



SEXUAL EXPLOITATION OF BOYS



SRI LANKA REPORT

November, 2021

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The views expressed herein are solely those of ECPAT International. Support does not constitute endorsement of the opinions expressed.

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Cover illustrations:

The illustrations on the cover of this report depict environments and situations relevant to the sexual exploitation of boys in Sri Lanka. From top to bottom: There is a culture of silence and shame around the sexual exploitation of boys in Sri Lanka; sexual violence occurs in school contexts for both girls and boys; sexual exploitation of boys is known to occur in the context of travel and tourism.

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BACKGROUND AND RATIONALE

Violence against children, including child sexual exploitation and abuse (CSEA), is estimated to affect millions of children worldwide and no country or region is immune.¹ It has the potential to impact upon children in all socio-economic groups, of all educational levels, and across all ethnic and cultural groups.² While data about sexual exploitation of all children is generally lacking, this is even more so when looking at boys specifically. For example, in the rare cases that countries collect prevalence data on sexual exploitation and abuse of children, samples are often limited to adolescent girls, obscuring any understanding of the unique experiences and vulnerabilities of boys.³ In recent years, there has been an increasing awareness of the gap in the global understanding of how boys are impacted by sexual exploitation,⁴ and the limited evidence available suggests that in certain contexts, boys are just as heavily impacted as girls, and in some contexts, maybe even more.⁵ Boys – regardless of whether they are heterosexual or of diverse sexual orientation – may also face legal consequences in countries where homosexuality is criminalised, as is the case in Sri Lanka, if they disclose that they were victimised by an offender of the same sex.

The influence of gender norms around masculinity and femininity are important to consider in understanding child sexual exploitation and abuse, and we can observe that what is attributed to one gender, is often denied to others. These norms typically hold that males are strong and invulnerable, less likely to be victimised and seriously affected, and more resilient - while females are considered vulnerable, more often abused, more significantly affected and in need of support. Such beliefs often hamper equitable and necessary discourse on the sexual exploitation

of children of all genders, but especially for boys where the development of policies, practices, advocacy, and research methodologies about the sexual exploitation of children regularly underrepresents, or even completely excludes boys. *“While many vulnerability factors for sexual exploitation and abuse are common to all genders, boys’ access to support is unquestioningly conditioned by gender norms, constraining their help-seeking behaviour and their ability to seek care.”*⁶

While these circumstances should by no means detract attention from continued research, advocacy, and support for girls subjected to sexual exploitation, there is a clear need for greater advocacy, understanding and a higher quality evidence-base on the sexual exploitation of children of *all* genders, to better inform all work to prevent and respond appropriately to their needs.

A Global Boys’ Initiative

As the programmatic responses to identify and meet the needs of boys are scarce, ECPAT International launched the **Global Boys’ Initiative** to explore the sexual exploitation of boys, activating our worldwide network of member organisations in a range of research and response activities focused on boys. To meet the initial challenge of such limited data, in 2020-21, the Global Boys’ Initiative embarked on a series of research projects in ten countries around the world, to shed light on understanding sexual exploitation involving boys, what factors lead to their vulnerability and increased risk, and what their needs are in terms of prevention, protection and support services. Much of this initial research

1. Office of the Special Representative of the Secretary General on Violence Against Children. (2019, July). [Keeping the Promise: Ending Violence against Children by 2030](#). New York: United Nations.
2. ECPAT International. (2020). [Summary Paper: Sexual Exploitation of Children in Travel and Tourism](#). ECPAT International: Bangkok. 4.
3. The Economist Intelligence Unit. (2018). [Methodology Paper Out of the Shadows: Shining light on the response to child sexual abuse and exploitation – a 40-country benchmarking index](#). London: The Economist Intelligence Unit. 3.
4. Josenhans, V., Kavenagh, M., Smith, S., & Wekerle, C. (2020). [Gender, Rights and Responsibilities: The need for a global analysis of the sexual exploitation of boys](#). Child Abuse and Neglect 110 (1).
5. Davis J and Miles, G. (2015). “They didn’t help me: They shamed me.” A Baseline Study on the Vulnerabilities of Street-Involved Boys to Sexual Exploitation in Manila, Philippines. Manila: Love 146.
6. Josenhans, V., Kavenagh, M., Smith, S., & Wekerle, C. (2020). [Gender, Rights and Responsibilities: The need for a global analysis of the sexual exploitation of boys](#). Child Abuse and Neglect 110 (1).

phase was generously funded by SIDA, which allowed primary research to be conducted through partnerships between the ECPAT International secretariat and national ECPAT member organisations.

This report

The organisation Protecting Environment and Children Everywhere, also known as PEaCE and operating as ECPAT Sri Lanka (hereafter referred to as ECPAT Sri Lanka), has been at the forefront of actions to prevent and respond to sexual exploitation of children in Sri Lanka since 1991 and was a founding member of the global ECPAT International network. ECPAT Sri Lanka and ECPAT International partnered for a ground-breaking research project into the sexual exploitation of boys in Sri Lanka during 2021, with results captured in this report.

The project in Sri Lanka included the following activities:

- A survey of frontline social support workers from a range of services in Sri Lanka, most likely to have contact with boys who have experienced sexual exploitation or abuse.
- An analysis of Sri Lanka's legal framework that protects children from sexual exploitation, with a focus on boys.

The findings captured in this report are intended to identify existing strengths, areas for improvement, and inform legal and service developments to ensure that they are gender-sensitive and accessible for children of all genders. It is hoped that the findings will also contribute to breaking down the stigma and taboos surrounding boys' experiences of sexual exploitation and abuse in Sri Lanka. Clear, actionable recommendations that are driven by the evidence, are also provided.

COUNTRY CONTEXT

Sri Lanka is situated in South Asia, with a population of just over 21 million people, six million of which are children under the age of 18.⁷ While recent, focused research on the sexual exploitation and abuse of boys within Sri Lanka is limited, several factors have been identified as having a potential influence on the sexual exploitation of boys in the country. These include the erosion of family protective systems, the need for income, and the influence of friends, while drug misuse is considered significant in keeping boys in sexually exploitative situations.⁸ It is widely acknowledged that poverty⁹ increases vulnerability to sexual exploitation of children, and in 2020, UNICEF reported that 36% of Sri Lankan children live below the international poverty line – (LKR 278 (US\$ 1.40) per day in Sri Lanka), while 74% live on less than LKR 506 (US\$ 2.54) per day.¹⁰

Research indicates that sexual abuse of boys in Sri Lanka is evident, with male relatives and those in positions of authority commonly named as offenders.¹¹ Sri Lankan boys have also been identified as victims of sexual exploitation and abuse in children's homes, religious establishments, and schools,¹² where they may be also forced into sexual acts with superiors as part of the "ragging" process - the verbal, physical or emotional abuse of newcomers to educational institutions. The same study also noted that 27.7% of its male respondents and 3% of females disclosed experiencing sexual abuse in childhood.¹³ Numerous allegations of sexual violence have also been made by women, men

and boys against members of the Sri Lankan security forces, during and after the civil war which lasted from 1983 to 2009.^{14, 15, 16} While the focus of this study is primarily to explore the sexual exploitation and abuse of boys, it takes place within the context of, and under the shadow of that conflict and the legacy of sexual violence perpetrated against men and boys within conflict may have far-ranging repercussions.

Deep-rooted gender norms define what are acceptable expressions of masculinity in Sri Lanka. These norms can be used by some people to justify discrimination and in some cases, sexual violence against individuals who don't fit the usual norms. People with diverse sexual orientation and gender expression are often seen as different to these norms and are targeted because of this. This includes lesbian, gay, bisexual, transgender, and intersex people (referred throughout the report as 'diverse sexual orientation, gender identity and expression': diverse SOGIE).¹⁷ Pressure to conform to accepted gender roles is common for both boys and girls, and discrimination based on sexuality is prevalent and takes place in a wide variety of settings including in schools, communities, universities, the workplace and at home.

Tourism has increased in Sri Lanka since the civil war ended in 2009.¹⁸ Sexual exploitation of children in this context is a known issue in the country, which research also suggests disproportionately affects boys.¹⁹ In 2017, the Sri Lankan government acknowledged the sexual

-
7. UNICEF. (2021). *State of the World's Children 2021*. UNICEF, New York. 190.
 8. Frederick, J. (2010). *Sexual Abuse and Exploitation of Boys in South Asia: A Review of Research Findings, Legislation, Policy and Programme Responses*. UNICEF Innocenti Working Papers. 127-129.
 9. ECPAT International. (2016). *Power, Impunity and Anonymity*. 43.
 10. UNICEF. (2020). *Investing in the future: A Universal Benefit for Sri Lanka's Children*. 3.
 11. *Ibid.*
 12. CARE International Sri Lanka. (2013). *Broadening Gender: Why masculinities matter: Attitudes, practices and gender-based violence in four districts in Sri Lanka*. CARE/Partners for Prevention.
 13. *Ibid.*
 14. Human Rights Watch. (2013). "We Will Teach You a Lesson" Sexual Violence against Tamils by Sri Lankan Security Forces.
 15. UCLA/All Survivors Project. (2017). *Legacies and Lessons Sexual violence against men and boys in Sri Lanka and Bosnia & Herzegovina*. 17.
 16. Touquet, H. (2018). *Unsilenced: Male Survivors Speak of Conflict Related Sexual Violence in Sri Lanka*. International Truth and Justice Project.
 17. CARE International Sri Lanka. (2013). *Broadening Gender: Why masculinities matter: Attitudes, practices and gender-based violence in four districts in Sri Lanka*. CARE/Partners for Prevention.
 18. See: Sri Lanka Tourism Development Authority: *Annual Statistical Report 2019*. 13.
 19. Frederick, J. (2010). *Sexual Abuse and Exploitation of Boys in South Asia: A Review of Research Findings, Legislation, Policy and Programme Responses*. UNICEF Innocenti Working Papers. 127-129.

exploitation of boys in the context of travel and tourism as a prevalent issue, by listing it as one of the worst forms of child labour in its Policy on Elimination of Child Labour.²⁰ Research has also suggested that a characteristic of child sexual exploitation in Sri Lanka is that organised crime groups target boys more than girls for the purpose of sexual exploitation.²¹

Boys and young men in Sri Lanka have been shown to be exploited in popular tourist areas, and in these settings, are sometimes referred to as “beach boys,”²² with some boys under 18 exploited by both male²³ and female²⁴ offenders. While these circumstances are sometimes portrayed in terms of the boys actively initiating relationships with tourists,²⁵ this is a misdirection, as children are never responsible and cannot ‘give permission’ to be exploited by adults. In addition, pressure brought on by poverty, or even exerted by facilitators coerces boys into such survival sex.²⁶ It is important to note that regardless of a child’s [perceived] active engagement, when the parties involved include adults obtaining sex from children, this is clearly child sexual exploitation.²⁷

In 2019, the UN Committee on the Rights of the Child expressed concern about reported cases of boys being sold for sexual purposes by their families, an issue raised by ECPAT Sri Lanka during expert discussions.²⁸ The 2021 Trafficking In Persons report also presents instances of boys recruited by traffickers for the purposes of sexual exploitation who then force boys into prostitution, including at annual festivals.²⁹

GENDER NORMS AND A CULTURE OF SILENCE

Underpinning the sexual exploitation of boys in Sri Lanka is a culture of shame and stigmatisation towards survivors.³⁰ In schools, families of boys who have been victims of sexual exploitation and abuse are advised not to report to authorities due to the ostracization that boys will then face.³¹ In Sri Lanka, protecting family honour and social respectability are very important, and gender norms relating to masculinity, where boys are supposed to be stoic, brave and able to deal with their own problems are also common. In other situations, the sexual exploitation of boys may be ignored, and families may be reluctant to report because of shame, lack of willingness to engage in the criminal justice process, or pressure from others to ignore the offence, including influential people.³² Because high value is placed on girls remaining virgins until they are married, the sexual exploitation of girls is considered serious, but because this same value does not apply to boys’ virginity, their sexual exploitation is viewed as less serious.

Attitudes that dismiss the sexual exploitation and abuse of boys are also reflected in legislation, with many offences relating to child sexual exploitation using gendered language specific to girls and women, that excludes men and boys. For example, the possibility of raping a man is not recognised, and the prohibition of statutory rape applies only to girls (under the age of 16 years) and not to boys.³³ Conversely, consenting same-sex relationships [homosexuality] are illegal

20. Government of Sri Lanka. (2017). *The National Policy on the Elimination of Child Labour in Sri Lanka*. 6.
21. ECPAT Sri Lanka and ECPAT International. (2018). *Supplementary report on “Sexual Exploitation of Children in Sri Lanka” to the initial report of Sri Lanka on the implementation of the Optional Protocol on the sale of children, child prostitution and child pornography*. 4.
22. Use of terminology such as this, may also deflect from, and dilute the seriousness with which the issue is viewed by others, including local authorities and others with a responsibility to protect children.
23. Frederick, J. (2010). *Sexual Abuse and Exploitation of Boys in South Asia: A Review of Research Findings, Legislation, Policy and Programme Responses*. UNICEF Innocenti Working Papers. 127-129.
24. ECPAT International. (2016). *Offenders on the Move – Global Study of the Sexual Exploitation of Children in Travel and Tourism*. 40.
25. Samarathunga., W. (2018). *Exploring the Relationship between Beach Boys and Tourists Using Host-guest Theory: The Case of Bentota, Sri Lanka*.
26. ‘Survival sex’ occurs when sexual services are exchanged for basic necessities such as food, clothing or shelter. In instances of survival sex, one party is exploiting another’s need for basic necessities, and is taking advantage of the power they have to provide these necessities in return for sexual acts.
27. ECPAT International. (2020). *Summary Paper on the Exploitation of Children in Prostitution*. 3.
28. Committee on the Rights of the Child. (2019). *Concluding observations on the report submitted by Sri Lanka under article 12 (1) of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography*. 4.
29. U.S. Department of State. (2021). *Trafficking in Persons Report: Sri Lanka*.
30. UCLA/All Survivors Project. (2017). *Legacies and Lessons Sexual violence against men and boys in Sri Lanka and Bosnia & Herzegovina*. 17.
31. *Ibid.*
32. Frederick, J. (2010). *Sexual Abuse and Exploitation of Boys in South Asia: A Review of Research Findings, Legislation, Policy and Programme Responses*. UNICEF Innocenti Working Papers. 127-129.
33. UCLA/All Survivors Project. (2017). *Legacies and Lessons Sexual violence against men and boys in Sri Lanka and Bosnia & Herzegovina*. 17.

in Sri Lanka, which may deter boys who have been sexually exploited by male offenders from disclosing their abuse, or accessing services for fear that they may be accused of homosexual activity, and therefore criminalised, or face other discrimination. Overall, gendered legal provisions and cultural attitudes towards family honour, masculinity and sexuality therefore allow offenders to continue to act with impunity and ensure that boys who experience sexual exploitation and abuse will continue to suffer in silence.

INTERNATIONAL AND REGIONAL LEGAL COMMITMENTS

Sri Lanka has made progress in strengthening children's rights through the ratification of key international instruments. In July 1991, Sri Lanka ratified the United Nations Convention on the Rights of the Child (CRC),³⁴ the most authoritative international law instrument on the rights of children to date.

The Optional Protocol (to the CRC) on the Sale of Children, Child Prostitution and Child Pornography (OPSC) was ratified by Sri Lanka in 2006,³⁵ reaffirming its commitment to protect children from different forms of sexual abuse and exploitation. Pursuant to its reporting obligations under Article 12(1) of the OPSC, the country submitted its report on 10 January 2018, albeit after a delay of ten years from the due date.³⁶ The country is yet to ratify the Optional Protocol on a Communications Procedure (OPCP)³⁷ which was adopted in 2014 by the international community to allow children to access the international redressal system if the national mechanisms failed to enforce their rights.

Additionally, Sri Lanka is party to other major

international instruments that seek to protect children from different forms of abuse and exploitation. It ratified The Worst Forms of Child Labour Convention No.182³⁸ by the International Labour Organisation in March 2001, and in 2015, ratified the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the UN Convention against Transnational Organized Crime³⁹ adopted in Palermo, Italy (hereinafter "Trafficking Protocol"). The Trafficking Protocol requires its Member States to adopt or strengthen legislative or other measures in the educational, social, or cultural spheres to combat all aspects of trafficking in persons, especially women and children.⁴⁰ In 2015, Sri Lanka acceded to the Convention on Cybercrime of the Council of Europe (also known as the Budapest Convention), which is the first international treaty seeking to address Internet and computer crimes. At the time of writing, it is the only South Asian country to be part of this Convention.⁴¹

As a member of the South Asian Association for Regional Cooperation (SAARC), Sri Lanka has also ratified a number of important instruments that form the backbone of the regional response to the sexual exploitation of children. These include the SAARC Convention on Preventing and Combating Trafficking in Women and Children⁴² and the SAARC Convention on Regional Arrangements for the Promotion of Child Welfare in South Asia,⁴³ ratified in January 2002. Sri Lanka is also a member of the South Asia End Violence Against Children (SAIEVAC - an apex body of SAARC), an inter-governmental body that aims at safeguarding the rights of all children across South Asia to live in an environment that is free from all forms of abuse, exploitation, violence, discrimination and neglect.⁴⁴ Sri Lanka is also one of the pathfinder countries of the Global Partnership to End Violence Against Children,⁴⁵ and as such, it will be at the forefront in the

34. United Nations General Assembly. (1989). [Convention on the Rights of the Child](#).

35. United Nations General Assembly. (2000). [Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography](#).

36. United Nations Office of the High Commissioner. (n.d.). [United Nations Treaty Database](#).

37. United Nations General Assembly. (2014). [Optional Protocol to the Convention on the Rights of the Child on a communications procedure](#).

38. International Labour Organisation. (1999). [Worst Forms of Child Labour Convention, 1999 \(No. 182\)](#).

39. United Nations General Assembly. (2000). [Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime](#).

40. *Ibid.* Article 9.

41. Council of Europe. (n.d.). [Chart of signatures and ratifications of the Convention on Cybercrime \(Treaty No. 185\)](#).

42. South Asian Association for Regional Cooperation (SAARC). (2002). [Convention on Prevention and Combating Trafficking in Women and Children for Prostitution](#).

43. *Ibid.*

44. See: [South Asia End Violence Against Children \(SAIEVAC\)](#).

45. Global Partnership to End Violence Against Children. (n.d.). [Pathfinding countries](#).

promotion of the right of every child to live free from violence.⁴⁶ Further, Sri Lanka has committed to international collaborative efforts that aim to protect children from violence. Since December 2014, Sri Lanka has been a signatory to the

WePROTECT's Statement of Action,⁴⁷ the global alliance aimed at ending the sexual exploitation of children online.

46. Development Pathways UK. (2017). [Child protection momentum building as Government of Sri Lanka commits to bold action.](#)
47. WePROTECTGlobal Alliance. (2014). [Statement of Action- WePROTECT Summit.](#)

METHODOLOGY

RESEARCH METHODS

The main purpose of the research in Sri Lanka was to build an empirical foundation for an increased understanding of the sexual exploitation of boys. To generate new primary data, the methodology included a survey for frontline support workers with both quantitative and qualitative components, and documentary analysis of national legislation related to sexual exploitation and abuse of children.

Frontline support workers' survey

The frontline support workers' survey aims to measure the access to, and quality and effectiveness of, support services regarding sexual exploitation and abuse that are available to boys in Sri Lanka. The survey findings will be used to identify strengths and areas of improvement, provide recommendations for service development, skills and knowledge training, and other support.

Rationale

Workforce surveys have increasingly been used as a tool in research to gain an understanding of the effectiveness of social support systems. Most commonly these surveys are used by health⁴⁸ and social work professions⁴⁹ to measure service delivery effectiveness.

Social support to children who are subjected to sexual exploitation and abuse is generally provided within the broader context of child protection. We therefore developed and delivered a survey for child protection workers, and those most likely to encounter children, to explore their perceptions. Sampling support workers enables us to gain valuable insights into their perspectives. These included their ideas related to the sexual exploitation of boys, exploring boys' access to these services, perceptions of the quality and effectiveness of services in supporting boys, as

well as details about the nature of their direct work with boys.

Sample

Organisations in Sri Lanka who provide child protection support services were identified and approached by ECPAT Sri Lanka. While the research focuses on boys, very few focused services for boys exist in Sri Lanka, thus the sample includes support workers who work with sexually exploited children of any gender. Once identified, survey administrators from ECPAT Sri Lanka contacted management staff of organisations to explain the survey and invite the participation of frontline staff. Participants were included on the basis that they were over 18 years of age, with at least twelve months' experience in service provision and had a current caseload which included children.

The cohort was a 'convenience sample', and thus is not representative of the population of frontline support workers in Sri Lanka. The sampled organisations were also mostly urban based, as the majority of social support services tend to be concentrated in more populated urban areas. Further to this, different types of support services were included in the sample design. In total, 54 frontline support workers from Sri Lanka who currently provide services for child victims of sexual exploitation were included in the sample, 47 of whom completed all questions and seven of whom completed at least 80% of the survey questions.

In consideration of the notoriously low participation rates of self-administered online tools (emailing a survey link), the research design opted for in-person survey administration, using an online tool. Appointments were made with eligible staff for the survey administrators from ECPAT Sri Lanka to further explain the project, the consent process, and assist with self-administration of the survey via an online link. Appointments were planned to occur

48. Magadzire, P M et al. (2014, November). [Frontline Health Workers as Brokers: Provider perceptions, experiences and mitigating strategies to improve access to essential medicines in South Africa](#).

49. Sadeghi, T and Fekjaer, S. (2018). [Frontline Workers' Competency in Activation Work](#). International Journal of Social Welfare. 77-88; Netsayi, M. (2019). [Perceptions of Frontline Social Workers on their Contributions Agenda for Social Work and Social Development](#).

face-to-face, but COVID-19 restrictions meant most were completed by phone call or chat apps. Administrators remained on standby to support, offer guidance, and troubleshoot as the participants completed the survey. The personal connection was intended to motivate participants to complete the survey with greater consideration. Data collection took place in April and May 2021.

The survey

The online survey consisted of 121 multiple-choice and short open answer questions and was developed in English in consultation with the Global Boys Initiative Steering Committee. The draft tool was then translated to Tamil and Sinhalese, and ECPAT International and ECPAT Sri Lanka collaborated to check and contextualise the survey, which was pilot tested with a small number of local social support workers.

Analysis

Following data collection, data was cleaned, and open-ended responses were translated to English. Survey output was integrated into a custom analytical framework created using Google Sheets. Additional analysis was then conducted based upon emerging themes and patterns that arose from the data. Qualitative analytical components were then added to the framework, and thematic analyses were conducted for each variable. Analysis and writing were completed by two international experts with specialisation in sexual exploitation of boys and male vulnerability. In the findings, quantitative and qualitative themes and patterns are explored, with direct (translated) quotes illustrating the dominant narratives emerging from the quantitative data, along with occasional dissenting views (where available). Care was taken during analysis not to present any qualitative responses that may have identified participants. Once completed, the analysts consulted with ECPAT Sri Lanka to explore for further insights and to validate the findings. It should be noted that the data is not statistically representative of the experiences of all frontline support workers in Sri Lanka. However, the estimates, perceptions and experiences reported here, offer valuable insight into an under-researched area, and shed light on the access and quality of social support for boys subjected to sexual exploitation and abuse in Sri Lanka. Many participants shared additional observations and illustrative anecdotes for open response items throughout the survey that further identified

challenges and potential opportunities for action and progress in this area.

Legislative analysis

A comprehensive analysis of the Sri Lankan legal framework addressing the sexual abuse and exploitation of children, with a focus on boys, was undertaken as a collaboration between ECPAT Sri Lanka and ECPAT International. The legislative analysis aims to identify the legal gaps, barriers and opportunities in addressing the sexual exploitation of boys using a standardised method to review national legal frameworks. The findings identify areas for advocacy to amend and improve legal responses.

Specifically, a checklist including approximately 120 points and sub-points was created by ECPAT International to support the analysis. Staff from ECPAT Sri Lanka explored the national legislation and completed the checklist, followed by research staff from ECPAT International using this information to inform further analysis and compile a narrative. This draft was then validated and confirmed in collaboration between the two teams and makes up Chapter 6 of this report.

ETHICAL CONSIDERATIONS

Given the inherent vulnerability of children, research on child sexual abuse and exploitation must be designed in ways that abide by strict ethical standards.⁵⁰ For this project, ECPAT International convened a panel of three global experts for an independent third-party review of our proposed methodology. A detailed research protocol that included mitigations for ethical risks, along with draft tools, was developed and shared with the panel. Detailed feedback from the panel was accommodated in two rounds of review before the project commenced.

Before conducting the online survey, all participants were informed about the purpose of the study and consent was obtained as an integrated part of the online survey tool. If any participant wished to withdraw from the study, they were free to do so at any time before they completed the survey. Participants were also informed that their responses would be used to write a research report. To protect participant anonymity, names were not requested at any stage of completing the survey.

50. ECPAT International. (2019). [Guidelines for Ethical Research on Sexual Exploitation Involving Children](#). Bangkok: ECPAT International.

LIMITATIONS

A limitation occurred due to our inclusion criteria. Our intent was to include support workers who worked directly at the frontline (not higher up managers). Thus, a hurdle question sought experience of working directly with children “within the last 12 months.” Forty-eight participants were disqualified by hurdle questions as they selected ‘no’ to active cases or working directly with children during the last 12 months. As data collection occurred in the first half of 2021, the impacts of COVID-19 restrictions may have meant some frontline workers were unable to do direct client-facing work, so some of these exclusions may have been because of COVID-19 restrictions rather than related to whether their role was frontline or not.

Due to the quantitative nature of the service provider’s survey, some sections provide a selection of potential vulnerability factors (or barriers to disclosure), with instruction to select the ‘top three’ factors, based upon their work and experience, with an option to add “other” factors of their own choosing. Because of the finite number of responses, it’s possible that these findings could be different than if the respondents were able to answer the question freely, as an open response.

FRONTLINE SUPPORT WORKERS

OVERVIEW OF SAMPLE

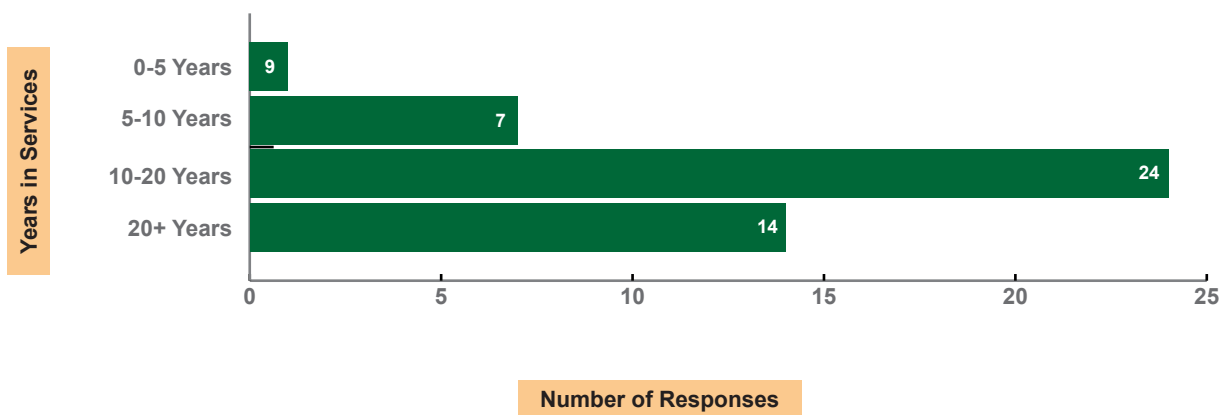
The 54 support workers in the sample were drawn from 21 different cities or municipalities, with more than a third (35%) from Colombo. Slightly more than half of the sample (54%) identified as female, 24 (44%) identified as male and one identified as 'other'. More than half of respondents (58%) worked in a non-governmental organisation and 14 (29%) worked for the government. Three respondents worked in Buddhist civic organisations and another three worked for a range of organisations, including a school for boys. The overwhelming majority (80%) provided all or some of their services within an urban context, with 20 (37%) who provided services only in an urban context, and 23 (43%) who provided support in both urban and rural contexts.

Only eleven respondents (20%) solely provided services within a rural context.

Support workers demonstrated a range of educational qualifications, with more than a third holding (35%) a high school certificate, another third (35%) a Bachelor's degree, and about one in five (22%) had a Masters or PhD. Four support workers had not achieved their high school certificate.

The majority of support workers indicated a considerable amount of experience providing support to children with Figure 1 depicting that most support workers represented considerable experience with more than two-thirds (70%) having greater than ten years of experience.

Figure 1. Years of experience supporting children (N=54).



SERVICES PROVIDED

Support workers provided a broad range of services, many of which seemed to be geographically focused in low-income or economically depressed areas, with the same number of people providing one-on-one counselling services (69%) as were providing basic supplies, such as food and clothing (69%). Ninety percent provided at least some form of physical and mental health services, with more than two-thirds (69%) providing some form of one-on-one counselling, more than half (52%) delivering some form of sexual health information

or support, and a similar proportion (54%) providing group-psychosocial support. Twenty-eight percent provided medical care, and only five respondents provided any form of specific support to diverse SOGIE clients.

Forty-nine respondents described the types of one-on-one counselling or group-support they provided. These were diverse and included various forms of psychosocial support, as well as more formal trauma therapies and psychological counselling, and social work. Some descriptions were broad and less clearly defined, such as one respondent who described providing "all

necessary assistance to the child for protection, fairness, and rehabilitation.” However, the types of support described largely fell into the following three categories:

- **General counselling (31%).** This included eight who provided general counselling, coaching, or advice-giving for the children under their care, within the context of school and community programming, as well as legal support.
- **Formal counselling or specialised therapies (24%).** This included a variety of support, such as creative and play therapies, as well as individualised psychological counselling (two) and other psychosocial support services.
- **Social work or family/community support (10%).** This included a variety of more complex or formal involvement with clients, their families, and their communities. These respondents described providing a range of services within communities, conducting case assessments, and other interventions in response to exploitation and abuse or to mitigate risk.

Other notable responses included spiritual or religious support services (two) as well as three respondents who noted immediate referral to outside clinical professionals if/when sexual abuse or exploitation is disclosed or discovered.

Support workers in the sample commonly provided various forms of socio-economic support. This included more than two-thirds (69%) who provided basic supplies, such as food or clothing, as well as less than half (45%) that provided forms of legal support for survivors. Economic assistance, such as cash transfers were also commonly provided by nearly half (44%). To a lesser extent, a third provided reintegration support.

The majority also indicated providing some form of family support services, including 34 (63%) who provided support for families/caregivers and 22 (41%) who provided some form of residential care. Six respondents offered some form of semi-independent/supported housing. More than half provided various forms of access to both formal and non-formal education, including support to access formal High School (56%), tertiary studies (37%), non-formal education (37%) and vocational

training (52%) provided by the organisation they work for. Lastly, almost a third (30%) provided financial support for people to access non-formal education, or vocational training provided by another organisation.

Training or specialisation

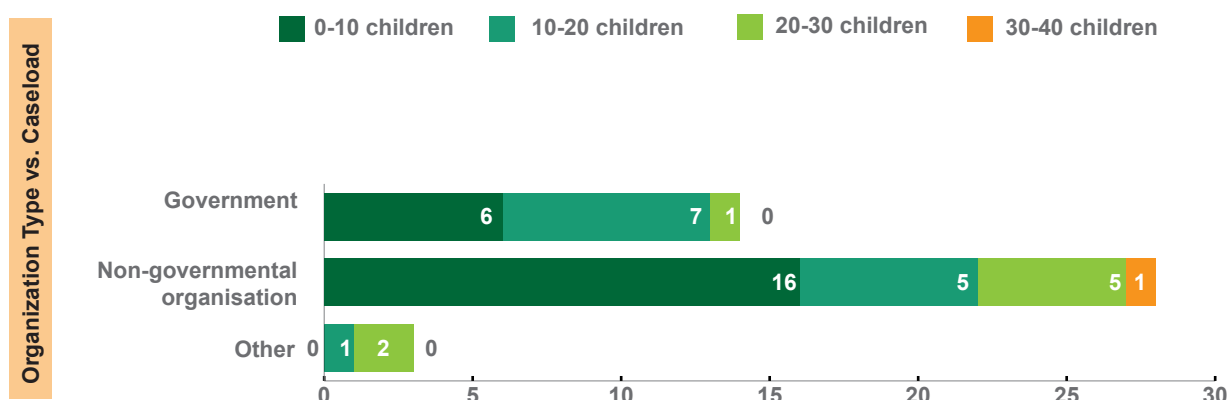
Respondents reflected on the types of training or specialisation that they have had about the sexual exploitation of children (n=37). All but four cited receiving various formal and informal educations, training, or certifications related to sexual exploitation. The types of training or specialisation they describe fall into the following categories:

- **Formal education or certification in CSEA-related fields (54%).** This includes formal degrees in child psychology and holistic child development, among other related fields, as well as a variety of specialist certifications in psychosocial support and trauma.
- **NGO training (30%).** This includes training in CSEA (10) and general child protection (1), which is provided by their organisation or other specialist NGOs.
- **Significant experience (two respondents).** This includes respondents who describe a kind of specialisation through “professional experience with the issue”, or extended work on the issue within vulnerable communities.
- Lastly, four respondents (11%) report that they have had no specific training in this area.

TOTAL CASELOADS

Participants were asked to describe their total caseloads (including children who have and haven’t experienced sexual exploitation). Figure 2 shows that 80% of respondents were responsible for moderate-sized caseloads of between 1 and 20 children.

Figure 2. Average number of children workers support by organisation type.



We asked participants to estimate what percentage of their clients were boys. Five support workers came from organisations that only provided services to girls and ten support workers came from organisations that only provided services to boys. Overall, participants estimated that 57% of their caseloads were boys. This is higher than commonly seen in a global sense and may be explained by visibility of boys as victims in Sri Lanka - particularly in the context of travel and tourism. However, organisations with a focus on boys were also targeted for the sampling, so this may also indicate a bias. As already noted, the survey data is based on a convenience sample and while it provides indications on this issue, it is not necessarily representative of the entire population of social support workers.

Cases involving boys

Support workers estimated that about 37% of the boys that they supported were known to have experienced sexual exploitation. Figure 3 below shows that 78% were subjected to CSEA between 11 and 18 years of age. But as many as 10% of these cases involved boys abused before they turned five.

Figure 3. Common ages of boys' victimisation.

Most common age when boy clients experienced sexual exploitation	Average	Median
0-5 years	10%	5%
6-10 years	23%	20%
11-15 years	46%	45%
16-17 years	33%	30%

The most commonly reported exchange involved in the sexual exploitation of boys was money (58%) followed by 'goods' (29%), security (11%) or one person noted shelter.

Cases involving girls

Comparatively, support workers estimated that about 47% of the girls that they supported experienced sexual exploitation. The distribution was extremely similar for girls with an estimated 80% subjected to CSEA between 11 and 17.

Figure 4. Common ages of girls' victimisation.

Most common age when girl clients experienced sexual exploitation	Average	Median
0-5 years	10%	5%
6-10 years	21%	19%
11-15 years	45%	40%
16-17 years	36%	38%

In cases involving girls, the most common exchange involved was security (35%) followed by money (28%), 'goods' (18%) and two respondents said shelter.

GENDER OF OFFENDERS

Of the supported boys, workers estimated 62% of cases involved a male offender while 38% of cases involved female offenders. This was very similar for cases involving girls (63% and 37% respectively). When indicating the nationality of offenders, there wasn't a difference between boy and girl cases, with workers estimating two-thirds of offenders were Sri Lankan and a third from abroad.

Offenders in cases involving boys

Participants were asked about the “most common relationships” that they observed in cases involving boys, depicted in Figure 5 below. Adult relatives (41%) and adults within the community (39%) were amongst the most common. People with authority in the community (31%) were also mentioned. Foreign men were not as commonly named as might be expected with just six respondents indicating this. However, the question was about “most common” so perhaps this indicates that while there is awareness of these offenders, it is also understood amongst workers that they are in the minority of offenders.

Figure 5. Common offender relationships in boys’ sexual exploitation (N=54).

Most common relationship of male offenders to boys		
Other relative (over 18)	22	41%
Community member (over 18)	21	39%
Parent/Step-parent	17	31%
Person in authority (e.g., teacher, religious leader)	17	31%
Family friend	16	30%

Most common relationship of female offenders to boys		
Other relative (over 18)	21	39%
Parent/Stepparent	19	35%
Family friend	19	35%
Community member (over 18)	14	26%
Person in authority (e.g., teacher, religious leader)	14	26%

* Three responses per participant could be selected so % do not add to 100.

When considering the cases that predominantly involved female offenders, participants indicated that female adult relatives were again most commonly observed (39%) followed by parents or step-parents (35%) and family friends (35%). Unknown local (six) and foreign (three) women were named by some.

Offenders in cases involving girls

Participants were also asked about “the most common relationships” that they observed in cases involving girls. Observations varied slightly from boys, skewing more towards close

family members. Fifty-two percent indicated fathers or stepfathers and 48% indicated other adult relatives. Foreign strangers (e.g. tourists), persons in authority as well as foreigners were not commonly reported. In the cases involving female offenders, mothers or stepmothers were most common (33%).

Figure 6. Common offender relationships in girls’ sexual exploitation (N=53).

Most common relationship of male offenders to girls		
Parent/Step-parent	28	52%
Other relative (over 18)	26	48%
Family friend	20	37%
Community member (over 18)	12	22%
Community member (under 18)	6	11%

Most common relationship of female offenders to girls		
Parent/Step-parent	18	33%
Other relative (over 18)	17	31%
Family friend	12	22%
Community member (over 18)	12	22%
Other relative (under 18)	8	15%

* Three responses per participant could be selected so % do not add to 100.

Cases involving young people with diverse gender identities

Participants were also provided with the option to describe any work they had done (if any) with other genders or non-binary young people. Eight participants (15%) answered this question, five of whom indicated that they had no experience. One participant responded: “Yes, I have supported and [have] helped them to realise their place in the society,” (R73) however provided little detail as to what the support looked like. Another respondent downplayed the differences saying they “support children regardless of their gender orientation.” (R84).

One respondent summarised a common challenge for diverse SOGIE young people in seeking help: “I find that children who identify either as non-binary or even LGBT have a greater fear of reporting incidents of abuse since they are terrified of being victim blamed due to their sexual orientation or gender identity.” (R79)

TYPES OF SEXUAL EXPLOITATION OBSERVED

The survey explored a range of issues that workers might encounter with boy and girl clients and their experiences supporting children with them: grooming, self-generated sexual content involving children, child sexual abuse materials

(CSAM), live-streaming of sexual abuse and trafficking. More than half (57.5%) had direct experience supporting girls in at least one of the five defined areas, and nearly two-thirds (62%) reported direct experience supporting boys in at least one of the five defined areas. The breakdown of the issues was extremely similar for boy versus girl cases.

Considering their girl clients (n=40):

- **Two fifths (43%)** had direct experience with girls who had been groomed for sexual purposes.
- **One fifth (20%)** had direct experience with girls who had been involved in self-generated sexual content.
- **23%** had worked directly with girls who had been exploited in CSAM.
- **30%** had direct experience with girls who had been trafficked for sexual purposes.
- **Four support workers** had direct experience with girls who had been exploited through live-streaming sexual exploitation.

Considering their boy clients (n=42):

- **More than a third (38%)** had direct experience with boys who had been groomed for sexual purposes.
- **17%** had direct experience with boys who had been involved in self-generated sexual content.
- **19%** had worked directly with boys who had been exploited in CSAM.
- **29%** had direct experience with boys who had been trafficked for sexual purposes.
- **Six support workers** had direct experience with boys who had been exploited through live-streaming sexual exploitation.

Presenting factors for boys and girls

We know that young people who have been subjected to sexual exploitation don't always seek help by starting out with a disclosure – they may seek help for other reasons and then disclose once a trusting relationship with the helper is ensured. Thus, respondents were asked what issues boys and girls presented with when seeking help. While a significant portion of both groups describe trauma or other effects of abuse, some notable thematic differences are observed between girls and boys. For instance, boys seem to be more likely to be referred for behavioural issues, while girls appear somewhat more likely to be referred specifically for sexual abuse or exploitation.

Among the responses describing why boys seek support or are referred to services (n=41), neglect or lack of support from parents appear most prominent (22%). This included boys with absent or distant parents and overlapped with family issues like physical or emotional violence and problems with drug and alcohol use. Seven responses described boys initially seeking support for personal life issues, including struggles with peer relationships, while five respondents described referrals for “learning or concentration issues” at school. Five described bullying or aggressive behaviours exhibited by the boys themselves. Many responses included complex

behavioural or mental health concerns, such as four referrals for drug and alcohol use and mood disorders, including depression and anxiety. Among the 40 responses describing why girls sought support or were referred, neglect or family issues were also strongly evident. Six respondents indicated girls seeking (or being referred to) services specifically for abuse or exploitation, including referrals from courts (which was not evident in any responses about boys). Guidance on sexual health issues, including puberty and sex was also mentioned. Similarly to boys, personal life issues, including loneliness, suicidal ideation and mental health concerns, including depression and anxiety were noted. While the various contexts of support workers were diverse, responses commonly described children (boys and girls) with an array of overlapping social and economic issues. Girls, however, appear more likely to be referred for abuse or exploitation specifically, while boys appear to be more likely to be referred for problematic behaviours, such as bullying, aggression and substance use.

Victim identification challenges

Finally in this section, we asked respondents to note challenges they observed in establishing whether a child may be experiencing sexual exploitation. At first glance, the general responses presented by support workers appear thematically

very similar between boys and girls, with respondents describing a range of communication issues, including struggles with building trust and rapport, as well as a range of contextual factors which complicate identification, such as economic or emotional attachment to an abuser or exploiter. Qualitative differences emerge however, when looking at the specific issues raised with boys and with girls. For instance, contextual factors raised with girls tended to focus on a recognition by respondents of conflicting feelings or emotional dependencies on the exploiter, leading to the hiding of details of the abuse or exploitation to protect the offender. In these instances, support workers tended to recognise vulnerability, and focused on threats or other fears facing girls which prevent them from disclosing. In contrast, contextual factors raised with boys tended to highlight the boy's agency and willingness to earn money from offenders. One participant noted, "They hide such incidents, [they] show heroism, and try to hide their thoughts. [There is] a willingness to make money" (R69).

Similarly, while communication issues prominently featured in victim identification challenges with both boys and girls, respondents raised some challenges that were predominantly related to boy clients and confused or complicated identification for workers. Boys who laugh about, deny, or seem to be dismissive of their exploitation, as well as boys who act tough, or engage in bullying or other peer conflict. This is illustrated in one example, where a respondent noted struggling to identify boys as victims, and seems to question if some boys experiencing CSEA, may be likely to be a risk to others:

"...it is not clear whether the particular child is suffering abuse or slowly being pushed to become an abuser. At times, due to peer pressure, [boys] would not want to divulge information and would deny suffering abuse." (R84)

The same respondent, answering the same question with regard to girls noted:

"When the girl-child victim is too young to express abuse or what happened, it is difficult to establish a case. When the girl-child wants to protect the offender for some reason, identification of abuse is difficult." (R84)

There is further indication that overlapping gender norms may further complicate the identification of victims of CSEA. In particular, the assumption of resilience, strength and agency on the part of boys (and absence of what may be considered obvious signs of vulnerability): "...boy's sexual relationships are not an issue in our society. So boys [being victimised] also does not seem [to be] an issue. They are telling us they [were] given food and [have] fulfilled their basic needs." (R149)

Peer related issues seemed to factor much more significantly into victim identification challenges with boys, in comparison with girls. This included threats of violence from peers, as well as offenders. Further, peer pressure more prominently figures into the perceived pathway through which boys may enter sexual exploitation. One respondent reflected: "Sometimes there is a confusion among male victims about consent; they tend to confuse it with peer pressure." (R79)

SCENARIOS

Support workers were given four hypothetical scenarios about sexual exploitation, which reflected unequal power relationships, gender norms and other intersectional vulnerabilities. Questions were interspersed as the scenario unfolded to unpack different attitudes and knowledge. Following each scenario, participants were asked to describe what practical steps they would take if they were supporting the children depicted.

"Rohan"

SCENARIO 1 - 19-year-old Rohan pays a 17-year-old cousin, Raja, to undress while filming. Raja agrees to do it without concerns.

In the first scenario, respondents were given a vignette in which 19-year-old Rohan pays a 17-year-old cousin, Raja, to undress while filming and Raja agrees to do it without concern. All but two support workers (96%) agree that Raja has been sexually exploited, with one saying that Raja is not a victim and another one who is uncertain.

Rohan later posts this video to his online social media accounts that are publicly visible (no payment is needed to access them).

With this additional revelation, all but five respondents (91%) believed that Rohan had committed sexual exploitation, with three believing he did not, and two who were uncertain.

Sahan, who does not know Rohan or Raja, finds and watches the video online from home elsewhere in the country.

Given this information, two thirds of workers (67%) assessed the unknown third person – Sahan, who was watching CSAM, to be committing sexual exploitation while 12 workers (22%) did not believe watching CSAM was sexual exploitation. Six were uncertain.

The 'practical steps' or immediate responses suggested by support workers were largely focused (43%) on legal responses, such as contacting the police, or pursuing criminal charges against Rohan. Other responses included counselling the child (23%) and providing education or advocacy to the child and family (23%). Only five support workers (14%) note online responses, such as identifying the location of the video and ensuring deletion of the material or restricting access to online platforms.

“Roshan”

SCENARIO 2 - *Roshan is a 7-year-old boy whose mother struggles to make ends meet in their rural village. His uncle, Joseph, has a good government job and has always given money to help the family out. Recently, during a visit to Roshan's family home, Uncle Joseph asked Roshan to sit on his lap.*

Given this information, respondents were asked if they believed Roshan has experienced exploitation. While more than a third (39%) agreed there was evidence that Roshan had been exploited, nearly two in three believed otherwise, with 14 (26%) saying that he had not been exploited, and 19 (35%) who were uncertain. While the actions described so far would not

constitute abuse, respondents seemed to identify some key warning signs.

While Roshan was sitting on Joseph's lap, Joseph began to touch his private parts. Roshan's mother then walks into the room and realises that something is happening. Joseph reminds Roshan's mother of how happy he is to be able to visit them today and provides her with some money.

The majority of respondents (85%) believed Joseph had committed sexual exploitation, though three still believed that he had not committed sexual exploitation, and five remained uncertain.

Roshan's mother nodded, closed the door and went out of the house

While the majority of support workers (83%) believed that Roshan's mother had committed sexual exploitation through her actions, six believed that she had not exploited Roshan and three were uncertain.

Suggested practical steps were again largely split between legal responses, such as contacting the police or other relevant child protection authorities, as well as more standard social work responses including counselling Roshan's mother, informing her of the impact of sexual exploitation and measures to prevent recurrence. Many responses also indicated the likely need for economic support and livelihood options for the family.

“Sandun”

SCENARIO 3 - *Sandun is a 16-year-old boy who prides himself on being a hard worker. When his adult neighbour, Rita, asked if he could help work on her farm for payment, he was happy to help. While Sandun was working around the farm, Rita invited Sandun into the house for lunch. Rita sat very close to Sandun and touched his arm often while chatting. Sandun felt very uncomfortable with this.*

More than two-thirds (70%) said that Sandun had experienced sexual exploitation. While the act of touching an arm while chatting may not constitute sexual exploitation, there is a suggestion from the situation that Rita is misusing her position of power. Respondents in this variable may be identifying this as grooming behaviour in the scenario, which is a positive sign. Four people believed from what happened so far that Sandun had not been exploited, five were uncertain.

The next time Sandun helped at the farm, the same thing happened at lunch. This time, Rita touched Sandun's thigh. This also made Sandun very uncomfortable.

In this clearer situation, most support workers (87%) believed that Sandun had been exploited with one believing that he hadn't and six who were uncertain.

Many of the 'practical steps' or responses to the issue focussed on advising Sandun to stop going to work for Rita, within many suggesting education for Sandun, and to a lesser extent for Rita. One noted:

"If Sandun had told me I would ask him to avoid going to the Farm or to visit Rita. As per the law this does not amount to child sexual abuse and will be very difficult to prove. Thus, as a community it would be advisable to keep an eye on Rita associating [with] children and as soon as the red flags appear immediately inform the necessary authorities." (R37)

Another similarly focussed on Sandun's education noting,

"[I would] teach Sandun about [methods of] sexual abuse and exploitation. Help find some other place of employment if he is uncomfortable working for Rita or maybe provide his lunch, so he doesn't have to go into the house." (R98)
While some suggest the possible need for legal action and, to a greater extent, speaking to Sandun's parents, most responses focused on advising the child and developing awareness within the local community.

"Roy"

SCENARIO 4 - Roy is 15 years old, although he looks older. He self-identifies as gay. On the weekends, Roy meets men, who he describes as his 'boyfriends'. He has sex with them and accepts money and gifts. When asked about these encounters, Roy says that it is his choice, and that other people should mind their own business.

While most support workers (91%) correctly identified Roy as a victim of exploitation, five support workers did not, with four indicating that Roy is not a victim, and one indicating that they were uncertain. While the majority (85%) correctly identified the men as exploiters, five did not and three were uncertain.

Approximately a third of the 32 responses to this scenario focused on advising or educating Roy, including responses such as advising about sexual health, "explaining right and wrong" (R94), and encouraging him to stop meeting his "boyfriends". About one in four responses focused on reporting the actions to various persons or authorities, most commonly child protection authorities, followed by parents and police. Another respondent seemed to note potential complications however, with reporting the cases noting that depending on the locale, the child "may very [well be] accused of some crimes [in] Sri Lanka" (R168). Lastly, one respondent indicated a more empathetic approach noting, "I will learn Roy's family atmosphere. [I] will meet his parents and advise him to engage in good healthy hobbies and games." (R102)

"Niroshan"

SCENARIO 5 - Niroshan is 17 years old and identifies as a transgender person. Niroshan used to live in the countryside but faced discrimination from family and neighbours. Niroshan moved to the city but could not find a place to stay. Niroshan has not been able to find work and is homeless. Niroshan needs to pay for food, so quite often meets men and sometimes women, and has sex with them for money. Niroshan accepts that this life is tough but only temporary.

The final scenario introduces Niroshan, who is a 17-year-old transgender person (whose assigned gender at birth is intentionally left ambiguous). The majority (79%) correctly identified Niroshan as a victim of sexual exploitation, with 17% believing that they had not been exploited, and two who were uncertain.

The story then adds:

"On one occasion, Niroshan was arrested for prostitution and intends to plead guilty."

In response to these details, respondents were asked if they believed the men and women that Niroshan meets for sex had exploited Niroshan. The majority (79%) correctly believed that the men and women that Niroshan meets for sex had committed sexual exploitation, with six believing they had not exploited Niroshan, and five who were uncertain. All but four respondents who believed Niroshan had been exploited also believed that 'the men and women' had also committed exploitation.

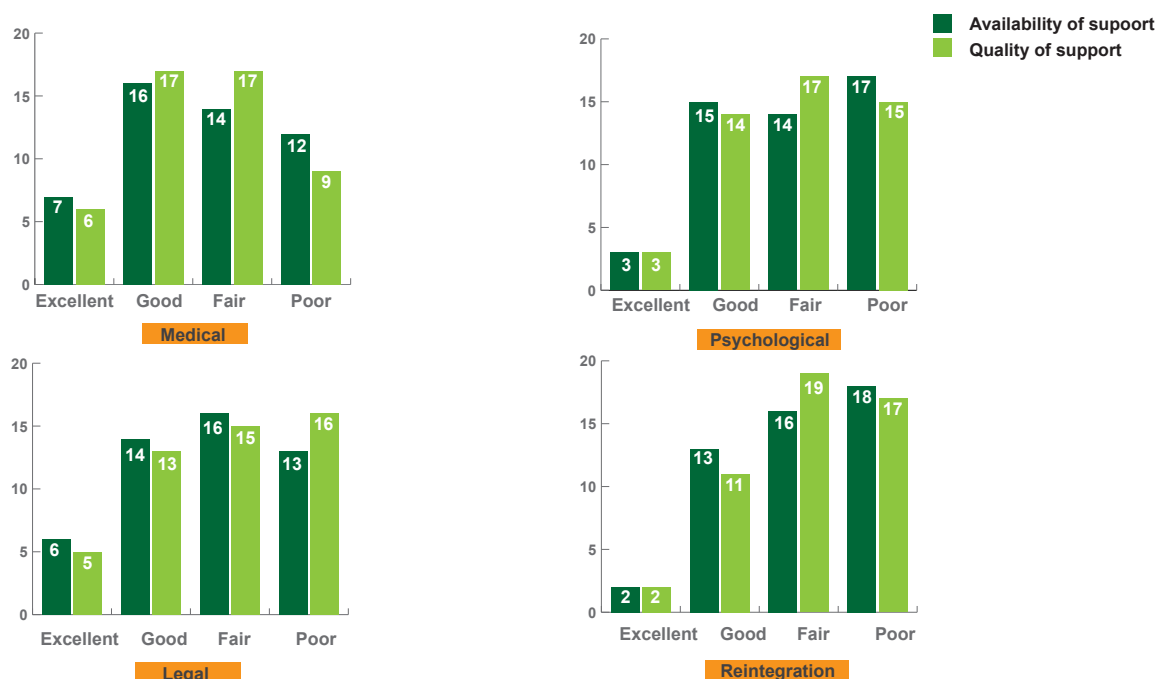
Considering service provider's practical responses to this case, the largest proportion of respondents focused on livelihood and economic development. Some seemed to overlook some of the presented vulnerability factors though a small number understood this was an element that the response must address: *"prevent him being discriminated [against] and let him be strong in self-esteem."* (R73).

Another respondent highlighted, perhaps unhelpfully for Niroshan, some legal considerations for gender, noting, *"after the age of 16 in Sri Lanka you can consent to sex. But no female even above 18 can provide [sex] for money."* (R37) While the prompt does not give the child's assigned gender at birth, Sri Lanka would have different legal responses for Niroshan, with different implications depending on how the child's gender is identified by the legal system. A few responses similarly note referral to services located under national law enforcement, such as the *"women and child police services"* (R149), while this would be understandable if Niroshan were a cisgender female, considering Niroshan's transgender identity, they may face rejection from such a service, or could face repercussions for disclosing abuse.

OPINIONS ABOUT THE AVAILABILITY AND QUALITY OF EXISTING SUPPORT SERVICES

Support workers were asked to rate both the availability and quality of existing services in Sri Lanka for boys who have experienced sexual abuse or exploitation (n=49). Figure 7 shows that respondents, overall, held moderate-to-low opinions of both the availability and support of a variety of national-level support services, with few providing 'excellent' ratings.

Figure 7. Availability and quality of existing support services in Sri Lanka.



Medical care was judged strongest with 46% indicating good or excellent availability and quality. Legal and reintegration services were judged the least available and of lowest quality.

Quality constraints in services for boys

Support workers were asked to reflect on why social support services for boys tend to suffer from quality constraints. Overall responses described a community, family, and support context in which the sexual exploitation of boys is seen, but largely appears to be dismissed in support responses and undervalued as a child protection issue. The 29 workers who responded to this question displayed four themes in their answers which were strongly interrelated to one another. These themes are explored below:

- **Resources for boys are lacking:** More than a third of responses focused on the lack of services and infrastructure for the protection of boys. One respondent commented that *“no such formal service [for boys] has been installed”* (R30) and another noted that there were quality constraints *“because there [are] no proper monitoring systems in place.”* (R37)
- **The sexual exploitation of boys is not considered important:** Nearly a third of responses described a lack of importance placed on boy’s vulnerability to sexual abuse and exploitation, with one respondent noting, *“it’s not considered a problem and the focus is only on the females.”* (R26) Another indicated that the issue’s importance hasn’t yet been revealed, *“The importance of [boys hasn’t been] brought to light; [there is] a lack of data.”* (R46)
- **A ‘gender’ focus which excludes considerations for boys:** About one in four responses indicated quality constraints were due to support services that were solely focused on the identification and support of girls as victims of sexual exploitation. One commented, *“because most of the welfare services often focus on girls, so many who work in this field are not even aware of the kinds of abuse faced by male children.”* (R79) Another similarly noted, *“all the welfare support [is] for girls.”* (R191)

- **Lack of general awareness of boys as victims:** While many responses indicated a lack of awareness was a key issue.

Overcoming quality constraints

Suggestions for improvement included developing specialised services, including one respondent who noted the need for *“better quality of services and service providers, [as well as] more efficient systems.”* The respondent also noted the importance of policy implementation, *“The laws are in place; it’s just that they are not implemented. The system needs a bit of tweaking and revamping.”* (R37) Other respondents went further and indicated the need for a *“specific organisation to work on [these] particular issues, [to] empower the legal system, [conduct] research, and disseminate [it to] service providers.”* (R149)

As indicated throughout the findings, the need for greater awareness of the vulnerability of boys is also highlighted as key to improving service quality, with one respondent commenting on the need for this, among those directly in the field with children. The respondent noted, *“[there is a need for] more awareness - especially for individuals working in this sector and specifically those who directly interact with children and victims of abuse.”* (R79)

VULNERABILITY FACTORS IMPACTING BOYS

Support workers were given an extensive list of factors that could potentially impact a boy’s vulnerability to child sexual exploitation or abuse and asked to select the top three factors they believed had the most significant impact. The presented list of vulnerability factors for them to select from was based on findings from research and practice in a diverse range of settings, taking into account both high and low income contexts.

Traditional beliefs and practices as vulnerabilities

The most prominently noted beliefs and practices impacting the vulnerability of boys related to taboos talking about sex and sexuality, noted by nearly two-thirds of respondents (61%), followed by the stigma and shame that boy victims face

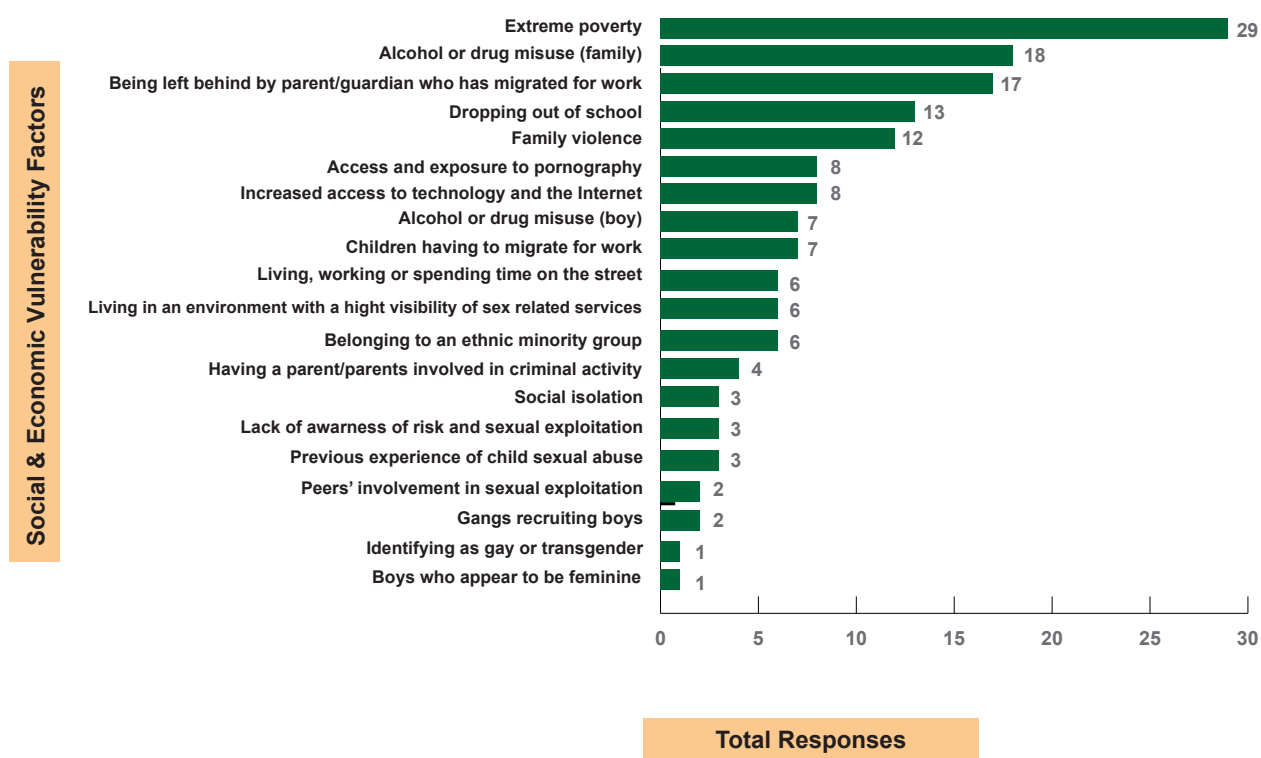
(57%). In addition, half of respondents said that ‘beliefs that boys are strong, not vulnerable, and able to protect themselves’ was a key factor impacting their vulnerability to CSEA.

To a lesser extent, 31% noted common practices in which a boy’s private areas may be patted or touched as a way of showing affection (often done in jest), beliefs that children are lower in status (28%) and that boys ‘enjoy sex and have control’ (24%), were noted.

Social and economic vulnerabilities

Economic factors, such as “extreme poverty”, (54%) are commonly understood to increase vulnerability and this response was by far the most commonly selected. Family factors like drug or alcohol misuse (33%), absent parents (31%) and family violence (22%) were high on the list. Twenty-four percent noted dropping out of school. Several commonly known vulnerability factors were notably less identified – including disability and mental health concerns.

Figure 8. Social and economic vulnerabilities to sexual exploitation of boys.



* Up to three responses per participant allowed, null results removed.

Addressing key vulnerability factors

The responses addressing traditional beliefs and practices seemed to focus on the need for education and awareness, largely of children, but also inclusive of parents and community members. This includes the need for addressing social taboos around discussing sex and sexuality which can strongly discourage boys’ help-seeking when they have concerns in this area. Also noted was a need to create greater comfort among parents and children in talking about sex, consent, and personal safety, as well as in providing accurate and age-appropriate information about sex and sexuality. One support worker commented:

“Talk to them about sex and how to protect themselves. They should know safe sexual practices [and have] correct information on sexual health.” (R116)

Another respondent commented on the impact of some traditional beliefs in isolating children from those tasked to keep them safe, which exacerbates their vulnerability to abuse, and increases the likelihood that the abuse will remain hidden.

“Traditional beliefs and generational gaps have isolated children [who have experienced abuse]. At the family level, children are reluctant to talk about the exploitation of family members due to incompatibility between family members. They fear that they may be charged/blamed.” (R102)

Several responses also seemed to take note of the need to address gender norms about men and boys in society, to help dismantle the culture of silence (and in some cases acceptance) that surrounds the abuse and exploitation of boys:

“[There is a need to] encourage victims to tell a trusted adult and create awareness about the problem [to] facilitate breaking the silence [around their abuse]. [We must] create an awareness in society that [when boys say] they enjoy sex and [are] able to protect themselves, these statements are not always true. Such encounters can deeply scar boys, too.” (R98)

Overall, there was a strong reliance on awareness raising - but little indication of how or if awareness and education alone will meaningfully impact the beliefs and practices indicated. Some respondents acknowledged the value of some existing awareness-raising and educational programming, but also indicated the need for greater, systemic, or legal changes alongside:

“Nowadays, the public is more aware of the above matters and alert about it. Because many awareness programs [have been] conducted on [this topic] and mechanisms are already developed and functioning. But the law and educational systems should be reformed, and curriculum modules should be developed. Also, cultural and traditional [vulnerability factors] should be changed by changing [the] mindsets and attitudes of [the] public.” (R82)

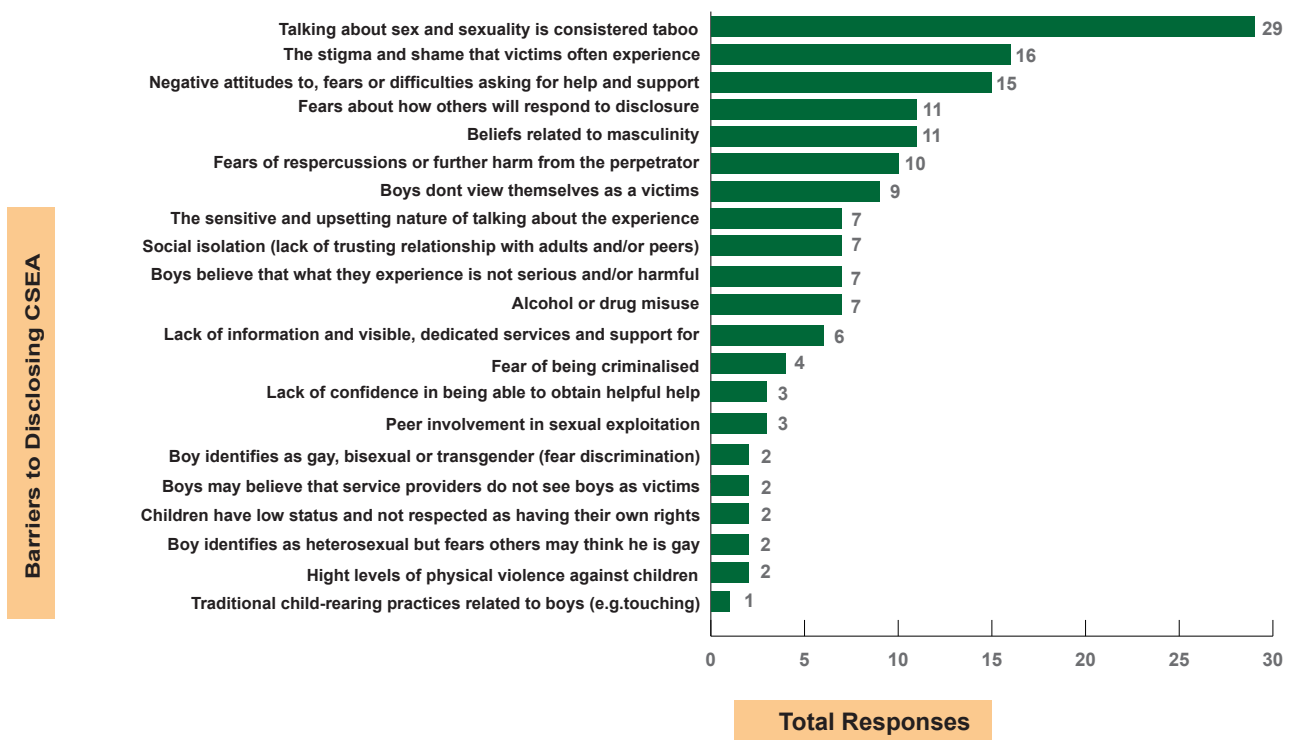
Other responses highlighted the need for improved support services for families within communities to provide resources for children who have experienced abuse or exploitation: *“Family support is needed to connect [children] with state services, or depending on the issue, connecting them to [other needed] services.”* (R67) Additionally, respondents noted the need for resources to connect labour migrant parents with financial or livelihood resources, so that they may be able to spend more time with, and better monitor and care for their children, as one noted *“[we need to] find the parents a way of living and support and ask the parents to stay with the children.”* (R152)

BARRIERS TO BOY’S DISCLOSURE OF SEXUAL EXPLOITATION

Support workers were asked to identify barriers to boys’ disclosure from a list developed from the literature. Many responses were focused on breaking down taboos discussing sex and sexuality - 55% of respondents identified this as a top factor. Thirty percent named the ‘culture of silence’ related to CSEA and stigma and shame that victims experienced as major barriers. Negative attitudes, fears, or difficulties experienced by boys who asked for help (28%), beliefs related to masculinity (21%) and fears related to the responses of others toward boys such as blaming, punishing, not believing, or mocking them (21%) were high on the list. (Interestingly for this last one related to peer responses, while 38% of male workers noted the concern, only 7% of female workers rated it highly).

Fears of repercussions (18%) was also high on the list and stood in some contrast to the more gender focused items that rose to the top.

Figure 9. Barriers for boys to disclosing sexual exploitation.



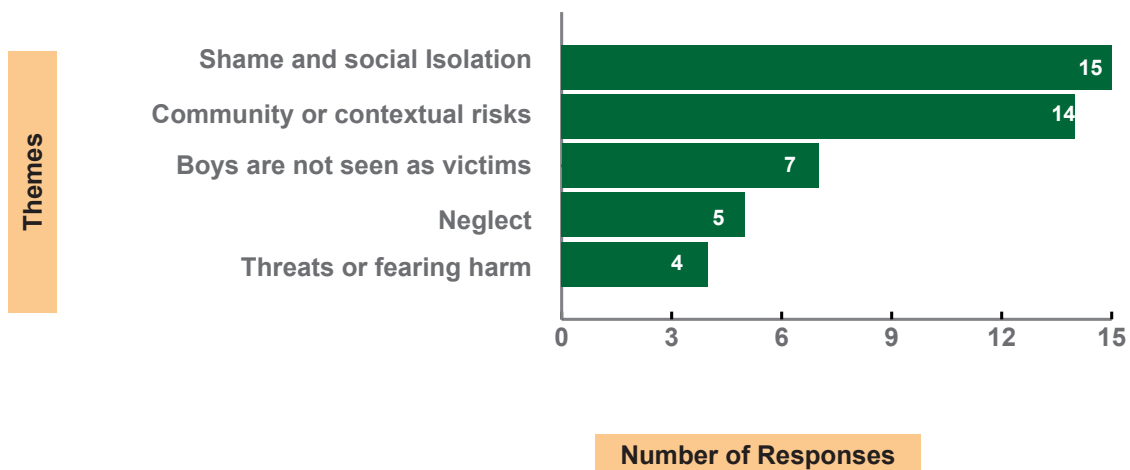
* Up to three responses per participant allowed, null results removed.

Most significant problems

Responses to a question asking frontline support workers to summarise what “boys tell you are the most serious problems that they faced” provide interesting insights to the support needed for boys. Workers described contexts for boys of normalised violence, and ambivalence from adults about what they are subjected to. Most prominently, respondents described feelings of

shame and experiences of stigma and social isolation. Workers described that boys sensed an ambivalence from the general community to the sexual exploitation of boys, as well as a kind of internalised ambivalence from boys themselves. As perhaps expected, neglect, threats from offenders, and substance abuse were commonly noted.

Figure 10. Most significant problems for boys.



- Shame and social Isolation:** This was the most prominent theme in these open responses and included a variety of stigmatisation from peers, parents and the general community. These are grouped with internalised experiences for boy victims of shame and isolation. Many responses seemed to be specifically describing sexually exploited boys in street or tourism/ beach contexts. Some respondents described sexually exploited boys feeling that they were on the “*outside of society*”. One noted their “*fears of re-joining society and looking at every person suspiciously*,” (R219) indicating a lack of trust, security, and safety, as well as another, who similarly noted their “*shame and embarrassment of going back to the society*.” (R200) While this context is certainly a part of the problem, this report clearly evidences that the vast majority of boys are subjected to abuse by known family and community members. It’s therefore important to help workers look beyond understanding this issue only through this context so that they don’t apply stereotypes in their own responses to the entire population of affected boys.
- Community or contextual risks:** Respondents noted a range of problems boys faced related to poverty, and also included child labour and street-involvement, and the possible involvement of organised crime:

“Some boys have [been hired] for housework or other work as servants. Some are offered jobs in brothels [and] they [are] influenced to take part in the brothel business. [Others] are taken as household servants and sold for sex trafficking.” (R191)

Other contextual factors included physical violence at home as well as in the community. Substance misuse was also indicated, as well as two respondents who highlighted risks from offenders in the online environment.

- Boys are not seen as victims:** Seven respondents described the social perception that the sexual exploitation of boys is not serious or has little effect on male children.

They explained how this is a key problem which prevents boys from receiving the support that they need. One respondent highlighted this issue by reflecting on social perceptions about female offenders of boys:

“Boy victims often mention that when they do report such incidents (very rarely) they are often told that it’s not something to be ashamed of, but they should rather consider themselves lucky. But it’s interesting to note that such a response is only received when the abuser is female. If it’s male, then it’s considered abuse and is frowned upon.” (R79)

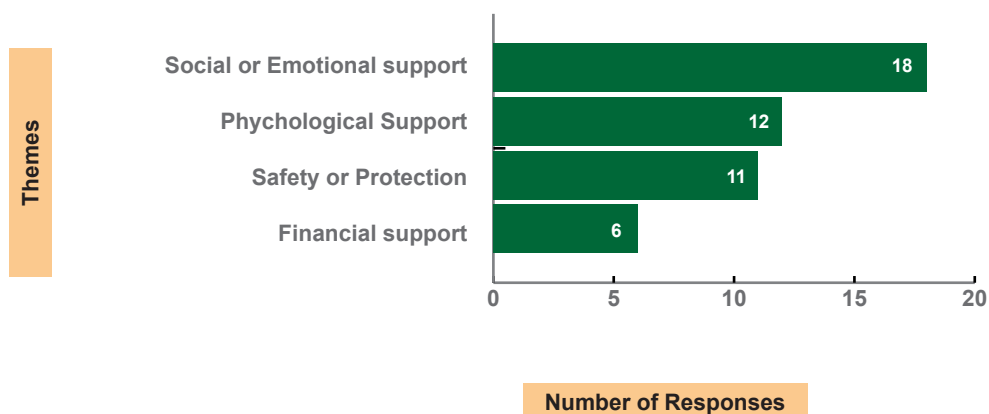
Some workers emphasised that an issue is also that many boys do not seem to perceive themselves as victims, based on a lack of understanding of what CSEA is, and potential grooming strategies employed by offenders: “*they don’t know that they are sexually exploited. He doesn’t understand why [the offender] did this to him, [but he knows] he was happy to receive gifts [from the offender].*” (R79) Another worker noted it can be ethically difficult for workers to “*reveal [to a boy in this situation] that he could be endangering his life.*” (R113)

- Neglect:** Some responses highlighted that a context of neglect, including when caregivers were struggling with substance misuse, or had migrated for work leaving their children in the care of others.
- Threats or fearing harm:** Finally, a group of responses noted fears of being harmed by the offender, violence or “*being cornered by peer groups*” (R76), as well as fears of repercussions from institutions in which the abuse took place.

Most significant needs

Support workers were then asked to consider the most significant needs *that boys say they have*. Responses most prominently highlighted needs for social and emotional support and psychological support. Additionally, physical safety and security was commonly indicated, followed by financial and economic support.

Figure 11. Most significant needs for boys.



- Social or Emotional support:** This included notes for greater parental involvement and support in the lives of boys, including the need for *“proper care and love from their families.”* (R48) Several responses noted the need for a safer peer environment and *“the ability to talk to peers without having their feelings dismissed.”* (R79) This also includes notable needs from support workers and confidants to whom boys may disclose abuse or exploitation. One respondent described the need for *“keeping confidentiality and believing that he is not wrong [to have been exploited]”* as well as offering protection from offenders. (R113) Empathy and non-judgement were also commonly noted as needed. This was noted as a general need in the community, as well as from support workers themselves. Boys need *“friendly support”* (R48) and *“empathic and non-judgemental psychosocial services.”* (R79)
- Psychological support:** The need for professional psychological help was noted by nearly half of those who responded. Workers particularly described the need for improved services to address mental health and psychosocial issues, including *“suicidal ideation, depression, and hatred of society”* (R30), as well as help with managing feelings of anger and aggressive behaviours. Additionally, a few respondents noted needs for help accessing or continuing their education.
- Safety or Protection:** The need for physical protection and personal safety was commonly indicated by more than a quarter of respondents. Respondents noted needs for physical protection from offenders, along with high levels of community and family violence.
- Financial support:** Six respondents noted the need for economic or livelihood support for boys including vocational training and other supports with education.

ANALYSIS OF LEGAL FRAMEWORK

CHILDREN'S RIGHTS IN SRI LANKAN LAW

Despite having ratified a number of robust international instruments, in some areas Sri Lanka has so far failed to meet its international obligations of domesticating and acting upon the aforementioned commitments, highlighted in the country context. The country's current legal framework to safeguard the rights of children and to protect them from exploitation, abuse and violence, contains a number of gaps and required improvements.

To ensure the rights of all children below the age of 18 years and to define the scope of protection, it is vitally important that the national legislation adopts a uniform legal definition of the term "child" to be consistently used across different laws,⁵¹ in line with international standards.⁵² Current national legislation is inconsistent. For example, the Sri Lankan Penal Code,⁵³ the Convention on Preventing and Combating Trafficking in Women and Children for Prostitution Act (No. 30 of 2005),⁵⁴ and the Assistance to and Protection of Victims of Crimes and Witnesses Act (No. 4 of 2015)⁵⁵ define a child as anyone under the age of 18. However, the Children and Young People's Ordinance (No. 48 of 1939), one of the key national laws relating to children, only defines individuals under 14 years of age as 'children' for the purposes of juvenile justice, with children aged 14-16 considered as 'young persons'.⁵⁶ Similarly, the Employment of Women, Young Persons and Children Act (No. 46 of 1956) defines a 'child' as

a person below the age of 14 years and a 'young person' as a person aged 14-18 years.⁵⁷ The use of alternative terminologies potentially dilutes the protection afforded to children or leads to children being treated differently in practice depending on which term is applied to them.

One cause of significant concern is the statutory rape law in Sri Lanka. Section 363(e) of the Penal Code of Sri Lanka which criminalises statutory rape, and thereby establishes the age of sexual consent,⁵⁸ only protects girls. It fails to recognise that boys can be victims of rape, and that women can commit rape. This section uses a gendered definition of rape stating that a 'man' is liable for rape if he has sexual intercourse with a 'woman' below the age of 16 years with or without her consent - unless the woman is his wife, over 12 years of age and not judicially separated from him.⁵⁹ As per the Explanation (i) attached to Section 363, evidence of penetration is needed to prove that rape has taken place.⁶⁰ Therefore, only penetrative sexual intercourse committed by men against girls below 16 years is currently criminalised.

Further, the law does not provide for any close-in-age exemption which would prevent same-aged peers from being prosecuted for willing sexual interactions.⁶¹ Section 364 allows for a reduced penalty of less than 10 years imprisonment for a boy below the age of 18 who commits rape of a girl under 16 years if the intercourse was engaged in willingly⁶² which oddly acknowledges the circumstances may exist for peer-aged sexual interactions, but retains a severe punishment.⁶³

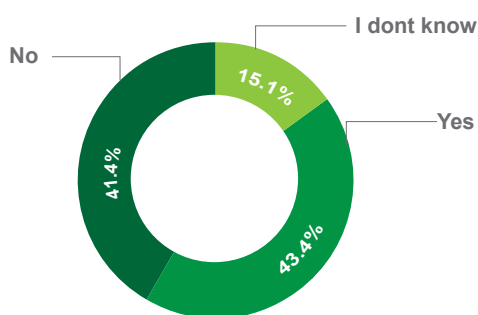
51. ECPAT International. (2016). [Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse](#).
52. In line with the majority of international legal instruments and with international practice, the participating organisations advise that the term "child" be understood as including any person who is under the age of 18 years. ([Terminology Guidelines](#), 6).
53. Government of Sri Lanka. (1883). [Penal Code Cap 19 Ordinance No. 2 of 1883 \(as amended in 2006\)](#), Sections 286A(4), 286B(4), 286C(3), 288A(2), 288B(2), 358A(3), 360B(2), 360C(3), 360D(2), 360E(a).
54. Government of Sri Lanka. (2005). [Convention on Preventing and Combating Trafficking in Women and Children for Prostitution Act \(No. 30 of 2005\)](#), Section 14.
55. Government of Sri Lanka. (2015). [Assistance and Protection to the Victims of Crimes and Witnesses Act \(No. 4 of 2015\)](#), Section 46.
56. Government of Sri Lanka. (1939). [Children and Young Peoples Ordinance \(CYPO\) No. 48 of 1939](#), Section 88.
57. Government of Sri Lanka. (1956). [Employment of Women, Young Persons and Children Act \(No. 47 of 1956\)](#), Section 13 read with 34(1).
58. The age of consent is the age at which a person is legally capable to consent to participation in sexual acts.
59. Government of Sri Lanka. (1883). [Penal Code Cap 19 Ordinance No. 2 of 1883 \(as amended in 2006\)](#), Section 363(e).
60. *Ibid.*
61. Close in age exemptions allow consensual sexual activity between persons who are significantly close in age to each other, and one or both partners are below the age of consent.
62. Government of Sri Lanka. (1883). [Penal Code Cap 19 Ordinance No. 2 of 1883 \(as amended in 2006\)](#), Section 364.
63. ECPAT Sri Lanka. (2021). Personal Communication.

Consequently, the law discriminates against boys by not only denying them protection against rape, but also by potentially treating them as offenders even in the case of consensual sexual acts.

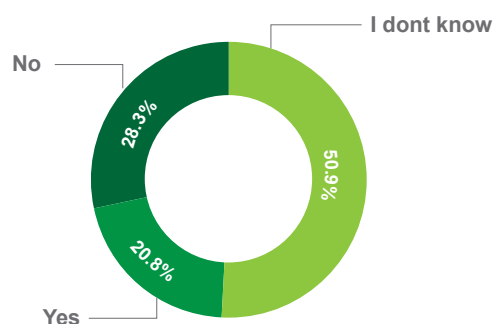
A survey question to frontline workers explored knowledge of legal protection pertaining to the age of consent (statutory rape) for boys under the age of 18 as depicted in Figure 12 below. Forty-two percent of workers correctly identified that this is not established under Sri Lankan law. Respondents struggled to identify if Sri Lanka has a close-in-age exemption to avoid criminalisation of peer-to-peer consensual sexual relationships (perhaps understandable given the above-described circumstances). Only 28% answered this question correctly, with the majority (51%) indicating that they do not know if it is established.

Figure 12. Age of sexual consent in Sri Lankan law.

Knowledge of age of consent



Knowledge of close in age exemption



Anecdotal evidence indicates that the rape of children aged 16-18 years attracts lesser or no punishment since children of this age group are

not covered by the statutory rape provisions. When rape cases go to court involving victims within this age range, lawyers often argue that ‘consent’ was provided, even if there is evidence of rape. In addition, the unnecessary inclusion of the term ‘with or without her consent’ in the law causes confusion among law enforcement agencies,⁶⁴ who differentiate statutory rape as ‘with consent’ or ‘without consent’.⁶⁵ As a result, cases considered to be committed ‘with consent’ receive a very light sentence, if any.⁶⁶ ECPAT International argues that no child under 18 and circumstances can ever ‘consent’ to exploitation by an adult.

WHY DO BOYS NEED SPECIFIC AND TAILORED MEASURES?

International instruments aimed at enshrining the rights of children provide comprehensive protection against sexual exploitation for *all* children, irrespective of gender. State parties are required to provide the same level of protection, through robust legislation and effective policy, which place the interests of the child at their forefront. Article 34 of the CRC Convention requires State parties to protect children from “all forms of sexual exploitation”, explicitly outlining that State Parties must prevent: “1) the coercion of a child to engage in any unlawful sexual activity; 2) the exploitative use of children in prostitution or other unlawful sexual practices; and 3) the exploitive use of children in pornography.”⁶⁷ This is compounded with Article 19 of the Convention wherein it states that “the State Parties must undertake legislative, administrative, social and educational measures to protect the child from all forms of violence including exploitation and sexual abuse.”⁶⁸

With regard to Sri Lanka, the Committee on the Rights of the Child (CRC Committee), in its 2019 concluding observations on the report submitted by the country, under Article 12(1) of the OPSC, expressed concern about: “(a) The high number of children, including boys, who are sexually exploited, including by foreigners, while the scope of the sexual exploitation of children is unknown due to a lack of disaggregated data and

64. *Ibid.*
 65. Sri Lankan Police. (2019). *Grave Crime Abstract for the year 2019*.
 66. ECPAT SRI LANKA. (2021). Personal Communication.
 67. *UN Convention on the Rights of the Child*. (1989). Article 34.
 68. *Ibid.*, Article 19.

a standard data-gathering system; (b) Reported cases of the sale of boys by their families for sexual exploitation and cases of parents encouraging children, particularly girls, to enter the sex industry”.⁶⁹

As noted in section 5.1, the current substantive laws on rape in Sri Lanka use gendered pronouns to define sexual offences, potentially rendering male victims (including children) invisible. The use of gendered pronouns can also be found under other legal provisions relevant for sexual exploitation of children, such as Section 360A of the Penal Code, and Section 72 of the Children and Young Persons Ordinance, which [only] refer to the procurement of girls for prostitution. These concerns are addressed below.

Currently, the offences relating to sexual intercourse with boys below the age of 18, could fall under Section 365, Section 365A or 365B of the Penal Code, which criminalise “unnatural offences, gross indecency and grave sexual abuse” respectively. Section 365 of the Penal Code defines unnatural offences as where individuals “voluntarily have carnal intercourse against the order of nature with any man, woman, or animal”.⁷⁰ Section 365B which deals with grave sexual abuse, criminalises sexual acts other than rape, includes use of the phrase, “does any act by the use of his genitals” indicating that the offender could only be considered male.⁷¹ This gendered provision ignores the reality that boys could also be exploited by female offenders.

The offence of gross indecency, criminalised by Section 365A,⁷² has also been used to prosecute and criminalise sexual activity between same-sex partners, and therefore homosexuality is in practice illegal in Sri Lanka. These laws may place all boys in danger as they do not explicitly exempt children from what is considered to be a crime; thus a child might be considered and/or treated as an offender instead of a victim in any exploitative situation with a same-sex offender. This clearly deters disclosure and reporting and offences of sexual exploitation are deemed to be underreported when it comes to boy victims in Sri Lanka.⁷³ Previous research suggests that legal

discrimination against boys seems to translate into procedural discrimination, resulting in a lack of medical support, counselling, and other support services for boy victims of sexual offences.⁷⁴ This was found to be similarly the case in the analysis of our survey data – where workers identified the stigma and shame that boys experience as one of the main barriers to accessing services (see section 4.9).

It is with these vulnerabilities in mind that the present research seeks to assess how boys are afforded protection within the Sri Lankan legal system. Each of the sections below analyses the legislation relevant to each of the contexts in which CSEA can occur and, where relevant, highlights any provisions that may have special significance for boys.

EXPLOITATION OF CHILDREN IN PROSTITUTION

It is increasingly being recognised that like girls, boys too are affected by exploitation in prostitution.⁷⁵ In 2017, the Government of Sri Lanka launched its Policy on Elimination of Child Labour in Sri Lanka, in which it acknowledged the prevalence of sexual exploitation of young boys in touristic areas, sometimes referred to as the “beach boy” phenomenon.⁷⁶ (We urge caution with the use of such labels, which may also contribute to minimising the CSEA of boys beyond these settings – our data confirms that the vast majority of CSEA of boys occurs in the general community).

Sri Lankan legislation does not explicitly criminalise prostitution. Pursuant to the decisions of the Supreme Court in two landmark cases, *Saibo v. Chellam*⁷⁷ and *Coore v. James Appu*,⁷⁸ it is not considered an offence if persons offer sexual services to earn their living, however, it is illegal to live on the earnings of a prostitute. The prohibited acts associated with prostitution have been criminalised under the Vagrants Ordinance (No. 4 of 1841), the Brothels Ordinance (No.

69. Committee on the Rights of the Child. (2019). [Concluding observations on the report submitted by Sri Lanka under article 12 \(1\) of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography](#), 4.

70. Government of Sri Lanka. (1883). [Penal Code Cap 19 Ordinance No. 2 of 1883 \(as amended in 2006\)](#), Section 365.

71. *Ibid.* Section 365B.

72. *Ibid.* Section 365A.

73. Committee on the Rights of the Child. (2019). [Concluding observations on the report submitted by Sri Lanka under article 12 \(1\) of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography](#), 8.

74. UCLA/All Survivors Project. (2017). [Legacies and Lessons Sexual violence against men and boys in Sri Lanka and Bosnia & Herzegovina](#), 9.

75. ECPAT International. (2020). [Summary Paper on Exploitation of Children in Prostitution](#), 8.

76. Government of Sri Lanka. (2017). [The National Policy on the Elimination of Child Labour in Sri Lanka](#), 6.

77. Supreme Court of Sri Lanka. (1923). *Saibo v. Chellam*.

78. Supreme Court of Sri Lanka. (2016). *Coore v. James Appu*.

5 of 1889) and the Penal Code. The Vagrants Ordinance makes it an offence to solicit illicit sexual intercourse, or acts of indecency in a public place,⁷⁹ and the Brothels Ordinance criminalises running brothels and other acts associated with it.⁸⁰ Section 360A(1) of the Sri Lankan Penal Code makes it an offence to procure, any person, of any age or gender (with or without the consent of such person) to become, within or outside Sri Lanka, a prostitute.⁸¹ This offence is penalised with prison sentences ranging between 2-10 years.⁸²

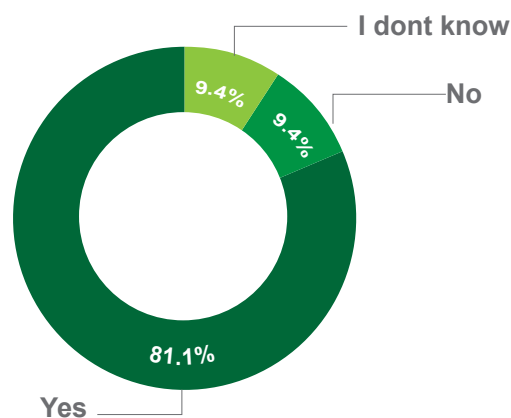
Activities relating to prostitution could also attract criminal liabilities if they involve the exploitation of children. Offences relating to the exploitation of children in prostitution have been criminalised mainly under the Sri Lankan Penal Code. It must be noted that these legal provisions do not actually define the offence of exploitation of children in prostitution in line with the OPSC⁸³ but only criminalise acts which *facilitate* the exploitation of children in prostitution.

The Penal Code comprehensively criminalises offences relating to procurement of children for exploitation in prostitution. Pursuant to Section 360B(1)(b), it is an offence to procure a child for the purposes of sexual intercourse or any other form of sexual abuse.⁸⁴ It is punishable with imprisonment ranging between 5-20 years and may also result in financial penalties.⁸⁵ Additionally, Sections 360A(2) and 360A(4) criminalise the procurement of any children under the age of 16 for illicit sexual intercourse, both outside and within Sri Lanka.⁸⁶ This offence is punishable with prison sentences ranging between 2-10 years.⁸⁷ However, the sections do not specify what actions would be considered as 'procurement for illicit sexual intercourse'. As a result, in practice many criminals are only convicted for procurement after actual sexual exploitation takes place or physical evidence including phone call records or text messages, explicitly referring to the procurement is obtained.⁸⁸ Further, Section 360B(1)(f) penalises procuring a child for sexual abuse or sexual intercourse by giving children or their parents any monetary

consideration, goods or other benefits.⁸⁹ This provision does not cover the mere promise of remuneration or any other consideration, implying that an actual exchange must take place to constitute this offence.

Figure 13 below illustrates responses from the frontline worker survey about the sexual exploitation of boys via prostitution under Sri Lankan law. The majority of respondents (81.1%) identified that it is a criminal offence in Sri Lanka to engage a boy below 18 in sexual activities for money. As explained above this is covered in multiple and diverse provisions, some of which are gendered. However, overall the provisions of the Penal Code do criminalise engaging any children – no matter their sex – in sexual activities for money.”

Figure 13. Criminality of sexual exploitation of boys in prostitution.



Section 360C(1)(c) of the Penal Code criminalises recruiting, transporting, transferring, harbouring, or receiving a child for the purpose of “securing forced or compulsory labour or services, slavery, servitude or the removal of organs, prostitution or other forms of sexual exploitation, or any other act”.⁹⁰ This is problematic as these activities are not explicitly described as trafficking within the law itself, and the term trafficking has not been properly defined. In addition, sexual exploitation is not defined by the Penal Code. Consequently, in practice, only the exploitation of children in

79. Government of Sri Lanka. (1841). *Vagrants Ordinance (No. 4 of 1841)*, Section 7.

80. Government of Sri Lanka. (1889). *Brothels Ordinance (No. 5 of 1889)*, Section 2.

81. Government of Sri Lanka. (1883). *Penal Code Cap 19 Ordinance No. 2 of 1883 (as amended in 2006)*, Section 360A(1).

82. *Ibid.* Section 360A.

83. According to Article 2(b) of the OPSC, the exploitation of children in prostitution is the use of a child in sexual activities for remuneration or any other form of consideration.

84. Government of Sri Lanka. (1883). *Penal Code Cap 19 Ordinance No. 2 of 1883 (as amended in 2006)*, Section 360B(1)(b).

85. *Ibid.* Section 360B.

86. *Ibid.* Sections 360A(2) and 360A(4).

87. *Ibid.* Section 360A.

88. ECPAT Sri Lanka. (2021). Personal Communication.

89. Government of Sri Lanka. (1883). *Penal Code Cap 19 Ordinance No. 2 of 1883 (as amended in 2006)*, Section 360B(1)(f).

90. *Ibid.* Section 360C(1)(c).

prostitution is considered as sexual exploitation whereas trafficking of children for the purposes of sexual exploitation is either charged under sexual abuse or abduction which generally receive lesser sentences.⁹¹ To constitute an offence under this section, the lack of consent on the part of the child is not required to be proved. Section 360B(1) criminalise persons who take advantage of their relationship or influence over children, or use threat or violence to procure them for sexual intercourse or sexual abuse.⁹² Lastly, Section 288A criminalises hiring or employing of children to act as procurers of persons for illicit sexual intercourse.⁹³

Besides procurement, the Penal Code criminalises other acts which could cause a child to be exploited in prostitution. For instance, Section 360B(1)(a) of the Code penalises any person who knowingly permits a child to be sexually abused by allowing him/her to remain in any premises where such abuse may take place, or participate in any form of sexual activity or any obscene or indecent show.⁹⁴ Additionally, a person who instigates or induces another person to engage in exploitation of children in prostitution, could be punished under Section 360C(1)(c) as well as Section 360B(1)(c) of the Penal Code.⁹⁵ According to Section 360B(1)(c), “whoever induces any person to be a client of a child for sexual intercourse or for any form of sexual abuse, by means of print or other media, oral advertisements or other similar means” commits the offence of sexual exploitation of the child.⁹⁶

Only Section 360A criminalises the ‘attempt’ in relation to procurement offences, although it does not define it. Nevertheless, the Penal Code provides punishment for attempting to commit offences punishable with imprisonment. This provision is applicable to offences where no express provision is made by this Code for the punishment of such an attempt.⁹⁷

In addition to the Penal Code, the Children and Young Persons Ordinance and the Vagrants Ordinance also criminalise certain acts associated

with the exploitation of children in prostitution. This includes causing or encouraging seduction or prostitution of girls under 16⁹⁸ and allowing persons under 16 to remain in brothels.⁹⁹ However, these offences do not carry stringent penalties and do not cover all children below the age of 18 years and is a gendered provision only protecting girls. Similarly, Section 11 of the Vagrants Ordinance makes it illegal to cause the prostitution of a girl,¹⁰⁰ exclusively protecting girls and ignoring the fact that boys can also be victims of such crimes.

Further examination of the above-mentioned laws and case law reveals that legislation does not criminalise prostitution per se, as prostitution is not illegal, except where it takes place in a public place, infringes upon the rights of the individual,¹⁰¹ or where it causes exploitation of children. Despite this, the 2020 US Department of State’s Trafficking in Persons Report for Sri Lanka noted that Sri Lankan authorities continued to penalise individuals, including children, for prostitution and vagrancy.¹⁰² Some child victims of trafficking apprehended for prostitution related crimes continued to be detained in government and private childcare institutions.¹⁰³ It is also noted that for offences under the Vagrants Ordinance and the Brothels Ordinance, the law does not make any exceptions for children, so as to exclude them from arrest and subsequent prosecution. Consequently, children are treated as offenders, rather than victims in offences relating to prostitution. In addition, as noted above, due to the presence of some gendered provisions, boys do not enjoy the same protection as girls.

ONLINE CHILD SEXUAL EXPLOITATION

Currently, the empirical evidence on the prevalence and extent of online forms of child sexual exploitation in Sri Lanka is limited.¹⁰⁴ Data provided by the National Child Protection Authority indicates that its child helpline received

91. ECPAT Sri Lanka (2021). Personal Communication.

92. Government of Sri Lanka. (1883). [Penal Code Cap 19 Ordinance No. 2 of 1883 \(as amended in 2006\)](#), Section 360B(1).

93. *Ibid.* Section 288A.

94. *Ibid.* Section 360B(1)(a).

95. *Ibid.* Sections 360(1)(b) and 360C(1)(c).

96. *Ibid.* Section 360B(1)(c).

97. *Ibid.* Section 490.

98. Government of Sri Lanka. (1939). [Children and Young Peoples Ordinance \(CYPO\) No. 48 of 1939](#), Section 72.

99. Government of Sri Lanka. (1841). [Vagrants Ordinance \(No. 4 of 1841\)](#), Section 73.

100. *Ibid.*, Section 11.

101. Supreme Court of Sri Lanka. (2016). [Coore v. James Appu](#).

102. U.S. Department of State. (2020). [Trafficking in Persons Report: Sri Lanka](#).

103. *Ibid.*

104. ECPAT Sri Lanka. (2019). [Sri Lanka: Online Child Sexual Exploitation Legal Gap Analysis](#). 4.

39 complaints relating to obscene publications involving children in 2020,¹⁰⁵ 23 complaints in 2019¹⁰⁶ and 14 in 2018.¹⁰⁷ While this data shows a gradual increase in the number of reported cases, it does not reflect the complete picture or help determine the extent of the problem in the country. Notwithstanding, ‘image-based’ sexual content¹⁰⁸ and the use of children in the production of child sexual abuse material at least are evident in Sri Lanka.¹⁰⁹

Online sexual exploitation of children offences are mostly criminalised under the Penal Code of Sri Lanka (as amended by Act No. 22 of 1995). In addition, the Children and Young Persons (Harmful Publications) Act No. 48 of 1956, Obscene Publications Ordinance and the Vagrants Ordinance, are also invoked to combat offences relating to CSAM. However, one of the major challenges with these laws is that they only criminalise conduct related to obscenity involving children, and do not provide any definition of CSAM in line with the OPSC and other relevant international instruments.

Article 286A of the Penal Code prohibits “publication of obscene depictions of children”.¹¹⁰ The section uses the phrase “*obscene or indecent photograph or film*”, although what constitutes an obscene or indecent photograph or film has not been defined. It must be noted that the term ‘film’ means “any form or video recording”,¹¹¹ and therefore does not cover other forms of material such as audio recordings or written materials. In the absence of any concrete definition, it remains difficult to determine the scope of this provision. It is not clear what kinds of material are covered, or whether computer/digitally generated child sexual abuse materials including realistic images of non-existent children are included. The Sri Lanka Penal Code fails to criminalise material depicting persons that appear to be minors, which is

inconsistent with Sri Lanka’s obligations under the OPSC. While signing the Budapest Convention on Cybercrime, Sri Lanka availed itself of certain reservations relating to CSAM under Article 9 of the Convention.¹¹² Therefore Sri Lanka does not have any obligation under the Convention to criminalise images that appear to be of a minor engaged in sexually explicit conduct, and realistic images representing minors engaged in sexually explicit conduct.¹¹³ Reportedly, Sri Lanka availed itself of these reservations owing to concerns that it would be challenging for law enforcement to determine the age of children portrayed in virtual images.¹¹⁴

Notwithstanding, Section 2(a) of the Obscene Publications Ordinance contains the following list: “... obscene writings, drawings, prints, paintings, printed matter, pictures, posters, emblems, photographs, cinematograph films, video cassettes or any other obscene objects”.¹¹⁵ However, this provision is generic in nature and does not specifically apply to CSAM, and the term ‘obscene’ has not been defined anywhere in the law leaving significant room for judicial interpretation.

Article 286A of the Penal Code prohibits several actions classified as “offences of obscene publication and exhibition relating to children”¹¹⁶ thus criminalising the selling, distributing, publishing or possession of any obscene photograph or film involving a child.¹¹⁷ Further, Section 286C(c) penalises anyone who “(i) takes, or assists in taking of any indecent photograph of a child; or (ii) distributes or shows any such photograph or any publication containing such photograph; (iii) has in his possession for distribution or showing, any such photograph or publication”.¹¹⁸ In addition, the Penal Code criminalises the possession of CSAM with no intent to distribute, sell, etc. (mere possession).¹¹⁹

105. National Child Protection Authority. (2020). [Number of complaints reported to the National Child Protection Authority from 01st Jan. 2020 to 31st Dec. 2020](#).

106. National Child Protection Authority. (2019). [Number of complaints reported to the National Child Protection Authority from 01st Jan. 2019 to 31st Dec. 2019](#).

107. National Child Protection Authority. (2018). [Number of complaints reported to the National Child Protection Authority from 01st Jan. 2018 to 31st Dec. 2018](#).

108. ‘Image-based’ online child sexual exploitation is the dissemination of usually private sexual images or self-generated sexual content. See: ECPAT Sri Lanka. (2019). [Sri Lanka: Online Child Sexual Exploitation Legal Gap Analysis](#). 4.

109. ECPAT Sri Lanka. (2019). [Sri Lanka: Online Child Sexual Exploitation Legal Gap Analysis](#). 4.

110. Government of Sri Lanka. (1883). [Penal Code Cap 19 Ordinance No. 2 of 1883 \(as amended in 2006\)](#), Section 286A.

111. *Ibid.*

112. ECPAT Sri Lanka. (2019). [Sri Lanka: Online Child Sexual Exploitation Legal Gap Analysis](#). 11.

113. Council of Europe. (2001). [Explanatory Report to the Convention on Cybercrime. \(Treaty No 185\)](#).

114. ECPAT Sri Lanka. (2019). [Sri Lanka: Online Child Sexual Exploitation Legal Gap Analysis](#). 12.

115. Government of Sri Lanka. (1927). [Obscene Publications Ordinance No. 4 of 1927 \(as amended in 2005\)](#), Section 2(a).

116. Government of Sri Lanka. (1883). [Penal Code Cap 19 Ordinance No. 2 of 1883 \(as amended in 2006\)](#), Section 286A.

117. *Ibid.*, Section 286A(1).

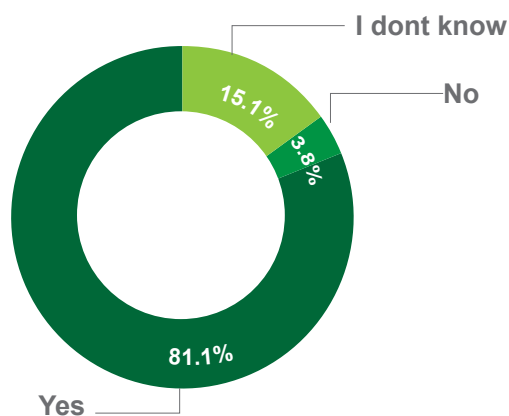
118. *Ibid.* Section 286A(1)(c).

119. *Ibid.* Section 286A(1)(a).

This could also fall under the Obscene Publications Ordinance, which establishes that it is an offence to produce, possess, import, export, carry on, take part in a business or advertise the availability of obscene publications.¹²⁰

Figure 14 below illustrates responses from the frontline worker survey about the criminality of child sexual abuse materials in Sri Lankan law. Four-in-five (81%) respondents correctly identified that “mere possession” of child sexual abuse material with no intent to distribute/share is criminalised in Sri Lanka. Only two answered incorrectly and eight (15%) said that they did not know. It’s interesting to also note that in the scenario questions, while workers understood the production of CSAM to be a crime, 22% of workers did not judge the *viewing* of CSAM as sexual exploitation, (see section 4.6).

Figure 14. Criminality of possessing child sexual abuse materials.



The Penal Code covers conduct taking place in the online environment and/or through information and communication technologies, albeit implicitly under Section 286B. In addition, the publication of an obscene article electronically, could be punished under Section 2 of the Obscene Publications Ordinance, although it is not specifically mentioned.¹²¹ However, it is important to note that Sri Lanka does not currently have any obligation under the Budapest Convention to criminalise procuring CSAM through a computer system and possessing CSAM due to the reservations it has availed.¹²²

The Penal Code also criminalises hiring, employing, persuading, using, inducing, or coercing any child to perform in any obscene or indecent exhibition or show or to pose or model for, or to appear in, any obscene or indecent photograph or film.¹²³ Further, it penalises parents, guardians or persons having custody of a child from causing or allowing such a child to be employed, or to participate, in any obscene or indecent exhibition, show, photograph or film.¹²⁴ However, the laws do not explicitly criminalise knowingly attending pornographic performances involving children.

In the early 2000’s, online child sexual exploitation related crime was mostly restricted to the online production, possession and distribution of CSAM. Now, these crimes have evolved to include a variety of offences such as live streaming of child sexual abuse, online grooming and online sexual extortion and coercion among others.¹²⁵ The rapid advancement in information and communication technologies has provided offenders with more avenues and sophisticated means to exploit children, and currently, Sri Lankan legislation is inadequate in tackling these new forms, as these offences have not been explicitly defined and criminalised. Currently, legislation does not criminalise cases where pornographic performances involving children might be streamed online (also known as the live streaming of child sexual abuse), while online grooming has not so far been included into Sri Lanka’s legal framework.

Section 360E of the Penal Code, criminalises the solicitation of children under 18 years, or believed to be under 18 years, for the purpose of sexual abuse, although the provision does not specify whether the meeting and the abuse must have happened to constitute the crime. The offence of solicitation is punishable with imprisonment of a term up to 10 years or a fine, or both.¹²⁶ Even though the section does not specifically mention Internet and communication technologies as venues and tools used for solicitation, the provision could theoretically still be invoked to include online aspects of solicitation of children for sexual abuse, as Sri Lankan legislation does not explicitly criminalise online sexual extortion.¹²⁷

120. Government of Sri Lanka. (1927). *Obscene Publications Ordinance No. 4 of 1927 (as amended in 2005)*, Section 2(2).

121. *Ibid.*, Section 2.

122. Council of Europe. (2001). *Explanatory Report to the Convention on Cybercrime. (Treaty No 185)*; ECPAT Sri Lanka. (2019). *Sri Lanka: Online Child Sexual Exploitation Legal Gap Analysis*. 11.

123. Government of Sri Lanka. (1883). *Penal Code Cap 19 Ordinance No. 2 of 1883 (as amended in 2006)*, Section 286A(1)(a).

124. *Ibid.* Section 286A(1)(b).

125. ECPAT International. (2020). *Summary Paper on Online Child Sexual Exploitation*. 2.

126. Government of Sri Lanka. (1883). *Penal Code Cap 19 Ordinance No. 2 of 1883 (as amended in 2006)*, Section 360E.

127. Sexual extortion, also called “sextortion”, is the blackmailing of a person with the help of self-generated images of that person in order to extort sexual favours, money, or other benefits from her/him under the threat of sharing the material beyond the consent of the depicted person (e.g posting images on social media). (*Terminology Guidelines*, 52.)

Notwithstanding, the Penal Code criminalises any person who “threatens or uses violence towards a child to procure him/her for any form of sexual abuse”.¹²⁸ This section could be utilised to punish offenders for online sexual extortion along with Computer Crimes Act No. 24 of 2007, although indirectly.¹²⁹ However, the burden would lie on the plaintiff to prove the case ‘beyond reasonable doubt’ against the accused, which is challenging. In Sri Lanka, the concept of ‘beyond reasonable doubt’ often requires physical evidence of the offender conducting the crime, and subtle messages or emails with sexual connotations are not considered sufficient. Therefore, while these laws are used against sexual extortion of children, the offenders can use the loopholes to escape justice.¹³⁰

Another major issue with the Sri Lankan legislation pertaining to online child sexual exploitation, is the lack of a provision that excludes a child’s criminal liability for producing and sharing CSAM. In the absence of any such exemption, a child could also theoretically be prosecuted for sharing sexual content (sexting) even when they are forced to do so in an abusive situation. According to ECPAT Sri Lanka, usually, children are not prosecuted for sharing their own (self-generated) sexual content, but they are often verbally humiliated by law enforcement officials who threaten the child into not making the complaint against the abuser, implying, or threatening them with prosecution. Due to the lack of any specialised force or trained officers handling OSCE cases, the police often tend to avoid the additional workload by dissuading victims from reporting such offences. However, if the shared sexual content involves another child and there is sufficient evidence to prove it, there have been rare instances where the cases progressed to court.¹³¹

The Computer Crimes Act, No. 24 of 2007 is silent in regard to online child sexual exploitation, although as the Act includes provisions which enable the authorities to order persons to preserve computer data during an investigation,

its applicability to online child sexual exploitation offences may prove invaluable. In September 2020, the Cabinet of Ministers approved a proposal to prepare a new bill that would contain stringent penalties against offenders who circulate or publish CSAM online,¹³² although in October 2021, the bill has yet to be passed.¹³³

Sri Lankan legislation does include obligations under the Penal Code which could apply to Internet service providers and cybercafe owners. The Penal Code makes it the duty of those who provide a service by means of a computer to “take all necessary steps to ensure that such computer facility is not used for the commission of an act constituting an offence relating to the sexual abuse of a child”.¹³⁴ Further, where such persons have knowledge of a computer facility being used for the commission of an act constituting an offence relating to the sexual abuse of a child, they are required by this law to “without delay inform the officer in charge of the nearest police station and give any available information on the criminal act itself and the identity of the alleged offender”. Those who contravene these provisions are liable to imprisonment for a term not exceeding two years or a fine or to both.¹³⁵ These are important provisions that would enable Internet service providers and cybercafe owners to control, block and remove CSAM and report behaviour harmful to children to the relevant authorities.¹³⁶

In a 2010 case, the Juvenile Court of Bambalapitiya, while affirming the harm caused to children and adults by the easy accessibility of pornographic websites, had directed the Internet service providers to block certain pornographic websites.¹³⁷ Although the court did not specifically refer to CSAM, it does generate jurisprudence on the topic of Internet service providers’ obligations to block materials harmful to children, which could include CSAM. Anecdotal evidence suggests that despite this ruling and the obligations under the Penal Code, Internet service providers remain lax and do not take their duties seriously.¹³⁸

128. Government of Sri Lanka. (1883). [Penal Code Cap 19 Ordinance No. 2 of 1883 \(as amended in 2006\)](#), Section 360B(1)(e).

129. Government of Sri Lanka. (2007). [Computer Crimes Act No. 24 of 2007](#), Sections 6-7.

130. ECPAT Sri Lanka. (2021). Personal Communication.

131. *Ibid.*

132. The Morning. (2020). [Obscene Publications Ordinance amended](#).

133. ECPAT Sri Lanka. (2021). Personal Communication.

134. Government of Sri Lanka. (1883). [Penal Code Cap 19 Ordinance No. 2 of 1883 \(as amended in 2006\)](#), Section 286B.

135. *Ibid.*, Section 286B.

136. ECPAT International. (2020). [Summary Paper on Online Child Sexual Exploitation](#). 17.

137. Juvenile Court of Bambalapitiya. (2010). [Magistrate Court Case No. 7401/S 0](#).

138. ECPAT Sri Lanka. (2021). Personal Communication.

SALE AND TRAFFICKING OF CHILDREN FOR SEXUAL PURPOSES

In its concluding recommendations for Sri Lanka, the CRC Committee expressed concern about reported cases of the sale of boys for sexual purposes by their families.¹³⁹ The US Department of State's 2021 Trafficking in Persons Report noted that while Sri Lanka does not completely meet the minimum standards for the elimination of trafficking, it is taking significant efforts in this direction. These efforts included convicting traffickers under its trafficking statute and working with international organisations on combating trafficking and raising awareness.¹⁴⁰

The offences relating to sale and trafficking of children for sexual purposes have been criminalised mainly under the Penal Code and the Convention on Preventing and Combating Trafficking in Women and Children for Prostitution Act (No. 30 of 2005) (the SAARC Convention Act), which both define and criminalise the offence of 'trafficking in persons'.¹⁴¹ The definition of trafficking in persons under these laws is consistent with that provided by Article 3 of the Trafficking Protocol. Additionally, the definition under the SAARC Convention Act explicitly covers trafficking both within and outside the country. With specific regard to trafficking of children, Section 360C(1)(c) of the Penal Code makes it an offence to recruit, transport, transfer, harbour or receive a child or do any other act with or without the consent of a child, to secure forced or compulsory labour or services, slavery, servitude or the removal of organs, prostitution or other forms of sexual exploitation, or any other act which constitutes an offence under any law.¹⁴² This offence carries a penalty of 2-20 years and a fine.¹⁴³ There is no requirement as to the presence of movement' or 'displacement' of the child victim to constitute trafficking. Although sexual exploitation (in all its manifestations) has been listed as one of the purposes of trafficking,

it has not been adequately defined, causing this provision to be implemented only when there is evidence of financial exchange.¹⁴⁴ As previously identified, anecdotally, the authorities consider it child trafficking only if there is an element of exchange, for example, through prostitution or by selling of children for illegal adoption to overseas buyers. Children who are trafficked for other sexual purposes such as sexual abuse by offenders are not treated as trafficking victims by the authorities in Sri Lanka, such cases are considered 'abductions' and receive a lesser sentence.¹⁴⁵ Further, even though this provision does not explicitly state the means of trafficking - coercion, abduction, fraud, deception, abuse of power, etc. are not required to constitute the crime in the case of child victims, it is implied through the use of the words "with or without the consent". The inclusion of the term 'with or without the consent' appears to cause confusion among the law enforcement officials, and cases considered to be 'with consent' receive a very light sentence, if any.¹⁴⁶

Additionally, the legislation criminalises other acts which have the effect of facilitating sale and trafficking of children for sexual purposes. Section 2 of the SAARC Convention Act, penalises "any person that keeps, maintains, manages or knowingly finances trafficking of women and children for prostitution, or knowingly lets or rents, a building or other place for such purpose or any matter connected".¹⁴⁷ Although this provision could theoretically be invoked to punish the owners or administrators of establishments or real estate property open to the public, for knowingly allowing them to be used for the purpose of child trafficking - in practice, this rarely happens.¹⁴⁸ In addition, Section 360B of the Penal Code which criminalises knowing or allowing a child to remain in any premises for the purposes of child sexual abuse, or for participating in any form of sexual activity or obscene or indecent exhibition or show, could also be used to criminalise owners or managers of premises which are used for the purpose of child trafficking.¹⁴⁹ In practice,

139. Committee on the Rights of the Child. (2019). [Concluding observations on the report submitted by Sri Lanka under article 12 \(1\) of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography](#), 4.

140. U.S. Department of State. (2021). [Trafficking in Persons Report: Sri Lanka](#).

141. Government of Sri Lanka. (1883). [Penal Code Cap 19 Ordinance No. 2 of 1883 \(as amended in 2006\)](#), Section 360C; Government of Sri Lanka. (2005). [Convention on Preventing and Combating Trafficking in Women and Children for Prostitution Act \(No. 30 of 2005\)](#), Section 14.

142. Government of Sri Lanka. (1883). [Penal Code Cap 19 Ordinance No. 2 of 1883 \(as amended in 2006\)](#), Section 360C(1)(c).

143. *Ibid.*, Section 360C(1)(c).

144. ECPAT Sri Lanka. (2021). Personal Communication.

145. *Ibid.*

146. *Ibid.*

147. Government of Sri Lanka. (2005). [Convention on Preventing and Combating Trafficking in Women and Children for Prostitution Act \(No. 30 of 2005\)](#), Section 2.

148. ECPAT Sri Lanka. (2021). Personal Communication.

149. Government of Sri Lanka. (1883). [Penal Code Cap 19 Ordinance No. 2 of 1883 \(as amended in 2006\)](#), Section 360B(1)(c).

this provision has only been used to criminalise establishments where trafficked children were found.¹⁵⁰

The Sri Lankan national legislation does not create a standalone offence of the 'sale of children' as this is covered under Section 360C which refers to trafficking. Moreover, Section 360C does not define the term 'sale of children' in line with the OPSC. Despite an overlap, 'sale of children' is not identical to 'trafficking'. The 'sale of children' always involves some form of commercial transaction but does not require the purpose of exploiting a child (e.g. sale of children for illegal adoption). Trafficking however, does not require a commercial transaction for an offence to be committed, but does require the purpose of exploitation. Therefore, the 'sale of children' is not necessarily related to sexual abuse and sexual or other forms of exploitation. Whilst the definitional overlap between 'sale' and 'trafficking' of children for sexual purposes might not impact the individual victims as such, distinguishing the two terms in law is necessary to facilitate the prosecution of offenders.¹⁵¹ The CRC Committee had expressed concern regarding the Sri Lankan provisions as "the sale of children, a concept similar, but not identical, to trafficking in children, is not explicitly defined and criminalised".¹⁵² It has often been observed that instead of Section 360C, section 360A of the Penal Code is invoked to prosecute offenders. Section 360A - which criminalises procurement for prostitution, carries a lesser punishment than Section 360C, and was observed by both the CRC Committee¹⁵³ and the US Department of State's 2021 Trafficking in Persons Report.¹⁵⁴ Cases of child trafficking are often registered under the offence of abduction under Section 353 of the Penal Code, which carries a far lesser punishment than trafficking.¹⁵⁵

SEXUAL EXPLOITATION OF CHILDREN IN THE CONTEXT OF TRAVEL AND TOURISM

Over recent decades, the travel and tourism industry has developed at a rapid pace in Sri Lanka, providing opportunities for child sex offenders to use the infrastructure of the travel and tourism industry to commit crimes.¹⁵⁶ Whilst trafficking related offences committed in the context of travel and tourism could be penalised under Section 360C(c) of the Penal Code,¹⁵⁷ exploitation of children in prostitution is also covered under Section 360A(5) of the Code.¹⁵⁸ In addition, Section 360B indirectly criminalises benefitting, by any means, from any form of sexual exploitation of a child (or children).¹⁵⁹ The Penal Code penalises advertising or promoting sexual exploitation of children, as according to Section 360B(1)(c), inducing a person to be a client of a child for sexual intercourse or for any form of sexual abuse, by means of print or other media, oral advertisements or other similar means, is an offence.

To exploit children, traveling sex offenders misuse the tourism infrastructure, therefore, it is crucial that national legislation imposes strict penalties for the private sector operating in the travel and tourism industry which take part in activities that promote, facilitate, and organise such crimes.¹⁶⁰ Currently, the national legislation of Sri Lanka does not impose any explicit legal obligations on travel and tourism industries about child sexual exploitation offences. The provisions under the Penal Code fail to explicitly state whether they would apply if the offences were committed by a legal entity other than an individual. In practice, only *individuals* are prosecuted for these offences under the Penal Code and not the legal entities. Consequently, owners and high-ranking officials of these companies can evade punishment by placing blame onto low-level workers.¹⁶¹

150. ECPAT Sri Lanka. (2021). Personal Communication.

151. ECPAT International. (2020). [Summary Paper on Sale and Trafficking of Children for Sexual Purposes](#). 2.

152. Committee on the Rights of the Child. (2019). [Concluding observations on the report submitted by Sri Lanka under article 12 \(1\) of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography](#). 2.

153. *Ibid.*, 8.

154. U.S. Department of State. (2021). [Trafficking in Persons Report: Sri Lanka](#).

155. ECPAT Sri Lanka. (2021). Personal Communication.

156. ECPAT International. (2020). [Summary Paper on Sexual Exploitation of Children in Travel and Tourism](#). 1.

157. Government of Sri Lanka. (1883). [Penal Code Cap 19 Ordinance No. 2 of 1883 \(as amended in 2006\)](#), Section 360C(1)(c).

158. *Ibid.* Section 360A(5).

159. *Ibid.* Section 360B.

160. ECPAT International. (2020). [Summary Paper on Sexual Exploitation of Children in Travel and Tourism](#). 4.

161. ECPAT Sri Lanka. (2021). Personal Communication.

Notwithstanding, under the SAARC Convention, the term “traffickers” includes “any person, agency or institution engaged in any form of trafficking”.¹⁶² Theoretically, this definition could be used to prosecute cases within the private travel and tourism sector, although only for trafficking related offences under this Act. An additional weakness is that travel and tourism companies are not mandated by law to adhere to specific national codes for child protection. Indeed, the Tourism Act (No. 38 of 2005) authorises the Minister on the advice of the Sri Lanka Tourism Development Authority, to make regulations prescribing Codes of Conduct for Tourist Enterprises and Tourist Services. Thus far, it appears that the Minister has yet to ever act under this provision - a missed opportunity for the Sri Lankan tourism industry to increase protection for children.¹⁶³ Notwithstanding, the Sri Lanka Tourism Development Authority has agreed to follow the World Tourism Organisation’s code of ethics.¹⁶⁴ However, at the time of writing, it was confirmed by the Sri Lanka Tourism Development Authority that no steps had been taken in this direction.¹⁶⁵

At present, national legislation does not have adequate provisions to regulate traveling sex offenders’ access to children, as it does not include any provisions denying entry/leave of persons convicted of sexual exploitation of children, or any provisions for establishing strict conditions for their travel. However, the Department of Immigration and Emigration maintains lists of visa applicants under three categories: Red, Amber, and Green.¹⁶⁶ Sri Lanka also works in close collaboration with INTERPOL and uses its screening system at international airports in the country.¹⁶⁷ Although there are no explicit legal provisions that exclude offenders of sexual offences committed abroad from bail,

in practice, courts can impose restrictions on travel, for example, by impounding the passport of the alleged offender or by requiring them to periodically present themselves at a specific police station and sign a document.¹⁶⁸ This is true for all crimes and does not exclusively apply to child sexual exploitation offences.

Some challenges with regard to overseas travellers remain, including that the use of international volunteers in child care centres (sometimes referred to as “voluntourism”), and other activities with direct child contact, are not regulated by law. Sri Lankan legislation neither makes it mandatory to check the criminal background of individuals (national and non-national) applying for work with or for children, and convicted sex offenders are currently not prohibited from holding positions involving or facilitating contact with children.¹⁶⁹

At policy level, Sri Lanka committed to eradicate sexual exploitation of children in travel and tourism by 2020,¹⁷⁰ and though it has taken various initiatives in this direction, is yet to meet its commitment. The government has held consultations at the national level on advancing responsible business practices to prevent SECTT and organised zero-tolerance programmes for foreigners in the areas of Bentota and Kalutara.¹⁷¹ In 2014, the National Child Protection Authority (NCPA) initiated a programme to monitor the Internet for CSAM and travel and tourism related crimes, called CyberWatch,¹⁷² and whilst these efforts are laudable, effective engagement with the private sector and other stakeholders and actors is required to effectively combat sexual exploitation in the travel and tourism context.¹⁷³

162. Government of Sri Lanka. (2005). [Convention on Preventing and Combating Trafficking in Women and Children for Prostitution Act \(No. 30 of 2005\)](#), Section 14.

163. Government of Sri Lanka. (2005). [Tourism Act \(No. 38 of 2005\)](#), Section 49(1).

164. Daily News Sri Lanka. (2005). [Sri Lanka Tourism to follow WTO Code of Ethics](#).

165. ECPAT Sri Lanka. (2021). Personal Communication.

166. The red list is for offenders warranted by a court for a crime, and through information received from various sources, the lists are updated accordingly, and the lists help in screening applications lodged by tourists.

167. Committee on the Rights of the Child. (2019). [Replies of Sri Lanka to the list of issues](#).

168. ECPAT Sri Lanka. (2021). Personal Communication.

169. Most non-governmental organisations that engage foreign volunteers often have their own screening systems and have child protection policies etc. that such persons are required to sign prior to engaging with children. Also, most organisations that work with children and vulnerable communities usually do a background check including a police report check, prior to recruitment. (Personal communication ECPAT Sri Lanka)

170. Committee on the Rights of the Child. (2019). [Concluding observations on the report submitted by Sri Lanka under article 12 \(1\) of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography](#), 5.

171. *Ibid.*, 5.

172. ReadMe. (2014). [NCPA Cyber Watch Hunts Down Sex Offenders](#).

173. Committee on the Rights of the Child. (2019). [Concluding observations on the report submitted by Sri Lanka under article 12 \(1\) of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography](#), 6.

CHILD, EARLY AND FORCED MARRIAGE

Child, early and forced marriage is an issue that affects both girls and boys (though of course girls are disproportionately impacted). It has been estimated that, globally, in 2019, 115 million boys and men were married before the age of 18, out of whom 23 million were married before they turned 15 years of age.¹⁷⁴ Boys who marry early face increased social pressure to play the role of the 'breadwinner' and take up responsibilities of the household which ultimately brings their childhood to an early end.¹⁷⁵

In Sri Lanka, the prevalence of child marriage remains low when compared to other South Asian nations. However, it is still evident in certain communities. Whilst data is scarce, it was estimated that in 2014, between 16,000 and 24,000 children under 18 were either formally married or cohabiting.¹⁷⁶ Regarding this, the CRC Committee had raised concern in the following words: "*The Committee is seriously concerned that, despite the minimum marriage age of 18 years set by law, child marriage remains prevalent in the State party and may in some circumstances be tantamount to the sale of children.*"¹⁷⁷

In Sri Lanka, the main law related to marriage is the General Marriages Ordinance, 1907, although this does not apply to Muslims who are governed by the Muslim Marriage and Divorce Act, 1951. The General Marriages Ordinance (No. 19 of 1907) establishes 18 years as the legal age of marriage,¹⁷⁸ and is applicable to both boys and girls, although it is noted that the legal age of marriage is not consistent across different legal systems. The Muslim Marriage and Divorce Act for example, does not specify any minimum age for marriage. Following discussion and debate on increasing the minimum age of marriage under Muslim law, and bringing it in line with the general law, the Ministry of Justice appointed a committee in 2009 to propose reforms to the

Muslim Marriage and Divorce Act. A full nine years later, in 2018, a report was released by the said committee which included recommendations to increase the legal age of marriage under the Act for girls and boys to 18.¹⁷⁹ Two years on, in November 2020, a cabinet proposal was submitted to amend the Muslim Marriage and Divorce Act and set 18 as the minimum age of marriage for Muslim women.¹⁸⁰ At the time of writing, the amendment to Muslim Marriage and Divorce Act was still being drafted.¹⁸¹

Additionally, different stipulations in different laws creates loopholes which permit child marriages. The General Marriages Ordinance permits minors to marry with the consent of their parent(s), guardians, or the court.¹⁸² Despite the presence of such an exception, the Court of Appeal in *Gunaratnam v. Registrar-General* clarified that there is an absolute ban on marriage in which the parties are below 18 years of age. Common law therefore indicates that marriage in Sri Lanka should not occur before 18 (excepting Muslims). The Muslim Marriage and Divorce Act states that a special permission from an Islamic magistrate is required if the girl involved is under 12.¹⁸³

Legislation does not establish any general offence of child marriage in criminal law, and neither inducing and forcing a child to get married, nor knowingly marrying a child have been criminalised. Moreover, the practice of dowry is not addressed in law, and the practice of providing dowry as a gift continues among many families in the Sinhalese and Tamil communities. Under Muslim personal law and traditional practices, a husband is required to give dowry or 'mahr' to the wife. In some regions, in practice, the dowry (kaikuli) is given by the bride's family to the groom.¹⁸⁴ In some cases, the giving of dowry can also be used as a resolution when sexual exploitation has occurred. For example, in a 2013 decision by the Sri Lankan Court of Appeal, a man was acquitted of statutory rape on the grounds that he later married his victim.¹⁸⁵ This appears to suggest that an offender could be protected from

174. UN News. (2019). Around 23 million boys have married before reaching 15; 'we can end this violation' says UNICEF chief.

175. ECPAT International. (2020). [Summary Paper on Child, Early and Forced Marriages as a Form of, or Pathway to Sexual Exploitation of Children.](#)

176. UNICEF. (2018). [25 million child marriages prevented in last decade due to accelerated progress, according to new UNICEF estimates.](#)

177. Committee on the Rights of the Child. (2019). [Concluding observations on the report submitted by Sri Lanka under article 12 \(1\) of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.](#)

178. Government of Sri Lanka. (1907). [General Marriages Registration Ordinance \(No. 19 of 1907\) \(as amended in 2006\), Section 15.](#)

179. Government of Sri Lanka. (2018). [Report Of The Committee Appointed To Consider Amendments To The Muslim Marriage And Divorce Act.](#) 39.

180. Daily Mirror. (2021). [Govt. to amend Muslim Laws: Ali Sabri.](#)

181. ECPAT Sri Lanka. (2021). Personal Communication.

182. Government of Sri Lanka. (1907). [General Marriages Registration Ordinance \(No. 19 of 1907\) \(as amended in 2006\), Section 22.](#)

183. Government of Sri Lanka. (1951). [Marriage and Divorce \(Muslim\) Act \(No. 13 of 1951\), Section 23.](#)

184. Food and Agricultural Organisation of the United Nations (FAO). (n.d.). [Customary norms, religious beliefs and social practices that influence gender-differentiated land rights.](#)

185. Goonesekere, A & Amarasuriya, H. (2013). [Early marriage and statutory rape in Sri Lanka.](#) 7.

punishment for sexual exploitation if they marry their victim. Also, it must be noted that marital rape has not been criminalised in Sri Lanka, and therefore children forced into marriages would have no remedy in case they are sexually abused by their spouses.

EXTRATERRITORIALITY AND EXTRADITION

The growth of the travel and tourism industry has made it easier for travelling sex offenders to travel abroad and commit crimes against children.¹⁸⁶ Therefore, in the context of SEC offences, extraterritorial jurisdiction becomes vitally important, as it provides States with the power to prosecute their citizens for crimes committed outside their borders. To prevent countries from becoming safe havens for child sex offenders, it is important that the national legislation fully establishes extraterritorial jurisdiction over child sexual exploitation offences in accordance with Article 4 of the OPSC. Similarly, provision of extradition in the law is essential, so that States can return offenders to the country where the crime was committed, or their home country for prosecution.¹⁸⁷

In Sri Lanka, extraterritoriality over child sexual exploitation offences has been established under two main laws- the Sri Lankan Penal Code and the SAARC Convention Act. The Penal Code establishes extraterritorial jurisdictions for all criminal offences, including child sexual exploitation offences under Section 2(2).¹⁸⁸ This provision would cover offences criminalised under the Penal Code (for instance, obscene publications relating to children, the exploitation of children in prostitution, sexual exploitation of children, and soliciting a child for sexual abuse (under Sections 286A, 360A, 360B and 360E of the Penal Code respectively). Additionally, Section 3(2) of the SAARC Convention Act extends extraterritorial jurisdiction of the High Courts over trafficking

offences committed outside its territory, if they are committed by any person who is either present in Sri Lanka; or is the citizen of habitual resident of Sri Lanka; or if the offence has been committed against a citizen of Sri Lanka.¹⁸⁹ This provision establishes extraterritoriality based on active¹⁹⁰ as well as passive nationality principles.¹⁹¹

Further, the SAARC Convention Act covers acts committed by the habitual residents of Sri Lanka. However, the SAARC does not cover all child sexual exploitation offences, only referring to trafficking of children for prostitution.

One favourable aspect of the Sri Lankan legislation is that it does not incorporate the principle of “double criminality” to extraterritorial provisions,¹⁹² meaning that the act does not need to be an offence in both Sri Lanka and the country where it happened for the offender to be prosecuted under extraterritorial jurisdiction. According to the 2019 Guidelines regarding the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography 2019, the Committee on the Rights of the Child noted that “the principle of double criminality creates a gap in the law which enables impunity and should not be applied”.¹⁹³ Therefore, the elimination of the double criminality requirement by Sri Lanka has added to the efficacy of the laws.

The Extradition Law (No. 8 of 1977) establishes the general regime of extradition and provides a list of extraditable offences. The Act requires a treaty for extradition, except in the case of Commonwealth countries. Extradition to Commonwealth countries is furthermore subject to the inclusion of the offence in the schedule to the extradition law.¹⁹⁴ Further, pursuant to Sections 6-7 of the SAARC Convention Act, offences covered by the Act are extraditable under the Extradition Law and under treaties with the convention States.¹⁹⁵ Moreover, as per Section 8, where there is no extradition agreement, the

186. ECPAT International. (2020). [Summary Paper on Sexual Exploitation of Children in Travel and Tourism](#). 1.

187. ECPAT International. (2018). [Assessment of Legal Frameworks that Address Sexual Exploitation of Children in Travel and Tourism \(SECTT\)](#). 17.

188. Government of Sri Lanka. (1883). [Penal Code Cap 19 Ordinance No. 2 of 1883 \(as amended in 2006\)](#), Section 2(2).

189. Government of Sri Lanka. (2005). [Convention on Preventing and Combating Trafficking in Women and Children for Prostitution Act \(No. 30 of 2005\)](#), Section 3(2).

190. Active nationality principle allows States to prosecute illegal conduct by their own citizens (or those who are residents of the country) that has been carried out abroad.

191. Passive nationality principle allows States to prosecute offences that have been committed abroad against a citizen of that State.

192. Refer to Section 2(2) of the Sri Lanka Penal Code and Section 3(2) of the SAARC Convention Act.

193. CRC Committee. (2019). [Guidelines regarding the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography](#), 15.

194. Government of Sri Lanka. (1977). [The Extradition Law \(No. 8 of 1977\)](#), Section 2-3.

195. Government of Sri Lanka. (2005). [Convention on Preventing and Combating Trafficking in Women and Children for Prostitution Act \(No. 30 of 2005\)](#), Sections 6-7.

SAARC Convention could be used as the basis of extradition.¹⁹⁶ At present, not all child sexual exploitation offences are extraditable as they are not listed in the schedule of the Extradition Law, nor covered by the Convention on Preventing and Combating Trafficking in Women and Children for Prostitution Act. Therefore, child sexual exploitation offences are only partially extraditable in Sri Lanka. Unlike for extraterritoriality provisions, the Extradition Law makes it clear that extradition is subject to the requirement of double criminality, and also applies to child sexual exploitation offences.¹⁹⁷ There are also general restrictions on the granting of extradition under the Extradition Law. Accordingly, request for extradition of a person may be refused if, among other reasons, the offence in question is political in nature, he/she might be prejudiced owing to his/her race, religion, nationality, or political opinion; or he/she has been previously acquitted/convicted for the same offence, etc.¹⁹⁸

ACCESS TO JUSTICE AND REMEDIES

National complaint mechanisms and reporting

Ideally, for early detection of and timely and comprehensive response to child sexual exploitation offences, effective monitoring and reporting mechanisms are required. This should apply to professionals who work with children, and institutions that, due to the nature of their activities, may come across suspected cases of child sexual exploitation.

Currently, Sri Lankan legislation only imposes mandatory reporting duties on certain professionals. The Penal Code obligates persons who provide services by means of a computer to prevent and report cases of sexual abuse of a child,¹⁹⁹ theoretically covering Internet service providers. In addition, the Code obligates a photo/film developer to report to the officer in charge of the nearest police station that he/she has

in his/her possession, an indecent or obscene photograph or a film of a child, given to him for developing (although physical film is now virtually obsolete). Failure to report theoretically results in imprisonment of up to two years and/or a fine.²⁰⁰

There are currently no mandatory reporting duties for professionals like teachers or healthcare workers. Notwithstanding, some institutions may have codes of conduct that require personnel working with children to report cases of abuse and exploitation, although this is not consistently applied nor legally mandated.²⁰¹ Such professionals may write to the National Child Protection Authority or the magistrate of the area, to facilitate an investigation to proceed on a case where child sexual exploitation is suspected.²⁰² As this report indicates, there is very limited training available for workers in contact with children on these issues. Yet survey respondents indicated an openness to such continued professional development if it were offered.

The reporting obligations of private citizens is limited, as only Section 286C of the Penal Code provides for this, highlighting the duty of the “owners and caretakers of premises who have knowledge of child abuse on the relevant premises to report it to the officer in charge of the nearest police station”.²⁰³ Failure to do so constitutes an offence punishable with imprisonment up to two years or fine or both.²⁰⁴

In regard to reporting systems for CSEA offences, the NCPA provides a dedicated helpline for child abuse – the “1929 hotline”, which operates 24 hours a day and is available in the three main languages spoken in Sri Lanka. The helpline provides one of the first points of contact for initiating child abuse related complaints.²⁰⁵ From 1 January 2020 to 31 December 2020, the NCPA received 8,165 complaints, of which 1300 related to sexual exploitation.²⁰⁶ The data has not been disaggregated by gender, and therefore it cannot be determined whether any disclosures were made by boys. Although the NCPA claims the service is available 24 hours a day, there has been some criticism of the service, where calls for help are not answered.²⁰⁷

196. *Ibid.* Sections 8.

197. Government of Sri Lanka. (1977). [The Extradition Law \(No. 8 of 1977\)](#), Section 6.

198. *Ibid.* Section 7.

199. Government of Sri Lanka. (1883). [Penal Code Cap 19 Ordinance No. 2 of 1883 \(as amended in 2006\)](#), Section 286B.

200. *Ibid.* Section 286A(2)-(3)

201. ECPAT Sri Lanka. (2021). Personal Communication.

202. *Ibid.*

203. Government of Sri Lanka. (1883). [Penal Code Cap 19 Ordinance No. 2 of 1883 \(as amended in 2006\)](#), Section 286C(1).

204. *Ibid.*, Section 286C(2).

205. Reports may be made by telephone, in person and by writing letters.

206. National Child Protection Authority. (2020). [Number of complaints reported to the National Child Protection Authority from 01st Jan. 2020 to 31st Dec. 2020](#).

207. ECPAT Sri Lanka. (2021). Personal Communication.

Complaints can also be made to the Women and Children help desks at police stations around the country. These desks are part of the Bureau for the Prevention of Abuse of Children and Women. Protection to those who report a crime may be provided under the Assistance to and Protection of Victims of Crime and Witnesses Act (No. 4 of 2015). However, such protection is not offered by default and a witness or “victim” must actively seek it in court.²⁰⁸ Theoretically it is also possible to make an anonymous complaint via a telephone call to the police, by a letter to the NCPA, or a Magistrate of the area. Additionally, in 2021, the NCPA launched a mobile app which allows anonymous reporting in child abuse cases.²⁰⁹ However, for a formal complaint under the criminal law, the Code of Criminal Procedure Act requires the complaint to be signed by the complainant.²¹⁰

Ex-officio investigations (also referred to as own initiative investigations) carried out by public prosecutors, could prove to be crucial in gathering evidence in suspected cases of child sexual exploitation as the prosecution would not have to depend on the child victim’s complaint and can proceed even in its absence.²¹¹ In Sri Lanka, however, no such duty lies with the public prosecutors, and they only usually proceed upon an investigation report received from the police, though the prosecution may however call for further reports from law enforcement officers.

Pursuant to Section 33 of the Code Criminal Procedure Act, the police can arrest a suspect without a warrant and independently start an investigation, whenever they suspect a cognisable offence (One that is within the jurisdiction of the court) has been committed.²¹² However, in the case of non-cognisable offences, a complaint has to be filed by the victim with the magistrate.²¹³ Most child sexual exploitation offences are considered to be cognisable in Sri Lanka.²¹⁴ Therefore, for these offences, the prosecution could proceed without a formal complaint being made. In serious crimes the police, under Sections 393(5) and (6) of the Code of Criminal

Procedure Act, send [to the Attorney-General] a file containing the notes of investigation and the statements of witnesses and the suspects, together with a report of the case and other relevant documents.²¹⁵ The Attorney-General may forward an indictment to the High Court depending on the sufficiency of evidence.

The right of prosecution for any crime or offence, except murder or treason, ceases to exist after the lapse of 20 years from the time when the crime or offence was committed.²¹⁶ In the absence of any special law prescribing different statutory limitations for the prosecution of child sexual exploitation offences, it appears that the limitation of 20 years would apply. In practice, it has been observed that the authorities often tend to delay the process of investigation for over 20 years, especially where people with power are involved in the crime, after which the case lapses due to the period of limitation. In other instances, the cases are delayed for several years, while the victim’s family are pressured by the authorities or offender to withdraw their case – giving the impression that the case was closed successfully.²¹⁷

Although the abovementioned provisions in theory apply to girls and boys equally, in practice, as noted by the Committee on the Rights of the Child there is likely significant under-reporting of offences related to the sexual exploitation of boys, due to factors including stigmatisation of victims and the criminalisation of homosexuality.²¹⁸ It is anecdotally evident that children affected by CSEA, and witnesses, are often dissuaded from filing formal complaints by law enforcement officials, who may engage in victim shaming, or cite technical reasons for not filing the complaints.²¹⁹

Besides the abovementioned mechanisms, Sri Lanka has also established a national referral mechanism to respond to child abuse and exploitation cases. It is composed of the NCPA at the national level and the District Child

208. *Ibid.*

209. Ceylon Today. (2021). [Can the App Really Make a Difference?](#)

210. Government of Sri Lanka. (1979). [Code of Criminal Procedure Act \(No. 15 of 1979\)](#), Section 109(3).

211. ECPAT International. (2017). [Submission for the Universal Periodic Review of the human rights situation in Serbia to the Human Rights Council 29th Session \(January 2018\) UPR third cycle 2017 – 2021](#). 4.

212. Government of Sri Lanka. (1979). [Code of Criminal Procedure Act \(No. 15 of 1979\)](#), Section 33.

213. *Ibid.*, Section 136.

214. Under the Penal Code, the SEC offences that are cognisable include Articles 286A (CSAM), 345 (Sexual harassment), 363 (Rape) and 365B (Grave sexual abuse). SEC offences that are not cognisable include offences prohibited by section 2 of the Obscene Publications Ordinance.

215. Government of Sri Lanka. (1979). [Code of Criminal Procedure Act \(No. 15 of 1979\)](#), Section 393(5) and (6).

216. *Ibid.*, Section 456.

217. ECPAT Sri Lanka. (2021). Personal Communication.

218. Committee on the Rights of the Child. (2019). [Concluding observations on the report submitted by Sri Lanka under article 12 \(1\) of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography](#), 8.

219. ECPAT Sri Lanka. (2021). Personal Communication.

Development Committees at the district level, and Village Child Development Committees at the village level (the District Child Development Committees and the Village Child Development Committees are independent of NCPA but officers of NCPA are often part of these committees).

The NCPA is the main authority for protecting children and promoting child rights in the country. It was established through the enactment of the National Child Protection Authority Act (No. 50 of 1998) after the 1996 Presidential Task Force on Child Abuse recommended the same.²²⁰ One of the key functions of the NCPA is to receive complaints from the public concerning child abuse, and refer them to the relevant authorities.²²¹ It also has the key function of “monitoring the progress of all investigations and criminal proceedings relating to child abuse”.²²² Child Protection Officers of the NCPA are based at each divisional secretariat office, along with Child Rights Development Officers, and Probation officers from the Department of Probation and Child Care Services and are all able to receive child abuse complaints and referrals.

The District Child Development Committees were formed as part of a development program by the Children’s Secretariat of the State Ministry of Women and Child Development is managed by the District Secretariats and maintain a focus on child abuse referrals among other functions. They coordinate the activities of probation workers, caregivers, police, judiciary, and health workers at the local level. In addition, the Department of Probation and Child Care Services acts at the national level with Probation Officers on the provincial, district and divisional level. The police are required to link a child with a Probation Officer once they receive a complaint of child abuse, although in reality Probation Officers often receive the complaints themselves and then refer to the police.²²³

The Village Child Development Committees are established by the Department of Probation and Child Care Services at the village level. One of the goals of the Development Action

Plan 2020 of the NCPA was to strengthen the child protection system in the country,²²⁴ aiming to set up a monitoring mechanism for child protection committees by April 2020. The NCPA is also expected to have 3165 functional school child protection committees with more being established every year. However, due to the COVID-19 pandemic, the NCPA was unable to meet these targets.²²⁵

Recently, a special audit report on child abuse in Sri Lanka prepared by the Auditor General’s office highlighted inefficiencies in the functioning of the NCPA.²²⁶ The report attributed the rise in child abuse cases to the failure of the NCPA in formulating a ‘policy on the prevention of child abuse and the protection and treatment of children who are victims of such abuse’, as required by the National Child Protection Authority Act, No.50 of 1998, requiring resolving of pending cases, maintaining a national database of child abuse and other measures.²²⁷

Child-sensitive justice

Often, due to lack of child-sensitive measures in place, justice delivery systems may amplify the trauma suffered by child victims of violence, exploitation, or abuse.²²⁸ To prevent child victims from secondary victimisation and to ensure they are able to access justice, it is important for the justice delivery systems to be “child friendly”. This requires standards to be in place that create a justice system which fosters respect for and the effective implementation of the children’s rights.²²⁹ According to the UN, efforts to establish the rule of law, specifically in terms of justice for children, must be strengthened through interventions to ensure full respect for children’s rights. These interventions include “*promoting child-sensitive procedures and methods that ensure the child’s full-fledged participation in judicial, administrative and community-based processes. This might require changes in law, legal practice (such as interview techniques), capacities and physical environment and, more generally, attitudes towards child participation*”.²³⁰

220. National Child Protection Authority. (n.d.). [History of NCPA](#).

221. Government of Sri Lanka. (1998). [National Child Protection Authority Act \(No. 50 of 1998\)](#), Section 14(k).

222. ECPAT Sri Lanka. (2021). Personal Communication

223. *Ibid.*

224. National Child Protection Authority. (n.d.). [Development Action Plans- Year 2020](#).

225. ECPAT Sri Lanka. (2021). Personal Communication.

226. Auditor General of Sri Lanka. (2020). [Special Audit Report on the Role of the National Child Protection Authority relating to Child Abuse in Sri Lanka](#). 55-79.

227. *Ibid.*

228. ECPAT International. (2017). [Through the Eyes of the Child: Barriers to Access to Justice and Remedies for Child Victims of Sexual Exploitation](#). 72.

229. *Ibid.* 29.

230. United Nations. (2008). [Guidance Note of The Secretary-General UN Approach to Justice for Children](#). 5.

In Sri Lanka, the Assistance and Protection to the Victims of Crimes and Witnesses Act 2015, identifies that child victims should be treated in a manner that ensures their best interests.²³¹ This is an important provision which incorporates the principle of the best interests of the child - as enshrined in Article 3 of the UN Convention on the Rights of the Child. However, instead of providing concrete measures to ensure child-sensitive justice, it leaves significant room for judicial interpretation. In 2017, UNICEF commissioned research to assess the legal and institutional challenges relating to children's access to justice in Sri Lanka, which identified that professionals working in the justice sector have not been adequately trained on the application of the best interests of the child principle.²³²

With regard to child-friendly interviewing methods, the Evidence (Special Provisions) Act No. 14 of 1995 permits children to lead evidence-in-chief²³³ via a video link.²³⁴ Section 25 of the Assistance and Protection to the Victims of Crimes and Witnesses Act, also provides other rights to all victims of crimes, including child victims - protection of their identities, privacy, the opportunity to conduct proceedings in camera, and prohibition on media publications relating to the case.²³⁵ In relation to the right to privacy of child victims, Section 365(c)(1) of the Penal Code prohibits publication of matters revealing the identity of child victims of abuse and neglect.²³⁶ In addition, Section 11 of the Children and Young Persons Ordinance imposes restrictions on publishing proceedings before a Juvenile Court,²³⁷ and this right of child victims has also been guaranteed under the National Policy on Child Protection.²³⁸

However, anecdotal experience indicates that these provisions are rarely invoked. Courts do not conduct proceedings *in camera*, depriving child victims of their right to privacy, and potentially exposing them to distress and trauma from a lack of knowledge on child-friendly interview methods.²³⁹ In addition, the prohibition on media publication is not strictly followed,

with accounts of cases where child victims' images, personal details or other information disclosing their identities have been published in newspapers, causing children great humiliation in their communities and schools. Media organisations are not sufficiently penalised for these violations and often only receive a warning or a small fine.²⁴⁰

The Assistance to and Protection of Victims of Crime and Witnesses Act, under Section (3)(a) provides for the adoption of special measures to protect the rights of children and to ensure the best interests of child victims of crime and child witnesses. In addition, Section 451A(1) of the Code of Criminal Procedure Act (as amended in 2018) authorises the courts to make an order in respect of a child who is an alleged victim of abuse to be sent to a place of safety for care and protection.²⁴¹ Here, "child abuse" means an offence under section 286A, 288, 288A, 288B, 308A, 360A, 360B, 360C, 363, 364, 364A, 365, 365A, or 365B of the Penal Code when committed in relation to a child.²⁴² Furthermore, according to the Assistance to and Protection of Victims of Crime and Witnesses Act, under section 46(b), a victim of crime includes a person who suffers harm as a result of intervening to assist such a person, or to prevent the commission of an offence, and the parent or guardian of a child victim of crime, and any member of the family and next of kin of such person, dependents and any other person of significant importance to that person.

Overall, Sri Lankan legislation does not adequately provide for child-sensitive justice, as it does not ensure that non-governmental organisations can assist and support victims. However, during the investigation and judicial proceedings, at their request, NGOs may be allowed to legally represent children in courts but are not permitted to assist in the investigation.²⁴³

Further, there is no duty to provide information related to legal proceedings in a child-friendly manner. Legislation does not mandate a child

231. Government of Sri Lanka. (2015). [Assistance and Protection to the Victims of Crimes and Witnesses Act \(No. 4 of 2015\)](#), Section 3(b).

232. Verite Research. (2017). [A Legal and Institutional Assessment of Sri Lanka's Justice System for Children](#).

233. (In court proceedings) the evidence given by a witness in response to the initial questioning by the party which called that witness to testify. *Lexico*.

234. Government of Sri Lanka. (1995). [Evidence \(Special Provisions\) Act No. 14 of 1995](#), Section 163(a).

235. Government of Sri Lanka. (2015). [Assistance and Protection to the Victims of Crimes and Witnesses Act \(No. 4 of 2015\)](#), Section 25.

236. Government of Sri Lanka. (1883). [Penal Code Cap 19 Ordinance No. 2 of 1883 \(as amended in 2006\)](#), Section 365(c)(1).

237. Government of Sri Lanka. (1939). [Children and Young Persons Ordinance \(No. 48 of 1939\)](#), Section 11.

238. Government of Sri Lanka. (2019). [National Policy on Child Protection](#). 8.

239. ECPAT Sri Lanka. (2021). Personal Communication.

240. *Ibid*.

241. Government of Sri Lanka. (1979). [Code of Criminal Procedure Act \(No. 15 of 1979\)](#), Section 451A(1).

242. *Ibid.*, Section 2.

243. ECPAT Sri Lanka. (2021). Personal Communication.

victims' right to receive psychological assistance and support. Although they can make a request through their lawyer to the judge seeking psychological support, this places an unnecessary burden on the children affected by abuse and exploitation. Such support may also be ordered, if recommended by the probation officer.²⁴⁴ Similarly, children do not have access to free legal aid and representation and are required to find their own lawyer to protect their interests and represent them. The State prosecution only appears on behalf of the State.

Some legal services may be available by accessing free legal aid opportunities provided by the Bar Association, or NGOs etc.,²⁴⁵ although in the absence of explicit legal provisions, there are likely to be inconsistencies in practice. A Child (Judicial Protection) Bill is being drafted,²⁴⁶ which contains several notable improvements to the framework governing the administration of justice for children.²⁴⁷ In June 2019, the Ministry of Justice established a committee to consider the Child (Judicial Protection) Bill,²⁴⁸ however, at the time of writing, the bill was yet to be presented in Parliament.

Sri Lanka has created various policies and strategies for the interest of child victims. For example, Women and Child Desks have been established in each police station to deal with child victims or child complainants. In addition, the Sri Lanka College of Paediatricians and Plan Sri Lanka have also developed national guidelines for responding to child abuse and neglect.²⁴⁹ However, there remains a need for a standalone police unit as part of the law enforcement to investigate CSEA offences and enforce these laws. The lack of such a force has often been cited by the police force as one of the reasons for delay in investigations of these offences.²⁵⁰

Access to recovery and reintegration

Although there are no laws that exclusively address the right of child victims of child sexual exploitation offences to recovery and

rehabilitation, some provisions do refer to this. Section 11 of the Assistance and Protection to the Victims of Crimes and Witnesses Act provides for the establishment of the National Authority for the Protection of Victims of Crime and witnesses.²⁵¹ As per Section 13 of the Act, one of the functions of the Authority is to "(e) provide necessary assistance to victims of crime and witnesses, including appropriate measures for their treatment, reparation, restitution and rehabilitation".²⁵² In addition, Section 11(2) of the SAARC Convention Act identifies that "The Minister shall, where necessary, issue such directions as may be necessary to provide the victims of trafficking with accommodation and shelter and other facilities where necessary in the institutions established under any written law for such purpose".²⁵³ Further, the Minister is empowered under Section 12 of the Act to take such additional measures as necessary to combat trafficking. In particular, the Minister is empowered: "to take steps to repatriate the victims of cross border trafficking, and the provision of legal advice and health care where necessary; to establish on its own or with the assistance of nongovernmental organisations such places or institutions of shelter and rehabilitation for the victims of trafficking; and to make every endeavour to provide the victims with counselling and job training".²⁵⁴

The 2019 Policy on Child Protection acknowledges the Government's obligation to provide children who have suffered abuse, exploitation, neglect, and other forms of violence with protection and care services to ensure their full recovery.²⁵⁵ The policy applies the principle of the best interests of the child in the context of child protection. Accordingly, all decisions affecting a child are required to be taken after a careful assessment of, among other things, the threats/risk factors, his/her well-being, and developmental needs.²⁵⁶

However, in its 2019 concluding observations on the report submitted by Sri Lanka under OPSC, the Committee on the Rights of the Child

244. *Ibid.*

245. *Ibid.*

246. Global Initiative to End All Corporal Punishment of Children. (2021). [Corporal Punishment of Children in Sri Lanka](#). 3.

247. Verite Research. (2017). [A Legal and Institutional Assessment of Sri Lanka's Justice System for Children](#). ix.

248. Global Initiative to End All Corporal Punishment of Children. (2021). [Corporal Punishment of Children in Sri Lanka](#). 3.

249. Sri Lanka College of Paediatricians, Plan International. (2014). [National Guideline for the Management of Child Abuse and Neglect](#).

250. ECPAT Sri Lanka. (2021). Personal Communication.

251. Government of Sri Lanka. (2015). [Assistance and Protection to the Victims of Crimes and Witnesses Act \(No. 4 of 2015\)](#), Section 11.

252. *Ibid.*, Section 13.

253. Government of Sri Lanka. (2005). [Convention on Preventing and Combating Trafficking in Women and Children for Prostitution Act \(No. 30 of 2005\)](#), Section 11(2).

254. *Ibid.*, Section 12.

255. Government of Sri Lanka. (2019). [National Policy on Child Protection](#). 7.

256. *Ibid.*, 5.

expressed concern that in practice, institutions accommodating both child victims and child suspects do not provide tailored services to child victims of offences, as identified under the Optional Protocol.²⁵⁷

Access to compensation

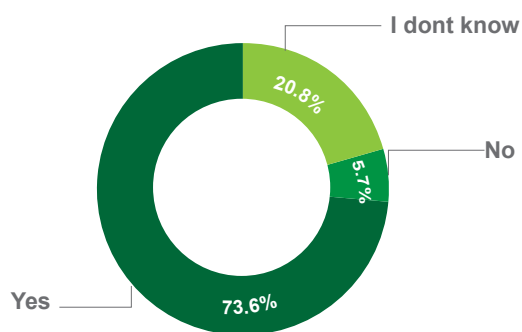
Although there are currently no provisions specifically for children affected by sexual exploitation to access compensation, they have the possibility of seeking compensation from convicted offenders under the general law. For sexual exploitation of children offences under the Penal Code, compensation has been explicitly provided only in respect of “rape, unnatural offences and grave sexual abuse”. For other offences under the Penal Code such as trafficking and sexual exploitation, child victims are likely to need to file a separate civil case. However, all

offences have the option to carry a sentence of a fine and there is a judicial practice of making some part of the fine payable as compensation to the victim, although such practices on the part of judges are not systematised or standardised within guidelines.²⁵⁸

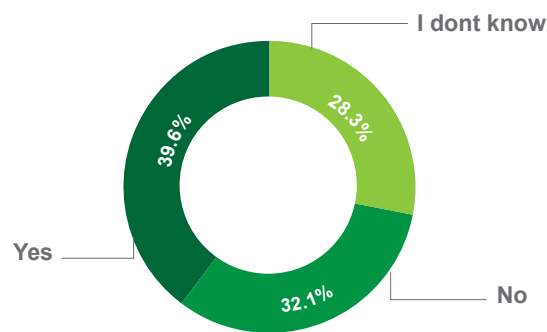
Figure 15 below illustrates that 70% of respondents correctly identified that child victims in Sri Lanka can seek formal financial compensation through civil or criminal court proceedings. The majority of workers (74%) were aware of the availability of seeking compensation from government funds or offenders, and 40% said they had knowledge of a young male (under 18) who had received compensation in Sri Lanka. Despite these figures, several support workers (21%) were uncertain if child victims could seek financial compensation via civil or criminal proceedings.

Figure 15. Availability of victim compensation for SEC crimes.

Knowledge of compensation



Knowledge of successful compensation attempts



Furthermore, Section 2(3)(b) of the SAARC Convention Act permits the Courts to recover compensation to be paid to the victim, by way of a fine imposed for the offence of trafficking, taking into consideration the nature of the offence.²⁵⁹ In addition, a child experiencing child sexual exploitation may seek financial assistance from the State and National Authority for the Protection of Victims of Crimes and Witnesses, in respect of expenses incurred to attend the proceedings, or for medical treatment, harm or injury, rehabilitation, and recovery, etc.²⁶⁰ Section 29 of the Assistance and Protection to the Victims of Crimes and Witnesses Act establishes a Victims of Crime and Witnesses Assistance and

Protection Fund, from which compensation can be paid to the victims of crimes in accordance with Section 28.²⁶¹ However, in practice, this fund is not currently operational and children affected by sexual exploitation do not have access to it. Compensation is currently only provided by a court order directing the offender to make a payment towards compensation. However, the offender may default on payment and choose an extended sentence, in which case there will be no compensation.²⁶² It is noted that these provisions do not make an explicit difference between national and non-national child victims, and do not clearly state if non-nationals are covered.

257. Committee on the Rights of the Child. (2019). [Concluding observations on the report submitted by Sri Lanka under article 12 \(1\) of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography](#), 9.

258. ECPAT Sri Lanka. (2021). Personal Communication.

259. Government of Sri Lanka. (2005). [Convention on Preventing and Combating Trafficking in Women and Children for Prostitution Act \(No. 30 of 2005\)](#), Section 2(3)(b).

260. Government of Sri Lanka. (2015). [Assistance and Protection to the Victims of Crimes and Witnesses Act \(No. 4 of 2015\)](#), Section 4.

261. *Ibid.*, Section 29.

262. ECPAT Sri Lanka. (2021). Personal Communication.

DISCUSSION

GENDER ISSUES

While this study focuses on the sexual exploitation and abuse of boys, it acknowledges that this takes place within a wider system of gender-based violence, including widespread sexual violence against women, girls, and ethnic and sexual minorities, which has been documented in recent years in Sri Lanka. An adequate discussion of the vulnerabilities of boys and young men is therefore not possible without also acknowledging this connection with the structural gender norms which also impact sexual and gender-based violence experienced by women, girls, and sexual minorities.²⁶³ All these experiences commonly proceed from the same regressive, patriarchal assumptions and expectations. Thus, it is important to view the exploitation and abuse of boys through a lens which enables all stakeholders to consider how gender norms frame and define the problem.

Children who experience CSEA, including boys and those of diverse SOGIE, often have little choice but to adapt to exploitative, abusive, or traumatic experiences via expected behavioural scripts, including silence, as a means of self-protection. These norms can limit boys' ability to express feelings of hurt, fear and vulnerability or to seek help. Norms can create pressure from external sources, as well as from boys' internalisations, to comply with expectations of masculine behaviour, deny the abuse that took place, or to disguise negative emotional responses²⁶⁴ that in turn make them less visible to the potential helpers.

Hidden in plain sight

Data focusing specifically on the sexual exploitation of boys in Sri Lanka beyond the current study is extremely limited. Potential sources of data, such as the NCPA helpline, do not even keep disaggregated data by gender. However, the limited research that specifically

addresses sexual violence affecting boys and men indicate the problem is not inconsequential, yet remains to be downplayed. Even amongst the survey data, despite 57% of workers indicating boy clients amongst their caseloads – with as many as a third of these boys having experienced sexual exploitation (see section 4.3), indications of downplaying the scope or seriousness of sexual exploitation of boys remained. For example, perceptions about this issue tended to focus on sexual exploitation in tourism settings – although adult relatives (41%), adults within the community (39%) and people with authority in the community (31%) were far more frequently mentioned than unknown, foreign offenders (see section 4.4). These things can really distract from a clear and comprehensive understanding of this problem – and solutions.

Workers consistently described that the sexual exploitation and abuse of boys in family and community contexts continues to be downplayed as a child protection issue: *“it’s not considered a problem and the focus is only on the females.”* (R26).

Even when visibility of the sexual exploitation of boys in some contexts is good – such as in terms of tourism contexts, the impacts on boys are minimised.²⁶⁵ Support workers speculated that reasons for boys' vulnerability may be overshadowed *“because most of the welfare services often focus on girls, [so] many who work in this field are not even aware of the kinds of abuse faced by male children.”* (R79). Observations such as these tend to frame the issue of boys as a push-or-pull competition for funding and other resources, which is certainly not argued for. Rather there is a significant need for child protection services to be available for all children.

Additionally, the responses of some support workers demonstrated assumptions that boys are less negatively affected by sexual exploitation, or quicker to recover. This is contrasted

263. Touquet, H. (2018). *Unsilenced: Male Survivors Speak of Conflict Related Sexual Violence in Sri Lanka*. International Truth and Justice Project.

264. Frederick, J. (2010). *Sexual Abuse and Exploitation of Boys in South Asia: A Review of Research Findings, Legislation, Policy and Programme Responses*. UNICEF Innocenti Working Papers. 127-129.

265. UCLA/All Survivors Project. (2017). *Legacies and Lessons Sexual violence against men and boys in Sri Lanka and Bosnia & Herzegovina*.

with descriptions of girls, among the same respondents, which tended to frame girls as vulnerable to harm and lacking power. Research indicates that these perspectives are not uncommon, with the harmful impacts of CSEA on boys minimised and, in some instances, written off as 'normal' sexual experimentation.²⁶⁶

Ascribing agency and blaming victims

Support workers commonly demonstrated challenges identifying sexually exploited boys in the context of poverty, where common community perceptions including that exploited boys are simply “*fulfill[ing] their basic needs*” (R149) via transactional sex – this downplays the reality of their exploitation. Others implied or directly indicated boys’ “*willingness*” (R69) as a responsibility when engaged in transactional sex, suggesting agency in these instances of exploitation by adults.

Other descriptions suggested agreement with the common myth that victimised boys would ‘become’ abusers: “*slowly being pushed to become an abuser.*” (R84). Remarks such as these reflect a belief, rarely ascribed to female victims but regularly ascribed to boys, that victimised children would become a danger to others. It is important to remember that while many *offenders* report being victimised, the vast majority of victims *do not* abuse others. This myth must be deconstructed. It leads to a range of concerns, such as that boy victims of CSEA be labelled as dangerous, subjected to criminal sanctions or referred inappropriately.

When abuse is recognised, responses to boys tend to be more likely to attribute agency on them as active participants. Boys are more likely to be blamed for allowing the abuse to happen, perceived to be less coerced, and assumed to have actively engaged.²⁶⁷ This is further complicated by the overlapping issue of poverty evidently noted by workers in the sample, which potentially affects a boy’s ability to understand and label his experience as exploitive and recognise the harm, even as he suffers its negative impacts.

While some survey respondents reflected these perspectives, many also recognise the disparity

between the reality of boys’ lives, and the assumptions projected upon them. One support worker noted the need to “*create an awareness in society that [when boys say] they enjoy sex and [are] able to protect themselves, these statements are not always true.*” (R98) The observation reflects a degree of wisdom and critical thinking that would be important to nurture across communities and amongst social support workers. Within the context of CSEA, it is acknowledged that exploited children (of any gender identity), may also be confused or present ambivalence about their victim status. This confusion may lead to them simultaneously viewing themselves as victims, active agents, or offenders/recruiters of their peers and can also be used by offenders to manipulate and control.²⁶⁸ Ambivalent institutional responses from the support systems may reinforce this situation.

The failure to consistently recognise boys as vulnerable, victimised, and less in need of protection and support may have serious consequences, including delaying or depriving them of needed support, and consequently have negative effects on physical, sexual, and mental health.²⁶⁹ Boys who have experienced sexual exploitation also report an absence of trusting relationships, feeling unseen/invisible or lonely, lacking someone to talk to, and diminished social connectedness,²⁷⁰ which is likely to be a product of, and be reinforced by many of the issues described above.

Staying silent & struggling to be understood

Boys are afforded a greater deal of unsupervised freedom in comparison to girls in Sri Lanka. With boys, interacting with unknown or unrelated adults within the community (either male or female) is less likely to raise suspicion than it would with girls. One worker noted in the survey that identifying concerning engagements with boys was tougher: “*The offender pathway is much [more] hidden and confusing [so] that the child or caregiver will not know whether the external party approaching [the boy] is doing so with a motive for sexual abuse.*” (R84) Within this context, the community may ‘see what it expects to see’ regarding boys: characteristics such as resilience,

266. Family for Every Child. (2018). *Caring for Boys Affected by Sexual Violence*.

267. *Ibid.*

268. ECPAT International. (2021). *Global Boys Initiative: A global review of existing literature on the sexual exploitation of boys*.

269. *Ibid.*

270. *Ibid.*

autonomy, and independence, rather than vulnerability, risk, and neglect.

Sri Lankan boys are subjected to masculine expectations of resilience and independence, resulting in norms that characterise post-pubescent boys as 'adult', and also reinforcing a desire in boys to appear older than their age.²⁷¹ Boys consume messages that men protect themselves, don't ask for help, and desire sex in all instances. Respondents noted how this plays out: *"There is a huge reluctance for boys to talk about their experience because asking for help or even acknowledging that they have been violated is considered to be an emasculating thing."* (R79).

Support workers described taboos surrounding discussion of sex and sexuality and the impact this has in silencing boys (and girls) who have been sexually exploited or abused. Shame and stigma are widely recognised as playing a significant role in silencing all victims of sexual exploitation and abuse, however this may be particularly significant for boys. Research conducted with male survivors of sexual violence in Sri Lanka notes that public allegations are often met with denial and survivors are subjected to ridicule. It identified that preserving social respectability, family or school honour are highly valued in Sri Lanka and, according to one psychiatrist interviewed: *"Protecting your school's name, your culture, your religion is more important than individual suffering. As a society we are still governed by cultural elements that don't look at individual suffering as an issue. [Keeping up] appearances seem much more important than individual or group suffering."*²⁷² This further emphasises how boys' experiences have the potential to impact upon every aspect of an individual's life, including community responses, personal safety, and close relationships. This is thoroughly reflected in the support worker data, with one participant commenting, *"[They are] feeling ashamed to face society. Revealing the incident [of CSEA] could endanger his life. [He is] fearing that his loved ones will despise him."* (R113)

Workers also described fears of potential legal repercussions for male victims of CSEA, which seems to further isolate exploited boys from those

who may provide assistance, increasing the potential for exploitation to continue, and keeping it hidden:

"Traditional beliefs and generational gaps have isolated children [who have experienced abuse]. At the family level, children are reluctant to talk about the exploitation of family members due to incompatibility between family members. They [also] fear that they may be charged/blamed." (R102)

Responses indicate that boys' peer relationships may also pressure them to avoid disclosing and to *"deny suffering"* (R84) from abuse. Overall, it appears that there are significant risks and very little to be gained from disclosure for any boy [or man] who has experienced sexual abuse or exploitation.

INTERSECTING VULNERABILITIES

Poverty was strongly named by Sri Lankan support workers as a key factor influencing vulnerability of boys to sexual exploitation. Survey participants described economic hardship and pressure to earn money, the migration of parents for work, dropping out of school, as well as substance misuse and violence within the home and community as commonly at play. While poverty is long established as a factor placing children at risk of exploitation, these related factors, often accompanied by an erosion of family protective systems, work in tandem to increase the vulnerability of children to CSEA.²⁷³ One support worker highlighted how a lack of awareness combined with existing gender norms, may reduce protective behaviours and allow for the justification for the exploitation of boys specifically: *"[there is a] lack of awareness [among] parents on the impact of the sexual exploitation of boys. Due to poverty, this is [seen as] a way of earning money [since] the boys do*

271. Frederick, J. (2010). *Sexual Abuse and Exploitation of Boys in South Asia: A Review of Research Findings, Legislation, Policy and Programme Responses*. UNICEF Innocenti Working Papers. 127-129.

272. UCLA/All Survivors Project. (2017). *Legacies and Lessons Sexual violence against men and boys in Sri Lanka and Bosnia & Herzegovina*.

273. ECPAT International. (2021). *Global Boys Initiative: A global review of existing literature on the sexual exploitation of boys*. 7.

not get pregnant." (R76).

A further consideration is the legacy of the civil conflict from which Sri Lanka emerged in 2009. As in other societies recovering from conflict, normalisations of violence - especially sexual violence - by, toward, and among men and boys is commonplace.²⁷⁴

Young people with diverse SOGIE are especially vulnerable to sexual exploitation as they experience family rejection, homelessness, discrimination within the community and from law enforcement and service providers.²⁷⁵ Sri Lanka unfortunately does not represent an exception to this narrative. There is evident confusion understanding people with diverse SOGIE in Sri Lanka, and even some tendency to conflate sexual violence against men and boys with homosexuality.²⁷⁶ Violence against 'homosexuals' in Sri Lanka has been documented along with 'gender policing' by peers to represent gender norms.²⁷⁷

Despite these significant issues, support workers were relatively silent in questions related to support for children of diverse SOGIE. Only three participants indicated that their organisations provided any 'LGBT-specific support'. One worker noted that these vulnerable young people were in great fear of disclosing incidents because they are *"terrified of being victim-blamed due to their sexual orientation or gender identity."* (R79).

Children with disabilities are also especially at risk of sexual exploitation,²⁷⁸ particularly as they are frequently disregarded in the child protection context. The survey data reinforced this, with very few respondents identifying disability as a key vulnerability. Children with disabilities are vulnerable to all forms of abuse and neglect plus they regularly also face additional barriers accessing child protective services.²⁷⁹ Several studies have identified that male victims of sexual exploitation frequently also present with disability.²⁸⁰

While research on the intersection between disability and CSEA is non-existent, the Sri Lankan National Policy on Disability (2003)²⁸¹ acknowledges the "high levels of discrimination" experienced by people with disabilities and references sexual abuse (although only in reference to women and girls). To increase the protection for all children, there would appear to be a clear need to raise awareness of the risks for children with disabilities and ensure that disability issues are mainstreamed and given higher priority in existing child protection strategies and service provision. Improvements in monitoring of children with disabilities by stakeholders working with CSEA cases, including the provision of disaggregated data should also be implemented.

SERVICE RESPONSES

Victim identification challenges

Even when a boy does actively seek help and/or come to the attention of support workers, it is not always easy to connect. Support workers were asked to draw on their experience of working with boys affected by CSEA and identify some of the challenges in engaging them and providing support. Commonly, support workers remarked on difficulties understanding boys' situations as they have *"behaviour issues and find it difficult to manage their anger"* (R67), which may lead to discipline issues becoming the focus of helping interventions, rather than the underlying causes or other needs. Another worker commented that boys hide and deny their feelings, also *"showing heroism"* (R69) and more likely wanting to be perceived as strong and resilient. Others commented that boys' behaviours were confusing and lacked congruence with the seriousness of their situation as *"sometimes they are laughing"* about what happened (R224). One more support worker indicated difficulties as boys are prone to *"describing the incident that he experienced, as if it happened to someone else"* (R95). Some of these responses from support workers in Sri

274. UCLA/All Survivors Project. (2017). [Legacies and Lessons Sexual violence against men and boys in Sri Lanka and Bosnia & Herzegovina](#).

275. UNICEF. (2020). [Research on the Sexual Exploitation of Boys: Findings, ethical considerations and methodological challenges](#). UNICEF, New York.

276. UCLA/All Survivors Project. (2017). [Legacies and Lessons Sexual violence against men and boys in Sri Lanka and Bosnia & Herzegovina](#). 17.

277. *Ibid.*

278. UNICEF. (2020). [Research on the Sexual Exploitation of Boys: Findings, ethical considerations and methodological challenges](#). UNICEF, New York.

279. Child Protection Task Force Global Partnership on Children with Disabilities. (2015). [Literature Review](#).

280. Josenhans, V., Kavenagh, M., Smith, S., & Wekerle, C. (2020). [Gender, Rights and Responsibilities: The need for a global analysis of the sexual exploitation of boys](#). *Child Abuse and Neglect* 110 (1).

281. Ministry of Social Welfare. (2003). [National Policy for Disability in Sri Lanka](#).

Lanka echo closely the experiences observed in other Global Boys Initiative focus countries²⁸² where externalised behaviours were not always perceived clearly as a call for help – yet boys we spoke to in those countries explained that these behaviours were their way of signalling that something was wrong. They explained that they did not know how to start the conversation, but would often deliberately ‘act out’, hoping that someone would notice and ask them what was wrong.

Some Sri Lankan support workers provided great examples of overcoming confusion in identifying boys as victims and in creating spaces for them to feel safe, encouraged, and ready to share their experiences. One insightful comment indicated the importance of visibility and how others’ experiences might be useful as a catalyst for sharing: *“they will not share this on their own... When someone else begins to share their own experience of an incident like this and how they recovered from it, then these people will talk about their problem”*. (R190). Another respondent focused on the importance of creating safe spaces and being patient with boys: *“Sometimes [we] cannot talk directly to any child about their problems, we have to create an environment to help them and discuss their problems with us. But still, some boys are not aware of the exact abuse or exploitation, we need to give time to share their bad experience with us”*. (R48)

Institutional responses

Institutions are commonly described as being ambivalent to the needs of boys, often minimising the issue, and discounting the existence of abuse within institutions themselves. One participant stated bluntly, *“First of all, institutional authorities should understand that [CSEA of boys] is a problem and not take it lightly, saying it [only] happens in boys’ homes. [They should] support child victims. [The unwillingness] to incur expenditure on behalf of [boy] victims is another problem.”* (R124) Another support worker explained how this lack of recognition lead to

a significant paucity of services and resources for boys - restricting their options for making appropriate referrals, and stifling their ability to help boys affected by sexual exploitation: *“I am not aware of any organisation or resource support... If I contact any organisation, they keep referring you to others who are not helpful... as an individual without resources it’s impossible to do more.”* (R26)

Our support worker survey data demonstrates that girls are more likely to be referred specifically for abuse or exploitation, while boys appear more likely to be referred for problematic behaviours, such as bullying, aggression and substance use, all of which could be symptoms of, or related to abuse. This is aligned with general misunderstanding of indicators of abuse in boys, and how this can lead to less appropriate and potentially punitive responses to boys, including blaming, justice-focused or punitive responses rather than psychosocial support.²⁸³

Law and policy responses

The legal instruments within the colonial era Penal Code indicate the need for significant revision to ensure that all children in Sri Lanka are equally and appropriately protected. The current framework limits the protection available to boys [and men] from sexual violence. Sri Lankan law does not recognise that males can be raped, and the prohibition of statutory rape applies only to girls (under the age of 16 years). Same-sex sexual contact is criminalised in the Penal Code. These legal framework circumstances reinforce stigmatisation and likely deters disclosure and formal reporting by boys of CSEA.²⁸⁴ These provisions have been used to persecute people with diverse SOGIE in Sri Lanka.²⁸⁵

Within relevant policy documentation, the inclusion of boys [and men] is often conspicuously absent. For instance, in a reference guide for police, designed to help them investigate and prevent Sexual and Gender Based Violence in Sri Lanka, [produced by the UN and the Sri Lankan

282. ECPAT International. (2021). [Global Boys Initiative: South Korea Report](#). Bangkok: ECPAT International; ECPAT International. (Forthcoming Publication). [Global Boys Initiative: Hungary Report](#) Bangkok: ECPAT International.

283. Josenhans, V., Kavenagh, M., Smith, S., & Wekerle, C. (2020). [Gender, Rights and Responsibilities: The need for a global analysis of the sexual exploitation of boys](#). Child Abuse and Neglect 110 (1).

284. Committee on the Rights of the Child. (2019). [Concluding observations on the report submitted by Sri Lanka under article 12 \(1\) of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography](#), 8.

285. UCLA/All Survivors Project. (2017). [Legacies and Lessons Sexual violence against men and boys in Sri Lanka and Bosnia & Herzegovina](#). 17.

police in 2014], no reference to men and boys as potential victims of sexual violence is included.²⁸⁶ Additionally, the Sri Lankan government's 'National Guidelines for Addressing Child Abuse and Neglect' (2014)²⁸⁷ does not specifically address sexual exploitation and despite the tacit inclusion of boys by using "he/she" throughout the document, the needs of boys remain largely unaddressed. The resource does include a case example featuring a boy, yet the example given harmfully reinforces discriminatory attitudes related to boys, including the description of a 12-year-old victim of abuse as 'consenting' to his own exploitation.

Training for frontline support workers

Support workers indicated considerable experience working with children - 70% had more than ten years of experience. Fifty-seven percent had tertiary degrees and a variety of specialist certifications in psychosocial support and trauma. A third also reported receiving CSEA related training provided by their own organisation or other specialist NGOs. However, it is also noted that there is little or no training for health and alternative care service providers related to CSEA of boys.²⁸⁸ There is clear opportunities for relevant trainings to be built into existing formal education as well as continuing professional development in the sector.

286. Touquet, H. (2018). *Unsilenced: Male Survivors Speak of Conflict Related Sexual Violence in Sri Lanka*. International Truth and Justice Project.

287. Sri Lanka College of Paediatricians, Plan International. (2014). *National Guideline for the Management of Child Abuse and Neglect*.

288. ECPAT Sri Lanka. (2021). Personal Communication. (Specifically related to 'signs and symptoms' and 'responding sensitively' to children affected by CSEA, and notably in relation to boys)

RECOMMENDATIONS

LEARNING 1:

GENDER NORMS INHIBIT BOYS FROM BEING PERCEIVED AS VICTIMS OF CSEA, AND PROHIBIT THEM FROM DISCLOSING AND SEEKING HELP.

- **Critically reflect** on norms and assumptions related to gender. Parents and carers should fully accept and normalise the fact that boys are vulnerable to CSEA, they can be victims, and need adequate protection and support.
- **Provide education** based on accurate information and support caregivers on how to recognise the signs of CSEA and how to respond, protect, and support children appropriately.
- **Provide resources** to help caregivers respond more quickly and in more helpful ways, that avoid blame and offer kindness and non-judgemental support.
- **When children do not know about sex, it enables offenders to take advantage.** Ensure knowledge reaches all children including information about sex, consent, personal boundaries, what adults and others around them can and cannot do.
- **Dismantle discomfort around discussion on sex and sexuality** amongst caregivers, support workers and other adults who come into contact with children (such as school staff) to better allow discussions, questions and possible disclosures. Carefully practice doing so using words and actions that avoid judgement or stigmatisation.
- **Take time to listen and talk** with boys, connect them with quality, engaging resources to answer the questions they may have.
- **Target CSEA awareness** messaging to normalise the vulnerability of boys and young men and reframe reaching out for support when in need, and other help-seeking behaviors as a sign of strength.
- **Regulate media sensationalising when reporting incidents of CSEA of boys** that invokes prejudices against homosexuality and gender norms.

LEARNING 2:

INTERSECTIONAL VULNERABILITIES MAY MAKE SOME BOYS DISPROPORTIONATELY VULNERABLE TO CSEA.

- There is a need to ‘mainstream’ child protection to all children in all contexts, rather than focusing on limited, expected groups of children who are assumed to be vulnerable. This includes:
 - Awareness, training, and sensitisation to the needs for children of diverse SOGIE, as well as its intersections with CSEA.
 - Partner with specialist diverse SOGIE organisations where possible.
 - Awareness, training, and sensitisation to the needs for children with disabilities, as well as its intersections with CSEA. Partner with specialist disability organisations where possible.

- Mainstreaming and close coordination of disability and child protection issues and services, including gathering of disaggregated data about children with disabilities.
- Carry out comprehensive learning needs assessments with a range of service providers (social, community workers, medical, and legal professionals. etc.) and develop a learning curriculum, essential elements of which can be incorporated into existing orientation, training and continued professional development. Existing resources exist and may be easily adapted.²⁸⁹
- Review and update the National Policy on Disability to be more inclusive of CSEA issues, for girls/women and boys/men.
- Specifically address the conflation of sexual abuse and exploitation with ‘homosexuality.’ Training on these issues should strongly emphasise empathy and developing a better understanding of the lived experiences of SOGIE-diverse children.

LEARNING 3:

THERE ARE SIGNIFICANT INSTITUTIONAL AND LEGISLATIVE GAPS WHICH COMPLICATE THE ABILITY OF BOYS WHO HAVE EXPERIENCED ABUSE TO GET HELP.

For Institutions

- Take measures to ensure that CSEA victims are not criminalised, and make sure that all CSEA victims currently held in ‘certified schools’ are released and referred to community-based protection services.
- Invest in prevention programmes to address the root causes and multiple vulnerabilities that place children, families, and communities at risk of CSEA.
- Allocate enough funding to raise public awareness about sexual exploitation, specifically among vulnerable groups.
- Allocate financial resources to allow the National Child Protection Authority to fulfil its mandate.
- Implement methods for government collected disaggregated data on CSEA and make this publicly available.
- Fund and properly staff the National Child Protection Authority child helpline to report CSEA cases 24 hours a day and 7 days a week, as well as promote the helpline publicly.

- Establish options for short-term emergency shelter for CSEA victims where children – boys and girls – are provided with rehabilitation and social reintegration services.
- Prioritise capacity building of the justice sector for the range of child friendly justice processes and compensation mechanisms already established in law and regulations.

For Lawmakers

General:

- Revise and standardise the definition of a child within all Sri Lankan legislation and related policy documentation to include all under the age of 18 years.
- Set the minimum legal age of marriage as age 18 despite the special laws in Sri Lanka.
- Amend the age of sexual consent which is currently at 16 to the age of 18 so that it’s the same as the minimum age of marriage.
- Ratify the UN CRC Optional Protocol on a Communications Procedure.

289. Down to Zero. (2020). [Bridging the Gap: A toolkit for supporting boys affected by sexual exploitation and abuse.](#)

- Revise current legislation terminology and guidance to be inclusive in terms of gender, to ensure that all victims of CSEA are recognised, and provisions are consistent with international legal instruments. This includes removing gendered pronouns.
 - Repeal section 365A of the Penal Code (Amendment) Act No. 22 of 1995 to decriminalise homosexual acts.
 - The Penal Code of Sri Lanka, which also establishes the age of sexual consent (statutory rape), only protects girls and needs revising. The law does not provide for any close-in-age exemption to protect children from being prosecuted for sexual activity between willing same-age peers.
 - Efforts must be made to clarify the confusion arising out of the existence of the “with/without consent” clauses in the national legislation related to rape, and provide clear guidance for law enforcement officials, to avoid cases of sexual exploitation and abuse being treated with different degrees of seriousness.
 - Offences relating to the exploitation of children in prostitution have been criminalised mainly under the Sri Lankan Penal Code, but these do not actually define the offence of exploitation of children in prostitution, in line with the OPSC but only criminalise acts which facilitate the exploitation of children in prostitution. These provisions need amending.
 - It is noted that for offences under the Vagrants Ordinance and the Brothels Ordinance, the law does not make any exceptions for children to exclude them from arrest and subsequent prosecution. Consequently, children are treated as offenders, rather than victims in offences relating to prostitution. In addition, as noted above, due to the presence of some gendered provisions, boys do not enjoy the same protection as girls. These provisions need amending.
 - Specify the meanings of the terminology for ‘kidnapping’ and ‘abduction’ as used in the Penal codes 352, 353 and 360 as they are often used interchangeably in practice and could lead to confusion.
 - Follow up on the UNICEF commissioned research related to the legal and institutional challenges relating to children’s access to justice in Sri Lanka, to provide adequate training and resources to ensure Courts can deliver child sensitive justice.
 - Laws related to compensation, recovery and rehabilitation need revising and updating to ensure they are specifically tailored to all children who experience sexual exploitation, and review processes to make this a more accessible process.
 - Similarly, children do not have access to free legal aid and representation and are required to find their own lawyer to protect their interests and represent them. The state prosecution only appears on behalf of the State. These provisions need amending.
- Related to online CSEA:**
- Modify and strengthen the legal framework relating to online forms of CSEA to adequately cover and specifically criminalise online CSEA offences, including online grooming, online sexual extortion, and live streaming of child sexual abuse, in line with international instruments.
 - The Sri Lanka Penal Code needs updating to criminalise CSAM, to ensure consistency with Sri Lanka’s obligations under the OPSC.
 - Training for law enforcement officials to ensure online CSEA crimes are dealt with appropriately and taken seriously.
 - Establish and provide appropriate resources for a specialist police unit to work on online CSEA cases.
- Related to sexual exploitation of children in travel and tourism:**
- Consideration should be given to regulating the use of international volunteers in childcare centres and other activities with direct child contact.
 - Sri Lankan legislation should include mandatory requirements to check the criminal background of individuals (national and non-national) applying for work with or for children, and to prohibit convicted sex offenders from holding positions involving or facilitating contact with children.
 - Revise and update regulations within the tourism industry, and establish mechanisms to ensure accountability, liability, and setting of standards and guidelines, for all related businesses, including owners, contractors, and staff.
 - Establish government-regulated child protection standards for the tourism industry and promote ECPAT’s Code of Conduct actively among companies.

- Ensure that the Sri Lanka Tourism Development Authority follows the World Tourism Organisation's code of ethics.
- Remove the dual criminality requirement in relation to child related offences as this requirement is detrimental to the proper enforcement of law.

LEARNING 4:

DATA AND KNOWLEDGE ON THE UNIQUE VULNERABILITIES AND EXPERIENCES OF BOYS IS SIGNIFICANTLY LACKING.

- **Prioritise research and gathering primary data that highlight the voices and perspectives of boys.** Qualitative, gender-inclusive research may be especially helpful within this context to explore their lived experiences, the help-seeking process, their expressed needs and ideas about how and what type of services and support should be available.
- **Data collection and monitoring for child protection should be significantly improved.** This includes the development and implementation of systematic, disaggregated national data collection, including databases, baseline studies, and progress indicators.
- **Develop and implement** mechanisms to evaluate the effectiveness of awareness-raising and prevention operations.
- **Actively prioritise real child participation** (not only symbolic or token participation) and pursue this in research, curriculum development, and program/project development, among others.



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