

## Implications for Child rights amid COVID -19 Pandemic and Economic crisis in Sri Lanka

Raveenthiran Vivekanantharasa<sup>1</sup>, Manotar Tampubolon<sup>2\*</sup>

<sup>1</sup>Faculty of Education, The Open University of Sri Lanka, Sri L  
<sup>2</sup>Faculty of Law, Universitas Kristen Indonesia, Jakarta, Indonesia

### ABSTRACT

This article clearly explains about the implications of child rights amid COVID-19 pandemic and economic crisis in Sri Lanka. Among the countries in Asian continent, Sri Lanka is one of the countries that practices good practices to safe guard the rights of children since the attainment of independence from British rulers. The protocols and amendments which are taken to protect rights of children elicit the role of the country in line with safeguarding child rights. Apart from all effective implementations of amendments and protocols of child rights in Sri Lanka, COVID - 19 pandemic and economic crisis have made various implications in the processing to safe guard child rights. How children rights are affected and what type of challenges they faced during those periods are the main objectives of this article and this article clearly explains it. Especially, the challenges faced by students are discussed under four main clusters of child rights, such as the right to survival, the right to protection, the right to development, and the right to participation. Moreover, this article also will illustrate that how these two crisis time have positively impacted on the development of child rights.

**Keywords:** *child rights, COVID-19 Pandemic, economic crisis, pillars of child rights*

#### **Corresponding author**

**Name:** *Manotar Tampubolon2*

**Email:** *manotar.tampubolon@uki.ac.id*

### INTRODUCTION

Child rights are human rights that also recognize the special needs for care and protection of minors - children and young people under the age of 18. All children have these rights, regardless of religion, race, ethnicity, gender or cultural background. No child should be treated unfairly on any basis (World vision, Philippines). Since gaining independence in 1948, Sri Lanka has made considerable progress in improving the day-to-day lives of its citizens and children. Before independence in Sri Lanka there were no more progress in safeguarding the rights of children, but early British period paved the ways for it and developed the concept through various amendments and protocols. "Today's children are tomorrow's leaders" tells how children are treated among the society and how they will play prominent role in the development of the country. In every situation Sri Lanka has

proved the ways to develop child rights with various implementations of amendments and protocols.

With all these steps in safeguarding the rights of children in Sri Lanka, COVID - 19 period and following economic crisis have affected the rights of children. The Corona virus (COVID-19) has dealt a significant shock to Sri Lanka's steps towards child rights. This note examines the expected impact on the rights of children amid poor amendments of rules on the rights of children. While the activities against the rights of children were relatively low in Sri Lanka prior to the pandemic, children were protected and respected in various ways. Following COVID-19 pandemic around the world, at present, economic downfall hit most of the countries in different ways and several issues occur impacting on the rights of children. Therefore, this article is to explain about the implications of child rights amid COVID-19 and economic crisis in Sri Lanka.

### **Child rights in Sri Lanka**

The history of child rights in Sri Lanka began from pre-colonial period, colonial period, and the period of independence and after that. During Pre - colonial period, the ancient history where limited number of people lived and the concept Child Rights were not in practice and even not recognized by the society. Parents controlled their children and sold them out for fulfilling their essential needs. Society accepted legislations and protocols made by parents on their children and rights of them. Following the period, colonial period started in Sri Lanka with the first invasion of the Portuguese between 1505 and 1658. The Portuguese also implemented the same approach of pre- colonial period in ensuring Child rights as they mostly focused on business and religious conversion.

After that, the Dutch period started in 1658. As the second colonial in Sri Lanka, The judicial system was well organized and introduced well-developed Roman and German laws. The Dutch established three major courts of justice in some parts of the country. The Roman Dutch law had certain principles in relation to the safeguard and protection of the rights of children though which they had developed concept of rights of children in Sri Lanka.

During the British rule, they developed a proper system and legislation along with introduction of Roman Dutch Law in their legal system with regard to the safeguard and protection of rights of children in Sri Lanka. There are some ordinances, developed by the British to implement the legislations of rights of children. Those are:

1. The charter of Justice of 1801
2. The courts ordinance of 1889
3. A clear child welfare policy in 1930
4. Education ordinance of 1939
5. The Adoption of Children's Ordinance in 1941 (Child Rights: The Sri Lankan Experience, 1998).

### **Child rights in Post - independence period in Sri Lanka**

After the independence from the British colonial in 1948, the government of Sri

Lanka played a pivotal role in the safeguard and protection of rights of children through various protocols and policies unlike during colonial and pre colonial periods. First of all, in 1956, Sri Lankan government took stern actions regarding employed children. The act, "The Employment of Women, young Person and Children" was introduced. This act sought to regularize employment of children stating that children who are under 14 years are totally prohibited in any employment during school hours. This act was an initial step in prohibiting children employment besides sending them to schools for education. Though there were some shortcomings in the act, it paved the way for ensuring rights of children in the following periods. During the 1970s in Sri Lanka, many legislations and acts that strengthened the rights of children were enacted. A legitimacy act was introduced to improve the status of children in 1970. Moreover, the Maintenance Ordinance in 1972 made provisions for minor children to get more realistic amounts as maintenance from their parents.

Moreover, another crucial step of safeguarding the rights of children all over the world is The Convention on the Rights of Child. As this convention is the most widely ratified human rights treaty, many decisions were taken in favor of children. Among many countries, Sri Lanka signed in the agreement in 1991. The Sri Lankan government ratified the convention on 12 th July 1990 and in 1991 signed the Global Plan of Action for Children. According to National Child Protection Authority, Sri Lanka, the ratification of the Convention on the Rights of the Child in Sri Lanka has great impact; it has:

1. provided a new and dynamic framework for developing laws and policies to further strengthen the concept of the rights for children
2. provided a basis for developing child rights to balance respect for the child and parental/adult interests
3. helped to prevent the traditional idea of parental care being used to ignore the rights of the child to respect for his/her special needs in society
4. recognized a range of rights for children within the scope of adult rights and responsibilities.
5. helped to protect and safeguard children with special needs.

Following that Sri Lankan government took many steps to strengthen the activities to protect the rights of child. Those actions are:

1. Signing the Global plan of Action for Children 1991
2. Adoption national Plan of Action for children of Sri Lanka
3. Adoption of children's charter – 1992
4. Amendments to the Penal code – 1996
5. Appointment of a presidential task force on child abuse 1996 (The Open University of Sri Lanka, 2010)

#### **Four pillars of child rights**

According to the convention on the rights of child, there are four main pillars that

contain various rights of children. The four main pillars of the rights of children are:

1. The right to survival
2. The right to protection
3. The right to development
4. The right to participation

The Convention on the Rights of the Child comprises four main pillars - the right to survival, the right to protection, the right to development and the right to participation. These rights are based on the non-discrimination principle and all actions must be in line with the best interest of children (UNICEF, Thailand). Let's have a look into the details of each pillar.



Source from - <https://www.slideshare.net/l4logics/module-01-introduction-to-child-rights>

### 1. The right to survival

The right to survival is the first pillar of the clusters of the rights of child. The right to survival is that every human being should have the right to live without any fear, doubt and any harm. This could be termed as the broader meaning of right to survival. (The Open university of Sri Lanka, 2010). Moreover, since the first moment children are born, they have the right to life. They have the right to a registered name and nationality. They have the right to be cared for and protected by their parents and not be separated from their families. The government needs to safeguard these rights and provide basic services for children to survive and thrive. This includes quality healthcare, age-appropriate nutrition, clean drinking water and a safe place to live as well as access to future opportunities for

development.

The right to survival is nowadays, universally acknowledged as a basic fundamental human right because the enjoyment of the right to survival is a necessary condition of the enjoyment of all other human rights such as civil and political rights, economic, social and cultural rights.

The Article 6 of the Convention on the Rights of the child (CRC) has stressed the importance of survival and development as given below:

1. State Parties recognize that every child has the inherent right to life.
2. State parties shall ensure to the maximum extent possible, the survival and development of the child. (The Open university of Sri Lanka, 2010).

## 2. The right to protection

The second pillar of the rights of children is the right to protection. According to UNICEF, Thailand, once children are born and survive, they have the right to be protected from all forms of harm including domestic violence. They must be protected from physical violence and psychological intimidation may they be within and outside their families. The right to protection also includes being protected from child labour, tasks that are dangerous or impede their education. Likewise, children must be protected from harmful substances and drugs. Another important aspect is protection from trafficking, smuggling, kidnapping, sexual abuse and all forms of exploitation against children. The government also has the duty to ensure that child victims are rehabilitated and reintegrated into society with dignity.

The central theme of the convention is “protection of the child” as seen in the large number of provisions relating to protection that are mentioned. There are several articles in the CRC that refer to protection. When government of a country ratifies the convention it has to see that the children living in the country have these rights. The Articles in the CRC that refer specifically to protection are

**Article 11** - illicit transfer and non return: the state has an obligation to prevent and remedy the kidnapping or retention of children abroad by a parent or third party.

**Article 19** - protection from abuse and neglect : The state shall protect the child from all forms of maltreatment by parents or others responsible for the care of the child and establish social programmes for the prevention of abuse and the treatment of victims.

**Article 20** - Protection of a child without family. The state is obliged to provide special protection for a child deprived of the family environment and to ensure that appropriate alternative family care or institutional placement is available in such cases. Article mentioned below refer to the areas that children need protection.

**Article 21** - Adoption

**Article 22** - Refugee children

- Article 23** - Disabled children
- Article 25** - periodic review of placement
- Article 32** - Child labour
- Article 33** - Drug abuse
- Article 34** - Sexual exploitation
- Article 35** - Sale, trafficking and abduction
- Article 37** - Torture and deprivation of liberty
- Article 38** - Armed conflicts
- Article 39** - Rehabilitative care
- Article 40** - Administration of Juvenile justice. (The Open university of Sri Lanka, 2010).

### **3 .The right to development**

The right to development is another pillar of child rights, which is also considered as Education and development are essential rights. This should begin with the right to access to early childhood development services and access to information from various sources with parents responsible for giving guidance. Meanwhile, children with special needs such as children with disabilities must have equal rights to development and education that enable them to realize their potential and meaningfully participate in society. The right to development also includes the opportunity to further specialized skills and physical and mental abilities that open ways for them to a brighter future and realize their dream (Report on UNICEF,Thailand).

### **4. The right to participation**

The right to participation is the last pillar of the rights of children, which are categorized under the four clusters of child rights. Participation is one of the guiding principle of the convention on the rights of the child, yet it is arguably taken less seriously than the other key principles of universality (UNICEF, 2009). Participatory rights are rights that adolescents should possess, to enable the, to express their views and the take part in making decisions that affect their lives. According to UNICEF(2009), the convention on the rights of the child, every child has the right to participate through:

- Article – 12** - Children have the right to give their opinions freely on issues that affect them. Adults should listen and take children seriously.
- Article – 13** - Children have the right to share freely with others what they learn, think and feel, by talking, drawing, writing or in any other way unless it harms other people.
- Article – 14-** Children can choose their own thoughts, opinions and religion, but this should not stop other people from enjoying their rights. Parents can guide children so that as they grow up, they learn to properly use this right.
- Article – 15-** Children can join or set up groups or organizations, and they can meet with others, as long as this does not harm other people.

**Article - 16** - Every child has the right to privacy. The law must protect children's privacy, family, home, communications and reputation (or good name) from any attack

**Article - 17**- Children have the right to get information from the Internet, radio, television, newspapers, books and other sources. Adults should make sure the information they are getting is not harmful. Governments should encourage the media to share information from lots of different sources, in languages that all children can understand.

## **Methodology**

This article uses secondary data collected through literature research that has been presented about children's rights in Sri Lanka, including books, journals, NGO reports. and other digital sources. A critical analysis has been conducted to investigate the situation of child rights in Sri Lanka during the COVID-19 Pandemic. This paper explores how children's rights are protected during COVID-19 in Sri Lanka, as well as the protection provided by the state during the pandemic.

## **Analysis**

Sri Lanka faced two major challenges since the end of 2019 when COVID – 18 pandemic spread everywhere around the world. Those two challenges are COVID-19 pandemic and the following economic crisis, which implicit the health and economic challenges. Though there were many reasons for economic crisis in Sri Lanka, COVID-19 pandemic is one major reason for that. Due to the COVID-19 pandemic, all educational and training facilities are closed, including kindergartens and schools since the 6th of March 2020 to date( United Nations Human Rights oPt, the Ministry of Social Development, UNICEF, and the Independent Commission for Human Rights). In Sri Lanka, the situation of COVID-19 and the economic crisis affected the rights of children in various ways. Especially, the four pillars of the rights of children were heavily affected.

Distressing testimonies from children continue to come in as the crisis takes its toll on their schools, health centres and their access to nutritious food. This is even more worrying in a country where poverty has been aggravated by the COVID-19 pandemic. According to the recent Multidimensional Poverty in Sri Lanka, more than four out of every ten (42.2%) children under the age of five lack at least two basic rights (UNICEF Sri Lanka, 2022).

During COVID-19, children were sent to isolation and were restricted from their education in Sri Lanka. According to United Nations Human Rights oPt, the Ministry of Social Development, UNICEF, and the Independent Commission for Human Rights, The process of transferring and placing children into facility-based isolation or quarantine increases stress, fear, and panic amongst children, especially when some degree of separation from their parents, families, or primary caregivers is required, and when children are housed in facilities that accommodate non-relative adults.

Moreover, access for education of children was completely under risk and many of them dropped from their education. Children are at the heart of this crisis as families

struggle to find enough food, children are unable to go to school as public transport is cut, cutting their access to school meals, making them further vulnerable to be pushed into child labour etc. The Ministry of Education postponed school examinations due to printing paper shortage. It is likely that all children (6 million) will be affected by this crisis (UNICEF Sri Lanka, 2022).

During the ongoing COVID-19 pandemic, children deprived of liberty, especially children with underlying, psychological, physical, and mental health conditions are likely at greater risk of contracting the disease. Additionally, due to the emergency prevention measures, family visits and contact opportunities for children living in institutions or deprived of their liberty is restricted. (United Nations Human Rights, the Ministry of Social Development, UNICEF, and the Independent Commission for Human Rights) And moreover according to the report During the current state of emergency, it is essential that core child protection services, including professional mental health services, remain functioning and available, including through home visits when necessary or otherwise with online media platforms. Prolonged home confinement may expose children to increased physical and psychological violence, including sexual abuse and exploitation, or force children to stay in homes that are overcrowded and lack the minimum conditions of habitability (United Nations Human Rights, the Ministry of Social Development, UNICEF, and the Independent Commission for Human Rights).

The current crisis is disproportionately impacting the most vulnerable boys and girls in Sri Lanka, who were already confronted with the toxic combination of poverty, COVID-19, and repeated climate-related disasters ((UNICEF Sri Lanka, 2022). Furthermore, amid crisis, malnutrition is another issue in Sri Lanka, which is affecting the life of children. According to UNICEF statement (2022), Even before the current crisis, Sri Lanka had the second highest child malnutrition rate in South Asia, and 2 in 5 infants were not fed the minimum acceptable diet. With soaring food prices, 70 per cent of households are now reporting reduced food consumption, and the fuel crisis and frequent power cuts are hindering vital services for children, including healthcare and education. Access to safe water for drinking and domestic use is declining, posing an increased risk of water-borne diseases.

## **CONCLUSION**

As a whole COVID-19 impact and after the current economic crisis has made many challenges in safeguarding the rights of children in Sri Lanka. The challenges faced by children are based on the four pillars of the rights of children, such as the right to survival, the right to protection, the right to growth and development, and the right to participation. This is not just a problem for the country Sri Lanka, rather most of the countries around the world are being affected by COVID-19 pandemic and the economic crisis. Moreover, many efforts are being taken to solve to all challenges in line with safeguarding the rights of child. Not only in Sri Lanka, but also in other countries, under the consultancy of United Nations (UN), many international organizations, such as UNICEF, Save the children, UNESCO, World Vision, and UNDP are taking great efforts to protect the rights of child with various rules

and regulations.

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