abuse

## Handbook for Journalists



National Child Protection Authority

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### ***Hand Book for Journalists***

**National Child Protection Authority**

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**To all Journalists  
who care and support to  
ensure the Child Protection  
in this country.**

## **Chairperson's Message**

The war that tore our nation apart for 30 years is now over. All citizens are enjoying the benefits of peace. While the war was raging, much of the media's attention was naturally directed towards it. However, with the war's end, media attention diverted to other topics. Thus, the issue of child abuse, which had mostly been pushed to the background, resurfaced.

There has been a marked increase in reported cases of child abuse in recent times. The contribution made towards this end by both the "1929 Sri Lanka Child Helpline" and the media have been significant. Media Institutions made great efforts to create public awareness regarding the 1929 Child Helpline from its inception, and I take this opportunity to thank them for their support.

However, several issues have arisen with regard to the reporting of child abuse cases in the media. This is common to both the print and electronic media. Regrettably, certain media, report child abuse cases in ways that might actually encourage more such incidents. I firmly believe that media institutions have a responsibility of not only to report cases of child abuse, but also to create awareness among the public to ensure such incidents aren't repeated. The media also has a responsibility to make efforts at changing public attitudes for the better and foster positive thinking. I believe the media will take bold steps to ensure a change in public

Attitudes so that the peace that was gained at such cost would become more meaningful.

Our aim in publishing this handbook is to obtain the media's support so that we can make child protection an issue that is at the heart of the public's social consciousness. We also aim to encourage the media to adhere to certain accepted standards when reporting cases of child abuse. One important fact that must be stressed repeatedly is that reporting of such cases should be done in a way where the child victim is not subjected to abuse in the public sphere. As such, we hope this handbook will go a long way in helping the media report such cases responsibly. I believe that we all should get together to strive for a safer environment free from all forms of abuse for children that they deserve.

**Anoma Dissanayaka**

Chairperson

National Child Protection Authority

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## **01. Social Protection of the Child**

A child passes through several stages of development on the way towards adulthood and subsequent old age. It is today's child who will grow up to become tomorrow's adult, who will shape the entire society that we live in. Therefore, it is imperative to give a paramount importance to the wellbeing and the development of the child.

The 'family' acts as the smallest unit and go-between that develop the relationship between child and society. Values installed in the child by the family helps define his/her personality. As such, the family unit has a great responsibility towards aiding a child to become an adult full of self-confidence and determination.

The attention and consideration we give our children will aid in developing the social values of the child. An environment full of love and kindness will lead the children to become successful citizens who are both forward in thinking as individuals and considering of others around them. The child will join society as an individual who is courageous, intelligent, and honest by showing patience and trust towards him/her in explaining the truth of matters, and praising them when it is required. By working together for the betterment of the child, the family and society can help the child to become a person who knows who he/she is, what they believe in, what their responsibilities are, and how to go about fulfilling them.

In achieving these goals, the media has an immense responsibility. It is important that children are treated carefully when they're used in the media. This should be done in a way that the values of the child are not compromised. The need for media to work in such a way that the personality and innocence of the child is not subjected to any harm has to be emphasized here.



Personality means the ‘proper combination of mental and physical systems which governs a person’s behavior and mantaility in correct way’ – Golden Olpot – 1969. The child reaches various stages of development during the course of his/her life, and it is necessary to create an environment about them that makes it possible for them to develops as they should with each stage

## **02. Child and the Stages of Development**

Every person undergoes various stages development. These are known s the stages of development. They are:

### **I. Prenatal stage – From conception to birth**

This stage begins from the time where a sperm fertilizes an ovum, leading to the birth and development of an embryo in the mother’s womb.

### **II. Infancy – From Ages 0-02**

After birth, there will be the development of the child’s primary sensations; mainly sight, hearing, taste and smell, language, touch, and pain.

### **III. Early childhood – From Ages 03-05**

It is essential for the child to receive preschool education during this stage as this is the stage where they first begin their wider education.

### **IV. Late childhood – From Ages 06-12**

This is the stage where the child first enters school after completing the preschool education. The child begins to clearly analyses and understand information that he/she obtains clearly. This stage is highly important in the development of the child.

## **V. Adolescent age – From Ages 13-18**

During this stage, children become adolescents and develop secondary sexual characteristics. This is the stage where they start to assert their independence, and there is a tendency towards engaging in rebellious behavior during this stage.

## **VI. Early adulthood – From Ages 19-40**

At this stage, people start to develop relationship based on the characteristics of various others whom they encounter. They begin to use knowledge and skills obtained during the earlier stages of development to their advantage.

## **VII. Middle age – From Ages 41-60**

At this stage, we start to pass down our knowledge and experiences to the younger generation and acts as problem solvers.

## **VIII. Old Age – From Ages 61-80**

This is the latter stage of development, where we reach the twilight of our years. We become both physically and mentally weak.

The love, caring and protection afforded to a child from birth till around two years of age give him/her the confidence to mould a personality that takes all these feelings into account.

When a child reaches around four years of age, he/she reaches the second stage of development. Here, the child becomes confident in acquiring various skills and the value the society places on him/her. If the child grows up in an environment where the value placed on him/her is not addressed properly, there is a possibility that the child could grow up to be fearful and withdrawn.

During the next stage, the child starts interacting with others and begins exhibiting leadership qualities. At this stage, it is important to address children in a way which their physical and psychological development takes centre stage and personalities aren't subjected to harm. Failure to do so might result in them becoming distrustful of society and exhibiting anti-social tendencies.

The following stage is where the child begins the path to a proper education. It is where he/she starts to distinguish what is right from wrong, paving the way to structure their life accordingly.

It's not only the family and school which should take an enormous responsibility towards the moral development of the child; society should also play a vital role in this process of bringing up a happy and healthy child with confidence and dignity. Media also has a responsibility in creating a secure society for children, where they can believe that their personality is developed with positive messages.

### **03. What is Child Abuse?**

'Child abuse' basically means the physical, sexual or emotional maltreatment and neglect of the child. There are four types of child abuse.

#### **1. Physical abuse**

Physical abuse involves physical aggression, directed at a child by an adult where harm is caused to the child's health, existence, development, and dignity. These forms of physical abuse include assault such as hitting, kicking, violent shaking, biting, strangulation, and poisoning.

## **2. Sexual abuse**

Using a child for sexual purpose by an adult or an adolescent, without his or her acceptance is identified as sexual abuse. Forms of child sexual abuse include asking or pressuring a child to engage in sexual activities (regardless of the outcome), exposure the genitals indecently to a child, displaying pornography to a child, contacting sexually with a child, contacting physically with the child's genitals, viewing of the child's genitalia without physical contact, or using a child to produce child pornography.

## **3. Psychological/Emotional abuse**

Having negative conceptions about children, harassing the children verbally and non-verbally can be defined as emotional and psychological abuse. Incapability of providing love and affection that a child hopes in their

Childhood is also considered as emotional abuse where children feel unsafe about themselves which will lead them to an unhappy life

## **4. Neglect**

Child neglect is the failure of a parent or other person with responsibility for the child to provide needed food, clothing, shelter, education, medical care, or supervision to the degree that the child's health, safety, and well-being are threatened with harm. Neglect is also a lack of attention from the people surrounding a child, and the non-provision of the relevant and adequate necessities for the child's survival, which would be a lack of attention, love, and nurture.

## **04. Reporting Child Abuse**

Journalism is not just a profession or an industry. Journalists can be described as a group of unofficial public servers. Newspapers, radio, television, and the internet have created the idea of a global village. The media takes selected events and reports the facts, interprets them, and even provides opinions in some cases. All these can be seen in how the media handles the cases of child abuse. However, it is media's responsibility to be very attentive in such cases as it deals with children who are very tender.

### **What journalists need to consider when reporting on cases of child abuse:**

- Don't reveal the names of victims

In reporting cases of child abuse, there have been occasions where journalists have reported personal details of the victims, such as name, age, village, and school. Such details should never be revealed in cases of child abuse.

- Don't publish photographs or videos of victims

Some media institutions have been guilty of publishing photographs and video are being published or aired, it is the responsibility of the media institution to do so in such a way that the victims cannot be identified.

Ex: If publishing/airing photographs or videos of a child who has been subjected to physical abuse, media can only show the areas of the body that had been subjected to abuse (such as arms or legs)

If the victim is being photographed or videoed, the permission should always be obtained from both the victim and their families or guardians.

Obtain the permission of the child or their families or guardians before using him/her for commercials.

- Report such incidents in a manner that does not encourage sexual perversions and violence.
- Be mindful not to publish false information.

All the facts need to be fully verified when reporting such incidents. During the course of its investigations into certain incidents of this nature, the National Child Protection Authority has found that the media has sometimes published false information relating to a case.

- Do not report speculations relating to cases.
- Do not offend people's sensitivities and violate ethics.

Some journalists have reported such cases in ways that have not only offended sensitivities of the public, but have also crossed ethical boundaries. This must not happen and responsible reporting needs to be practiced.

- The behavior of those reporting on these cases should be respectful to the victims.
- The production of cartoons aiming children should be done in a way which is free from indicating violence.
- The media should not simply report these incidents, but do so in a manner that creates awareness among the public so that such incidents aren't repeated.
- The media has responsibility towards fostering the subject of child protection among people's attitudes through their reporting.
- The child should not be reabused when it comes to the reporting of these cases.
- Journalists should practice in-depth investigative journalism when reporting on such cases.

- Media institutions should make more efforts to produce programmes that are aimed at preventing child abuses in society.
- Journalists should always protect the identity of sources that provide them with information regarding child abuses cases.
- Journalists should be considerate of their social responsibilities when reporting on these incidents.

## **05. How to Report Cases of Child Abuse Correctly**

There have been problems of reporting child abuse cases due to the incorrect manner that some media institutions have used. The following is an example where a child abuse case is reported incorrectly.

### **Female student at Sumangala Vidyalaya in Galle was abused sexually.**

A grade 9 student of Sumangala College in Galle has been subjected to a brutal sexual assault. The victim, identified as Chalani Mekala, is a resident poddala. Her father is said to be a fisherman, while the mother is a housewife. The victim has two sisters, both of whom are also students at the same school. It is reported that a relation of the victim had taken her to a secluded place while she was returning from school and sexually abused her. Investigations have further uncovered that the victim has been abused on more than one occasion by several other persons. The victim is currently being treated at the Karapitiya Teaching Hospital. A suspect has been arrested and Poddala police is conducting further investigations.

### **The same incident could be reported differently, as shown by the following example:**

A suspect has been arrested in the case of the sexual abuse of a 14 year old girl. The suspect is a 45 year old father of four. He is said to be a relation of the victim, and had taken

her to a secluded location after school, where he had sexually abused her. Investigations have shown that the perpetrators of such crimes are usually those known to the victim and their families. Thus, it is the responsibility of both parents and teachers to be aware of child abuse, and to educate children not to be in frequent areas that might be secluded and unsafe. They should also be vigilant about the people their children are associated with. One can also report incidents of child abuse to the 1929 Child Helpline established by the National Child Protection Authority, or lodge a complaint at the nearest police station.

The first example shows a case of child abuse which is reported incorrectly. Sadly, we see this example followed by many media reporters on child abuse cases. The victim's personal details have been revealed to such an extent that she has now been subjected to psychological/emotional abuse in public. This must never occur. The second example shows how responsible reporting should be conducted in such case. In this example, none of the victim's personal details have been revealed to an extent where she can be clearly identified. Further, the report has also created awareness among the public regarding child abuse and what can be done to prevent it.

## **06. The Use of Photographs when Reporting Child Abuse**

Our attention has been drawn to many incidents where the media has published photographs and visuals of victims of child abuse in ways that make it possible to identify who they are. As such, we produce below examples of how photographs and visuals can be published without revealing the identity of the victim.



## 07. Children and Advertising

Advertising is a method used to attract customers to a particular product or institution. There is a fascinating connection between children and advertisements that children have become a centerpiece in many advertisements.

It has been found that television advertisements create the most impact among children. Many academics and critics have expressed fears this could lead the children to become needy and depressed when they don't get the products they wish. There is also the fear that children constantly demanding everything that interest them advertised in the media could lead to tensions within the family. However, the greatest cause of concern is that children may be led to believe that what they see in advertisements depict the 'real world'. When analyzing the impact advertising can have on children, it is important to be mindful of the following facts:

1. How much attention do children give to advertisements?
2. Do advertisements affect the thinking process of children?
3. Can children distinguish the difference between the reality and the world that is created by the advertisements?
4. Do advertisements contribute towards the breakdown of the child's education?
5. Do children try to force their parents to buy certain products that they see in advertisements?

There have been many academic studies conducted regarding these questions. Findings have revealed that children direct their complete attention towards advertisements. Very small children don't understand the difference between these advertisements and the real life. Children learn about things they don't generally know at their age by watching these advertisements. However, as time goes by,

they start to criticize advertisements. Data from researches have shown that advertisements create a high impact among children, and influence them in a bad way.

Overall, advertisements published or shown in this country do not make a positive impact on children. Some advertisements confuse children psychologically. There should be a social dialogue in this regard. It is also imperative that laws ensuring advertisements adhere to certain acceptable standards should be formulated as soon as possible. It will go a long way towards creating a wonderful world for children, where their innocence is safeguarded and are free from abuses of all kind.

## **08. Laws Governing Obscene Publications.**

Any publication that one sees, hears, or reads which is designed to induce depraved sexual behavior is viewed as being an obscene publication. There is a moral censorship when it comes to the use of such publications in the mass media.

In Sri Lanka, cultural and moral sensitivities have induced the public to stand against such publications being used in the mass media.

Also, there are three Acts that come under criminal law preventing the media from publishing such material. The Acts are:

1. Penal Code
2. Obscene Publications Ordinance No. 4 of 1927
3. Children and Young Persons (Harmful Publications) Ordinance No. 48 of 1956

## **01. Penal Code**

Sections 285, 286, and 287 of the Penal Code have listed publishing of obscene material as a criminal offense.

### **i. Sale of Obscene Books**

Whoever sells or distributes, imports, or prints for sale or hire, or willfully exhibits to public view, any obscene book, pamphlets, paper, drawing, painting, photograph, representation, or figure, or attempts or offers to do so, shall be punished with imprisonment, of either description for a term which may extend to three months, or with fine, or with both. (Penal Code – Section 285)

### **ii. Prohibition on having Obscene Publications in one's possession.**

Whoever has any such obscene book or other thing in his possession in mentioned in the last preceding section for the purpose of sale, distribution, or public exhibition, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine, or with both. (Penal Code – Section 286)

### **iii. Prohibition on Obscene Songs**

Whoever sings, recited, utters in or near any public place, any obscene song, ballad, or word to the annoyance of others, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine, or with both. (Penal Code – Section 287)

## **Responsibilities of photographs and films developers**

When the developers of photographs or films find that they have been given indecent or obscene photographs or films of children to be developed at their laboratories/studios, they should immediately inform the police. This can help in both bringing perpetrators to justice and in helping prevent more children from being victimized in this manner.

A law compelling the administrators of such laboratories/Studios to inform police immediately upon finding any such photographs or films was passed in 1998 and included in the Penal Code. This was done by Section 286 (A) introduced through the Penal Code (Amendment) Act No. 29 of 1998.

**“Any person who, being a developer of photographs or films, discovers that any photograph or film given to him for developing is an indecent or obscene photographs or a film of a child, shall, forthwith of on such discovery, inform the officer in charge of the nearest police station that he has in his possession, such photograph or film.”**

### **Restrictions when reporting sexual crimes**

Under Section 365(C) of the Penal Code (Amendment) Act No.22 of 1995, it is an offense to print or publish, the name, or any matter which may make known the identity, of any person against whom a sexual assault or rape had been committed.

Violators are liable to be punished with imprisonment of either description for a term which may extend to two years or with fine or with both.

However, this would not apply in cases where Officer in charge of the police station, or the police officer, makes investigations into such offense, and acting in good faith makes a request to the media to publish certain details.

## **02. Obscene Publications Ordinance**

This Act defined criminal offenses related to obscene publications. It also made attempting to engage in such offenses as a criminal act:

- (a) for purpose of or by way of trade or for distribution or public exhibition to make or produce or have in possession for purpose stated or otherwise, obscene writings, drawings, prints, painting, printed matter, pictures, posters, emblems, photographs, cinematograph films, video cassettes or any other obscene objects;

- (b) for the purposes above mentioned to import, convey, or exported any of the said obscene matters or things, or in any manner whatsoever to put them in to circulation;
- (c) to carry on or take part in a business, whether public or private, concerned with any of the said obscene matters or things, or to deal in the said matters or things in any manner whatsoever, or to distributes them or to exhibits them publicly or to make a business of lending them;
- (d) to advertise or make known by any means whatsoever, in view of assisting in the said punishable circulation or traffic, that a person is engaged in any of the above punishable acts, or to advertise or to make known how or from whom they said obscene mailers or things can be procured either directly or indirectly.

A person found guilty of an offence under this Ordinance shall be liable to be imposed a fine of Rs. 1000 and a term of imprisonment not exceeding three months, or both.

### **03. Children and Young Persons ( Harmful Publications ) Act (No. 48 of 1956)**

This Act was brought in to prevent the publication and circulation of material that might be harmful to children and young persons. The Act defines a ‘child’ as being a person under 12 years of age, while a person under 16 years is defined as a ‘young person’. The Act defines ‘Harmful Publications’ as,

- (a) the commission of any crime, or
- (b) any act of violence or cruelty, or
- (c) any incident of a repulsive or horrible nature, in such a way that such book, magazine or other publication would tend to corrupt a child or young person into whose hands it might fall.

Accordingly, any person who –

- a) Prints, publishes, sells or lets on hire any publication to which this Act applies, or
- (b) Has in his possession any such publication for the purpose of selling it or letting it on hire, shall be guilty of an offence.

## **09. Laws and Acts Related to the Media**

01. Obscene Publications Act  
Obscene Publications Ordinance No.4 of 1927  
(Amendment) Act No. 23 of 1953
02. National Film Corporation Act  
Act No.47 of 1971  
(Amendment) Act No.4 of 1980  
Extraordinary Gazette Notification No.590/4, dated  
26/04/1989
03. Department of National Archives  
Act No.48 of 1973  
Act No.05 of 1976
04. Penal Code  
Chapter XIV 1956 Amendment  
(Amendment) Act No.06 of 1968  
(Amendment) Act No.50 of 1980
05. Wages Boards Ordinance  
Remuneration of Journalists  
Extraordinary Gazette Notification No.247/6 dated  
1983.06.02  
Extraordinary Gazette Notification No.376/2 dated  
16.09.1985  
Extraordinary Gazette Notification No.411/19 dated

25.07.1986

Extraordinary Gazette Notification No.605/3 dated  
14.04.1990

Extraordinary Gazette Notification No.655/13 dated  
27.03.1991

06. Parliament (Powers and Privileges) Act  
Chapter 383 (No.21 of 1953)  
1956 Amendment
07. Newspapers Ordinance  
No.18 of 1951  
No.05 of 1989  
(Amendment) Act No. 05 of 1976  
(Amendment) Act No. 25 of 1983
08. Public Performance Board Act  
Act No.23 of 1951  
Amendment 1953  
Act No.07 of 1912  
Act No.07 of 1919  
(Amendment) Act No. 40 of 1961  
(Amendment) Act No. 26 of 1964  
(Amendment) Act No. 11 of 1969  
Subsidiary Legislation of 1978  
(Subsidiary Legislation under the Rectified 1956  
Public Performances Ordinance)
09. Intellectual Property Act  
Act No. 52 of 1979  
Act No. 30 of 1980  
(Amendment) Act No. 03 of 1983  
(Amendment) Act No. 17 of 1990  
Extraordinary Gazette Notification No.60/20 dated  
31.10.1979

10. Public Security Ordinance  
Chapter 40: 1956 Amendment  
(Extraordinary Gazette Notification 16) No. 377 dated  
17.03.1993
  
11. Printing Presses Ordinance  
Chapter 178 of Act No. 16 of 1902  
Act No.26 of 1951  
Act No.22 of 1955  
1956 Amendment  
(Amendment) Act No. 48 of 1973  
(Amendment) Act No. 30 of 1981  
(Amendment) Act No. 26 of 1976  
Subsidiary Legislation No. 178 (1956 Printing Presses  
Ordinance
  
12. Printers and Publishers Ordinance  
1956 Amendment  
No. 01 of 1885  
(Registration Act) No.28 of 1951  
Act No. 48 of 1973  
Act No. 06 of 1976  
Act No. 17 of 1983
  
13. State Printing Corporation Act  
Act No. 24 of 1968  
Act No. 24 of 1978
  
14. Associated Newspapers of Ceylon Ltd (Special  
Provisions) Law  
Act No. 28 of 1973  
Act No. 23 of 1974  
Extraordinary Gazette Notification No.118/6 dated  
10.12.1980  
Extraordinary Gazette Notification No.175/7 dated  
13.01.1982



15. Entertainment Tax Ordinance  
Chapter 267  
1956 Amendment: Act No.12 of 1946  
Act No.43 of 1947  
Act No.02 of 1952
16. The Constitution of the Democratic Socialist Republic  
of Sri Lanka  
1972/1978
17. Sri Lanka Rupavahini Corporation Act  
Act No.06 of 1982  
(Amendment) Act No.43 of 1988  
Extraordinary Gazette Notification No.263/24 dated  
23.09.1983  
Extraordinary Gazette Notification No. 646/10 dated  
22.01.1991
18. Sri Lanka Broadcasting Corporation Act  
Act No.37 of 1966  
(Amendment) Act No.05 of 1974  
(Amendment) Act No.11 of 1977  
(Amendment) Act No.48 of 1988  
Extraordinary Gazette Notification No.636/5 dated  
14.11.1990
19. Sri Lanka Press Council Act  
Act No.05 of 1973

## **10. The United Nations Convention on Child Rights**

The United Nations Convention on the Rights of the child is a universally acknowledged document that defines the rights of children.

While the Convention has been ratified by governments of nations, it is accepted that the citizens of those nations adhere strictly to the Convention when it comes to the treatment of children.

Below is an abridged version of the Articles listed in the Convention.

### **Article 1 – The Definition of ‘Child’**

For the purpose of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.

### **Article 2 – Non-Discrimination**

State Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child’s or his or her parent’s or legal guardian’s race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

### **Article 3 – Ensuring the Best Interests of the Child**

In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

#### **Article 4 – Implementation**

States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention.

#### **Article 5 – Parental Guidance and Child Development**

States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention.

#### **Article 6 – Survival and Development**

States Parties recognize that every child has the inherent right to life. States Parties shall ensure to the maximum extent possible for the survival and development of the child.

#### **Article 7 – Name and Nationality**

The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents.

States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.

## **Article 8 – Identity Protection**

States Parties undertaken to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.

Where a child is illegally deprived of some or all of the elements of his or her identity, states Parties shall provide appropriate assistance and protection, with a view to reestablishing speedily his or her identity.

## **Article 9 – Separation from Parents**

Sates Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child.

States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests.

## **Article 10 – Reunification as a Family**

Applications by a child or his or her parents to enter or leave a State Party for the purpose of family reunification shall be dealt with by States Parties in a positive, humane and expeditious manner. States Parties shall further ensure that the submission of such a request shall entail no adverse consequences for the applicants and for the members of their family.

A child whose parents reside in different States shall have the right to maintain on a regular basis, save in exceptional circumstances personal relations and direct contacts with both parents.

## **Article 11 – Illicit Transfer and Non-Return**

States Parties shall take measures to combat the illicit transfer and non-return of children abroad.

To this end, States Parties shall promote the conclusion of bilateral or multilateral agreements or accession to existing agreements.

## **Article 12 – Views of the Child**

State Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

## **Article 13 – Freedom of Expression**

The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.

## **Article 14 – Freedom of thought, Conscience and Religion**

States Parties shall respect the right of the child to freedom of thought, conscience and religion.

State Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are

prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms or others.

### **Article 15 – Freedom of Association and Peaceful Assembly**

States Parties recognize the rights of the child to freedom of association and to freedom of peaceful assembly.

### **Article 16 – The Right to Privacy**

No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, or correspondence, nor to unlawful attacks on his or her honour and reputation.

The child has the right to the protection of the law against such interference or attacks.

### **Article 17 – Access to Information**

States parties recognize the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health.

### **Article 18 – Responsibilities of Parents**

States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child.

### **Article 19 – Protection from Abuse and Neglect**

States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or

exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

### **Article 20 – Special Protection and Assistance**

A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State. When considering solutions, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background.

### **Article 21 – Adoption**

States Parties that recognize and/or permit the system of adoption shall ensure that the best interests of the child shall be the paramount consideration.

### **Article 22 – Children Seeking Refuge Status**

States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties.

### **Article 23 – Physically Disabled Children**

States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community.

States Parties recognize the right of the disabled child to special care and shall encourage and ensure the extension, subject to available resources, to the eligible child and those responsible for this or her care, of assistance for which application is made and which is appropriate to the child's condition and to the circumstances of the parents or others caring for the child.

### **Article 24 – Health and Health Services**

States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.

### **Article 25 – Supervision of Children Placed Under Care**

States Parties recognize the right of a child who has been placed by the competent authorities for the purposes of care, protection or treatment of his or her physically or mental health, to a periodic review of the treatment provided to the child and all other circumstances relevant to his or her placement.

### **Article 26 – Social Security**

States Parties shall recognize for every child the right to benefit from social security, including social insurance, and shall take the necessary measures to achieve the full realization of his right in accordance with their national law.



## **Article 27 – Standard of Living**

States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.

The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development.

States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right.

## **Article 28 - Education**

States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular, make primary education compulsory and available free to all.

## **Article 29 – Objectives of Education**

States Parties agree that the education of the child shall be directed to:

The development of the child's personality, talents and mental and physical abilities to their fullest potential;

The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;

The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;

The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;

The development of respect for the natural environment.

### **Article 30 – Children of Minorities**

In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practices his or her own religion, or to use his or her own language.

### **Article 31 – Play, Leisure, and Cultural Activities**

States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.

### **Article 32 – Children and Work**

States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, Sates Parties shall in particular:

- (a) Provide for a minimum age or minimum ages for admission to employment;
- (b) Provide for appropriate regulation of the hours and conditions of employment;
- (c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article;

### **Article 33 – Illicit Drugs**

States Parties shall take all appropriate measures, to protect children from the illicit use of narcotic drugs and psychotropic substances as defined in the relevant international treaties, and to prevent the use of children in the illicit production and trafficking of such substances.

### **Article 34 – Sexual Abuse**

States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

- (a) The inducement or coercion of a child to engage in any unlawful sexual activity;
- (b) The exploitative use of children in prostitution or other unlawful sexual practices;
- (c) The exploitative use of children in pornographic performances and materials.

### **Article 35 – Abduction and Trafficking**

States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or any form.

### **Article 36 – Other Forms of Exploitation**

States Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare.

### **Article 37 – Torture and Imprisonment**

States Parties shall ensure that:

- (a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of ages;
- (b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;
- (c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age;
- (d) Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.

### **Article 38 – Armed Conflicts**

States Parties undertaken to respect and to ensure respect for rules of international humanitarian law applicable to the in armed conflicts which are relevant to the child.

States Parties shall take all feasible measures to ensure that persons who have not attained the age of eighteen years do not take a direct part in hostilities.

### **Article 39 – Social Reintegration**

States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts.

## **Article 40 – Children and the Law**

States Parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society.

## **Article 41 – Safeguarding More Conducive Provisions**

Nothing in the present Convention shall affect any provisions which are more conducive to the realization of the rights of the child and which may be contained in:

- (a) The law of a State party; or
- (b) International law in force for that State.

## **Article 42 – 54**

The Convention contains 54 articles in total. Articles 42 – 45 explain the responsibilities of States Parties in reporting to the United Nations on the implementation of the Convention within their borders. Articles 46 – 54 explain what steps States Parties need to take in order to ratify the Convention.

The Sri Lanka Government became a Party to the Convention and ratified it in 1991. The United Nations Convention on the Rights of the Child defines the rights that every child around the world is entitled to. It also stresses that it is the responsibility of adults and State Parties to affirm these rights. While noting that the child is accorded all the above rights, it also emphasizes the responsibilities of the child in relation to those rights.