

## Leading Articles

# Some reflections on child abuse in Sri Lanka

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Although child abuse is often denied in the Indian sub-continent, probably one of the oldest recorded histories of child abuse more than 2500 years ago was from the Buddhist story of a boy called Sopaka. Buddha came to his rescue and preached to the child, one of the earliest instances of counselling. The Buddhist scriptures also record the story of Mattakundali, who was severely neglected by a miserly father.

### Physical abuse

Like all countries, Sri Lanka went through a phase of denial and 'acceptance of child abuse as a norm'. '*Ganadevi hella*' an 18th century verse reads as follows:

*Canes, eckles, gripped in hand, used as  
My eyes are always filled with tears while in  
class  
Although I hear the soft and loving voices of  
my parents  
My body is full of red lumps and bumps.*

This verse as well as the collection from which it was taken justifies severe corporal punishment for the sake of 'discipline' and 'education'. Doctors often do not consider a child's injuries caused by parents or teachers to be 'child abuse'.

### Sexual abuse and exploitation

In 1949, a tailor by the name of L L Jayawardene was sentenced to death by hanging, by the trial judge of the court of Kandy, Ceylon, for the murder of a 14 year-old schoolboy by an electrically detonated parcel bomb<sup>1</sup>. Jayawardene was a paedophile who lured schoolboys to sex traps in his 'fitting room', using rides on his red 'James' motorcycle to attract the kids.

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During the 40's, 'paedophilia' and child abuse were not recognised terms, and such conduct was comprehended as 'homosexuality'. In this type of situation the child was often considered a participant in the crime rather than a victim. The use of young schoolboys by teachers, school cadet masters, sports coaches, and older boys was and is no secret in schools. It was not often discussed in the open and was considered a 'norm' by many.

### Sexual exploitation of children by tourists

With the explosion of tourism in the 70's and 80's, foreigners came in increasing numbers to our "tourist paradise", some for child sex.

Early reports documenting the abuse were prepared by non-governmental organisations (NGOs) or sociologists. These reports were often presented at NGO meetings but were not well documented. In addition there were no reports in the medical literature.

International magazines such as "Spartacus International Gay Guide"<sup>2</sup>, produced in the Netherlands and Germany, achieved particular notoriety for promoting certain countries such as Sri Lanka, Philippines and Thailand for homosexual tourism. Tim Bond<sup>3</sup> published a well-documented report, which identified Sri Lanka as second only to the Philippines as a source for 'cheap child sex'. This report highlighted the demand for boys, starting as young as 8 years.

### Neglect

Mirando (1965/66)<sup>4</sup>, reported a case of severe neglect. However, at that time, neglect was attributed to 'poverty' and 'ignorance' and was not recognised as a form of child abuse by the medical profession. The first published cases of physical abuse in Sri Lanka appeared in the latter half of the 80's<sup>5,6</sup>, followed by a few other case reports this decade<sup>7,8,9</sup>. During this period, doctors who recognised child abuse were faced with a management dilemma because the

infrastructure and procedure did not exist to accommodate action in cases of child abuse<sup>10</sup>.

### **Child labour in Sri Lanka**

Child labour is now increasingly recognised as a form of child abuse. Industrial exploitation of children is not a problem in Sri Lanka as compared to other countries in the region. However, domestic employment of children is a major problem, and many a Sri Lankan is guilty of having had child servants. With the recent trend of poor women seeking employment in the Middle East as housemaids, the demand for high wages, and the problem of feeding an adult, the local population finds it difficult to recruit household help. This probably has contributed to an increase in domestic employment of children, who are paid low salaries if any, and who demand less in terms of food and basic human rights. Most of these children are physically abused in addition to being forced to perform hard physical labour. They are prone to sexual abuse and almost always emotionally abused through denigration. In addition, many of these children are deprived of schooling and nutrition as well. A study we conducted of almost 700 households in urban areas in the South indicates that 1 in 12 houses had a child servant, and 1/3rd of the domestic labour force consisted of children<sup>11</sup>. This is a bigger problem in the tea estate areas where children comprise as much as 44% of the domestic labour force. Professionals, including doctors, businessmen and landowners were the main perpetrators. A follow-up study showed that most of these children are from tea estate labourer families, who migrate from estate to estate, rather than those in estates with proper facilities<sup>11</sup>. In order to solve this problem the broader primary issues of economic problems have to be addressed. Action is now being taken to change the women and children's employment act, to strengthen the law in order to deter employers.

### **Conscription of children in armed conflict; is it child abuse?**

The public and the media, both local and foreign may not always interpret armed conflict as detrimental to a child's proper development and they may consider the children as heroes or martyrs<sup>12</sup>.

### **Conscripting children is abuse**

Given the public's tendency to view these child soldiers as "heroes", it may be difficult for many to recognize the abusive effects of conscription. However, considering the different aspects of

emotional abuse, a conscripted child would face the following: conscription "corrupts" a child by making him engage in violent, destructive and anti-social behaviour, such as killing and destruction of property, thus making him unfit for normal social experience. Conscription "terrorizes" a child with verbal assaults, bullying, blackmail and death threats, all in the name of 'discipline'. Conscription isolates a child from the normal social experience and ignores his emotional and developmental needs by removing him from normal family life and schooling. Any of these circumstances would adversely affect the child's right to unhindered growth and identity as a child.

Moreover, conscription may lead children to commit suicide, an act of self-destruction that cannot be fully comprehended. Traditionally, all conscripts, irrespective of age, at all times wear cyanide capsules which they are trained to bite on during "suicide missions" or if they are captured<sup>12</sup>. The prominent place given to martyrs and the oath taken by the child soldier in which he vows to sacrifice his life are likely contributing factors to this phenomenon. Indoctrinating and convincing a child to commit suicide for any cause should constitute both emotional abuse and intentional poisoning. These findings lead to a new definition of child abuse. "When an adult persuades a child to commit suicide - an act the child cannot comprehend - for personal, social, economic, or political reasons that the child cannot understand, that persuasion constitutes a form of child abuse that may be called 'suicide by proxy'"<sup>13</sup>.

Conscription itself - the involvement of dependent, developmentally immature children and adolescents in an armed conflict that they do not truly comprehend, to which they are unable to give consent, and which adversely affects the child's right to unhindered growth and identity as a child - should also be viewed as a form of child abuse<sup>13</sup>. Defining conscription as a form of child abuse does not require a great feat of imagination, as many of the traditional elements of child abuse are already contained within it<sup>13</sup>. Severe physical punishment in the name of discipline clearly constitutes physical abuse. Getting a child to perform guard duty, involving the child in military operations, making the child manufacture bombs and set sea mines increases the likelihood that the child will suffer serious injury or death and subjects the child to intense psychological and emotional pressure. The exploitation of child labour is yet another form of abuse.

## Presidential Task Force on Child Protection

In December 1996 H.E. the President appointed a task force on child protection. The task force recommended several legal amendments including the establishment of a National Child Protection Authority (NCPA) 1998<sup>14</sup>.

One of the most important recommendations of the Presidential Task Force on Child Protection was the establishment of a NCPA.

The composition of the NCPA includes paediatricians, forensic pathologists, psychiatrists, psychologists, a senior police officer, a senior lawyer from the Attorney General's department and 5 other members associated with child protection efforts including members from NGO'S. Ex-officio members would consist of the Commissioners of Labour and probation and child care services, and the chairman of the monitoring committee of the CRC (Convention of the Rights of the Child). Another panel of ex-officio members would include senior officers from the Ministries of Justice, Education, Defence, Health, Social Services, Provincial Councils, Women's Affairs, Labour, Tourism and Media. The presence of high ranking officials also facilitates the co-ordination mechanisms of action suggested at the NCPA meetings.

## The present status in Sri Lanka

Recent studies have revealed that there is a sharp rise in the reports and prosecutions in child abuse in the Southern Province. However, the legal system is still not accountable to the recent changes in the law<sup>15</sup>. Increased prosecutions especially of foreigners, both in Sri Lanka and abroad, has probably led to caution by the international paedophile 'rings', which is reflected by in the Spartacus magazine<sup>2</sup>.

## Functions of the NCPA

NCPA, appointed in June 1999, is in the process of setting up the infrastructure. In the meantime strategies adopted fall into 4 broad overlapping areas.

1. Awareness creation aimed at the general public, children, and relevant professionals.
2. Development of skills in relevant professionals in dealing with child abuse.
3. Protection and rehabilitation of victims.
4. Legal reforms and monitoring of enforcement.

Ten District Child Protection Committees have been set up recently. The regional paediatricians are expected to work as a team with the District committees to deal with the community aspects of child abuse. The NCPA is also preparing a new medico-legal examination form (MLEF) for documenting child abuse, since at present only adult forms are used. The new MLEF would also have a feedback to the NCPA with 'tear off slips' for both the judicial medical officer and the police. It is important for the paediatricians and medical officers to recognize and report suspected abuse, and according to the proposed MLEF it would be mandatory to report child abuse (a penal code offence) to the paediatrician as well as the judicial medical officer (JMO). Video evidence is now admissible in courts; recordings are now done at the NCPA.

With increased awareness and recognition, there appears to be an 'epidemic' of child abuse, since the media have started to report these cases often with sensationalism. With the 'surfacing of the iceberg' phenomenon, child abuse is often interpreted as a new occurrence.

## References

1. Alles A C. The Kadugannawa Postal Bomb Murder Case. Famous criminal cases of Sri Lanka. Published by Mervyn Mendis, the Colombo Apothecaries Co. Ltd. Colombo 1962:89-116.
2. Spartacus - Magazine 95/96, The International Gay Guide. 24th Edition, Ed. Bruno Gmunder Verlag.
3. Bond Tim, (1980). Boy prostitution in Sri Lanka, Report published by Terres des Zommes - Lausanne.
4. Mirando E H. The Neglected Child. *Ceylon Journal of Child Health* 1965-66; 3-12.
5. Fernando R, Soysa P E, Nanayakkara J C. Non-Accidental Injury to Children - Report of a Fatal Case in Sri Lanka. *Ceylon Medical Journal* 1987; **31**:193-6.
6. Chandrasiri N, Lamabadusuriya S, de Silva D G Harendra. Non-accidental injuries to children in Sri Lanka. *Medicine, Science, and the Law* 1988; **28**:123-6.

7. Mahendrarajah V, Rajagopalan L, Wickremasinghe N. Child abuse as seen in the North Colombo Teaching Hospital. *Ceylon Journal of Child Health* 1993; **22**: 25-6.
8. de Silva Stella G. Child Abuse, Editorial, *Ceylon Journal of Child Health* 1993; **22**:1-2.
9. Fernando A D, de Silva D G Harendra. Child abuse: time for action. *Ceylon Medical Journal* 1996; **41**: 121.
10. de Silva D G Harendra (1996). Child abuse. The gravity of the problem and dilemmas in management in Sri Lanka. Published by UNICEF-Sri Lanka.
11. De Silva D G Harendra. Child Abuse in Sri Lanka. C.C. de Silva Memorial Oration 1997. *Ceylon Journal of Child Health* 1997; **26**: 20-8.
12. BBC, Inside Story 1991, Editor - David Elliot, Production Stephen Lambert, Executive producer - Paul Hamann.
13. de Silva D G Harendra, Jayawardena P, Rajeendrajith S, Gunarathna AMSW, Mahendrajith WSPL. Conscription in Armed Conflict; is it Martyrdom or Child Abuse? *Journal of Paediatrics and Child Health* 1997; **33**: 564 (Abstract No - 255).
14. National Child Protection Authority (NCPA) November 14th 1998. Act No. 50 of Sri Lanka.
15. de Silva D G Harendra, Chandrasiri N, Sandya Kumari L, Premaratne Evanthe W, Prasantha Kumara U G P (August 1998). Child Abuse: Annual Sessions of The Galle Medical Association, How Accountable is the Legal System? Galle, Sri Lanka.

