



# AN ASSESSMENT OF ROUTINE DATA COLLECTION GAPS IN THE JUSTICE FOR CHILDREN SECTOR IN SRI LANKA AND RECOMMENDATIONS ON IMPROVING SYSTEMS AND ADDRESSING DATA GAPS



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A handwritten signature in black ink, appearing to read 'Carolyn Hamilton', with a stylized flourish at the end.

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# LIST OF ABBREVIATIONS

AG	Attorney General
CRC	Convention on the Rights of the Child
CRPO	Child Rights Promotion Officer
DCPO	District Child Protection Officer
DO	Development Officer
DPCCS	Department of Probation and Childcare Services
HQ	Headquarters
JMO	Judicial Medical Officer
MLR	Medico-Legal Report
MoJ	Ministry of Justice, Prison Affairs and Constitutional Reforms
MoWCASE	Ministry of Women, Child Affairs and Social Empowerment
NCPA	National Child Protection Authority
OIC	Officer In Charge
PO	Probation Officer
UNICEF	United Nations Children's Fund
VPN	Virtual Private Network

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# EXECUTIVE SUMMARY



## OVERVIEW

This report presents findings of an assessment of routine data collection gaps in the Justice for Children Sector in Sri Lanka.

The recording of children's encounters with the justice system by authorities and service providers is essential in order to understand the profile and circumstances of children who come into contact with the justice system, whether in conflict with the law, as victims or witnesses or in need of care and protection. It is also necessary for monitoring and evaluating the performance of the child justice system.

High-quality and reliable data on the youth justice and child protection systems enables evidence-based policy development and implementation. It is also vital to the development of governance and regulatory structures and procedures; human resources development; identification of education and training needs; improved service delivery and financing; the ability to monitor and evaluate the effectiveness of the system, as well as being a valuable research tool.

The UN Committee on the Rights of the Child in its concluding observations to Sri Lanka's 5th and 6th periodic report recommended that the government establish a comprehensive data collection system to assess the progress achieved in realising children's rights and to help design policies and programmes to implement the CRC.<sup>1</sup> Bearing in mind this recommendation, the purpose of this assessment is a) to contribute to the development of an integrated and coordinated child protection

/ justice for children information management system, and b) to inform the monitoring<sup>2</sup> of policies and programmes to realise children's rights. The assessment is divided into two parts to meet the objectives: first, the availability of juvenile justice indicators, and second, the maturity of the juvenile justice data management processes.

**Juvenile Justice Indicators:** The ability of an administrative system to produce data on a core set of data indicators provides important insights into the strength of that system. In order to monitor how well the justice system functions, the UNICEF 2021 publication, "Achieving Justice for Children" has developed 'proposed minimum indicators' on justice for children.<sup>3</sup> These indicators cover key data points needed to monitor children in conflict with the law, diversion and sentencing measures, crimes against children and children in detention, including administrative detention.

**Juvenile Justice Data Management Processes:** The monitoring of children's access to justice through the monitoring of key juvenile justice data indicators is only possible if adequate, efficient data management processes are in place. UNICEF has developed a toolkit for Assessing Administrative Data Systems on Justice for Children,<sup>4</sup> which sets out nine elements of a mature data management system (the legal and normative framework; governance and planning; data infrastructure; coordination of data; completeness of data; effective and secure data transmission; standardized data and practices; administrative data quality assurance, and data use, demand and dissemination).

1 UN Convention on the Rights of the Child, Concluding observations on the combined fifth and sixth periodic reports of Sri Lanka, CRC/C/LKA/CO/5-6, 2 March 2018, para 9.

2 Monitoring in this context refers to the cycle of collecting, analysing, verifying and using data to address shortfalls in the realisation of children's rights.

3 UNICEF, Achieving Justice for Children: A review of innovative data systems around the world, 2021. See also UNICEF, Gauging the Maturity of an Administrative Data System on Justice for Children, 2021.

4 UNICEF, Assessing administrative data on justice for children, 2021. Available at: <https://data.unicef.org/resources/assessing-administrative-data-systems-on-justice-for-children/>

**The key stakeholders in the justice for children sector included in this assessment are as follows:**

→ The Judiciary

- High Court; Magistrates Court; Children's (Juvenile) Court

→ The Ministry of Justice, Prison Affairs and Constitutional Reforms (MoJ)

- Mediation Boards Commission; Department of Prisons; Legal Aid Commission; The Attorney General's (AG's) Department

→ Ministry of Women, Child Affairs and Social Empowerment (MoWCASE)

- National Child Protection Authority (NCPA)
- National Department of Probation and Childcare Services (DPCCS)

- 9 Provincial Departments of Probation and Childcare Services

→ The Ministry of Public Security

- Sri Lanka Police Bureau of the Prevention of Abuse Against Women and Children and Crime Investigation Division

→ Other institutions

- Judicial Medical Services



## METHODOLOGY

Primary data collection followed the assessment tools provided in UNICEF's *Assessing Administrative Data Systems on Justice for Children*<sup>5</sup>, adapted to the Sri Lankan context. Surveys were designed to capture information relating to data management processes and the availability of key juvenile justice indicators amongst stakeholders, and contained quantitative and qualitative questions. Surveys were administered either as individual interviews or small focus group discussions, depending on how many individuals within each institution were able to provide insight to different elements of data management processes. Available administrative data was used to develop baselines for key indicators, where possible.

Surveys were administered at national level and provincial, district and divisional levels (depending on administrative structure) in the North Central, Western and Eastern Provinces. The sample of provinces were selected in collaboration with the MoJ and MoWCASE, taking into consideration geographic coverage and diversity in terms of socio-economic situation, demographics, and UNICEF programming presence. A total of **12-14 surveys** were carried out in each location, in addition to 10 surveys at national level and 11 key informant interviews during the inception / validation phase (resulting in a total of 54 surveys / interviews).

5 <https://data.unicef.org/resources/assessing-administrative-data-systems-on-justice-for-children/>



## FINDINGS PART 1: THE AVAILABILITY OF JUVENILE JUSTICE INDICATORS

The findings of the assessment demonstrate a lack of readily available data relating to the juvenile justice indicators. Baseline statistics were obtainable for only a few indicators, and these are often only partial. Baseline indicators and their source are provided in [Figure 1](#).

**A number of overarching issues currently prevent effective data collection on children in contact with the law, whether as offenders, victims or in need of care and protection, as follows:**

**Indicators are available, but only within individual case files:** Findings show that multiple stakeholders record relevant information to some degree, but, in general, this is only available within case files. Where baseline indicators were identified, these were obtained primarily through specific data requests, and are not available through routine reporting. Additionally, it is unclear how certain baseline values were collated (particularly statistics provided for past data collation exercises, namely the Global Study of Children Deprived of Liberty), as UN indicators do not directly align with data categorisation at field level. This calls into question the accuracy of the available baseline statistics.

**Key disaggregate data are missing from case files:** Although most indicators are available within case files, there is a lack of information on specific disaggregates (which applies for all indicators). For example, while gender and age are consistently recorded in all case files, information is less consistently recorded within case files for other key disaggregates, such as ethnicity, education

and disability. Additionally, disaggregate data is not always readily available for both victims and perpetrators.<sup>6</sup>

**Data management processes limit the reporting of indicators:** In most cases, the lack of baseline indicators is due to a lack of maturity in data management processes, namely; the absence of an administrative database; the reliance on manual collation and reporting of key statistics amongst stakeholders, and; the lack of standardized reporting templates designed to capture the relevant juvenile justice indicators and disaggregates. This is particularly the case for the Department of Probation and Child Care Services (DPCCS) and the courts, who rely heavily on manual data management and reporting processes. However, where stakeholders have electronic databases with summary reporting mechanisms (i.e., the Police) they have the ability to monitor relevant juvenile justice indicators. In practice, the police do not appear to collect data related to children in conflict with the law on a routine basis.

**The legal duty to capture individual indicators is not clearly defined:** Although the National Child Protection Authority (NCPA) has the mandate for maintaining a national child protection database for child abuse cases, it is not clear which body has responsibility for data on children in the criminal justice system, whether as offenders or victims and witnesses. The majority of data relevant to the key juvenile justice indicators is currently held by the DPCCS. However, any data provided by the DPCCS represents children up to the age of 16 only. The remaining indicators are available within

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<sup>6</sup> Key disaggregates such as demographic characteristics are inconsistently recorded for victims and perpetrators within case files (e.g. limited information on the victim within PO social enquiry reports or monthly monitoring of children in conflict with the law). In addition the numbers of perpetrators and victims may not be consistently recorded. For instance, one perpetrator may have attacked / abused numerous victims, but the matter will be recorded for data purposes as one case, regardless of the number of charges levelled against the perpetrator. Similarly, one victim may have been attacked / abused by more than one perpetrator.

case files or log book data held by the courts, and (for indicators relating to cases being registered by the police) the police database.

**A summary of the availability of data indicators is as follows:**

**Children in conflict with the law:** There is little to no information available for children in conflict with the law; neither the police or courts disaggregate statistics for persons in conflict with the law between children and adults, and there is a lack of data on the outcome of cases by stakeholders (i.e., dismissals, discontinuance, acquittals and convictions). DPCCS do not clearly disaggregate data between children in conflict with the law, child victims and children in need of care and protection.

**Diversion and sentencing measures:** There is limited data available on diversion (although this may be due to a lack of diversion practices in the country). The DPCCS provided a baseline for the number of children given non-custodial/alternative sentences, but this data is not routinely collected or monitored, and only represents children up to the age of 16. The Department of Prisons does, however, provide statistics on 16–17-year-olds admitted to the training school for youthful offenders.

**Children in detention:** The DPCCS provided partial baseline data on the number of children under 16 in pre-trial detention up to 2018. This data is available within case files, but is not monitored on a routine basis. Although DPCCS monitors data on children in institutions, there is no disaggregation between children in conflict with the law, child victims and children in need of care and protection, resulting in a notable gap for the indicator of children in

detention after sentencing.

**Crimes against Children:** There is a lack of information on the outcome of cases (i.e., no data on the number of criminal convictions where the victim was a child). A baseline for the number of crimes against children registered by the police was provided for this assessment, but this data is not routinely published in police summary statistics. Data on the number of cases of child abuse before the High Court (Penal Code sections 364) are available and have been used to produce a partial baseline for the number of crimes against children brought to trial. The data does not include information on child victims or witnesses provided with support or legal representation (although this is available within individual DPCCS and court case files).

**Children in administrative detention:** There is no monitoring of children in administrative detention, but this could be available with effective disaggregation of data on children in residential institutions.

**Family and civil cases:** Although not a focus of the assessment, partial baseline data was identified for civil cases: specifically, applications for care and protection orders from the Juvenile Courts and the number of adoptions recorded by DPCCS within monthly reporting statistics.

**Child protection:** The NCPA only collects and monitors data relating to children in need of care and protection from the 1929 hotline or complaints made directly to DCPOs. At subnational level only, the DPCCS records information relating to the number of cases it deals with under the Children's Ordinance (CYPO).

**Figure 1: Baseline Juvenile Justice indicators**

Indicator (total each year)	Baseline indicator (availability)
<b>Children in Conflict with the law</b>	
Number of children detained by the police pre-charge	No baseline (police VPN system)
Number of criminal proceedings initiated against children	No baseline (Court /DPCCS case files)
Number of children in criminal proceedings with legal representation	No baseline (Court /DPCCS case files)
<i>Total number of convictions (a disaggregate of outcome)</i>	<b>2292 (2020) DPCCS<sup>7</sup></b>
<b>Diversion and Sentencing Measures</b>	
Number of children provided with police informal diversion, such as a caution, warning, informal settlement	No baseline (police log book)
Number of children sent to a mediation board	No baseline (Mediation boards commission monthly report)
Number of children sentenced receiving a custodial sentence	<b>16 (2020) DPCCS + Department of Prisons</b> 11 (1%) (2020) DPCCS <sup>8</sup> ; 5 (2020) Department of Prisons <sup>9</sup> (also available in Court case files)
Number of children sentenced with alternative measures	<b>2081 (99%) (2020) DPCCS<sup>10</sup></b>
Number of children who enter pre-trial diversion	No baseline (DPCCS case file)
<b>Children in detention</b>	
Number of children in pretrial detention	<b>937 (2018) DPCCS<sup>11</sup></b>
Number of children in detention after sentencing (total and per 100,000)	No baseline (DPCCS case file)
Number of child deaths in detention	No baseline (DPCCS case file)
<b>Crimes against children (Key disaggregate info to be collected for perpetrator and victim)</b>	
Number of cases of crimes against children registered by the police	<b>5306 (2021) Sri Lanka Police<sup>12</sup></b>
Number of registered crimes against children brought to trial	<b>4687 (2020) Ministry of Justice<sup>13</sup></b>
Number of criminal convictions in which the victim was a child	No baseline (Court and DPCCS case file)

7 National DCPSS National Alternative Care Policy implementation presentation (not reported on a routine basis)

8 National DCPSS National Alternative Care Policy implementation presentation (not reported on a routine basis)

9 'Admission to training school for youthful offenders', Department of Prisons Annual Report 2020

10 National DCPSS National Alternative Care Policy implementation presentation (not reported on a routine basis)

11 Global Study on Children Deprived of Liberty, data provided by DPCCS (not reported on a routine basis)

12 Data provided by Sri Lanka Police to UNICEF (not reported on a routine basis)

13 Ministry of Justice Annual Case Statistics, 2021, High Court and Magistrates Court, (Partial baseline, Child abuse cases only, Penal Code Section 364).

Indicator (total each year)	Baseline indicator (availability)
Number of child victims or witnesses provided with medical, psychological, social or other assistance in recovery	No baseline (DPCCS case file)
Number of child victims or witnesses of crime provided with legal representation	No baseline
<b>Family and civil law cases</b>	
Number of family/civil court cases involving children decided during the year	<b>106 (2021) Ministry of Justice<sup>14</sup></b>
<b>Child protection</b>	
Number of children living in institutions	<b>10,748 (2020) DPCCS<sup>15</sup></b>
Number of child abuse complaints	<b>11,187 (2021) NCPA<sup>16</sup></b>
<b>Administrative detention</b>	
Number of children involved in administrative detention during the year	No baseline (DPCCS case file)



## FINDINGS PART 2: THE MATURITY OF DATA MANAGEMENT PROCESSES

This section provides a summary of findings in relation to each of the nine elements of data management processes needed to monitor juvenile justice indicators effectively. Unless otherwise stated, challenges were universal to stakeholders in Sri Lanka.

**Legal and normative framework:** At the present time, the Children's Ordinance (CYPO) does not provide adequate protective legislation for children

and continues to treat some children in need of protective services in much the same way as it treats children in conflict with the law.<sup>17</sup> While the NCPA has the mandate for maintaining a national database on child abuse,<sup>18</sup> there is no clear legislation for the monitoring of data for children who come into the system as victims, witnesses or alleged offenders. In addition, there is no legislation on the use of administrative data relating to justice for children or national reporting obligations

14 Ministry of Justice Annual Case Statistics, 2021. (*Partial Baseline, Juvenile court CYPO child protection cases*)

15 Data provided by DPCCS to UNICEF, (*not reported on a routine basis*)

16 NCPA Annual Statistics for 1929 hotline complaints, 2021.

17 See for instance, Children and Young Persons Ordinance, Sections 17, 21, 36, 37 and 38.

18 Section 14 of the National Child Protection Authority Act, 1998. <https://childprotection.gov.lk/images/pdfs/acts-guidelines/National%20Child%20Protection%20Act,%20No.%2050%20of%201998.pdf>

for juvenile justice. The Personal Data Protection Act, No. 9 of 2022 was passed in March 2022, and will provide for data privacy and protection, but is not yet enforced in the justice for children sector.

**Governance and planning:** Sri Lanka does not, at the present time, have a formal data governance framework that defines institutional responsibilities in relation to the collection, management, coding, reporting and secure storage of data relating to justice for children; common definitions; disaggregation or coding instructions for the minimum indicators; reporting formats or reporting frequency. Requirements for the reporting of key statistics are communicated within institutions at subnational level, but these largely exclude juvenile justice indicators.

**Data infrastructure and resources:** Most stakeholders lack sufficient physical and IT resources needed to carry out data management roles, including stationery, computers and data allowances. Stakeholders rely on manual data management processes, (i.e., the maintenance of paper-based records and monthly reporting tables in Microsoft Word / Excel or on physical paper). The Sri Lanka Police and the NCPA are the only stakeholders operating cloud-based databases. The manual storage and transfer of data, the sharing of electronic devices and the use of personal devices limits the security of data for all stakeholders. Training related to data management processes is limited, although turnover for staff with data management responsibilities is low for most stakeholders.

**Standardized data and practices and quality assurance:** All stakeholders have clear, standardized forms within case files and monthly/quarterly reporting templates. However, manual data management processes limit the extent to which the accuracy of data can be assured. The Police and NCPA cloud-based systems have a higher level of standardization (e.g., forced entry, skip-logic and pre-defined response categories), though missing data from paper-based case files remains a barrier to providing complete data within databases. No

stakeholders have written codebooks defining variables for data monitoring, and data verification processes are limited.

**Data transmission:** Stakeholders primarily transfer data via post or email (using personal or shared email accounts) or via WhatsApp, but occasionally enter data into cloud-based google sheets. Data is automatically transferred to the NCPA and the Police HQs through their cloud-based databases. The requirement of a physical signature for monthly reporting for all stakeholders results in the transfer of scanned documents, requiring the manual re-entry of data at the provincial or HQ level. A particular strength was the importance placed on timely transmission of data and stakeholders' efforts to ensure data is reported on time, despite challenges to IT access.

**Data use, demand and dissemination:** The lack of routine recording of key juvenile justice indicators and the reliance on manual data management processes limits the strategic use of data or monitoring of trends in juvenile justice. While efforts to capture and monitor data to understand the needs of child victims of abuse seem to have increased, there is a particular lack of national interest in the monitoring of information on children in conflict with the law. Stakeholders often reported that data is used for budgeting and decision-making related to human resourcing, though in practice there was little evidence of this. Manual data management processes (and misalignment between standard indicators and national data monitoring) create difficulties in meeting requests for data from UN organisations, CSOs and academics (though requests are rare).

**Coordination of data:** There is limited coordination of data relating to juvenile justice between stakeholders. The NCPA has been identified as a key stakeholder for coordination (although their mandate relates only to the coordination of data on child abuse, as outlined in the NCPA act). It should be noted that, at present, the NCPA is not facilitating inter-agency coordination. There is currently no formal inter-agency committee to ensure a

protocol for stakeholders to share data / information, and there is no central reporting function or integrative ICT system developed for police, prosecution, court and social welfare databases.

**Completeness of data:** As outlined above, there is limited collection of key indicators and disaggregates. Where data is available, there is a lack of alignment with UNICEF’s recommended indicators. It was clear that data is often collected within case files, but relevant indicators and disaggregates are rarely extracted from case files into a database (and details relating to outcomes of a case is only recorded in free-text areas of case files, with limited categorization / standardization). Findings demonstrate that more data is collected at the field and subnational levels than is reported to, or available at, national level.

**Overall data maturity:** Survey responses were used to assess at which level of maturity each stakeholder’s data management processes currently operates,<sup>19</sup> through the calculation of a percentage, presented in [Figure 2](#).<sup>20</sup> Scores indicated that data management systems are currently “not functional” for the courts and mediation boards and “weak” for other stakeholders. While findings indicate that data management system strengthening is needed, data systems within the police would be considered as “moving towards maturity,” mainly owing to their cloud-based database. For all stakeholders, the primary issue is reliance on manual data management processes, limiting the extent to which standardized data can be maintained.

**Figure 2:** Stakeholder juvenile justice data management maturity scores

Stakeholder <sup>21</sup>	Data Infrastructure	Standardization of Data	Data Transmission	Data use, demand and dissemination	Average
DPPCS	41	30	54	43	42
Police	56	41	74	58	57
MoJ / Courts / AG’s department	23	14	28	25	23
NCPA	35	22	51	50	40
Legal Aid Commission	35	17	47	50	37
Mediation Boards	21	7	28	13	17
Average	35	22	47	40	36

Note: Red cells = “not functioning”; yellow cells = “weak”; green cells = “functional but needing improvement”

19 Amendments to the tool to suit the Sri Lankan context resulted in a maturity score for “data infrastructure”, “standardization of data”, “data transmission” and “data use, demand and dissemination”.

20 Percentage scores as a level of functionality: < 34 per cent = “not functional”; 35-64 per cent = “weak”; 65-84 per cent = “functional but needing improvement”; 85-100 per cent = “well-functioning”

21 Note, due to no formal data monitoring, JMOs completed qualitative elements of the survey only.



## FINDINGS PART 3: PROCEDURAL JUSTICE

Although criminal procedure was not the subject of this assessment, the issue of delay within the child justice system was commented on by many stakeholders. Delay impacts on both the timeliness and the accuracy of data, access to justice and outcomes for children. Delay is currently endemic in the child justice system and occurs at each point in the process: at the police station, at the Magistrates Court, at the Attorney-General's Department and at the High Court.

The requirement of non-summary proceedings for indictable (committal) offences and/or cases for which the High Court has original jurisdiction results in significant delays, particularly due to the requirement of a large number of supporting documents to be produced before the filling and service of the indictment. The AG's Child Protection Unit receives around 60 cases per month, an estimated 80 per cent of which relate to statutory rape cases (where the girl is under the age of 16). However, it can take up to 5 years for an indictment to be lodged at the High Court,<sup>22</sup> and only 1-2 per cent of child victims are still children at the time of the trial.<sup>23</sup>

Data identified within the High Court Register demonstrated that cases take a significant period of time from the commission of the offence to charge, to trial and to judgment. For example, in one case involving a charge of kidnapping and grave sexual abuse against a child under the age

of 18, there was a 13-year delay from when the crime was alleged to have taken place (2004) to the indictment being filed (2017), with a judgement due to be given after 12 court hearings, almost 20 years after the incident occurred (2023).<sup>24</sup> The delay places stress on the accused (especially if remanded in custody) and witnesses, and creates a sense of frustration amongst those seeking justice and a lack of respect for the justice system.

Although Section 4 of the CYPO establishes Juvenile Courts and grants them exclusive jurisdiction with respect to charges against children for summary offences, the Juvenile Courts do not handle criminal cases involving children. Instead, their jurisdiction only covers applications for care and protection orders under Section 34 of the CYPO. The case load is high and the judge has a great number of cases to get through on each sitting day, making it difficult for the judge to give sufficient time and attention to the rights, needs and best interests of the children concerned, or to even familiarise themselves with the files before hearings. A further issue is the number of hearings per case and the length of cases in the juvenile courts (e.g., as many as 46 hearings over the course of three years), which is a significant period of time in a child's life for their care to remain unsettled, leaves children and parents in limbo, and is inefficient and expensive for the courts, the DPCCS and the legal aid system.

22 Meeting with key stakeholders, 28<sup>th</sup> November 2022, Colombo

23 Meeting with key stakeholders, 28<sup>th</sup> November 2022, Colombo

24 Data provided in an interview with a High Court Judge, Eastern Province, February 2023.



## RECOMMENDATIONS

**Based on these findings and consultations with stakeholders, it was agreed that the following 13 indicators should be routinely aggregated, with the body best placed to collect such indicators contained in brackets:**

1. Children detained by police pre-charge during the year (Police)
2. Number of criminal proceedings initiated against children during the year (Courts)
3. Number of children convicted, acquitted, and cases dismissed (Courts)
4. Number of children provided with police informal diversion, such as a caution, warning, informal settlement (Police)
5. Number of children sent to mediation (Mediation Board)
6. Number of children sentenced receiving custodial sentence (DPCCS)
7. Number of children sentenced with alternative (non-custodial) measures (DPCCS)
8. Number of children in pre-trial detention (DPCCS)
9. Number of children in detention after sentencing (DPCCS)
10. Number of cases of crimes against children registered by police (Police)
11. Number of crimes against children brought to trial during the year (Courts)
12. Number of criminal convictions during the year in which the victim was a child (total and as

a percentage of cases tried i.e., conviction / acquittal / dismissal rates) (Courts)

13. Number of children involved in administrative detention (DPCCS)

**To enable the aggregation of these indicators, it is recommended that stakeholders are supported to take the following steps:**

### **Police:**

- i. Establish separate reporting processes for children in conflict with the law and monitor such data on the VPN system;
- ii. Enable data dashboards to be viewed and used at subnational level, and
- iii. Develop data management processes to include informal resolution of cases (i.e., to enable the collation of diversion indicators).

### **MoJ/Courts:**

- i. Establish separate reporting processes for children in conflict with the law and crimes against children;
- ii. Formally record and monitor the outcome of cases;
- iii. Include the number of children involved in a case within logbooks (either as a perpetrator, victim or witness);
- iv. Monitor key information such as the time taken for a case to be brought to trial, length of trial and number of hearings;
- v. Juvenile courts to develop monthly reporting forms to reflect the civil nature of care cases.

#### **DPCCS:**

- i.** Amend existing monitoring forms to capture key juvenile justice indicators (including sentencing options for children);
- ii.** Clearly disaggregate reports for children in conflict with the law and child victims / children in need of care and protection;
- iii.** Assess the use of existing data for monitoring and strategic planning to minimise unnecessary data collection;
- iv.** Continue to monitor the number of children in institutions and reason for institutionalisation;
- v.** Assume responsibility for reporting the outcome of cases while courts develop data management processes.

#### **Coordination:**

The government should nominate a body to undertake the function to ensure a central coordination point for data relating to children in conflict with the law. Consideration should be taken into whether the DPCCS or police would be better placed to coordinate juvenile justice data, based on their involvement in cases and existing data management processes. The function of the NCPA would need to be expanded to include data on children in conflict with the law through an amendment to the Law.

#### **To increase maturity of data management processes, all stakeholders (but, particularly DPCCS and the MoJ/courts) should be supported to improve standardised data management processes by:**

- i.** Developing online daily electronic reporting systems to enable efficient collation and disaggregation of data for monthly reports (in the long-term, developing cloud-based systems);
- ii.** Amending paper-based forms to increase the standardization of data (i.e., pre-defined fields

and response categories), and ensure paper-based forms, monthly reporting forms and database fields are aligned;

- iii.** Ensuring that those responsible for data management are provided with training, codebooks and written reporting guidelines;
- iv.** Increasing data verification practices, and
- v.** Providing sufficient physical and IT resources.

#### **Improve the security of data by:**

- i.** Ensuring all staff have access to individual, password-protected devices and professional email accounts;
- ii.** Minimising paper-based recording, reporting and data transfer, and
- iii.** Ensuring the provision of clear guidelines for the storage and destruction of paper-based data, and the resources to adhere to guidelines.

#### **Ensure the effective use of data by:**

- i.** Increasing awareness of the importance of juvenile justice indicators for planning and strategy development, and
- ii.** Assessing the use of existing data and improving data utilisation (i.e., by increasing analysis of existing data or adapting data monitoring to capture only the most useful data).

#### **Recommendations for procedural justice are as follows:**

- 1.** In order to comply with international standards it is recommended that:
  - i.** Proceedings relating to children in conflict with the law should be heard by a juvenile court;
  - ii.** New 'child friendly' procedures should be developed for cases of children in conflict with the law; and





# 1

## INTRODUCTION

The recording of children’s encounters with the justice systems by authorities and service providers is essential both to understanding the profile and circumstances of children who come into contact with the justice system (whether in conflict with the law, as victims or witnesses or in need of care and protection) and for monitoring and evaluating the performance of the system. It is important to have high-quality and reliable information on the youth justice and child protection systems to enable evidence-based policy development and implementation, to develop governance and regulatory structures and procedures, human resources development, education and training needs, improved service delivery and financing, monitoring and evaluating programmes and achievements or conducting research.

In 2018, the UN Committee on the Rights of the Child made a number of recommendations in responding to the 5<sup>th</sup> and 6<sup>th</sup> periodic reports of Sri Lanka. Among them was a recommendation that Sri Lanka establish a comprehensive data collection system to assess the progress achieved in realising children’s rights and to help design policies and programmes to implement the CRC.<sup>25</sup> In 2022, Coram International, as consultants to UNICEF, conducted an assessment of routine data collection gaps in the Justice for Children Sector in Sri Lanka.

The purpose of the assessment was a) to contribute to the development of an integrated and coordinated child protection / justice for children information management system, and b) to inform the monitoring<sup>26</sup> of policies and programmes to realise children’s rights. The objectives of the assessment were:

- To conduct a review of administrative data for child protection/justice for children to identify: first, what and how the data is being collected, by whom, when, quality assurance and auditing of data and what is then done with the data i.e., how is it collated, analysed, disseminated and used and second, to determine the gaps

in the existing legal and normative framework relating to data and statistics.

- To conduct a review of the different databases that exist in Sri Lanka for Child Protection.
- To document data flows, if any, in different departments and identify duplications of data.
- To identify institutional capacity requirements (human resources / hardware including ICT and database software and supplies) for establishing/strengthening a data management system at National and Provincial level.
- To study standard juvenile justice / child protection indicators that can be compared across countries and suggest approximately 10 core indicators as relevant to Sri Lanka.
- To identify issues relating to data handling and safety that are good practices in other countries.
- To establish baselines on a few key child protection indicators across sectors using existing data.
- To provide recommendations on next steps to develop a more integrated child protection information management system in Sri Lanka.

This report, the final product of the consultancy, builds upon the work carried out in Sri Lanka over the last 10 years to strengthen the child protection system and justice for children sector. The report is also strategically significant, as one of the first pieces of work under the EU funded support to the Justice Sector project, which will set the tone for further justice for children reforms over the coming years. The report will also contribute towards the implementation the UN Committee on the Rights of the Child’s recommendation to establish a comprehensive data collection system to assess the progress achieved in realising children’s rights and to help design policies and programmes to implement the CRC.<sup>27</sup>

25 UN Convention on the Rights of the Child, Concluding observations on the combined fifth and sixth periodic reports of Sri Lanka, CRC/C/LKA/CO/5-6, 2 March 2018, para 9.

26 Monitoring in this context refers to the cycle of collecting, analysing, verifying and using data to address shortfalls in the realisation of children’s rights.

27 UN Convention on the Rights of the Child, Concluding observations on the combined fifth and sixth periodic reports of Sri Lanka, CRC/C/LKA/CO/5-6, 2 March 2018, para 9.

This assessment was carried out using UNICEF's Assessing Administrative Data Systems on Justice for Children, A tool for country-level self-evaluation.<sup>28</sup>

This report is presented in seven sections:

1. Introduction
2. Juvenile Justice Stakeholders
3. Methodology
4. Findings Part 1: Availability of Juvenile Justice Indicators
5. Findings Part 2: Maturity of Data Management Systems
6. Findings Part 3: Procedural Justice
7. Recommendations

### The following definitions are used in this report:

**Child abuse** includes physical, emotional or sexual abuse, neglect and exploitation.

**Child friendly justice** is defined as justice which is:

- accessible;
- age appropriate;
- speedy;
- diligent;
- adapted to and focused on the needs of the child;
- respects the right to due process;
- respects the right to participate in and to understand the proceedings;
- respects the right to private and family life;
- respects the right to integrity and dignity.<sup>29</sup>

**Children in conflict with the law:** Children under the age of 18 who are alleged as, accused of or recognised as having infringed the Penal Code.<sup>30</sup>

**Child Protection** refers to prevention and response to violence, exploitation and abuse of children in all contexts. This includes reaching children who are especially vulnerable to these threats, such as those living without family care, on the streets or in situations of conflict or natural disasters.<sup>31</sup>

**Justice for Children** means a justice system that operates in a 'child friendly' manner, in accordance with international norms and standards and treats the best interests of the child as a primary consideration.

**Juvenile Justice:** A general term used to describe the policies, strategies, laws, procedures and practices applied to children over the age of criminal responsibility.

28 UNICEF, *Assessing Administrative Data Systems on Justice for Children, A tool for country-level self-evaluation*, <https://data.unicef.org/resources/assessing-administrative-data-systems-on-justice-for-children/>

29 Council of Europe, <https://www.coe.int/en/web/children/child-friendly-justice>, accessed 28<sup>th</sup> June 2023.

30 Convention on the Rights of the Child, Article 40.

31 UNICEF, <https://data.unicef.org/topic/child-protection/overview/> accessed 28<sup>th</sup> June 2023.

## 1.1. CONTEXT

Sri Lanka, officially named the Democratic Socialist Republic of Sri Lanka, is an island country that lies in the Indian Ocean. The country has an estimated population of 21.8 million people,<sup>32</sup> over 6.1 million of whom are children.<sup>33</sup> As a multicultural state, Sri Lanka is home to a diverse range of cultures, languages and ethnicities, with the majority being the Sinhalese community who comprise over 74.9 per cent of the population.<sup>34</sup> The second largest ethnic group are the Sri Lankan Tamils, who live predominantly in the Northern and Eastern provinces and account for 11.15 per cent of the population. The Up-country Tamils, who make up 4.12 per cent of the population, live in the central highlands of Sri Lanka, while the Muslim community, who account for 9.3 per cent of the population are scattered across all nine provinces. Buddhism, Hinduism, Islam and Christianity are all widely practiced, but the national Constitution asserts that Buddhism holds “the foremost place” in the Republic, while assuring to all religions the rights granted under the constitution.<sup>35</sup>

Sri Lanka’s economy has experienced comparable turbulence. Despite undergoing significant development over the last few decades, with the World Bank promoting Sri Lanka to an upper-middle income country in 2019,<sup>36</sup> the aftershock of the 2019 Easter Sunday attacks, shortly followed by the COVID-19 pandemic and the recent economic crisis has decimated much of the progress gained. In response to the outbreak of Covid-19, the government imposed lockdowns, closed schools and businesses, and put great effort towards re-organising and prioritising health services,

including improved child immunisation rates and greater WASH facilities in health care centres and schools.<sup>37</sup> Nevertheless, the economic effects of these interventions and the wider repercussions of a global pandemic have hugely impacted Sri Lanka’s economy. For example, tourism and foreign remittances have always been a considerable source of income for the country. Income from remittances fell from 7 billion in 2014 to 5.49 billion in 2021, and income from tourism fell from \$4.4 billion in 2018 to just \$200 million in 2021.<sup>38</sup>

Sri Lanka’s recent political history has been turbulent with a 26-year civil war that ended in 2009.<sup>39</sup> Recently, there has been further political instability, with the country coming to the brink of economic collapse in 2022. Economists have attributed this breakdown to a range of factors: the aftershock of the Easter Sunday attacks, pandemic, over dependence on foreign loans, government mismanagement, natural disasters and ramifications of the Ukraine War.<sup>40</sup> The country declared bankruptcy in May 2022.<sup>41</sup>

Inflation reached 55.2 per cent in 2022, with economic growth at -7.8 per cent.<sup>42</sup> According to the latest *South Asia Economic Focus* and the *Sri Lanka Development Update*, Sri Lanka’s real GDP is expected to fall by a further 4.2 percent in 2023. The growth rate of Sri Lanka’s major contributors to GDP have contracted significantly, with agriculture falling to -8.4 per cent, services to -2.2 per cent and industry – 10 per cent.<sup>43</sup> In response, the government has taken multiple approaches to improve the economic situation, including the

32 UNICEF Sri Lanka, 2020. Annual report: reimagining a better Sri Lanka for our children.

33 UNICEF Sri Lanka, 2020. Annual report: reimagining a better Sri Lanka for our children.

34 BTI Transformation index, ‘Sri Lanka Country Report 2022,’ <<https://bti-project.org/en/reports/country-report/LKA>>, accessed 18/10/22.

35 BTI Transformation index, ‘Sri Lanka Country Report 2022,’ <<https://bti-project.org/en/reports/country-report/LKA>>, accessed 18/10/22.

36 BTI Transformation index, ‘Sri Lanka Country Report 2022,’ <<https://bti-project.org/en/reports/country-report/LKA>>, accessed 18/10/22.

37 UNICEF Sri Lanka, 2020. Annual report: reimagining a better Sri Lanka for our children.

38 Aparna Pande, ‘Sri Lanka Struggles to recover economically,’ Geopolitical Intelligence Services AG (GIS), October 18 2022, <https://www.gisreportsonline.com/r/sri-lanka-struggles-economically/>, accessed 17/11/22.

39 BTI Transformation index, ‘Sri Lanka Country Report 2022,’ <<https://bti-project.org/en/reports/country-report/LKA>>, accessed 18/10/22.

40 ‘Sri Lanka is facing an economic and political crisis. Here’s what you need to know’ Jessie Yeung, CNN, 6 April 2022.

41 Aparna Pande, ‘Sri Lanka Struggles to recover economically,’ Geopolitical Intelligence Services AG (GIS), October 18 2022, <https://www.gisreportsonline.com/r/sri-lanka-struggles-economically/>, accessed 17/11/22.

42 World Bank, Sri Lanka Development Update 2023. Available at: <https://www.worldbank.org/en/country/srilanka/publication/sri-lanka-development-update-2023>

43 Sri Lanka Department of Census and Statistics, ‘Home,’ <http://www.statistics.gov.lk/#> accessed 15/11/22.

development of a foreign exchange management strategy and the securing of a \$2.9 billion 48-month Extended Fund Facility arrangement in March 2023.<sup>44</sup>

Rising food and fuel prices, along with frequent power cuts, shortages of life-saving medicine, fertilizers and food stuffs, have had a particularly severe impact on the poorest and most marginalized.<sup>45</sup> According to 2019 World Bank data, 14.3 per cent of the Sri Lankan population lives under the national poverty line, an increase from 4.1 per cent in 2016.<sup>46</sup> These poverty rates are only expected to have worsened as a result of the crisis. Socio-economic inequality is also prevalent, with the country's 2016 GINI coefficient standing at 0.45 (with 0.3-0.35 being 'reasonable' levels of inequality). Many studies have found that locations with a higher number of Tamil and up-country Tamil communities, experience higher levels of poverty; with the Northeast region having the country's lowest level of per-capita income and the Eastern region boasting one of the highest GINI coefficients within the country.<sup>47</sup>

Both the pandemic and the crisis have also had significant impact on the lives and wellbeing of children in Sri Lanka. The dual crisis has disrupted key services for children, such as health, nutrition, education and protection, putting children at great risk.<sup>48</sup> Essential health and WASH services have been severely impacted by stock outs of essential commodities, and access to child protection services is severely constrained. Nationwide school closures have disrupted learning for over

4.7 million students, with a 2020 survey identifying how only 59 per cent of households possessed online learning equipment/resources.<sup>49</sup> Existing high levels of child malnutrition, which stood at 19.6 per cent in 2016,<sup>50</sup> will only be aggravated by the reduced income and food insecurity caused by the crisis. Moreover, loss of family income will see a child exposed to greater stress or violence in their environment, with anecdotal evidence finding that more families are soliciting to institutionalize their children in face of aggravating poverty.<sup>51</sup>

Even before this dual crisis, children faced a multiplicity of issues in Sri Lanka. According to the 2018 Concluding Observations of the UN Committee on the Rights of the Child,<sup>52</sup> the five main areas of concern in Sri Lanka were: (i) violence, (ii) sexual exploitation and abuse, (iii) economic exploitation, (iv) administration of juvenile justice, and (v) reconciliation, truth and justice.<sup>53</sup> Violence against children and corporal punishment is commonplace in Sri Lanka, particularly at home or in the school environment.<sup>54</sup> Gender norms and ideologies also means sexual violence against women and girls is a notable issue, with 9.8 per cent of women aged 20-24 years being married or in a union before 18 years old.<sup>55</sup> Child labour rates are low, with only 0.8 per cent of 5-14 year olds working, roughly 28,515 children in 2016<sup>56</sup> and one per cent of 5-17 year olds (43,000 children).<sup>57</sup> The rate of child labour has more than halved since 2008/09.<sup>58</sup>

Despite this progress, important challenges remain. Among the children involved in child labour in Sri Lanka, nine in 10 (89 per cent) face hazardous

44 World Bank, Sri Lanka World Development Update 2023, [www.worldbank.org/en/country/srilanka/publication/sri-lanka-development-update-2023](http://www.worldbank.org/en/country/srilanka/publication/sri-lanka-development-update-2023)

45 UNICEF Sri Lanka, 2022. Humanitarian Action for Children.

46 UNICEF, Country Programme Document 2023-2027, E/ICEF/2022/P/L.37, 11<sup>th</sup> July 2022.

47 Walker, Bandara & De Silva, child protection system of Sri Lanka: Mapping report, 2016.

48 UNICEF, Country Programme Document 2023-2027, E/ICEF/2022/P/L.37, 11<sup>th</sup> July 2022.

49 UNICEF Sri Lanka, 2020. Annual report: reimagining a better Sri Lanka for our children.

50 UNICEF, Country Programme Document 2017-2022, E/ICEF/2017/P/L.25, 10 August 2017.

51 Information provided by UNICEF during inception meetings.

52 CRC/C/LKA/CO/5-6.

53 CRC/C/LKA/CO/5-6, para. See also UNICEF Sri Lanka, 2020. Annual report: reimagining a better Sri Lanka for our children.

54 UNICEF, End Violence Against Children Global Partnership and the Sri Lanka Ministry of Women and Children's Affairs, 'Preventing violence against children in Sri Lanka,' Discussion Paper, 2017.

55 UN Women Global Database on Violence Against Women, 'Sri Lanka,' <https://evaw-global-database.unwomen.org/en/countries/asia/sri-lanka>, accessed 19/10/22.

56 <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/sri-lanka> (accessed ??)

57 Alliance 8.7 Pathfinder: Sri Lanka's Child Labour Free Zones, [ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-colombo/documents/publication/wcms\\_634860.pdf](http://ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-colombo/documents/publication/wcms_634860.pdf) accessed 13 January 2023.

58 ILO. (2018). Child Labour in Sri Lanka – at a Glance. Colombo: ILO Country Office for Sri Lanka and the Maldives.

conditions (approximately 39,000 children).<sup>59</sup> Most of these children are aged 15-17, male and reside in rural areas.

With regard to reconciliation, truth and justice, whilst the civil war ended in 2009, many children and communities are grappling with the legacy of the conflict, including war trauma, displacements,

and loss of family, kin, friends, homes, employment and other valued resources.<sup>60</sup> Climate change also poses a growing risk to the health and wellbeing of children, with the natural disasters affecting Sri Lanka over the last few decades causing significant human, physical, financial and environmental losses.<sup>61</sup>

## 1.2. THE INTERNATIONAL LEGAL FRAMEWORK

International frameworks have had an influence on Sri Lanka’s legal system, leading to amendments to ensure compliance with ratified treaties. The

table below outlines the international and regional treaties that Sri Lanka has ratified or acceded to that are relevant to juvenile justice.

**Figure 1:** International treaty obligations of Sri Lanka

Treaty Name	Year of Ratification/ Accession
The UN Convention on the Rights of the Child (CRC)	1991
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (CRC-OP-AC)	2000
Optional Protocol to the Convention on the Rights of the Child on the sale of children child prostitution and child pornography (CRC-OP-SC)	2006
UN Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (CAT)	1994
International Covenant on Civil and Political Rights (ICCPR)	1980
Optional Protocol to the International Covenant on Civil and Political Rights: 1976	1997
Convention on the Elimination of All Forms of Discrimination against Women	1981
Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women: 2000	2002
International Convention on the Elimination of All Forms of Racial Discrimination	1982
International Covenant on Economic, Social and Cultural Rights	1980
Convention on the Rights of Persons with Disabilities	2016
Minimum Age Convention (ILO Convention 138, 1973)	2000

59 Alliance 8.7 Pathfinder: Sri Lanka’s Child Labour Free Zones, ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-colombo/documents/publication/wcms\_634860.pdf accessed 13 January 2023.

60 UNICEF, End Violence Against Children Global Partnership and the Sri Lanka Ministry of Women and Children’s Affairs, ‘Preventing violence against children in Sri Lanka,’ Discussion Paper, 2017.

61 UNICEF Sri Lanka, 2020. Annual report: reimagining a better Sri Lanka for our children.

Treaty Name	Year of Ratification/ Accession
Worst Forms of Child Labour Convention (ILO 182, 1999)	2001
Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000) (The Palermo Protocol)	2015
SAARC Convention on Preventing and Combating Trafficking in Women and Children in Prostitution	2002
SAARC Convention on Regional Arrangements for the Promotion of Child Welfare in South Asia	2002
UN Convention on Transnational Organized Crime (UNOTC)	2006

The key international instrument for child rights, and especially with respect to children in contact with the justice system, whether as an alleged perpetrator of a criminal offence, as a child victim or witness of a criminal offence or a child in need of protection, is the CRC together with accompanying standards, norms and guidelines.<sup>62</sup> While some provisions of the CRC are reflected or contained in legislative instruments in Sri Lanka, the CRC has not been specifically incorporated into national law in Sri Lanka as a single piece of legislation. It has, however, been adopted into State policy through the Children's Charter, and the Directive Principles place an obligation on the State *"to promote with special care the interests of children and youth so as to ensure their full development, physical, mental, moral, religious and social, and to protect them from exploitation and discrimination."*<sup>63</sup>

The CRC sets out a number of basic principles. Article 2 of the CRC sets out the principle of non-discrimination, requiring States to take all appropriate measures to ensure that children are protected from all forms of discrimination. Article

3 of the CRC provides that the best interests of the child shall be a primary consideration. Article 6 of the CRC protects a child's right to life, and to the maximum extent possible the survival and development of the child and last, but by no means least, Article 12 of the CRC, generally described as the right to be heard. Article 12 provides both for the right of the child to express his or her views but also for those views to be given due weight in accordance with the age and maturity of the child. It also requires that every child be provided with the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly or through a representative or an appropriate body in a manner consistent with the procedural rules of national law.

It should be noted that, as part of the desk review phase an in-depth report was developed, outlining legal frameworks, policies and administration processes relating to juvenile justice and child protection in Sri Lanka. This can be found in Annex C.

62 These include the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), which provide guidance on how to respect the rights of children in the justice system; the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) which focus on the prevention of juvenile crime; the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (the Havana Rules) and the Guidelines for Action on Children in the Criminal Justice System (the Vienna Guidelines).

63 Constitution of the Democratic Socialist Republic of Sri Lanka, Article 27(13). The UN Committee on the Rights of the Child recommended that the CRC be formally incorporated into Sri Lankan law in their concluding observations to Sri Lanka's 5<sup>th</sup> and 6<sup>th</sup> periodic report: CRC/C/LKA/CO/5-6, 2 March 2018 para. 5

## 1.3. INTERNATIONAL REQUIREMENTS WITH RESPECT TO JUSTICE FOR CHILDREN DATA

In their General Comment No 24,<sup>64</sup> the UN Committee on the Rights of the Child expressed its deep concern about the failure of many States to collect even basic and disaggregated data on, amongst other things, the number and nature of offences committed by children, the use and the average duration of pretrial detention, the number of children dealt with by resorting to measures other than judicial proceedings (diversion), the number of convicted children and the nature of the sanctions imposed on them. The Committee urged States to collect disaggregated data on all of these issues and on prevention measures.

For other areas where children have contact with the justice system, there is also a need for data. The Reporting Guidelines for periodic reports to the Committee on implementation of the UN Convention on the Rights of the Child (CRC) requires data, disaggregated by age or age group, sex, location (rural or urban area), minority or indigenous group, ethnicity, religion, disability or any other category considered appropriate.

The Guidelines also set out the statistical information and disaggregated data to be provided for the period since the consideration of the State's previous report. *"The provision of tables presenting trends over the reporting period is recommended and explanations or comments on significant changes that have taken place over the reporting period should also be provided."*<sup>65</sup>

For children in contact with the criminal justice system, States are asked to provide disaggregated data, including by type of crime, on:

- a. The number of persons under 18 years of age who have been arrested by the police due to an alleged conflict with the law;
- b. The percentage of cases where legal or other assistance has been provided;

- c. The number and percentage of persons under 18 years of age who have:
  - i. Been referred to diversion programmes;
  - ii. Been found guilty of an offence by a court and have received suspended sentences or have received punishment other than deprivation of liberty;
  - iii. Received alternative sanctions based on a restorative approach;
  - iv. Participated in probation programmes;
- d. The percentage of recidivism cases;
- e. Children deprived of their liberty, including any form of detention, imprisonment or placement in custodial settings.

States parties should also provide disaggregated data by social status, origin and type of crime, on children in conflict with the law with respect to:

- a. The number of persons under 18 years of age held in police stations or pretrial detention after having been accused of committing a crime reported to the police, and the average length of their detention;
- b. The number of institutions specifically for persons under 18 years of age alleged or accused of or recognized as having infringed the penal law;
- c. The number of persons under 18 years of age in such institutions and the average length of stay;
- d. The number of persons under 18 years of age detained in institutions where they are not separated from adults;

64 CRC/C/GC/24, para. 124.

65 CRC/C/58/Rev.3 Annex para. 26



- e.** The number and percentage of persons under 18 years of age who have been found guilty of an offence by a court and have been sentenced to detention, and the average length of their detention;
- f.** The number of reported cases of abuse and maltreatment of persons under 18 years of age during their arrest and detention/imprisonment.<sup>66</sup>

In addition, the Guidelines set out detailed requirements for data for children without parental care. States parties should provide data, disaggregated as described in paragraph 1 above, on:

- a.** The number of children without parental care disaggregated by cause (i.e., armed conflict, poverty, abandonment as a result of discrimination, etc.);
- b.** The number of children separated from their parents as a result of court decisions (inter alia,

in relation to situations of parental abuse or neglect, detention, imprisonment, labour migration, exile or deportation);

- c.** The number of institutions for such children disaggregated by region, the number of places available in the institutions, the ratio of caregivers to children and the number of foster homes;
- d.** The number and percentage of children separated from their parents who are living in institutions or in foster homes, as well as the duration of placement and frequency of its review;
- e.** The number and percentage of children reunited with their parents after a placement;
- f.** The number of children in domestic, intercountry and kafala adoption programmes disaggregated by age and, where relevant, information on the country of origin and country of adoption of the children concerned.<sup>67</sup>

<sup>66</sup> CRC/C/58/Rev.3 Annex para. 27.

<sup>67</sup> CRC/C/58/Rev.3 Annex, para.13

## 1.4. DATA INDICATORS ON JUSTICE FOR CHILDREN

The ability of an administrative system to produce data on a core set of data indicators provides important insights into the strength of that system. In order to monitor how well the justice system functions, in terms of implementing children's rights, and to adhere to international requirements for juvenile justice data monitoring, the UNICEF 2021 publication, "Achieving Justice for Children" has developed 'proposed minimum indicators' on justice for children. These data should be adapted to each country context and routinely collected.<sup>68</sup>

UNICEF propose a total of 23 minimum indicators in justice for children, which are divided into a number of categories to ensure the monitoring of all areas for justice for children. The data indicator categories are as follows:

- Children in conflict with the law;
- Diversion and sentencing measures<sup>69</sup>;
- Children in detention;
- Crimes against children;
- Civil law cases (i.e., child protection);
- Administrative detention;
- Complaints to national human rights bodies.

The assessment did not include civil law cases generally (i.e., other than child protection), nor did it cover complaints to national human rights bodies.

Alongside the minimum indicators, key disaggregate information should be routinely collected and monitored in order to understand: trends in crimes committed by children and against children (for example, by routinely monitoring cases by type of offence), key risk groups (by routinely collecting

and monitoring demographic characteristics for those involved in the justice system (e.g., age, gender, location etc.), and the functioning of the justice system (e.g., the number of hearings and length of trial). The collection and use of this data is essential for ensuring children's effective access to justice, and for informing policy, planning (human and financial resources) and the development of prevention and intervention services to support children in (or at risk of) contact with the justice system, as victims of crime or as children in conflict with the law.

The assessment sought to identify:

- The extent to which data is available for each indicator;
- The extent to which (and how) data is disaggregated;
- Who collects data on the specific indicators;
- Where there are gaps in data collection;
- Where there is duplication / overlap in data collection and monitoring between stakeholders, and who would be best placed to monitor data where there is duplication;
- The extent to which recording of specific indicators is consistent / systematic;
- The current availability of a "baseline" for each indicator.

The assessment sought to understand the extent to which data relating to key indicators is routinely collected and monitored through the collation of summary statistics; collected and available in case files, but not routinely monitored or used, or is not collected at all. The assessment also sought

68 UNICEF, *Achieving Justice for Children: A review of innovative data systems around the world*, 2021. See also UNICEF, *Gauging the Maturity of an Administrative Data System on Justice for Children*, 2021.

69 Note, the UNICEF guidelines categorise this as "diversion and alternative measures", but include the indicator "number of children receiving a custodial sentence" within this category. For clarity, we have amended the category title to "diversion and sentencing measures".

to distinguish between indicators that are to be used for data collection (to support practice on the ground) and those that are to be included in reports for strategic decision-making and policy development.

Findings relating to juvenile justice indicators are presented in [Section 4](#). Findings provide a summary of which body (if any) is collecting the standard indicators, and which body would be best placed to record the indicators, if not already doing so. Where a baseline was available, this has been presented.

## 1.5. JUSTICE FOR CHILDREN DATA MANAGEMENT PROCESSES

The monitoring of children's access to justice through the monitoring of the above key juvenile justice data indicators is only possible if adequate, efficient data management processes are in place. UNICEF has developed a toolkit on Assessing Administrative Data Systems on Justice for Children,<sup>70</sup> which sets out nine elements of a mature data management process. These are:

**The legal and normative framework:** Whether there is a comprehensive and coherent legal and normative framework for data and statistics on justice for children, including protective legislation for children and provisions for children in criminal procedures and court processes, national legislation, policies and regulations relating to data capture and reporting on children in contact with the law; a central reporting facility with a clear mandate relating to the collation, review and publication of data on justice for children, and enforced legislation on data privacy.

**Governance and planning:** Whether there is effective governance and the ability to plan in the area of administrative data on justice for children, including a formal data governance framework on justice for children; and legislation / regulations / policies assigning data capture and reporting responsibilities to specific institutions.

**Data infrastructure:** Whether there is a well-equipped data infrastructure, which includes stable access to information and communication technologies (ICT) and database software, adequate human and fiscal resources to support data collection, analysis and reporting.

**Coordination of data:** Whether there is strong coordination of data on justice for children, including a formal inter-agency committee to ensure a protocol for all key stakeholders to share data / information securely and support an integrated data management system.

**Completeness of data:** Whether, between stakeholders, there is a complete set of core indicators on justice for children, which can be reported annually at national and subnational level, with disaggregation across key characteristics, with uniformity ensured through standardized data collection forms and adequate online systems.

**Effective and secure data transmission:** Whether there is effective, secure transmission of data from the subnational to national level and across stakeholders, including the presence of an internet / intranet or cloud-based system and a structured, agreed timeline / schedule for monitoring and reporting statistics.

<sup>70</sup> UNICEF, Assessing administrative data on justice for children, 2021. Available at: <https://data.unicef.org/resources/assessing-administrative-data-systems-on-justice-for-children/>

**Standardized data and practices:** Whether there is a set of standardized key indicators (outlined in the desk review) on which stakeholders have the capacity to report, including the disaggregation of indicators across a key set of characteristics at all levels of data capture, for example by age, sex, geographical location etc, and whether there are written procedures and guidelines and codebooks for managing administrative data on J4C.

**Administrative data quality assurance:** Whether there are procedures in place to ensure quality in data, including staff training, support and oversight from managers, and supported electronic quality assurance processes (for example forced entry fields in databases).

**Data use, demand and dissemination:** Whether data is sufficient for the purposes of regular dissemination of information to support the delivery of justice for children, and whether relevant stakeholders demand data to inform justice for children activities (programme monitoring,

development of programmes and policies, budgeting and strategic planning etc.).

For each of the nine elements, the UNICEF toolkit provides criteria that can be used to determine the level of data management maturity a country has reached: Level 1 (still needs to strengthen its system); Level 2 (the system is moving towards maturity), or Level 3 (the system has reached maturity).

The assessment sought to assess the maturity of data management systems for all stakeholders involved in juvenile justice, to identify which sectors require more strengthening in relation to the data management processes outlined above. Understanding where developments in data management processes are needed is essential to support the effective collection and monitoring of data for the juvenile justice indicators, which in turn are needed to understand the functioning of the juvenile justice system. Findings relating to the maturity of data management systems are presented in [Section 5](#).

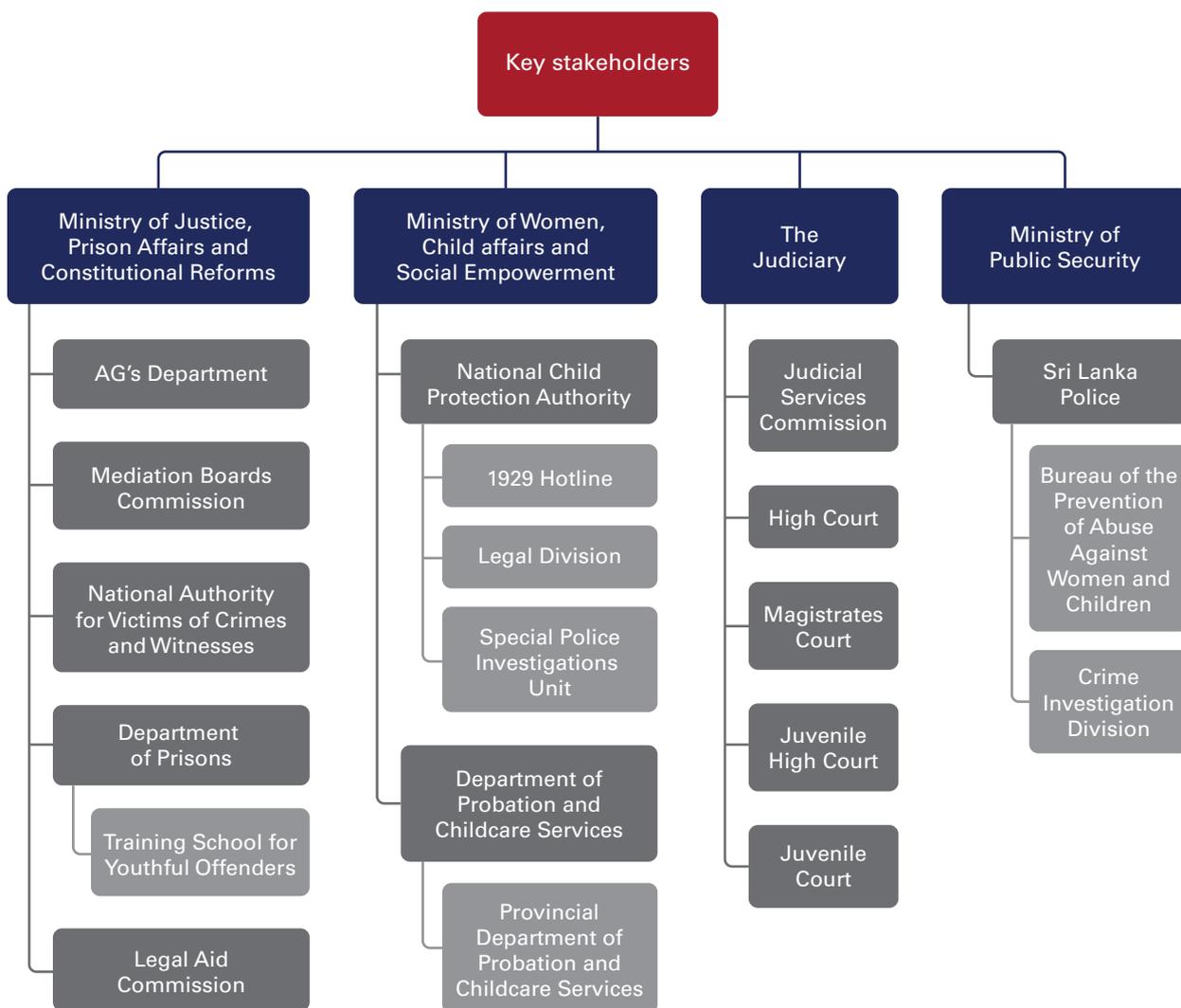
# 2

## KEY STAKEHOLDERS FOR JUVENILE JUSTICE DATA MANAGEMENT IN SRI LANKA

The main sources of information on data for this assessment were the Ministry of Justice, Prison Affairs and Constitutional Reforms (including the Attorney General’s Office), the Judiciary, the Ministry of Public Security; and the Ministry of Women, Child Affairs and Social Empowerment (specifically the Department of Probation and Childcare Services and National Child Protection Authority). Within those sectors are a range of bodies responsible for the generation, synthesis,

analysis and use of data on justice for children. The chart below sets out the key stakeholders with respect to justice for children who were included in this assessment. This subsection outlines the roles and responsibilities of each stakeholder as it relates to juvenile justice and child protection. The key indicators collected by each stakeholder and data management processes are presented in sections 4 and 5 of this report, respectively.

**Figure 2: Juvenile Justice Stakeholders in Sri Lanka**



## 2.1. DEPARTMENT OF PROBATION AND CHILDCARE SERVICES (DPCCS)

The Department of Probation was originally founded at the end of the 1930s, but underwent a number of reforms and became the Department of Probation and Child Care Services (DPCSS) in 1956. The Department is now under the Ministry of Women, Child Affairs and Social Empowerment. The Department was centralised until 1987, when the 13<sup>th</sup> Amendment to the Constitution resulted in the Department's probation and childcare functions being devolved to the Provincial Councils. This amendment is now to be found in the Ninth Schedule to the Constitution.

The main functions of the DPCCS, which is headed by a Commissioner, includes implementation of child rights development programmes; training and research activities; assisting and coordinating the provincial councils; overseeing the duties of the Probation Officers (POs) and Child Rights Promotion Officers (CRPOs); and the provision of institutional care.<sup>71</sup> Another notable duty is the formulation of policies, plans and guidelines, with a recent achievement being the development of the Alternative Care Policy, as well as Standing Operating Procedures (SOPs) and guidelines on virtual case management.<sup>72</sup> Following the ratification of the CRC, and in order to implement its provisions, a new post of Child Rights Promotion Officer (CRPO) was created by the DPCCS in 1999.

Provincial Probation and Child Care Commissioners head up the provincial Probation and Child Care Service (Provincial DPCCS). They employ and manage POs and also development officers (DOs), who assist POs with administrative tasks.

Each province has a number of probation units, within which POs work. Their work is governed by the CYPO and the Probation of Offenders Ordinance. POs have a wide range of duties relating to children in contact with the law (including the preparation of background and social reports); support of children who are the subject of court proceedings or who are victims and witnesses of crime; supervising children who have been placed on probation following a conviction by the court; the provision of services, the preparation of reports and care plans for children in need of care and protection; placement of children in care homes; supervising homes and vocational training for children in care.<sup>73</sup> This study was informed that (Social) DOs are sometimes trained within probation units to carry out case management services, due to the lack of POs, though they also work in other departments.<sup>74</sup> An example was provided of only three POs allocated across nine police stations, which is insufficient to manage all the referrals made.<sup>75</sup>

CRPOs operate at divisional and district secretariat level, but both report directly to the National DPCCS rather than the Provincial DPCCS (who employ and manage POs). The function of the CRPOs is wide and is essentially to promote the rights of children.<sup>76</sup> The role of the CRPO consists mainly of organising children's clubs, workshops and awareness programmes with regard to child protection. However, CRPOs are often notified of child abuse related incidents, and refer such cases to the police or inform POs. CRPOs are sometimes required to conduct assessments for child abuse cases for families.<sup>77</sup> The figure below provides the organisational structure for DPCCS.

71 UNICEF, A Legal and Institutional Assessment of Sri Lanka's Justice System For Children, August 2017.

72 UNICEF Sri Lanka, 2020. Annual report: reimagining a better Sri Lanka for our children.

73 Institute for Participatory Interaction in Development, 'Functional Assessment of the Social Services Workforce in Sri Lanka associated with the Protection of Children,' UNICEF Sri Lanka, March 2019.

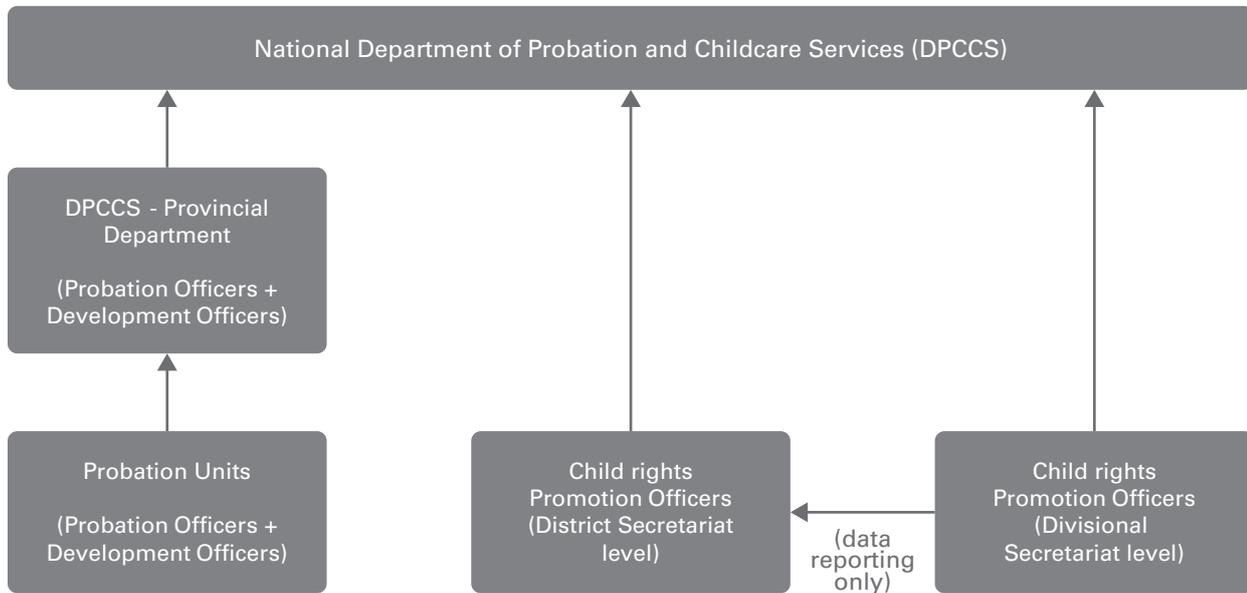
74 Eastern Province Probation Unit, 20<sup>th</sup> Feb 2023.

75 Eastern Province Probation Unit, 20<sup>th</sup> Feb 2023.

76 UNICEF Sri Lanka, 2021. Budget Brief: Child Protection Sector.

77 Interview with Child Right Promotion Officer, Eastern Province, February 2023.

**Figure 3:** Organisational structure of DPCCS as it relates to juvenile justice and child protection



### 2.1.1. Residential homes

As noted, the DPCCS is responsible for the provision of institutional care. There are a number of different forms of residential homes in which children may be placed. Some are predominantly for children in conflict with the law, including approved schools, certified schools and remand homes, although these closed, detention centres also take a number of children in need of care and protection and children who are administratively detained as they are under the age of criminal responsibility. **Figure 18** explains the differing functions of these facilities. Nearly all of these institutions are under the Provincial Departments of Probation though the Training and Counselling centre is governed by the Department of Probation at the national level.<sup>78</sup>

### 2.1.2. General Data management processes

At the national level, data is collated annually for the annual report, based on the probation and childcare data provided by provincial offices,<sup>79</sup> although the annual report does not present data relating to the juvenile justice indicators. Probation units are required to send data to the provincial offices on a monthly basis. The provincial probation offices in turn produce internal monthly summary reports, amalgamating information received from each probation unit. Each Provincial probation office produces its own annual report, which is sent to the National DPCCS and used as the basis for their annual report.

In each probation unit, POs are responsible for collecting data on children in need of care and protection, children in conflict with the law and children living in institutions, in addition to

completing social reports (required for submission to courts) and care plans for each individual case. The DOs are responsible for collating the information provided by probation officers and producing monthly reports (although, some offices noted “vocational trainers” are responsible for data entry).<sup>80</sup> Data management roles are undertaken by DOs on a part-time basis.<sup>81</sup> Probation Officers in charge are responsible for endorsing the report and sending the data to the Provincial probation office. The Provincial Commissioner is responsible for the sign-off of monthly and annual reports, and submission to the DPCCS.

In relation to CRPO functions, data is maintained by divisional secretariats, district secretariats and at the national DPCCS HQ. CRPOs complete registration forms (a full assessment of the child) for children in need of care and protection, maintain a register of these child protection cases, develop and maintain care plans, and maintain a record of programme activities. CRPOs under the Divisional Secretariat send reports to the CRPO who sits within the District Secretariat, who in turn consolidates the data on a monthly basis in a google sheet. This summary data is then sent directly to National DPCCS on a quarterly basis.<sup>82</sup> The register of child protection cases is maintained on a daily basis by CRPOs electronically, on a google form, which is automatically accessible to the National DPCCS.<sup>83</sup>

Childcare institutions (NB., only state receiving homes and remand homes were interviewed for this study) are responsible for maintaining an admittance book, attendance log book, daily record book and individual case files for all children within the institution. They provide information to the DPCCS on a monthly and annual basis.<sup>84</sup> As no NGO-run homes were visited, the study was not able to determine whether data management processes differ, particularly for NGO homes with foreign funding and more resources.

78 Department of Census and Statistics, Census of Children in Child Care Institutions 2019, Sri Lanka, 1 October 2021.

79 Meeting with key stakeholders, 28<sup>th</sup> November 2022, Colombo.

80 North Central provincial probation department

81 Eastern Province Probation Unit, 20<sup>th</sup> Feb 2023

82 Interview with CRPO, Central Province, 1<sup>st</sup> December 2022.

83 Google forms are an online survey format, where data entered into the forms can be automatically downloaded in an excel sheet to anyone who has access to the google drive on which form entries are saved.

84 Interview with remand home, North Central province, February 2023.

## 2.2. SRI LANKA POLICE

In terms of policing in Sri Lanka, the Bureau for the Prevention of Abuse of Women and Children deals with child victims of crime, while the Criminal Investigations Division is responsible for the investigation of crime, including that allegedly committed by children (with police stations operating both a major crimes and a minor crimes branch).

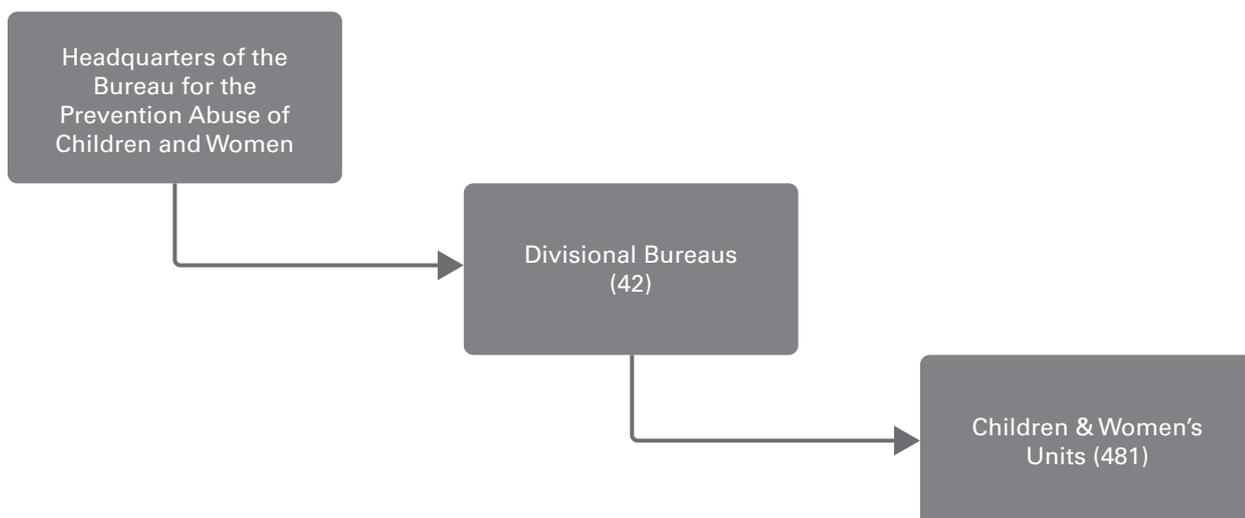
### 2.2.1. Bureau for the Prevention of Abuse of Children and Women

The Bureau for the Prevention of Abuse of Children and Women or the Women’s and Children’s Bureau, as it is commonly referred to, was set up in 1979 during the International Year of the Child to prevent child abuse and the exploitation of women and children. In 1993, Women and Children’s Unit were established and, at the present time, all police divisional headquarters and police stations have a Women and Children’s Unit (commonly referred

to as Women and Children’s Desks), which falls under the renamed Bureau for the Prevention of Abuse of Women and Children. Their duties include *‘investigating crimes committed against women, young persons and children, supervision of such action taken by police stations, to provide advice and guidance relating to these crimes to police stations and engage in awareness raising in the community.’*<sup>85</sup> All officers within the Units and the Divisions are required to adopt a victim-oriented approach to ensure the *‘...best interests of the affected children and victimised women and ensure the protection of their rights.’*<sup>86</sup> The procedures to be followed by Women and Children’s Unit are contained in Circulars issued by the Inspector General of Police and the Criminal Investigation Division.

The Bureau operates under the Deputy Inspector General (Crimes Investigation Unit), one of the divisions of the Sri Lanka Police. Divisional Bureaus operate under the Headquarters. The figure below illustrates the relevant hierarchy within the Bureau.

**Figure 4:** Hierarchy of the Bureau for the Prevention of Abuse of Children and Women



**Source:** UNDP, *Divisional Bureaus for the Prevention of Abuse of Children and Women: An Assessment*, 2019.

85 Sri Lanka Police 1994, IGP Circular No. 1172/94 and Crime Division Circular dated 1<sup>st</sup> November 1994.

86 Sri Lanka Police 1993, Police Desks for Child Abuse and Violence against Women, IG Circular No. 1105/9; Crime Branch Circular No. 28/93.

Despite their valuable role, an evaluation of the Women and Children's Units in 2014 revealed how the Units had significant resource constraints and operational limitations, including significant understaffing, inadequate training and experience, as well as a lack of child-friendly spaces.<sup>87</sup> Similar criticisms were made in a 2019 assessment into the Divisional Bureaus, which also found there to be an inequitable establishment of Women and Children's Units across the country and a considerable lack of knowledge on national law and policies amongst officers.<sup>88</sup> There have not been any further available evaluations since that date.

### 2.2.2. General data management processes

The Bureau for the Prevention of Abuse of Children and Women collates statistics on crimes against children across the country. Divisional Bureaus are responsible for submitting monthly reports on

crimes against children to the Headquarters. To do this, Divisional Bureaus obtain monthly reports from the Women and Children's Desks (WCDs) in each police unit within their division (by the 3<sup>rd</sup> of every month), and collate information into one summary report.<sup>89</sup> WCDs also submit daily reports to the Divisional Bureau summarising complaints made to the desks each day in the cases of grave crimes.<sup>90</sup> The officers within the WCDs also provide case data (in the form of a police 'B report') to the DPCCS and the court.

Police HQ does not require the local station crime branch to provide monthly reports on children in conflict with the law. The number of children accused of crimes is embedded within the overall crime statistics, and there is no separate reporting on crimes committed by children. However, crime branches are required to provide case file data (B reports) to probation and the courts following the same process as children and women's desks for children under the age of 16. The crime branches are also required to upload all case data to the VPN system.

## 2.3. MINISTRY OF JUSTICE / COURTS / AG'S DEPARTMENT

The CYPO provides for the establishment of juvenile courts which, according to Section 2, are to be *"courts of summary jurisdiction sitting for the purpose of hearing any charge against a child or young person"* and notwithstanding any law to the contrary a Magistrates Court shall have jurisdiction to hear and determine any case in which a child is charged with an offence, other than a scheduled offence (i.e., an indictable offence). The CYPO goes on to state that *"for each Magistrates Court a person or persons, by name or by office, to be or to act as Magistrate or Magistrates of that court when that court is sitting as a Juvenile Court."*<sup>91</sup> Juvenile

Courts are to sit in a different building or room from that in which sittings of courts other than Juvenile Courts are held, and the hearings are to be closed.<sup>92</sup> There are two Juvenile Courts (Children's Magistrates Courts) in Sri Lanka: Battaramulla and Jaffna, but neither of these courts deals with criminal cases, as envisaged by the CYPO. Rather, their sole purpose is to deal with public law cases: cases brought by the State relating to care and protection of a child under the CYPO. This means that all criminal cases against children are heard in the adult Magistrates Court or the High Court. Further, despite the statutory requirements for

87 UNICEF, Capacity Assessment and Review of Women and Children's Desks in Ten Districts in Sri Lanka, 2014 (Internal document for MOJ for research and programming)

88 UNDP, Divisional Bureaus for the Prevention of Abuse of Children and Women: An Assessment, 2019.

89 Interview with a Divisional Bureau for the prevention of violence against women and children, Eastern Province, February 2023.

90 Interview with a Women and Children's Desk, Eastern Province, February 2023.

91 CYPO Section 3.

92 CYPO Section 7(3).

separate courtrooms or buildings and specialised juvenile magistrates, there was no evidence of separate court facilities for children charged with an offence, and no specifically appointed juvenile magistrates in either the Eastern Province or the Anuradhapura Magistrates Courts.

Magistrates Courts are empowered by Section 10 of the Code of Criminal Procedure Act 1979 to dispose of summary cases under the Penal Code and any offence under other laws which give jurisdiction to the Magistrates Court. Where a law does not mention which court is to try an offence, the deciding factor is the measure that can be imposed. Magistrates Courts may hear a criminal case where the offence is punishable with imprisonment for a period not exceeding two years or exceeding one thousand five hundred rupees (a summary offence). Where the offence is punishable by a minimum term of imprisonment of more than two years or by a fine exceeding one thousand five hundred rupees, it will be tried before a High Court (indictable offence).

The Magistrates Court is vested with original criminal jurisdiction. Cases start in the Magistrates Court, and will either be tried there or, if it is an indictable offence, (including where the accused is a child) will be transferred to the High Court following committal / inquiry proceedings. In addition, where a case is tried by the Magistrates Court but the Court find that the appropriate punishment is beyond their statutory capacity, the case will be remitted to the High Court for sentence.

Offences which will be heard by the High Court (and not the Magistrates Court) include, but are not limited to, murder and attempted murder, cases under the Poisonous, Opium and Dangerous Drugs Ordinance, rape,<sup>93</sup> grave sexual abuse,<sup>94</sup> procurement,<sup>95</sup> offensive weapons<sup>96</sup> and prevention of terrorism.<sup>97</sup> The High Court also exercises

appellate jurisdiction over convictions, sentences, and orders imposed by the Magistrates Courts and Primary Courts within the province.

The Judicial Commission has designated High Court No 2, in Anuradhapura as a specialist High Court for child sexual abuse cases (i.e., charges under Sections 364 and 365 of the Penal Code) and child cruelty cases (under Section 308 of the Penal Code).<sup>98</sup>

The Code of Criminal Procedure Act also provides that subject to the Code and other laws, the High Court “*shall not take cognisance of any offence unless the accused person has been indicted for trial by or at the instance of the Attorney-General*” (i.e., the High Court does not hear summary cases, and is not able to hear a criminal case until the Attorney-General has formulated the indictment, even where the Magistrates Court has accepted that the charge is an indictable offence and has referred the case to the Attorney-General). This applies equally to an accused child or to a person accused of an offence against the child.

The High Court sits in all 9 provinces (there are 33 High Courts hearing criminal cases)<sup>99</sup> while there are 52 Magistrates Courts.<sup>100</sup>

### 2.3.1. General data management processes

The MoJ requests data from the courts on a monthly and quarterly basis.<sup>101</sup> The presiding judge and the court registrar are responsible for sending data to the headquarters (although, courts indicated that this falls to the mudaliars (interpreters who are responsible for formulating and sending the reports). Currently, data is collected from 247 courts, including the 2 juvenile courts and the children’s

93 Penal Code, Article 364.

94 Penal Code, Article 365.

95 Penal Code, Article 360

96 Under the Offensive Weapons Act 1966.

97 Under the Prevention of Terrorism Act 1978.

98 Information from High Court Judge, Anuradhapura, February 2023.

99 <https://www.MoJ.gov.lk/images/pdf/RTI/All-Courts.pdf> accessed 10<sup>th</sup> April 2023.

100 Ibid.

101 Interview with Assistant Director of Planning, Ministry of Justice, 2<sup>nd</sup> December 2022.

High Court. This data is then amalgamated to form an annual report, is sent to Parliament and made publicly available. The MoJ headquarters requests data from all courts in a category-wise breakdown by type of crime, including cases filed, finalised and pending. The MoJ also requests data from the AG's Department Child Protection Unit annually. It is the responsibility of the clerks to develop these reports within the AG's Department.

The MoJ is also responsible for collating UN SDG data (SDG 16, Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels). This is problematic for the MoJ as they do not hold the data needed for the indicators, and have to collate data relating to children from other sources, primarily the DPCCS and the police.<sup>102</sup>

## 2.4. NATIONAL CHILD PROTECTION AUTHORITY

The National Child Protection Authority Act 1998 (NCPA Act) established the National Child Protection Authority (NCPA). The NCPA aims to *'ensure children are free from all forms of abuse' by creating 'a child friendly and protective environment'*.<sup>103</sup> The functions of the Authority are set out in section 14 of the NCPA Act and include, but are not limited to:

- Advising the Government in the formulation of a national policy on the prevention of child abuse and the protection and treatment of children who are victims of such abuse;
- Advising the government on measures for the protection of the victims of such abuse;
- Raising awareness of the rights of a child to be protected from abuse and the methods of preventing such abuse;
- To consult with various ministries and other public and private authorities and bodies and recommend measures to safeguard children;
- To recommend legal and other reforms necessary for the effective implementation of national policy to prevent abuse;
- To monitor the implementation of laws relating to child abuse;
- To monitor the progress of investigations and criminal proceedings relating to child abuse;
- Recommend measures to address humanitarian concerns relating to children affected by armed conflict;
- To take steps where necessary to protect children involved in criminal proceedings / investigation;
- To receive complaints from the public relating to child abuse;
- Advise to assist Provincial Councils, local authorities and NGOs and to coordinate campaigns against child abuse;
- Prepare and maintain a national data base on child abuse in consultation with relevant ministries and other authorities to supervise and monitor all religious and charitable institutions.

There are NCPA offices at both the divisional and district level throughout the country, overseen by the NCPA Head Office. District Child Protection Officers (DCPO) and District Psychosocial Officers (DPSO) are assigned to each district secretariat, and Divisional Child Protection Officers are present in each divisional secretariat.<sup>104</sup> DCPOs focus

<sup>102</sup> Interview with MoJ HQ, February 2023.

<sup>103</sup> State Minister of Women and Child Development, Pre-school and Primary Education, School Infrastructure and Education Services, NCPA Progress and Performance, 2021.

<sup>104</sup> NCPA, 'District and Division Child Protection Services, <https://childprotection.gov.lk/what-we-do/district-and-division-child-protection-service>, accessed 8/11/22.

on child protection interventions and policies, whilst DPSO's prioritize the implementation of psychosocial interventions and care.

The district and divisional NCPA offices carry out similar roles, (i.e., following up court cases, investigating cases referred by the NCPA Head Office, maintaining a database on child abuse cases, etc). Divisional Child Protection Officers also receive complaints from the district secretariat. Having district and divisional secretariats has arguably allowed for more effective service delivery at the lower levels of local government, but the role of DCPOs often overlaps with the responsibility of the Department of Probation and Child Care Services (DPCCS) Child Rights Promotion Officers (CRPOs), which in turn, impinges upon the effectiveness of the delivery of child protection services.<sup>105</sup>

In addition to the district and divisional level secretariats, the NCPA also has 'Angel Networks' at local level. These networks consist of CSOs operating at the village level, who carry out awareness raising activities and report on child protection issues arising in local communities. Similar friction exists here, in that the Angel Networks, and the Department of Probation and Child Care's Village Child Rights Monitoring Committees, apparently have overlapping functions and duties at the local level.<sup>106</sup>

### 2.4.1. The 1929 Hotline

A key function of the NCPA is receiving complaints on child abuse matters. Complaints are received through diverse channels: verbal complaints made to the authority; complaints received by post, email or online; and those received through the hotline.

Established in 2010, the hotline '1929 Child Line Sri Lanka' was set up to facilitate the faster and more efficient reporting of incidents of child abuse. Based in the NCPA head office premises, the 24 hour, seven days a week hotline is free of charge. The service is offered in Sinhala, Tamil and English, and is managed by officers who are trained in counselling and referral capacities.<sup>107</sup> Even though the service is targeted at children, the line is often used by teachers, parents and child care service providers to get advice on relevant issues. Since the hotline's inception there has been a steady increase in the reporting of child abuse incidents, with 9,512 complaints received in 2018.<sup>108</sup> In 2021, a 1929 Child Line Sri Lanka Application was introduced, which meant that children can refer incidents of abuse, with video, audition and written evidence.<sup>109</sup> In the first 9 months of the App's introduction, it received approximately 7778 complaints (although it is not clear how many of these relate to children calling about abuse as against requests for advice).<sup>110</sup> Despite the high level of usage, the App was discontinued at the end of 2022.<sup>111</sup>

Once a complaint is received by the NCPA, it is referred to the relevant division (if referral is required), according to the nature of the complaints. Referrals are typically made to the Legal Division, the Law Enforcement Unit, the Investigations Unit, the Psychosocial Division or the Special Police Investigation Unit. The Special Police Unit conducts investigations into complaints of child abuse referred by the NCPA where there is a criminal element. The Special Protection Unit operates a 24/7 service, and helps in the arrest of suspects, maintaining court records and reports, as well as steering court procedures.<sup>112</sup> The Legal Division protects child victims of abuse, recommends legislative and administrative amendments, provides legal advice, monitors the progress of all

<sup>105</sup> UNICEF, Functional Assessment of the Social Services Workforce in Sri Lanka associated with the Protection of Children, 2019. pps.30-31.

<sup>106</sup> Walker, David., Indunil Bandara and Shayamalie De Silva, 'Child Protection System of Sri Lanka: Mapping Report- Final Draft,' Overseas Development Institute, November 2016.

<sup>107</sup> UNICEF, A Legal and Institutional Assessment of Sri Lanka's Justice System For Children, August 2017.

<sup>108</sup> National Child Protection Authority, Website Statistics.

<sup>109</sup> State Minister of Women and Child Development, Pre-school and Primary Education, School Infrastructure and Education Services, NCPA Progress and Performance, 2021.

<sup>110</sup> State Minister of Women and Child Development, Pre-school and Primary Education, School Infrastructure and Education Services, NCPA Progress and Performance, 2021.

<sup>111</sup> Interview with NCPA HQ, February 2023.

<sup>112</sup> NCPA, 'District and Division Child Protection Services,' <https://childprotection.gov.lk/what-we-do/special-police-unit>, accessed 8/11/22.

criminal proceedings and appears in court for child abuse cases.<sup>113</sup>

## 2.4.2. General data management processes

The Assistant Director of the Law Enforcement Division within the NCPA is responsible for handling and processing data and producing an annual report on complaints made to the 1929 hotline.<sup>114</sup> Hotline staff are responsible for uploading complaint data onto the complaint database. A new database was

introduced in January 2023, to which hotline staff upload complaints data. DCPOs are responsible for maintaining case files on children and providing in-depth reports for each case to HQ, as well as maintaining logbooks. Division and district offices are responsible for collating DCPO data and submitting monthly and annual summary reports to HQ. The NCPA database holds data on child abuse only (i.e., no data on children in conflict with the law), and only holds data on cases of complaints made to the hotline or to DCPOs in the field (i.e., no record of child abuse cases referred directly to the police).

## 2.5. MEDIATION BOARD

The purpose of the Mediation Boards is to provide an efficient alternative disputes resolution mechanism throughout the country. According to the Mediation Boards Commission website, Mediation Boards have been established in every Divisional Secretary Division island-wide, and there are now 329 Community Mediation Boards with over 8,500 mediators.<sup>115</sup> The Mediation Boards Commission has also set up a School Mediation Programme in selected schools, though no information is provided on the number of schools that have a Mediation Board on the website.

Section 6 of the Mediation Board Act No 72 of 1988 (as amended) provides that any person may make an application to the Chairman of the Mediation Board area for the settlement by mediation of any

offence specified in the Second Schedule to the Act.<sup>116</sup> The criminal offences contained within the Second Schedule are wide and include offences of violence against the person, a number of which are serious offences covering grievous bodily harm and endangering life; a range of property offences (including theft); defamation; insult intended to provoke a breach of the peace and criminal intimidation.<sup>117</sup> It should be noted that statutory rape and other sexual offences are not among the offences that may be referred to the Mediation Board. In addition, it should be noted that ‘any person’ does not include *“the Attorney-General where the offence is an offence in respect [of] which proceedings are instituted by the Attorney-General.”*<sup>118</sup> Thus, if a child has already been indicted for an offence, the matter can no longer be referred for mediation.

113 State Minister of Women and Child Development, Pre-school and Primary Education, School Infrastructure and Education Services, NCPA Progress and Performance, 2021.

114 Interview with NCPA HQ, November 2022.

115 <http://mediation.gov.lk/communitymediation> accessed 20th April 2023.

116 Mediation Board Act No 72 of 1988, Section 6(1).

117 The specific offences covered are contained in the Penal Code, Sections 157, 314-315, 325, 316, 326, 323, 329, 332, 343- 343, 346, 348, 349, 367 or 368B, 386, 409, 410- 412, 333, 434, 480 - 482, 484, 486.

118 Mediation Board Act No 72 of 1988, Section 6(2)(c).

*“Individuals can refer a case to mediation board by sending a letter to them including a brief about the issue and the residential address of the two parties in concern. Police have a separate form through which they refer cases to the mediation board. When referred to mediation through the court (on the judge advising parties to settle through mediation), then it will be the police that will inform mediation about it.”<sup>119</sup>*

Once an offence is referred, the duty of the Board is to bring the ‘disputants’ to an amicable settlement.<sup>120</sup> The Board can convene as many mediation sessions as it thinks necessary within a 30-day period,<sup>121</sup> and can require a person to be present and bring relevant documents with him or her. At the end of that period, if the disputants have reached agreement, the Board will issue a written terms of settlement and send this to the court. Where there is a settlement, no further action taken in relation to the offence.<sup>122</sup> Alternatively, if it has not been possible to reach a settlement, the Board will issue a certificate of non-settlement. A prosecution may then proceed for that offence. No attorneys are permitted to attend mediation, but in the case of a child, a parent, guardian or ‘curator’ can attend with the child.

*“During the last three years there have been no cases where the child was the complainant but there have been child-related cases.... Out of 50, only 3-4 cases are child cases. .... Child-related cases can be gang fights or fights between children in school. Sometimes parents fight out of the school too. When they come to us, we don’t treat them as children, we treat them as two parties. We don’t give favouritism to the children. Because most of the mediation officers have a background in probation or the NCPA, we monitor the children after mediation, but this is not in rules*

*or regulation. According to the regulations we cannot show a preference.”<sup>123</sup>*

According to the Mediation Board interviewed in the North Central Province, most child-related cases referred to the mediation boards come through police as a complaint will have initially been made to the police. Examples of child-related cases include theft, drug use and display of violent behaviour or thieving from their parents to buy drugs, school fights and assault cases. Overall, however, very few child-related matters are referred to the mediation boards. It is not entirely clear why, but the Mediation Board interviewees believed it was partly due to the decision of the Mediation Boards Commission to establish school mediation boards, where students are being given training as mediators to settle minor issues at school level, and the use of other informal means to reach settlements.

Two Mediation Board Chairpersons were interviewed for this study: in North Central Province and in the Eastern Province. Both Mediation Boards usually heard cases on the weekend as the mediators are volunteers with employment responsibilities during weekdays. Neither of the Mediation Boards interviewed had an official office. In the Eastern Province, the Mediation Board uses school classroom for mediation.

The MoJ is responsible for the Mediation Board Commission, which oversees the Mediation Boards across the divisional levels in the country.

### 2.5.1. General data management processes

The Mediation Board Commission requests all Mediation Boards to send data on their cases each month, by the 10<sup>th</sup> of the following month.

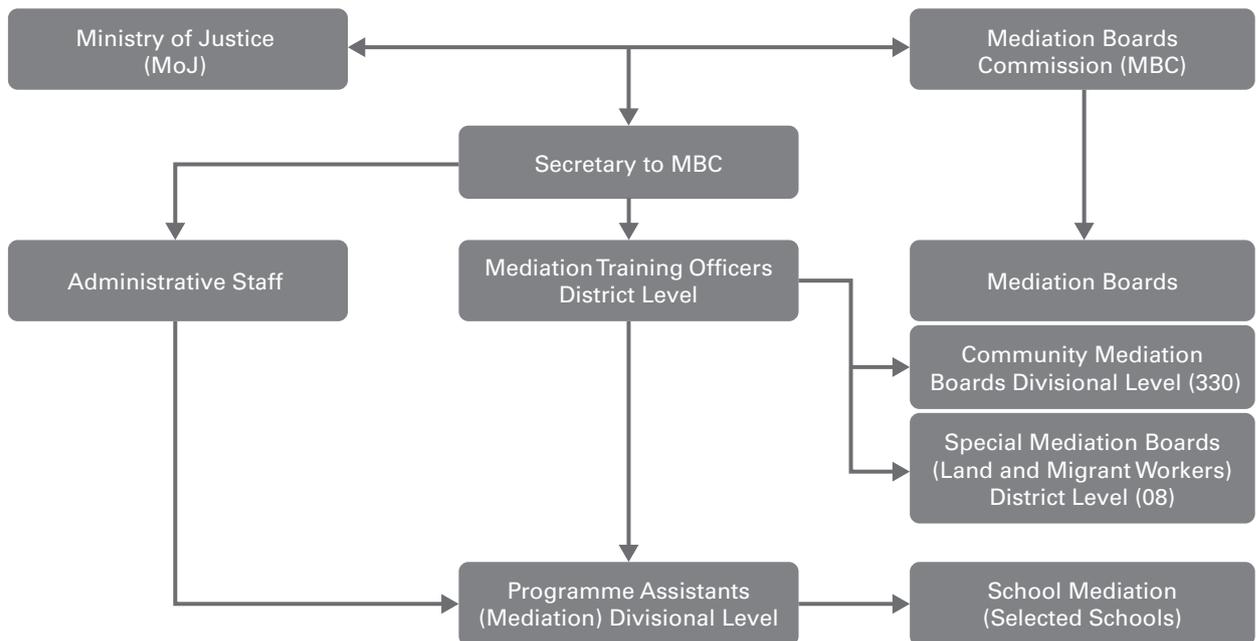
119 Interview with Mediation Board, North Central Province, February 2023.

120 Mediation Board Act No 72 of 1988, Section 10.

121 Mediation Board Act No 72 of 1988, Section 13.

122 Mediation Board Act No 72 of 1988, Section 18. The offence will be deemed to have been compounded under The Code of Criminal Procedure Act, No 15 of 1979, Section 266(4)(a).

123 Interview with Mediation Board, Eastern Province, February 2023.

**Figure 5:** Structure of Mediation Boards Commission

**Source:** Mediation Boards Commission

## 2.6. LEGAL AID COMMISSION

Under Article 14 of the International Covenant on Political and Civil Rights (ICCPR) the right to legal representation is a minimum guarantee in the criminal justice system for all persons, including children. Articles 37(d) and 40(2)(b) (ii) of the CRC also commit States to provide legal assistance to children in criminal cases: from the moment that a child is apprehended by the police until the cessation of all criminal proceedings. The Committee on the Rights of the Child has recommended that States provide legal representation to all children who are facing criminal charges.<sup>124</sup> Legal assistance should also be provided in civil cases where this is required to ensure access to legal justice and in all cases where the child is likely to be deprived of liberty as a result of the legal proceedings. Legal aid should be provided free of charge.<sup>125</sup>

In addition to the requirements in the two Conventions, the UN Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems provide that “States should recognise that the provision of legal aid is an obligation for States,”<sup>126</sup> and that States “shall ensure that a comprehensive legal aid system is in place, which is independent, accessible, sustainable and credible.” While the UN Principles and Guidelines do not have the binding effect of international conventions, they nevertheless reflect international standards of good practice to which all States should aspire.

In terms of national law, Article 13 of the Constitution outlines the right to an attorney in criminal proceedings, a provision which is further reinforced by the ICCPR Act No. 56 which provides

<sup>124</sup> UN Committee on the Rights of the Child, General Comment No 24, Children’s Rights in Juvenile Justice, CRC/C/GC/24 para. 62.

<sup>125</sup> UN Committee on the Rights of the Child, General Comment No 24, Children’s Rights in Juvenile Justice, CRC/C/GC/24 para. 63.

<sup>126</sup> UNODC, Vienna, 2013, Principle 1.



that every child has the right to legal assistance, provided for and funded by the State, in all criminal proceedings affecting the child if substantial injustice would otherwise result.<sup>127</sup> There is no definition of when ‘substantial injustice’ may occur, but this is generally taken to mean that the child defendant is unlikely to have a fair trial without legal representation.<sup>128</sup>

The Legal Aid Act No 27 in 1978 led to the formation of Sri Lanka’s Legal Aid Commission (LAC).<sup>129</sup> Its role is to: operate throughout Sri Lanka an efficient Legal Aid Scheme to provide to deserving persons legal advice; funds for the conduct of legal and other proceedings for and on behalf of such persons; services of Attorneys-at-Law to represent them and such other assistance as may be necessary for the conduct of such proceedings.<sup>130</sup> There are

currently 85 Legal Aid Centres island-wide,<sup>131</sup> and services are provided to those with a monthly income of less than RS 25,000.<sup>132</sup>

The bulk of the work undertaken by the LAC in relation to children is civil and not criminal: child maintenance cases, matters related to divorce, custody, adoption, obtaining or amending a birth certificate and other documents, guardianship and selection of schools. The LAC also provides legal services (including representation) to children who are victims of offences and assists them to claim compensation where they are asked to do so, even though the probation officer is regarded as providing legal support to the victim. While two of the LAC branches interviewed stated that they also provided legal representation to children in conflict with the law,<sup>133</sup> another said that they

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127 International Covenant on Civil and Political Rights Act (ICCPR) Act No 56 of 2007, Section 5(f).

128 For a discussion on fair trial, see *T and V v United Kingdom*. European Court of Human Rights, Application No 24724/94, 16 December 1999. Fair trial also requires that all the procedural guarantees contained in Article 40 CRC are assured to the child defendant.

129 Child Rights International Network and White & Case LLP, Access to Justice for Children: Sri Lanka, CRIN, March 2014.

130 Legal Aid Law 27 of 1978 (as amended) Section 3.

131 Interview with National HQ of the Legal Aid Commission, February 2023.

132 Legal Aid Commission of Sri Lanka, Legal Aid Beneficiaries (Legal aid website) <https://www.legalaid.gov.lk/index.php/our-services/legal-aid-beneficiaries>

133 Interview with Legal Aid Commission, Western Province, February 2023.

could not represent an accused child.<sup>134</sup> The legal services advertised on the LAC website do not include representation in criminal cases but legal advice in criminal cases is not excluded.

Either way, the number of children receiving direct legal services from the LAC remains small. The branch interviewed in the Western Province reported that they only received 10-12 cases per year that directly involved children (i.e., not including maintenance<sup>135</sup> etc claims by a parent). Similarly, the LAC in the Eastern Province reported that there is little work undertaken on advising and representing children, and most of their cases concerning children are maintenance and custody.

Most cases taken on by the Legal Aid Commission branches are referred through lawyers, the police and courts, rather than direct contact from members of the public.

The process for obtaining legal assistance for a child starts when a child, generally a victim, requests legal representation from the LAC. The LAC will contact the police and inquire whether the case is pending. If it is, the LAC branch will speak with

the child's guardian or the parent about the incident and offer legal advice.

The financial crisis in Sri Lanka has had an impact on legal aid, which is funded by the Government. Interviewees expressed the view that the current lack of funding and scarcity of resources in legal aid service centres has limited their ability to carry out work effectively.

### 2.6.1. General data management processes

The Head Office of the LAC in Colombo requests branches to provide data on a monthly, quarterly and annual basis. The administrative or office assistants in each branch are responsible for compiling the data sheets. Currently data is provided by all 85 branches. Each branch provides monthly, quarterly and annual data to the LAC Head Office, which consolidates the data to produce an LAC annual report. Annual reports are available on the LAC website, but only up to 2014. The data is not available on the LAC website.

## 2.7. JUDICIAL MEDICAL SERVICES

The Judicial Medical Officer (JMO) is a forensic pathologist, employed by the Ministry of Justice and is responsible for examining patients who have undergone suspicious physical trauma or sexual abuse and documenting their findings for the purposes of a criminal trial.<sup>136</sup> There are 60 JMOs in the country.

When the police receive a report that a child is injured or abused and is the possible victim of a

crime, the police officer will refer to the child to the local hospital for a medical examination by a JMO. The JMO will carry out an initial, brief examination and complete a summary 4-page report for the police known as a medico-legal examination report (MLER). The purpose of the report, which is provided to the police, is to indicate whether there is any medical evidence of abuse. Taking this and other evidence into account the police will decide whether to move ahead with the investigation.

<sup>134</sup> Interview with Legal Aid Commission, Eastern Province, February 2023.

<sup>135</sup> From 2017 till 2021 there has been 5450 maintenance cases related to children handled by the legal aid commission within Western Province, 3641 in Southern Province, 6366 in Eastern Province, 4106 in Northern Province, 3066 in North Western, 2615 in North Central, 2609 in Sabaragamuwa, 2560 in Central Province.

<sup>136</sup> For more information see Asian Human Rights Commission, Sri Lanka's Judicial Medical Officers, their concerns and the torture shortcut. <http://www.humanrights.asia/resources/journals-magazines/eia/vol-4-no-2-april-2010/http-www-humanrights-asia-resources-journals-magazines-eia-eiav4n2-sri-lankas-judicial-medical-officers-their-concerns-and-the-torture-shortcut/>

If, following the investigation, the police decide to charge an alleged perpetrator, it will file the MLER with the charge sheet. If the case is listed for trial or sent to the AG's Department for indictment, the Magistrate will direct that a full medical report be filed by the JMO. The police will inform the JMO that a full report is required. Once prepared, the JMO will send a hard copy of the medical report to the police by post, though the JMO in the Eastern Province indicated that the full report is sent to the Court directly.

One of the challenges for JMOs is the delay before the Court requests a full report. A request for a full report may come many months after the JMO first saw the child, and the file will then have to be found: this may be a paper report filed on a common folder at the hospital or, for most JMOs, a file stored on their own computer. JMOs interviewed indicated

that, by the time the full report is requested, they may have moved post or left their role, and therefore will no longer have access to the paper case file, or in some cases, their computer file.

The delay in the provision of the JMO report is one reason given for delays in the filing of an indictment.

### 2.7.1. General data management processes

There is no requirement for JMOs to report on any statistics relating to children who are victims of crime or in conflict with the law to any local or national body or institution, and there is no national database on which MLERs or court reports for children are kept.

## 2.8. NATIONAL AUTHORITY FOR THE PROTECTION OF VICTIMS AND WITNESSES

The Assistance to and Protection of Victims of Crime and Witnesses Act establishes the National Authority for the Protection of Victims of Crime and Witnesses,<sup>137</sup> with a wide remit to protect the rights of victims and witnesses. The Act outlines the structure, duties and functions of the National Authority, including the need to *'provide necessary assistance to victims of crime and witnesses, including appropriate measures for their treatment, reparation, restitution and rehabilitation.'* The Authority Annual Report indicates that it helps to protect child victims of abuse through various

interventions.<sup>138</sup> The Act vests the administration and management of the Authority in a Board of Management, the membership of which includes *'the Secretary to the Ministry of the Minister in charge of the subject of children.'*<sup>139</sup> Part of the Authority's role is to review existing policies, legislation and the practices and procedures relating to the promotion and protection of the rights and entitlements of victims of crime and witnesses and based on such reviews make recommendations for the adoption, amendment and application of appropriate policies, legislation and practices.<sup>140</sup>

137 Section 11.

138 National Child Protection Authority, Annual Report, 2018.

139 Section 12(a)(iv).

140 Section 13(f).

# 3

## METHODOLOGY

## 3.1. METHODOLOGICAL OVERVIEW AND APPROACH

The methodology for this assessment was designed to address the aims and objectives set out in [Section 1](#). Broadly, the assessment aimed to a) understand the extent to which the minimum indicators of justice for children are available, and by which body they are collected, and b) to assess the maturity of data management systems for each of the relevant stakeholders.

The assessment was carried out in three phases:

- 1.** Inception Phase: A desk review and Key Informant Interviews were first used to gather preliminary information about all elements of data management processes and the availability of key juvenile justice indicators.
- 2.** Data collection phase: The administration of mixed-methods (i.e., qualitative and quantitative) surveys to the relevant stakeholders at the national level, provincial level, and with frontline workers.
- 3.** Analysis and write-up phase.

Researchers adopted a **collaborative, diplomatic and culturally-sensitive** approach. The

methodology was developed to maximise stakeholder participation and collaboration, not only to ensure the high quality and relevance of deliverables to the local context, but also to encourage sustainability of the project outcomes after its conclusion.

The approach aligned with **international child rights standards**, particularly the CRC and the rights of vulnerable groups, including girls, children with disabilities and children living in poverty and in street situations. All our processes and deliverables complied with the guiding principles of the CRC, respecting and promoting children's rights to have their best interests taken as a primary consideration in all decisions affecting them, to be heard, to non-discrimination, and to life, survival, and development.

The assessment implemented a **mixed-methods research strategy**. A mixed methodology draws from the strengths of qualitative and quantitative data, involving the gathering of data that is both in-depth (qualitative) and comprehensive (quantitative), and improving the validity of results through enabling data triangulation. The research was carried out in two phases, detailed below.

## 3.2. PHASE 1: INCEPTION PHASE

The inception phase consisted of a desk review of existing literature and collection of available administrative data, and an in-country inception mission, during which initial key informant interviews with key stakeholders were undertaken. The inception phase allowed the authors to develop an initial overview of procedural justice and data management processes in Sri Lanka.

Stakeholders consulted in the inception phase included the following:

- MoWCA – Department of Probation and Child-care Services – National level
- MoWCA – Department of Probation and Child-care Services – Western Province
- MoWCA – Department of Probation and Child-care Services – Central Province
- Attorney General's department – National level
- NCPA – National level

- Sri Lanka Police – Women and Children’s Bureau – Central Province
- Sri Lanka Police – Women and Children’s Bureau – National Level
- Ministry of Justice – National level
- Judicial Medical Officer – Colombo National Hospital

### 3.3. PHASE 2: DATA COLLECTION AND ANALYSIS

#### 3.3.1. Data collection methods

Primary data collection followed the assessment tools provided in UNICEF’s *Assessing Administrative Data Systems on Justice for Children*, details of which are provided below<sup>141</sup>. A survey was administered to stakeholders at national, provincial, divisional, district and unit level, depending on administrative structure.

The questionnaires included open and closed questions to enable participants to provide descriptions of data management processes across the different stakeholder bodies. Questions were included to capture each element of data management processes as outlined in [Section 5](#). Then, based on these qualitative responses, stakeholders were asked to indicate which statement out of a set of 4 closed-ended statements best represents the situation in their institution. Surveys were administered either as individual interviews or small focus group discussions, depending on how many individuals within each institution were able to provide insight into different elements of data management processes.

Survey responses were designed to enable the calculation of a “score” for the level of maturity in Sri Lanka’s data management system, to determine whether data management processes are “not functioning”, “weak”, “functioning but needing improvement” or “functioning” (i.e., the scoring system in UNICEF’s assessing data management toolkit).

Additionally, surveys included questions to assess whether stakeholders gather data on the juvenile justice indicators and their respective data disaggregates (outlined in [Section 4](#)), and whether data indicators are reported in summary statistics, or whether they are only available within case files.

For stakeholders of relevance to the assessment who had limited knowledge of data management processes or key indicators, KIs were carried out, which involved asking all qualitative questions included in the survey, without asking stakeholders to rate specific elements of data management processes or details of data indicators and disaggregates, quantitatively.

Data collection adhered to clear ethical guidelines and quality control mechanisms, details of which are provided in Annex B. Prior to data collection, international research specialists conducted a two-day remote orientation session with national researchers via Zoom. The national researchers then carried out a two-day pilot in the Central Province to test the usability of the tools. Following the pilot, the tools were amended and finalized, prior to data collection commencing.

##### 3.3.1.1. Amendments to the toolkit for the Sri Lankan Context

It should be noted that the administrative data assessment tool was adapted to the Sri Lankan context. Many of the response options contained within the toolkit relating to data management

<sup>141</sup> <https://data.unicef.org/resources/assessing-administrative-data-systems-on-justice-for-children/>

processes were not directly applicable. For example, most response options are shaped assuming that processes are more sophisticated at national level than sub-national level, when in reality, amongst stakeholders in Sri Lanka, data management processes appeared to be more “mature” at subnational level. This meant that, in some instances, the response options were not directly aligned with practice. Because of this, additional effort was taken to capture qualitative responses to gain a full insight to data management processes in Sri Lanka.

There was a degree of overlap in questions across the different survey sections, which would have resulted in an over-burden on respondents (particularly given the time taken to gather qualitative information). Therefore, a number of repetitive questions were removed from the survey following the pilot. Because of these changes, when calculating a maturity score for the different elements of data management processes, some scores were combined. Namely, a maturity score was combined for “standardization of data,” “completeness of data” and “quality assurance.”

The desk review and meetings in the inception phase provided adequate insight into legal and normative frameworks, governance and planning and coordination. Therefore, the combined stakeholder questionnaire (which aims to gather information on these areas) was not administered, to minimise unnecessary burden on stakeholders. As a result, a qualitative narrative of these elements of data management is provided, rather than a calculated maturity score.

The above amendments resulted in the calculation of four maturity scores: “data infrastructure”; “standardization of data”; “data transmission” and “data use-demand and dissemination.” However, in terms of qualitative content, all areas of data management processes proposed in the UNICEF toolkit are addressed in the findings.

Finally, in addition to the above amendments on questions relating to data management processes, the section of the tool designed to capture the availability of the juvenile justice data indicators was also amended to assess the availability of key child protection data (children in need of care and protection, and children in institutions). Data collection tools can be found in Annex A.

### 3.3.2. Sampling

Data was collected in three provinces: Western province, Eastern province and North Central province. Additionally, KIIs were held at national level and Central Province during the inception and validation mission.<sup>142</sup> All surveys and KIIs were carried out in person. The sample of provinces was selected in collaboration with the MoJ and MoWCASE, taking into consideration geographic coverage and diversity in terms of socio-economic situation (higher wealth in Western Province), demographics (i.e., inclusion of Tamil and Sinhala populations), and UNICEF programming presence.

The sectoral questionnaires were completed by the key J4C stakeholder bodies at the national and provincial /divisional level, in addition to local unit levels. The sample was selected using a purposive sampling technique (i.e., selecting the sample who are identified as best positioned to address research questions). A total of 10 national sectoral surveys were completed by the national and international research teams.

A total of **12-14 surveys** were carried out in each location, resulting in a total of **54 surveys/ interviews** (including KIIs in the inception and validation phase). Full details of the sample are provided below in [Figure 6](#). Please note that to maintain anonymity of respondents, job titles and specific units / offices are not included; rather, respondents are referenced based on the institution and province under which they operate.

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<sup>142</sup> Two additional interviews were carried out in the validation phase with the Judicial Services Commission and the Department of Probation and Childcare Services.

## 3.4. PHASE 3: DATA ANALYSIS AND REPORT WRITING

### 3.4.1. Analysis of available juvenile justice indicators

Survey responses were analysed to understand which juvenile justice indicators are collected by whom, the disaggregate information available for each of the indicators, whether this data is available in summary reporting statistics or only within case file data, and whether data is routinely collected and monitored. Where physical data was provided, this is presented in the findings with a narrative on the insight that the data provides for juvenile justice in Sri Lanka.

Please note that the majority of the available data for juvenile justice indicators presented in the findings was obtained during the inception phase. Little further administrative data was obtained from either national or subnational level stakeholders during the data collection phase. This was primarily due to concerns relating to disclosure of data. However, many stakeholders also provided the empty templates (documents and tables) used for data collection, monitoring and reporting, providing insight into the key indicators and disaggregates recorded and reported across the juvenile justice sector (in addition to the availability of additional data beyond the key juvenile justice indicators).

Findings in relation to available key juvenile justice indicators are presented in [Section 4](#). Additionally, a detailed breakdown of known data collection, disaggregation and availability of juvenile justice indicators is available for each stakeholder, and can be found in Annex G.

### 3.4.2. Analysis of the maturity of data management processes

Qualitative survey data was analysed to identify key themes, connections and explanations to assess the maturity of data management processes. Data was analysed to assess maturity of each element of data management processes, in order to provide actionable recommendations. Data was synthesised across stakeholders to provide an overarching national-level picture of data maturity, with key differences between stakeholders and particular strengths or challenges highlighted in findings. However, an in-depth analysis of the maturity of data management processes was also carried out for each stakeholder independently (which can be found in Annex H).

Quantitative survey data relating to data management processes was analysed to calculate maturity scores as outlined above (i.e., the scoring system provided in the UNICEF toolkit, with note of the amendments to the tools and implications for maturity scores). Findings relating to the maturity of data management processes are presented in [Section 5](#).

The report was shared and validated with key stakeholders during a validation field mission before being finalised.

**Figure 6:** Sample of stakeholders during the data collection phase

Institution	Stakeholders / offices per location			
	National	Western Province	Eastern Province	North Central Province
MoJ / Courts / AG's Department/ High court	MoJ HQ AG's department – Child Protection Unit	Juvenile Magistrate court	High court Magistrate court	Children's high court Magistrate court
Mediation Board	-	-	Mediation board	Mediation board
Legal Aid Commission	Legal Aid Commission HQ	Legal Aid Commission	Legal Aid Commission	Legal Aid Commission
Judicial Medical Officer	-	JMO	JMO	JMO
Prisons		Correctional facility for youthful offenders	-	-
Bureau for the Prevention of Abuse of Women and Children	HQ	Divisional bureau WCD	Divisional bureau WCD	Divisional bureau WCD
Police (child prosecution)		Police station – major crimes branch	-	Police station – major crimes branch
Department of Probation and Child-care Services	HQ	Provincial department Probation unit	Provincial department Probation Unit Child Rights Promotion Officer	Provincial department Probation unit
NCPA (District officer)		DCPO	DCPO	DCPO
Childcare Institutions	-	Remand home	State receiving home	Remand home State receiving home
National authority for the Protection of Victims of Crime and Witnesses	HQ	-	-	-

# 4

## FINDINGS PART 1: JUVENILE JUSTICE INDICATORS IN SRI LANKA

In order to monitor how well the juvenile justice system is functioning, in terms of implementing children's rights, UNICEF has identified "minimum data indicators," which should be adapted to suit each country and routinely collected.<sup>143</sup>

One aim of this assessment was to understand the extent to which these minimum indicators are routinely collected in Sri Lanka, by whom and when, in order to select approximately 10 key data indicators to collect on a routine basis moving forward.

Data indicators included within this assessment are as follows:

- Children in conflict with the law
  - Children detained by police
  - Criminal proceedings initiated against a child
  - Children receiving legal aid
  - *Outcomes of a case*
- Diversion and sentencing
  - Informal diversion
  - Children sent for mediation
  - Pre-trial diversion
  - Children sentenced receiving non-custodial sentences
  - Children sentenced receiving custodial sentences

- Children in detention
  - Children in pre-trial detention
  - Children in detention after sentencing
  - Child deaths in detention
- Crimes Against Children
  - Crimes against children registered by police
  - Crimes against children brought to trial
  - Children receiving legal representation
  - Children receiving medical, psychological or other support
  - Number of criminal convictions in which the victim was a child (outcome of cases of crimes against children)
- Administrative detention
- *Child protection*
  - *Child protection cases*
  - *Children in institutions*

This section provides information on the availability of each of the key juvenile justice indicators and disaggregates, who collects this data and who would be best placed to record indicators. Additionally, where data on key indicators (or partial data) is presented, insight provided by this data is discussed. While the below summary provides information for each of the indicators overall, Annex G provides an in-depth analysis of data collected and reported and the availability of indicators and disaggregates for each stakeholder. A summary of the availability of each indicator and recommendations for the collection of each indicator is provided in [Figure 23](#).

143 UNICEF, Assessing Administrative Data Systems on Justice for Children, A tool for country-level self-evaluation

## 4.1. CHILDREN IN CONFLICT WITH THE LAW

There is a considerable lack of available data for children in conflict with the law. As can be seen in [Figure 23](#), no baseline data is available for any indicators within this category: there is no baseline data available for children detained by police pre-charge, criminal proceedings initiated against children, or children in criminal proceedings with legal representation. There is limited data available for the outcome of cases (i.e., the number of cases dropped pre-verdict, or the number of convictions versus acquittals), although baseline is provided for the number of convictions.

The DPCCS is recognised as the body for monitoring children in conflict with the law. The social enquiry reports and monitoring of children means that POs gather much of the relevant information needed for indicators for children in conflict with the law, including disaggregates such as age, gender and type of crime. However, no reporting processes within the DPCCS explicitly disaggregate for children in conflict with the law, versus child victims / children in need of care and protection.

Similarly, information on children in conflict with the law is available within court case files, but no indicators are currently monitored by the courts. The courts provide limited summary data for all persons in conflict with the law, but not children specifically. No information is provided by the courts on criminal proceedings initiated against children; the number of children bailed / remanded by the court; the number of cases discontinued and the reason why; the length of time taken for children's cases (from charge / application to finalisation of proceedings); or the number of hearings.

### 4.1.1. Children detained by police

There is no baseline for the number of children detained by police pre-trial. However, this data is available within the police Virtual Private Network (VPN) system.<sup>144</sup> Details of any cases whereby an

individual is detained by the police will be entered into the police database, including cases involving children. The VPN database also includes age and a range of demographic characteristics as disaggregates, in addition to the type of offence (relevant article of the Penal Code or an Ordinance). The advanced VPN system and real-time data dashboards would allow for a simple development in order to monitor this element of juvenile justice.

### 4.1.2. Criminal proceedings initiated against a child

The number of criminal proceedings initiated against a child is not currently monitored by any stakeholders. Police record when a case is charged in their VPN system, but data is not extracted from the VPN system or presented on the real-time dashboard to monitor the number of children charged with an offence.

Currently, courts report on the number of new closed cases on a monthly basis, disaggregated by case type. However, statistics do not differentiate between child- and adult-related cases. Separate monthly reporting of cases in which a child is the accused would be necessary for the development of a baseline of criminal proceedings initiated against children from the courts.

### 4.1.3. Children receiving legal aid

The DPCCS and court case files would contain information relating to children receiving legal aid (although neither files have dedicated space for this, but would be included within free-text summaries). However, it was widely viewed that POs operate as children's legal representation, and that the legal representation of children by other stakeholders is rare. It was also reported that POs are often absent from hearings. The Legal Aid Commission

<sup>144</sup> The VPN system is the Police Cloud-Based database.



deals with very few child-related cases, and does not disaggregate data by age in reports, although this is something that is collected in case files, so would theoretically be available. This, however, would not include numbers for children receiving private legal representation.

#### 4.1.4. Outcome of a case for children in conflict with the law

The outcome of a case is a key disaggregate that should be obtained for all cases for children in conflict with the law. However, this is something that is not monitored on a routine basis, although the courts and DPCCS would be well-placed to do so.

At the national level, the DPCCS has data on the measures imposed on children found guilty of a crime in 2020. This data is not available in a public report or on the DPCCS website, but was presented at the Western Province planning meeting for implementation of the National Alternative Care Policy. Data is disaggregated by gender, province

and sentencing. Data was collated by the National DPCCS HQ using data provided by Provincial DPCCS. **Figure 7**, below, indicates that **the baseline for the total number of children convicted of a crime was 2292 (2020)**. However, data is only available for the outcome of cases which result in conviction (i.e., there is no record of the total number of cases, the number of acquittals or the number of cases discontinued or dismissed). There is also no data available for the type of crime for which the child was convicted.

Although data on the number of children convicted of a crime was produced by the national DPCCS, it appears that this data would have been a result of a one-time request to provincial departments, as the template for this information is not captured in the provincial monthly reporting forms. The DPCCS monthly reporting templates (Eastern Province) record only fragmented values for the outcome of cases relating to children in conflict with the law. Existing monthly reporting forms could be developed to include a table capturing clear summary statistics for the outcome of cases relating to children in conflict with the law.

Similarly, the courts provide monthly data on the number of cases concluded, but not the outcome of these cases (whether resulting in dismissal, acquittal or conviction). Adapting current monthly reporting tables to capture the outcome (in addition to separate reporting for child and adult cases)

would enable the measurement of this indicator. It is also important to note that data provided by the courts in its current format relates to the total number of cases, not the total number of individuals involved in cases.

## 4.2. DIVERSION AND SENTENCING MEASURES (ALTERNATIVE AND CUSTODIAL)

There is a lack of data relating to diversion and alternative measures. There is no available baseline data for the number of children receiving informal police diversion, the number of children referred for mediation or the number of children in pre-trial diversion. While some data is available for children sentenced with alternative measures versus receiving custodial sentences, this data is partial / fragmented, and not routinely captured in data reporting.

### 4.2.1. Informal diversion

Although the police record every case reported to their department in a complaint log book, cases which are informally resolved are never entered into the electronic system. There is no monitoring within the police of the number of cases informally resolved. It was also reported that some complaints are informally resolved before they reach the relevant branches, so are not recorded in a formal paper-based log book. In order to obtain a baseline for the number of informal resolutions of cases where the child is accused of a crime, the police would need to ensure all complaints are formally recorded in the log book, and that the number of cases informally resolved is monitored.

### 4.2.2. Pre-trial diversion

Although the number of children who enter pre-trial diversion will be captured in PO case file reports, there is no formal reporting of pre-trial diversion by the DPCCS. It was, however, noted that pre-trial diversion is rare in Sri Lanka.

### 4.2.3. Children sent for mediation

Mediation boards produce monthly reports, which includes the number of cases for “offences committed by children under 18 years of age under Sections 367/368b of the Penal Code” (i.e., theft or theft of praedial products) and “other offences involving minors under the age of 18”. This data is not publicly available or published on the Mediation Boards Commission website. However, mediation boards rarely deal with child-related cases, and it was the view of respondents that children should not be sent for mediation, they should be referred to the PO.<sup>145</sup> This indicator could however be monitored, if the Mediation Boards Commission was to amalgamate each mediation board’s data and provide the statistic / make this publicly available.

145 Interview with DCPO, Eastern Province, February 2023.

#### 4.2.4. Children sentenced receiving non-custodial / alternative sentences

Data is available for the number of children sentenced receiving non-custodial sentences (i.e., alternative measures), using the data provided by the DPCCS on measure imposed on children who committed a crime in 2020 (Figure 7). Data is disaggregated by gender, province and sentencing (but not type of crime). However, as mentioned (see above subsection section on the outcome of cases relating to children in conflict with the law), this data is not reported as a routine, nor does it provide a clear, succinct baseline for children sentenced to alternative measures. However, the total number of children receiving non-custodial sentencing measures can be calculated using the values provided by DPCCS for 2020 data (summing children discharge cases, delivered to a parent/guardian, children under probation, committal to the charge of a fit person, a suspended sentence and the order of a fine). **The baseline for the total number of children sentenced receiving non-custodial sentences in 2020 was 2081.**

#### 4.2.5. Children sentenced receiving custodial sentences

The data provided by the DPCCS on measures imposed on children who committed a crime in 2020 also contains data for the number of children receiving custodial sentences (Figure 8). This data is not routinely available. While data is available for

the number of children admitted to the training school for youthful offenders in Homagama (published in the Department of Prisons annual report, see Figure 7), data is not available for children sentenced to detention admitted to all certified training schools (as these fall under the jurisdiction of the DPCCS). Based on the number of children under 16 sentenced to detention or imprisonment provided by the DPCCS, and the number of 16 and 17 year olds admitted to the training school for youthful offenders, as published in the annual Department of Prisons Report, **the baseline for children receiving custodial sentences is 16 (2020).**

As can be seen, for both alternative sentencing and custodial sentencing, there is a lack of data in relation to the offence for which the child was sentenced, or the duration of the sentence. As the DPCCS has evidenced its ability to produce this data (and is responsible for the monitoring of the number of children in institutions, including certified schools), the DPCCS would be well-placed to amend current monthly reporting statistics to capture sentencing options for children. However, courts should also take steps to develop data reporting processes to capture the outcome of cases (including sentencing).

The Department of Prisons annual report contains data on children admitted to the Training School for Youthful Offenders, for which the Department of Prisons is also responsible. In the case of this institution, disaggregated statistics are available for detained 16 and 17-year olds up to the year of 2020, but the 2022 report provides statistics for 16-17 year olds admitted to the training school in 2021 combined.

**Figure 7:** Admissions to the Training School for Youthful Offenders, Homagama (post-trial detention i.e., custodial sentence)

Age Group	Year					
	2016	2017	2018	2019	2020	2021
16	9	16	20	23	5	-
17	-	-	6	-	-	-
Total	9	16	26	23	5	5

**Data source:** Prisons Department Annual Report 2021 + 2022.

**Figure 8:** Sentencing options for Juveniles, 2020

Sentencing options		Condi-tional discharge	Admis-sion and Dis-charge	Deliver to parent/guardian	Under proba-tion	Deten-tion in lieu of death sentence	Committal to the charge of a fit person	Impris-onment	Suspended sentence of impris-onment	Order parent to pay fine	Total
Western	M	26	25	113	70		65			4	303
	F	9	4	143	29		57		2		244
	T	35	29	256	99		122		2	4	547
Central	M	3	17	41	141				5		207
	F			57							57
	T	3	17	98	141				5		264
Southern	M	3	4	52	20		8			1	88
	F			91	4		35			1	131
	T	3	4	143	24		43			2	219
Northern	M	3	6	3		5			3		20
	F	1	1	2		2			1		7
	T	4	7	5		7			4		27
Eastern	M	18		40	20		12				90
	F			47	3		9				59
	T	18		87	23		21				149
North Western	M	11	2	20	6		14				53
	F	39		17	1		29				86
	T	50	2	37	7		43				139
North Central	M	7	11	76	39		60			6	199
	F	3		172			120				295
	T	10	11	248	39		180			6	494
Uva	M	1	19	64	42	1	40	2	1	3	173
	F	2		147	29		54	1			233
	T	3	19	211	71	1	94	3	1	3	406
Sabaragamuwa	M	2	6	6	7		6			3	30
	F			9			8				17
	T	2	6	15	7		14			3	47
Total	M	74	90	415	345	6	205	2	9	17	1163
	F	54	5	685	66	2	312	1	3	1	1129
	T	128	95	1100	411	8	517	3	12	18	2292

**Data source:** DPCCS, Presentation on formulations of Provincial Action Plan on National Alternative Care Police.

## 4.3. CHILDREN IN DETENTION

There is some data on children in pre-trial detention, and a notable lack of data on children in detention after sentencing. The latest total for children in pre-trial detention is 937 for 2018, and there is no baseline for the number of children in detention after sentencing. The DPCCS are responsible for monitoring children in pre-trial detention and detention after sentencing, but the Department of Prisons also reports statistics.

### 4.3.1. Children in pre-trial detention

Data on children in pre-trial detention is not routinely reported. However, total number of children in pre-trial detention was provided by the DPCCS, as part of the Global Study on Children deprived of liberty (see Figure 9). Data is also not routinely disaggregated on the duration of pre-trial

detention, the type of institution or the offences for which children are detained. However, this information would be available in case files maintained by POs. There is also no data on the reasons for children's pre-trial detention. For instance, it is not clear to what extent children are remanded because parents cannot or will not pay the recognisance or surety, nor how many children are without parents.

The data in Figure 9 presents the number of children in pre-trial detention, disaggregated by province and gender (note that for 2018 only, data was also disaggregated by age and nationality). Data shows a steady increase in the number of children in pre-trial detention up to 2016, followed by a decrease in 2017 and 2018. There are consistently higher rates of boys in pre-trial detention. Although data is available from 2008, data has been included from 2012. **The baseline for the number of children in pre-trial detention was 937 (2018).**

**Figure 9:** Children in Pre-trial Detention by year, sex and province, 2008 – 2018

Year	Sex	Province									Total
		Western	Southern	Uva	Central	North Central	Northern Province	Sabaragamuwa	Eastern	North Western	
2012	M	448	322	18	151	115	0	51	17	39	1161
	F	78	138	94	0	0	0	0	14	67	391
	Tot	526	460	112	151	115	0	51	31	106	1552
2013	M	425	295	15	94	128	17	46	59	52	1131
	F	82	152	95	0	0	0	28	188	80	625
	Tot	507	447	110	94	128	17	74	247	132	1756
2014	M	406	210	14	117	87	48	55	70	49	1056
	F	113	162	97	0	0	0	37	148	55	612
	Tot	519	372	111	117	87	48	92	218	104	1668
2015	M	482	208	16	130	92	68	58	47	65	1166
	F	126	146	96	0	0	0	57	133	50	608
	Tot	608	354	112	130	92	68	115	180	115	1774
2016	M	407	270	52	140	73	95	58	47	65	1207
	F	138	130	139	0	0	0	86	126	64	683
	Tot	545	400	191	140	73	95	144	173	129	1890

Year	Sex	Province									Total
		Western	Southern	Uva	Central	North Central	Northern Province	Sabaragamuwa	Eastern	North Western	
2017	M	407	197	74	128	74	117	52	54	82	1185
	F	69	126	118	0	0	0	83	116	73	585
	Tot	476	323	192	128	74	117	135	170	155	1770
2018	M	212	134	3	74	59	40	5	16	23	566
	F	46	108	23	0	32	0	37	49	76	371
	Tot	258	242	26	74	91	40	42	65	99	937

**Data source:** Department of Probation and Childcare Services (Data provided by UNICEF as part of Global Study on Children Deprived of Liberty)

The Department of Prisons reports on the number of children admitted for remand in their annual statistics report, but they only do so for the age categories of under 16 and 16-22 years, meaning the number of children under the age of 18 admitted

for remand is not monitored. Additionally, they do not provide a total number in pre-trial detention, only admissions. Data is available from 2016-2021, as shown in [Figure 10](#).

**Figure 10:** Admission of remand prisoners 2016-2021 (i.e., pre-trial)

Year	Under 16			16-22		
	Male	Female	Total	Male	Female	Total
<b>2016</b>	169	37	132	8,254	649	7,605
<b>2017</b>	364	64	428	6,548	354	6,812
<b>2018</b>	253	47	300	10,407	415	10,822
<b>2019</b>	144	24	168	11,034	169	11,203
<b>2020</b>	79	23	102	7,844	240	8,084
<b>2021</b>	81	6	86	4,718	154	4,872

**Data source:** Prisons Department annual report 2022.

In the Prisons report, the total number of people in remand is disaggregated by a number of characteristics (race, religion, period spent on remand awaiting trial, length of period in custody,

location), meaning information is theoretically available within the Department of Prisons records, which would enable disaggregation for all remandees under the age of 18.

### 4.3.2. Children in detention after sentencing

Although DPCCS was able to provide data on children receiving a custodial sentence in 2020 (see Figure 7), there is no baseline data for the total number children in detention after sentencing. Again, this information would be within case files maintained by POs and case files within childcare institutions.

Although provincial DPCCS is responsible for collating and monitoring the number of children in institutions on monthly basis, they do not differentiate between children in detention after

sentencing, children in pre-trial detention and children in institutions for care and protection needs. Institutions with the primary purpose of detaining children in conflict with the law also have children in need of care and protection residing within them (and vice-versa), meaning accurate data monitoring is required to capture the reason for children residing in institutions. This data is also not publicly available.

The DPCCS would be best placed to develop its current monthly reporting practices to disaggregate its current data on children residing in institutions to also capture the reasons (clearly defining pre-trial detention, detention after sentencing and care and protection).

## 4.4. CRIMES AGAINST CHILDREN

There is seemingly a larger amount of data on crimes against children than children in conflict with the law, although this is not without limitations, and a significant lack of baseline data remains. Data on crimes against children is primarily available in police and court data, although NCPA and DPCCS also hold information on some child victims of crime, within their broader care and data management roles for children in need of care and protection. There is baseline data available for crimes against children registered by the police and (partial) baseline data on the number of crimes against children brought to trial. However, as with indicators on children in conflict with the law, there is a significant lack of data on the outcome of cases in which the child is a victim. Another clear gap in data on crimes against children is the lack of information on the child victims; rather, numbers reflect cases, with no data indicating the number of child victims per case.

### 4.4.1. Crimes against children registered by police

There is data on crimes against children registered by police, owing to a dedicated team of police the women and children's desks working with child victims, and the police VPN system capturing this data. However, this data is not routinely reported in annual statistics. Rather, the data provided was upon request to UNICEF. The data provided by the police shows a breakdown of the number of minor and grave offences against children registered by the police in 2021, by type of offence. While there is a noticeable gap of any further disaggregation, including relation of the victim to the accused and previous contact with the justice system, this data will be available in the VPN system for retrieval. **The baseline for number of crimes against children registered by police is 5306 (2021)** (i.e., the sum of minor and grave offences against children).

**Figure 11:** Minor offences against children, 2020-2021

Year	2020	2021
Sexual Assault	1315	1339
Assault and Injury	519	435
Child Pornography	16	8
Making Children Beg/Procuration	2	4
Domestic Violence	0	9
Care and Protection	183	233
Disclosure of facts related to certain offences in Media	0	0
Children below 18 years who did not receive education	1	0
Threats and Intimidation	30	22
Other Offences	86	90
Total	2152	2140

**Data Source:** Sri Lanka Police (Excel data provided by UNICEF)

**Figure 12:** Grave offences against children, 2021

Serious offences against children	2021
Murder	25
Attempted Murder	13
Causing grievous bodily hard	19
Procuration	17
Sexual exploitation of children	14
Kidnapping	26
Abuse	711
Rape	1600
Unnatural offences	3
Trafficking	11
Grave sexual abuse	573
Pornography	68
Cruelty	84
Gross indecency	2
Total	3166

**Data Source:** Sri Lanka Police (Provided by UNICEF)

## 4.5. CRIMES AGAINST CHILDREN BROUGHT TO TRIAL

There is a significant lack of data on the number of crimes against children brought to trial. While the courts provide monthly data (published in an annual report by the MoJ) on cases brought to trial, the only cases specifically relating to children are child abuse cases (Penal Code Section 364). There is no further disaggregation for crimes against children; while the MoJ provides summary statistics for trials by type of offence, child and adult cases are not disaggregated. Courts indicated that case files contain the age of the victim and type of offence, meaning it would be possible to extract data from case files to maintain data on crimes against children brought to trial. Individual case files also contain key disaggregates relating to details of the perpetrator and relationship between the victim and accused, and other procedural information such as number of hearings, length of time for the case to be brought to trial and length of trial. **A partial baseline for the number of crimes against children brought to trial is 4848 (2020, Penal Code Section 364),** based on the number of cases filed in each of the courts.

The courts follow the standard format for reporting set by the MoJ, meaning all data is presented relating to the number of cases carried over from the previous year, cases filed, cases concluded and cases pending. Court data is published annually on MoJ’s website, under the “case statistics” section.<sup>146</sup>

### High Court

Due to the delays in judicial procedures and the time taken for an indictment to be served, many child abuse cases brought to trial in the high court (i.e., “cases filed” in the summary statistics) will reflect victims who are no longer children, but who are now adults. It is also worth noting that the 2021 annual report on the MoJ statistics only provides the total number of crimes brought forward, filed, concluded and pending (i.e., it does not disaggregate by case type), meaning child abuse cases cannot be determined for 2021. **Figure 13** presents child abuse cases put before the High Court from 2019-2020.

**Figure 13:** Child abuse cases put before the High Court 2019-2020

Child abuse cases put before the High court			
No of cases brought forward from 2018:	No of cases filed in 2019:	No of cases concluded in 2019:	No. of pending cases as of 31.12 2019:
<b>2558</b>	<b>3357</b>	<b>1012</b>	<b>4903</b>
No of cases brought forward from 2019:	No of cases filed in 2020:	No of cases concluded in 2020:	No. of pending cases as of 31.12 2020:
<b>5062</b>	<b>1383</b>	<b>1292</b>	<b>5153</b>

**Data source:** Ministry of Justice Case Statistics, Available on MOJ website.

### Children’s High Court

It appears that no data is publicly available for the children’s High Court in Anuradhapura. It is assumed that child abuse cases dealt with in the

children’s High Court are amalgamated with the remaining High Court data on child abuse cases in the MoJ annual report.

<sup>146</sup> MoJ, Case Statistics Annual Summary Report for the Year of 2020, [https://moj.gov.lk/index.php?option=com\\_content&view=article&id=46&Itemid=207&lang=en](https://moj.gov.lk/index.php?option=com_content&view=article&id=46&Itemid=207&lang=en)



## Magistrates Courts

As with the High Court, the only category relating to children reported in Magistrates Court data is child abuse (Penal Code, Article 364). Any cases under the CYPO would fall in the “under other Ordinances”

category. No other cases involving children (either as victims or accused) are disaggregated. **Figure 14** presents child abuse cases dealt with in the Magistrates Court from 2019-2020.

**Figure 14:** Child abuse cases put before the Magistrates Court 2019-2020

Child abuse cases put before the Magistrates court			
No of cases brought forward from 2018:	No of cases filed in 2019:	No of cases concluded in 2019:	No. of pending cases as of 31.12 2019:
<b>12104</b>	<b>3846</b>	<b>3963</b>	<b>11987</b>
No of cases brought forward from 2019:	No of cases filed in 2020:	No of cases concluded in 2020:	No. of pending cases as of 31.12 2020:
<b>11639</b>	<b>3504</b>	<b>3020</b>	<b>12123</b>

**Data source:** Ministry of Justice Case Statistics, Available on MOJ website

## Attorney General’s Department (AG’s Department)

The AG’s Department Child Protection Division is responsible for the management of court data relating to child victims of child abuse. Summary data is available on the AG’s Department website under their ‘statistics’ section, for the years 2018-2020.<sup>147</sup> The AG’s Department indicated that there is no additional data reported internally beyond the data published on the statistics website.

For 2018 only, data is also disaggregated by the number of files in which indictments have been served, the number of files in which instructions have been provided, and the number of files in which discharge has been recommended. It appears that there has been a reduction of monitoring of data within the AG’s department; the number of files in which discharge is recommended is important for understanding the number and percentage of cases for which there is insufficient evidence to continue with the charge, which, if provided alongside disaggregates such as case type and location, would enable the identification of trends important for planning within the Child Protection Division.

**Figure 15:** Attorney General’s Child Protection Division 2018-2020

Data for the Attorney-General’s Child Protection Division	2018	2019	2020
No of files brought forward	17582	11230	6258
No of files opened	2057	2267	511
No of files in which indictments have been served	1885	-	-
No of files in which instructions have been provided	667	-	-
No of files in which discharge has been recommended	165	-	-
No of files concluded	2717	8879	5868
No of files remaining	16084	4618	900

**Data source:** Attorney General’s Department Statistics, Available on Attorney General’s Website.

### 4.5.1. Children receiving legal representation

As with cases for children in conflict with the law, there is no baseline for child victims receiving legal representation. Stakeholders do not monitor the number of child victims receiving legal representation, but this information would be available within the LAC and DPCCS case files, if applicable.

### 4.5.2. Children receiving medical, psychological or social assistance

There is no baseline indicator for child victims receiving medical, psychological or social assistance. However, the DPCCS and NCPA both have a responsibility to provide support to child victims and witnesses, and both stakeholders record the number of children receiving specific forms of support in their monthly reporting forms. The support provided by the DPCCS is not disaggregated by whether the child is a victim or in conflict with the law, and

147 [https://www.attorneygeneral.gov.lk/?page\\_id=1513](https://www.attorneygeneral.gov.lk/?page_id=1513)

the NCPA does not differentiate between support provided to children for criminal / civil / other cases. Moreover, statistics relating to provisions of support are reported by DCPOs, POs and CRPOs, but is not summarised at a national level or made publicly available. Coordination is needed between NCPA and DPCCS to accurately monitor the number of child victims receiving support (and consistently categorise type of support).

### 4.5.3. Outcome of crimes against children

There is no baseline indicator for the number of convictions for crimes against children. Data

reported by the courts (which, at present, only refer to cases of child abuse under Section 364 of the Penal Code, or, broadly, cases under the CYPO) does not include the outcome of cases (i.e., no conviction or acquittal data, or nature of order made). While the DPCCS is responsible for maintaining data on children under the CYPO and other children in need of care and protection, there is no formal monitoring of the number of child victims of crime. While NCPA is the stakeholder with the mandate to maintain data on children in need of care and protection, currently, their database primarily serves to monitor the number of complaints received, but not the outcome of cases (so therefore does not have data on child victims of crime).

## 4.6. FAMILY / CIVIL LAW CASES AND ADDITIONAL DATA ON CHILD PROTECTION

### 4.6.1. Number of family/civil court cases involving children decided during the year

Although indicators relating to family / civil law cases were not a focus of data capture, the process of data collection identified partial data for the number of family / civil court cases involving children decided during the year. A complete indicator would have information relating to the type of case (e.g., custody, adoption, care and protection, dissolution of child marriage etc.). Information was identified specifically relating to care and protection cases, and adoption cases using data provided by the courts and the DPCCS.

#### Juvenile Magistrates Court

As the two established Juvenile Courts only deal with child protection cases, a partial baseline for the number of family cases can be obtained from looking at data from the Juvenile Courts, specifically child protection cases under the CYPO. The MoJ case statistics reports (publicly available on the MoJ website) provide a breakdown of cases in the two Juvenile Courts from 2018 up to 31<sup>st</sup> December 2021. The 2022 report has already been circulated within the Ministry of Justice internally, but will not be publicly available until December 2023.

**Figure 16:** Cases put before the two Juvenile Courts 2018-2021

Juvenile Courts (CYPO child protection cases)			
No of cases brought forward from 2017:	No of cases filed in 2018:	No of cases concluded in 2018:	No. of pending cases as of 31.12 2018:
<b>1280</b>	<b>213</b>	<b>273</b>	<b>1220</b>
No of cases brought forward from 2018:	No of cases filed in 2019:	No of cases concluded in 2019:	No. of pending cases as of 31.12 2019:
<b>1220</b>	<b>189</b>	<b>251</b>	<b>1158</b>
No of cases brought forward from 2019:	No of cases filed in 2020:	No of cases concluded in 2020:	No. of pending cases as of 31.12 2020:
<b>1158</b>	<b>161</b>	<b>146</b>	<b>1173</b>
No of cases brought forward from 2020:	No of cases filed in 2021:	No of cases concluded in 2021:	No. of pending cases as of 31.12 2021:
<b>1173</b>	<b>209</b>	<b>106</b>	<b>1276</b>

**Data source:** Ministry of Justice Case Statistic Annual Summary Reports, available on the MoJ website, statistics section.

DPCCS case files will contain information on whether cases relate to care and protection cases, however this is not disaggregated in monthly reporting (beyond, at least for the Eastern Province, reporting cases under the CYPO).

Additionally, data on the number of adoption cases decided is available from the DPCCS, although this data is not publicly available on a website or in their annual reports. Data for 2020 was presented during

a workshop on the formulation of a provincial action plan on the National Alternative Care Policy.<sup>148</sup> This data was disaggregated by adoption placement by the DPCCS or individual applicant and by province. The disaggregated data shows large numbers of adoption cases are filed after the adopters 'find' a child, rather than the child assessed as being in need of adoption and adopters identified. It is not possible to determine how many of the adopters had been 'approved' before finding a child.

**Figure 17:** Number of adoptions, 2020

Province	Children allocated for adoption by Provincial DPCCS	Number of Adoption cases filed by applicants after finding a child of their own	Total adoptions
Western	-	327	327
Central	19	-	19
Southern	15	152	167
Northern	21	-	21
Eastern	4	67	71
North Western	7	118	125
North Central	17	90	107
Uva	16	90	106
Sabaragamuwa	16	72	88
Total	115	916	1031

**Data Source:** Department of Probation and Childcare Services, presentation on formulations of Provincial action plan on alternative care policy.

<sup>148</sup> Workshop on the formulation of a provincial action plan on the National Alternative Care Policy, led by the National Department of Probation and Childcare Services, 29th November 2022

Additionally, although not publicly available, the DPCCS monitors, to some degree, the number of child protection measures involving placement outside of the family, as part of their monthly monitoring of children in institutions. For example, the Eastern Province DPCCS monitors the number of children entering child development centres under a care and protection order, and the central province monitors the number of children institutionalised through a court order (but not whether they are in conflict with the law, a victim or in need of care and protection).

#### 4.6.2. Children living in institutions

The DPCCS is responsible for monitoring the number of children in childcare institutions. As previously noted, any data management relating to the number of children in institutions does not clearly differentiate between children in conflict with the law and children in need of care and protection, a key barrier to the use of data for monitoring and planning for juvenile justice and child protection. Nonetheless, understanding the number of children in institutions is an important step in ensuring the provision of support, and planning in relation to human and financial resourcing of institutions.

Provincial DPCCS routinely collect information on children in institutions, as monitored by POs, disaggregated by type of institution (State

receiving home; Safe house; Child development centres; Vocational training centre; Certified school; Remand home), although it appears that this is not consistent in all provinces, and some (e.g., Central Province<sup>149</sup>) report only the number of monthly admissions, not the total number of children residing in the institution. Information relating to the length of time children remain in institutions is understood to be available within case files, but not monitored in any kind of database. Additionally, there is limited reporting of the reasons for children residing in institutions. Formal monitoring of the number of children in institutions and the reason would assist in providing indicator data for the number of children detained after sentencing (versus the number of children in institutions due to being in need of care and protection/being victims).

The Census of Child Care Institutions, conducted in 2019 (published in 2021), found that across the 9 provinces, there were 10,632 children living in 379 Child Care Institutions.<sup>150</sup> The graph below illustrates the quantity of the different institutions, with the non-government funded voluntary children's home being both the most common and taking the most children. One-third of the total institutions are located in the Western Province, reflecting the fact that this is where 30 per cent of the total population of the country reside. Unfortunately, there is no intention of conducting future census' of children in childcare institutions, and the data obtained in the census was not used to establish a database of children in institutions.

149 Central Province templates were shared during the inception phase

150 The Department of Census and Statistics and Department of Probation and Child Care Services, Census of children in childcare institutions, 2019. <http://www.statistics.gov.lk/Resource/reference/CensusofChildreninChildCareInstitutions2019Final>

**Figure 18:** Types of childcare institutions and detention facilities

Types of Home	Explanation	No of children placed
APPROVED SCHOOLS (1)	Established to shelter and provide protection to orphaned, deserted, destitute and abused children. <sup>151</sup> But also to rehabilitate child offenders convicted under the Children's Ordinance.	105
CERTIFIED SCHOOLS (9)	The Alternative Care Policy notes that certified schools provide systematic vocational training to children who are convicted of an offence, who are disobedient to their parents, who sell and use of alcohol or who are in need of care and protection.	291
DETENTION CENTRE (1)	Established under the House of Detention Ordinance to provide care to vagrant (i.e., street) children, caught in burglary, theft and the sale and use of alcohol, needing care and protection and those sentenced for unclassified reasons. They only accept children over the age of 8. There is only one in the country, in Galle.	93
REMAND HOMES (14)	Established under Chapter III of the Children's Ordinance, these facilities are for the temporary detention of child suspects and victims until a decision is reached by the court on the matter charged.	221
SAFE HOUSES (4)	Established under Chapter III of the Children's Ordinance, these are facilities for the temporary detention of child suspects and victims until the court decision relating to such children is made. They exist only in the Northern and Eastern Provinces.  Safe houses also provide shelter to children and their mothers – usually teen mothers, awaiting transition back to a children's home or adoption.	No data available
STATE RECEIVING HOMES (9)	Established under the Orphanages Ordinance and Child Development Centre Charter, these homes provide care for orphaned, abandoned and destitute children aged 0-5 years old. If a child placed in one of these centres is not placed for adoption or some other form of alternative care, the child will be transferred to a Voluntary Children's Home.	264
TRAINING AND COUNSELING CENTER (4)	An institution established to provide psycho-social treatment and vocational training to children who have been abused and to children in conflict with the law for up to 6 months.	57
VOLUNTARY CHILDRENS HOME (331)	Institutions established under the Orphanages Ordinance and Child Development Centre Charter to provide care to orphaned, abandoned and destitute children. They are run by volunteer organizations. Admission and social reintegration of children are handled by the Department of Probation and Child Care. These institutions provide care for children from 0-18 years of age.	9,382
Other (6)		184
Total children placed		<b>Total: 10,632</b> (4017, male and 6615, female)

**Data Source:** 2019 Census on Children in Residential Institutions

Upon request by UNICEF, the DPCCS provided the total number of children living in residential institutions from 2011-2020. UNICEF was also able to access data that had been provided by the DPCCS as part of the Global Study on Children Deprived of Liberty. This includes the number of children in childcare institutions and the number of children sent to institutions for child protection for the years 2008 – 2017, although more recent data is not available. Please note, additional tables on the number children in orphanages and the number of children in ‘other institutions’ have been included in Annex D for simplicity.

Data from 2012 onwards have been included in the tables presented in this report. The census on children living in institutions provides a large amount of disaggregate information on children in institutional settings, including gender, age and province. However, as this data is not routinely collected, it has not been included in this report (all information is available in the census report).

The total number of children in institutions is available from 2011 – 2020, outlined in the table below.

**Figure 19:** Children in childcare institutions, 2011-2020

Year	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
No. of children										

**Data source:** DPCCS, provided via email to UNICEF.

There was a slight reduction in numbers of institutionalised children in 2019 and 2020 but it was reported that the impact of the Covid-19 pandemic and the economic crisis has resulted in an increase in requests from parents to institutionalize their children.<sup>152</sup>

Data showing the number of children in institutions for child protection is available from 2008 to 2017 (provided for the children deprived of liberty study). However, it is not clear whether

the numbers below, in reality, represent children placed as part of sentencing measures, children classed as “unruly” or “out of control”, or children placed under a care and protection order. The data shows incremental increases in the number of children in institutional care for child protection, peaking in 2016, with a slight fall in the number of children in institutions for child protection in 2017. Across the years, a higher number of girls are living in institutions for child protection than boys.

**Figure 20:** Children in institutions for child protection, 2012 – 2017

Year / Sex	Children in institutions for child protection by province									
	Western	Southern	Uva	Central	North Central	Northern	North Western	Sabara-gamuwa	Eastern	Total
<b>2012</b> M	0	68		18		6	21	1	3	117
F	49	113	72	30	5	15	72	37	5	398
P	49	181	50	48	5	21	93	38	8	493

152 Meeting with key stakeholders, 2nd December 2022, Colombo.

Year / Sex	Children in institutions for child protection by province										
	Western	Southern	Uva	Central	North Central	Northern	North Western	Sabara-gamuwa	Eastern	Total	
2013	M	0	62		11		4	23	3	8	111
	F	69	103	71	30	3	18	80	41	11	426
	P	69	165	50	41	3	22	103	44	19	516
2014	M	0	64		20		2	26	11	6	129
	F	114	128	76	30	4	14	77	42	23	508
	P	114	192	49	50	4	16	103	53	29	610
2015	M	0	62		11		4	22	6	4	109
	F	106	124	79	29	5	13	84	44	23	507
	P	106	186	58	40	5	17	106	50	27	595
2016	M	0	63		13		2	31	3	14	126
	F	142	91	112	25	11	13	88	55	23	560
	P	142	154	80	38	11	15	119	58	37	654
2017	M	0	45		12		3	27	2	4	93
	F	67	128	96	21	12	16	90	56	28	514
	P	67	173	70	33	12	19	117	58	32	581

**Data source:** DPCCS, collated by UNICEF for the Global study on children deprived of liberty.

### 4.6.3. NCPA child abuse data – 1929 hotline

NCPA is the agency mandated to monitor child protection data. The NCPA data has the potential to be used to form partial baselines (particularly for child victims of crime and civil cases). However, at present, due to NCPA data only routinely reporting on complaints (and not whether cases went to trial, or the outcome of a trial), no baseline indicators could be created from the NCPA data.

Nonetheless, the data provides important insight to children in need of care and protection. The section below provides a breakdown of the comprehensive disaggregation of data relating to complaints of abuse against children (both in paper-based forms and the 1929 hotline database), in addition to the limited publicly available data. NCPA has recently

developed a new, comprehensive database for child protection (January 2023), which will provide much richer disaggregate information on child abuse cases. However, data from this database is not yet publicly available.

Summary data is publicly available as an annual report on the NCPA website up to the end of 2021. The reports provide data on the number of child abuse complaints disaggregated by district and type of abuse. Data from 2018-2021 has been included below to provide an example, but this data is available from 2010. Data shows a decline in child abuse complaints in 2018 and 2020, followed by a relatively steep increase in complaints in 2021 (which may in part be a result of the development of the App as a platform for children and individuals to make a complaint). Although it was reported that key demographic data is captured in complaints, this is not reported or made publicly available.

**Figure 21:** Child abuse complaints to the 1929 hotline from 2018-2021

Type of abuse	Number of complaints			
	2018	2019	2020	2021
Obscene publication	15	23	39	10
Procuring to beg	315	299	200	240
Sexual exploitation of children	4	4	-	8
Trafficking restricted articles	40	29	44	44
Cruelty to children	2413	2342	2237	2741
Sexual harassment	555	594	518	947
Kidnapping from lawful guardianship	120	109	97	99
Abduction	45	44	71	354
Trafficking	125	119	82	124
Rape	311	294	256	123
Incest	1	1	2	8
Grave sexual abuse	375	288	373	246
Neglect of children	536	906	466	1535
Child labour	262	265	228	375
Compulsory education	1267	1290	643	541
Domestic violence	104	79	50	97
Juvenile delinquency	374	337	270	263
Soliciting a child	15	14	7	-
Unnatural offence	1	-	2	-
Restriction on payment	-	1	-	-
Unlawful custody	2	4	-	-
Exposure and Abandonment	3	2	-	-
CYP in need of care and protection	-	7	-	-
Gross indecency	7	1	-	-
Sale of tobacco	-	1	-	-
Miscellaneous	2622	1505	2580	3432
<b>Total</b>	<b>9512</b>	<b>8558</b>	<b>8165</b>	<b>11187</b>

**Data source:** NCPA website statistics.

NCPA provided up to date data in a timely manner relating to the number of complaints received by the 1929 helpline in 2021 and

2022, disaggregated by month, demonstrating that they have the capacity to share data on demand.

**Figure 22:** Child abuse complaints to the 1929 hotline from 2021-2022

Month (2021)	Number of complaints received to 1929 call centre	
	2021	2022
January	872	869
February	791	724
March	1025	842
April	820	649
May	545	709
June	687	944
July	1428	602
August	924	979
September	686	
October	915	
November	881	
December	792	

**Source:** NCPA (Data provided directly to UNICEF upon request, September 2022).

However, no disaggregation of data is available for age, sex, location and type of complaint, nor does data disaggregate by where the complaint was made (app, telephone, referral), meaning the data does not allow for the identification of duplicate calls. Going forward, the new database will support the systematic disaggregation of child abuse complaints by key demographic characteristics.

To date, data has not been maintained to be able to monitor the outcome of complaints, but it is hoped that the new database will support the gathering of this information.

A key limitation of the database is that it continues to only capture data on child protection cases referred to the NCPA. This means that any child

protection cases under supervision of POs is not captured in this data (unless this was a result of cases being referred to the police by NCPA). In order to gain a complete picture of child protection in Sri Lanka, a strong coordination mechanism is needed in order to combine NCPA cases with cases under the DPCCS in which NCPA has had no involvement. This would also require DPCCS to accurately monitor their data and differentiate between their cases for children in need of care and protection and children in conflict with the law, in addition to clear identification and categorisation of child protection needs amongst children in conflict with the law. Although DPCCS is mandated to support child victims in the court, data is currently not reported by DPCCS in relation to the types of crime against children and the child protection concerns.

## 4.7. CONCLUSION

The findings of the assessment demonstrate a lack of readily available data relating to the juvenile justice indicators. Baseline statistics were obtainable for only a few indicators, and these are often only partial. A number of overarching issues currently prevent effective data collection on children in contact with the law, whether as offenders, victims or in need of care and protection.

### **Indicators are available, but within case files:**

Findings show that multiple stakeholders record relevant information to some degree, but, in general, this is available within case files only. Where baseline indicators were identified, these were obtained primarily through specific data requests, and are not available through routine reporting. Additionally, based on stakeholders' known data management processes, presented in [Section 5](#), it is unclear how certain baseline values were collated (particularly statistics provided for past data collation exercises, namely the Global Study of Children Deprived of Liberty), as UN indicators do not directly align with data categorisation at field level. This calls into question the accuracy of the available baseline statistics.

### **Key disaggregate data are missing from case files:**

Although most indicators are available within case files, there is a lack of information on specific disaggregates (which applies for all indicators). For example, while gender and age are consistently recorded in all case files, information is less consistently recorded within case files for other key disaggregates, such as ethnicity, education and disability. Additionally, within case files, disaggregate data is not always readily available for both victims and perpetrators.

### **Data management processes limit the reporting of indicators:**

In most cases, the lack of baseline indicators is due to a lack of maturity in data management processes, namely; the absence of an administrative database; the reliance on manual collation and reporting of key statistics amongst stakeholders, and; the lack of standardized reporting templates designed to capture the relevant juvenile justice indicators. This is particularly the case for

the DPCCS and the courts, who rely heavily on manual data management and reporting processes. However, where stakeholders have electronic databases with summary reporting mechanisms (police) they have the ability to monitor relevant juvenile justice indicators, but appear to not be utilising their resources to do so on a routine basis.

### **The legal duty to capture individual indicators is not clearly defined:**

Although the NCPA has the mandate for maintaining a national child protection database for child abuse cases, it is not clear which body has responsibility for data on children in the criminal justice system, whether as offenders or victims and witnesses. The majority of data relevant to the key juvenile justice indicators is currently held by the DPCCS. The remaining indicators are available within case files or log book data held by the courts, and (for indicators relating to cases being registered by the police) the police database.

### **Children in conflict with the law:**

There is little to no information available for children in conflict with the law; neither the police or courts disaggregate statistics for persons in conflict with the law between children and adults, and there is a lack of data on the outcome of cases by stakeholders (i.e., dismissals, discontinuance, acquittals, and convictions). DPCCS does not clearly disaggregate data between children in conflict with the law and children in need of care and protection (beyond separation of cases under the CYPO and Probation of Offenders Act).

### **Diversion and sentencing measures:**

There is limited data available on diversion (although this may be due to a lack of diversion practices in the country). The DPCCS is able to provide data on children given non-custodial and custodial sentences, but this data is not routinely collected or monitored.

### **Children in detention:**

DPCCS has information on pre-trial detention up to 2018, but the use of pre-trial detention is not formally monitored. Department of Prisons reports on the number of youths admitted to pre-trial detention, but only disaggregates by the age categories of 'under 16'

and '16-22 years', providing an incomplete picture. Although DPCCS monitors data on children in institutions, there is no disaggregation between children in conflict with the law, child victims and children in need of care and protection, resulting in a notable gap for the indicator of children in post-trial detention.

**Crimes against children:** While more data is available for the indicators for child victims, there is a lack of information on the outcome of cases. The police collect data on crimes involving children, but the data is not routinely published in summary statistics. Courts only disaggregate data for cases relating to child abuse (Penal Code section 364), and do not monitor information relating to the length of trial or number of hearings.

**Children in administrative detention:** There is no data available or monitoring of children in administrative detention. The DPCCS is responsible for monitoring children in residential institutions. Monitoring the reason for institutionalisation would support monitoring of the number of children in administrative detention.

**Family and civil cases:** Although not included as an indicator of focus in the assessment, partial data was identified for civil cases (specifically child protection cases and adoptions), owing to Juvenile

Courts only dealing with child protection cases under the CYPO. Additionally, the DPCCS provided data on the number of adoptions.

**Child protection:** The NCPA collects and monitors data relating to children in need of care and protection, but at present, it seems to operate largely in isolation from other stakeholders. At subnational level, DPCCS records information relating to the number of cases it deals with under the CYPO, and children in institutions, but these are not routinely aggregated nationally and neither are they reported in summary statistics.

A summary of the availability of key indicators, which body collects the data, and which body would be best placed to collect the missing key indicators is set out in [Figure 23](#). Where there is an available "baseline" for the key indicator, this is noted in the table, with a statement on the source of the baseline. However, it should be noted that in all cases, the baseline data is either only partial (i.e., does not include all groups of children) or is sourced from data that is not routinely recorded and reported. This is followed by an in-depth analysis of data that is currently available for each stakeholder. Recommendations are provided for steps to be taken to support the collection of key indicator data in the figure below, with overarching recommendations for justice indicators provided in [Section 7](#).



**Figure 23:** Summary of Juvenile Justice Indicators in Sri Lanka

Indicator	Baseline indicator	Collected by	Comments	Recommendation
<b>Children in Conflict with the law</b>				
Number of children detained by the police pre-charge during the year (total and per 100,000)	No baseline	DPCCS – information in case file only		Police to create tables on VPN dashboard to monitor number of children detained pre-charge
		Sri Lanka police – VPzN system	Data is not extracted from VPN system or reported on, but is physically available	
Number of criminal proceedings initiated against children during the year (total and as a percentage of total children detained)	No baseline	Sri Lanka police – VPN system	Data is not extracted from VPN system or reported on, but is physically available. Also available in the case file	Police to develop tables on VPN dashboard to monitor number of children charged
		Courts – Case file only		Courts to disaggregate data for number of children's cases brought to trial
Number of children in criminal proceedings with legal representation (total and as a percentage of total children tried)	No baseline	Legal Aid Commission	Very few child-related cases, no disaggregation by age	Legal Aid Commission to report specifically on child-related cases by disaggregating data by age
		Sri Lanka Police – Case file	This data is recorded within the case file, but is not entered into the database. Also, note that knowledge of legal representation relates only to an assigned probation officer – children do not as a matter of practice receive legal representation in Sri Lanka although legally entitled to such representation. Only children / families who can pay a lawyer are represented other than in a few exceptional cases	<i>It was the primary view across stakeholders that POs are children's legal representation, but courts noted POs are often absent in the court. This could be monitored formally. POs essentially play the role of the social worker assigned to the court – but this is not the same as providing expert legal advice and representation</i>
		Courts –case file only	Currently High Court only	All courts to record in case files whether child receives legal representation (and whether PO is present or absent at hearings)
		NCPA – Complaints database; legal representation is a category of "relief expected from NCPA"	The total would only apply to cases dealt with by NCPA	NCPA to monitor the number of children to whom they provide legal representation (add table to dashboard for disaggregation of number of cases expecting each category of relief from NCPA)

Indicator	Baseline indicator	Collected by	Comments	Recommendation
<i>Total number of convictions (not an indicator but a disaggregate of outcome)</i> <b>2292 (2020)</b>	<b>2292 (2020)</b> National DCPSS National Alternative Care Policy implementation presentation – NOT routine reporting	DPCCS	No data on cases dropped or acquittals, so cannot know as a percentage of total cases against children	DPCCS to routinely report all outcomes of a case – conviction (and sentencing option), dismissals pre-verdict and acquittals
<b>Diversion and Sentencing Measures</b>				
Number of children provided with police informal diversion, such as a caution, warning, informal settlement (total and as a percentage of total children detained)	No baseline	DPCCS – case file only	This would only apply to cases referred to Probation	
		Police – case files only	Noted that there was inconsistency: some stations reported that this information was available within the VPN system. However, this contradicts interviews which stated that informal resolution is not recorded, other than in the initial complaint book (i.e., if cases are informally resolved, a full report is never created and never makes it onto the system)	Police to enter cases into the VPN system when informally resolved (categorised by type of informal resolution i.e., caution, warning, informal settlement, and whether there was an admission of the crime)
		NCPA – complaints database	This data is available when a case is diverted to NCPA by the police (for example if a child needs counselling) (so not for all diversion, but some instances)	Monitor number of cases by adding table to dashboard
Number of children sent to a mediation board	No baseline	Mediation board – monthly report	National perception that cases relating to children should not be sent to mediation – they should be referred to POs, meaning the number of cases is low	Produce annual report presenting monthly statistics, including the child-related cases as recorded in monthly reporting forms

Indicator	Baseline indicator	Collected by	Comments	Recommendation
Number of children sentenced receiving a custodial sentence (percentage of total children convicted)  <b>16 (2020) (DPCCS + Department of Prisons)</b>	11 (1%) (2020) 'Children in detention in lieu of a death sentence' = 8 'imprisonment' = 3  National DCPSS National Alternative Care Policy implementation presentation – NOT routine reporting, up to age 16 only	DPCCS – partial reporting and case file	This data is partially reported, as the number of children sent to vocational training school and total number of children dealt with under probation is reported, as well as the number of cases dealt with 'unsatisfactorily'.  It is also unclear whether this would be defined under 'result'.	DPCCS to routinely record and report on the number of children receiving custodial sentence in monthly reporting (and non-custodial sentences, i.e., all convictions in order to obtain a percentage)
		Sri Lanka Police – VPN	Reported that the outcome of cases is rarely updated on the VPN	Police to ensure VPN system is updated with outcome of a case
	5 (2020) admission to training school for youthful offenders-16 and 17 year olds  Department of Prisons Annual Report	Department of Prisons	Only for children aged 16-17 admitted to the Training School for Youthful Offenders, Homagama	
		Courts – Case file only	No outcome data is monitored by the courts  No data is disaggregated by age, so no separate reporting for child cases	MoJ to request and courts to report on the outcome of concluded cases  MoJ and courts to disaggregate all data by age and gender (child cases and adult cases)
Number of children sentenced with alternative measures (percentage of total children convicted)  <b>2081 (91%) (2020) DPCCS</b>	<b>2081 (91%) (2020) DPCCS</b>  National DCPSS National Alternative Care Policy implementation presentation – NOT routine reporting	DPCCS	This data is partially reported, as the number of cases dealt with 'satisfactorily'.  It is also unclear whether this would be defined under 'result'.	DPCCS to formally record number of children sentenced with alternative measures (specifying measure) on a routine basis
		Sri Lanka Police – VPN	Reported that the outcome of cases is rarely updated on the VPN	Police to ensure VPN system is updated with outcome of a case
		Courts – Case file only	No outcome data is monitored by the courts  No data is disaggregated by age, so no separate reporting for child cases	MoJ to request and courts to report on the outcome of concluded cases  MoJ and courts to disaggregate all data by age (child cases and adult cases)

Indicator	Baseline indicator	Collected by	Comments	Recommendation
Number of children who enter pre-trial diversion (percentage of total children charged with criminal offence)	No baseline	DPCCS – Case file only	Reported that pre-trial diversion is rare in Sri Lanka, but would be available in case file	DPCCS to formally record (or if not in practice, do not consider as a key indicator)
		Sri Lanka Police – VPN	Reported that the outcome of cases is rarely updated on the VPN	Police to ensure VPN system is updated with outcome of a case
Children in detention				
Number of children in pretrial detention (total and per 100,000)	<b>937 (2018)</b> DPCCS (through deprivation of liberty study – NOT routine reporting)	DPCCS – partial monthly reporting	Partially reported, number of children in remand homes (including by gender), but full information should be detailed in case files  Numbers were put together for deprivation of liberty study, but not reported as standard practice	DPCCS to include total number of children in pre-trial detention in monthly reporting (by institution)
	<b>937 (2018) (DPCCS)</b> 86 (2021 Children under 16 in remand (+4,718 youths aged 16-22) Department of Prisons-Annual Report	Department of prisons – Annual report	Total remand prisoners only categorised under 16 and 16-22	Department of prisons to fully disaggregate data for all ages under 18 and to report on other demographic disaggregates
		Sri Lanka Police— VPN	There were inconsistencies: some stations reported that this information is only available within case files	Police to create tables on VPN dashboard to monitor number of children in pre-trial detention

Indicator	Baseline indicator	Collected by	Comments	Recommendation
Number of children in detention after sentencing during the year (total and per 100,000)	No baseline	DPCCS – partial monthly reporting	Partially reported, number of children in institutions (theoretically) specifically for children convicted of an offence. Also the monthly reporting table for cases dealt with 'unsatisfactorily'  Full information should be detailed in case files	DPCCS to include children in detention after sentencing in monthly reporting (by institution)
		Sri Lanka Police – VPN	Reported that the outcome of cases is rarely updated on the VPN	Police to ensure VPN system is updated with outcome of a case
		Courts – Case file only	Outcome of cases not reported on.  No disaggregation of child cases	MoJ to request and courts to report on the outcome of concluded cases  MoJ and courts to disaggregate all data by age (child cases and adult cases)
	5 (2020) admission to training school for youthful offenders  Department of Prisons Annual Report	Department of Prisons – Annual report	Only applies to children in the Training School for Young Offenders	Prisons to report on all children within their prisons / institutions on a monthly basis
Number of child deaths in detention during the year (total and per 1,000 children detained)	No baseline	DPCCS – Case file	Reported that this would be available in the case file only and in the Admission Register of care homes	Formal reporting of any deaths

Indicator	Baseline indicator	Collected by	Comments	Recommendation
<b>Crimes against children (Key disaggregate info to be collected for perpetrator and victim)</b>				
Number of cases of crimes against children registered by the police during the year (victim and perpetrator details)  <b>5306 (2021) Sri Lanka Police</b>		DPCCS	These would be included under the total children referred under the CYPO, but victims are not specifically disaggregated. Case file should contain information and disaggregates	DPCCS to clearly disaggregate child victims versus children in conflict with the law in all reporting
	<b>5306 (2021)</b> (2140 minor offences, 3166 grave offences)  Sri Lanka police via UNICEF – not routine reporting	Sri Lanka Police	This is available in the VPN and summary statistics are reported monthly to the divisional bureau and headquarters (number of cases only, no further disaggregated details of victim).	Police to use VPN system to disaggregate data for all core demographic disaggregates
		NCPA	Data is available only for complaints reported to the DCPO which are referred to police  All disaggregates are theoretically available, but some are in the case file only	
Number of registered crimes against children brought to trial during the year (total and % of total reported) (victim and perpetrator details)  <b>4687 (2020) Ministry of Justice</b> (child abuse cases only)	High court child abuse cases: 1383 (2020)  Magistrate's Court child abuse cases: 3304 (2020)  Total: 4687 (2020) (child abuse cases only)  MOJ annual case statistics	Courts – case file  MOJ annual statistics (but only partial – some offences)	Only cases relating to child abuse are reported by the courts.  Information on crimes against children brought to trial across different case types is recorded in case files by the courts, insofar as the age of the victim is recorded in the case file	Courts to disaggregate all crimes against a child and to record and monitor information on the length of time for a case to be brought to trial, length of the trial and number of hearings.
		DPCCS	This information is available in the case files.	
		Sri Lanka Police— VPN	Reported that the outcome of cases is rarely updated on the VPN	Police to ensure VPN system is updated with outcome of a case
		NCPA – Case file (and database)	This information would be available within case files for complaints referred to police, when DCPOs update the case file if the case goes to trial	NCPA to coordinate stakeholders to ensure progress of case is known and develop database so progression of case to trial can be reported

Indicator	Baseline indicator	Collected by	Comments	Recommendation
Number of criminal convictions during the year in which the victim was a child (total and % of total tried)	No baseline	Courts – case file	<p>This information is not readily available in a database, and is not reported by the courts.</p> <p>This information is recorded in case files by the courts, insofar as the age of the victim is recorded in the case file</p>	Courts to record outcomes and disaggregate child-related cases
		NCPA – Case file (and database)	<p>This information would be available within case files for complaints referred to police, when DCPOs update the case file based on the outcome of the trial.</p> <p>Disaggregates would be on the complaints database, but the outcome is not uploaded onto the database</p>	NCPA to coordinate with DPCCS to determine outcome of cases and ensure database can capture outcome
		DPCCS – case file	Available where case tried under a Section of the Penal Code which applies to offences specifically relating to children, otherwise not available	DPCCS to clearly record outcome of cases and disaggregate between child victims and children in conflict with the law
		Sri Lanka Police—VPN	Reported that the outcome of cases is rarely updated on the VPN	Police to ensure VPN system is updated with outcome of a case

Indicator	Baseline indicator	Collected by	Comments	Recommendation
Number of child victims or witnesses provided with medical, psychological, social or other assistance in recovery during the year  (total and percentage of total registered crimes against children)	No baseline	NCPA— Database	This data would be available all for complaints (in the database, under 'relief expected from NCPA'). Most disaggregates are available on the database	NCPA to develop table on support expected on dashboard
		Sri Lanka police – case file only	Police reported that referrals to support are included within case files, but are not entered into any database.	
		DPCCS – partial in monthly reporting	Partially reported insofar as there is a table outlining support children in need of care and protection are referred to (but with no clear disaggregation between children in conflict with the law, child victims or child witnesses), with counselling being one of the options. Further disaggregates may be available in case files, but unclear and not systematic	DPCCS to disaggregate all tables for children in need of care and protection (child in conflict with the law, child who has suffered maltreatment / neglect/ exploitation, child victim or witness to a criminal offence)
Number of child victims or witnesses of crime provided with legal representation during the year (total and percentage of total registered crimes against children brought to trial)	No baseline	Legal Aid Commission	No disaggregation by age	Legal Aid Commission to disaggregate by age
<b>Family and civil law cases</b>				
Number of family/civil court cases involving children decided during the year  <b>106 (2021)</b>	Partial baseline- Juvenile court CYPO child protection cases: 106 (2021)	Juvenile courts	Note, it was decided to not include family and civil law cases within the scope of this mapping, but a partial baseline was identified due to confirming, during data collection, that juvenile courts only deal with child protection cases	
	Partial baseline – Number of adoptions 1031 (2020)  DPCCS	DPCCS  Monthly recording by provinces, no formal, regular reporting by HQ	Note, the inclusion of a broader child protection focus in the assessment identified that the DPCCS holds data on the number of adoption cases	

Indicator	Baseline indicator	Collected by	Comments	Recommendation
<b>Child protection</b>				
Number of children living in institutions	10,748 (2020) DPCCS	DPCCS Monthly recording by provinces, no formal reporting by HQ	Disaggregated by type of institution	DPCCS HQ to regularly consolidate data collected by provincial DPCCS to monitor number of children in institutions  Provincial DPCCS to increase efforts to categorise and monitor reason of institutionalization (in need of care and protection versus in conflict with the law)
Number of child abuse complaints	11,187 (2021)	NCPA	Disaggregated by type of abuse	Build on current development of new database to support categorisation of child protection in line with international standards; coordinate with DPCCS to provide wholistic number of child protection cases (i.e., capture CYPO cases which don't come through NCPA hotline or DCPOs, but are under PO supervision; ensure NCPA database includes whether the complaint results in court case)
<b>Administrative detention</b>				
Number of children involved in administrative detention during the year (total and per 100,000)	No baseline	No reporting		DPCCS to monitor reasons for institutionalisation, to determine number of children in administrative detention



# 5

## FINDINGS PART 2: MATURITY OF DATA MANAGEMENT PROCESSES

This section provides detailed findings in relation to the maturity of data management processes needed to effectively monitor juvenile justice indicators. The findings relate to the stakeholders collectively, drawing on the particular challenges or strengths of individual stakeholders and highlighting differences in data management processes where relevant. A detailed analysis of each element of the data management process for each stakeholder

individually can be found in Annex H. The last part of this section presents the data management process maturity scores (i.e., are stakeholders at level 1, 2, 3 or 4) in relation to element of data management for each stakeholder, in addition to a table summarising each element of data management for each stakeholder. A summary of data management processes for each stakeholder is provided in [Figure 25](#).

## 5.1. LEGAL AND NORMATIVE FRAMEWORK

A mature legal and normative framework includes: adequate protective legislation for children; special provisions for children in criminal procedures; court processes which are fully implemented and enforced; enforced national legislation, policies and regulations relating to data capture and reporting on children in contact with the law; a national statistics office / central reporting facility with a clear mandate relating to the collation, review and publication of data on justice for children, and enforced legislation on data privacy. At the present time, the Children's Ordinance does not provide adequate protective legislation for children and continues to treat some children in need of protective services in much the same way as it treats children in conflict with the law<sup>153</sup> (see Annex C). In terms of the criminal justice legislation, there has been recognition that the Children's Ordinance is not fully compliant with the CRC and the CRC Committee has recommended reform of the legislation, which was originally passed in 1939.

The legal and normative framework relating to justice for children data management is currently limited. While the National Child Protection Authority has the mandate for maintaining a national database on child abuse,<sup>154</sup> there is no clear legislation for the monitoring of data for children who come into the system as victims, witnesses or alleged offenders or interested parties in criminal or civil courts. There is no legislation on the use of administrative data on justice for children, provisions for accessing data, nor is there legislation outlining national reporting obligations for juvenile justice. The National Child Protection Authority does not currently function as the mechanism for coordinating data gathering, reporting and dissemination for children in contact with the law as victims, witnesses or perpetrators. There is currently no centralised reporting function on justice for children in Sri Lanka.

The Personal Data Protection Act, No. 9 of 2022 was passed in March 2022, and will provide for data privacy and protection. It is not clear, however, whether this has yet been enacted, or whether it is enforced in the area of justice for children.

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153 See for instance, Children and Young Persons Ordinance, Sections 17, 21, 36, 37 and 38.

154 Section 14 of the National Child Protection Authority Act, 1998. <https://childprotection.gov.lk/images/pdfs/acts-guidelines/National%20Child%20Protection%20Act,%20No.%2050%20of%201998.pdf>

## 5.2. GOVERNANCE AND PLANNING

Sri Lanka appears to have no formal data governance framework defining institutional responsibilities in relation to the collection, management, coding, reporting and secure storage of data relating to justice for children; establishing common definitions, disaggregation or coding for the minimum indicators, or defining reporting formats and frequency. Neither is there adequate legislation on assigning data capture and reporting responsibilities to specific institutions. Further, there is no data governance framework or coordinating body to capture the needs of children for justice

for access to justice in an emergency or natural disaster. There are, however, clear governance frameworks within institutions for the reporting of key statistics; with all stakeholders at subnational level clear on data reporting requirements, in terms of formats and frequency, to their respective institutional HQ. However, the lack of a national governance framework for juvenile justice data means that institutional reporting largely excludes juvenile justice indicators, and institutions lack clear governance structures relating to common definitions, disaggregation and coding.

## 5.3. DATA INFRASTRUCTURE AND RESOURCES

### 5.3.1. Resources

Amongst all stakeholders, stationery supplies are not always available, and phones, computers, printers and copiers are very limited. Multiple stakeholders noted having to supply stationery using their own personal funds, or being subject to deductions from their salary should they go over budget. Infrastructure and resourcing issues have been compounded by the financial crisis being faced by Sri Lanka. While most stakeholders have some level of access to IT equipment and functioning offices, it should be noted that mediation boards are not provided with ICT equipment or physical space to carry out their role. It goes without saying that institutions responsible for administrative data on justice for children require adequate supplies and equipment at both national and subnational levels.

IT infrastructure is inconsistent between and within institutions, but is largely regarded as insufficient to meet reporting needs. Most stakeholders do not have an allocated budget for IT resourcing, or, if a budget is provided, it is insufficient. For example, within the DPCCS and the police, it was noted that

several staff are required to share one computer. Within the police, some WCDs are required to share computers with other branches. The lack of IT resources result in challenges related to meeting reporting deadlines and compromising the security of data on the devices, and sometimes result in reporting and transmission by hand in order to meet deadlines.<sup>155</sup>

Amongst all stakeholders, shortage of IT equipment was frequently compounded by challenges, delays and insufficient budgets for repairs when devices break and delay in accessing repair even when the budget is available. A further challenge is the lack of updating of computers. On multiple occasions, it was noted that IT equipment was at risk of damage due to leaking roofs within the buildings (including in the courts and police buildings). For all stakeholders, slow internet or lack of connectivity constitutes a barrier to the transmission of data remotely.

A lack of devices and connection to internet were particular barriers for effective computerised data collection by officers in the field (particularly for CRPOs and DCPOs).

<sup>155</sup> Interview with Probation Officer in Charge, Eastern Province, February 2023.

### 5.3.2. Manual / computerised reporting processes

Very few stakeholders operate cloud-based databases, or indeed any level of electronic data management. Most stakeholders (DPCCS, Courts, LAC, JMO and mediation boards) rely primarily on manual data management processes, such as the completion of summary statistics tables in Microsoft Word or Excel, extracting data from paper-based case files or log books. For the most part, stakeholders rely on paper-based systems, and for the majority of stakeholders, individual case file data is not stored on an electronic database (although individual case file information may be saved in Microsoft Word documents on computers).

The Sri Lanka Police and the NCPA are the only stakeholders operating cloud-based data management systems to enable the electronic storage of case-file data in a database. However, many data management processes within these institutions remain manual. For example, due to the aforementioned limited access to computers, police are often delayed entering data into the VPN system and all data entered into the VPN system is first entered into a paper-based log book and case reports. Although the VPN system has capacities for creating and viewing summary statistics in automatically-generated tables on a real-time dashboard, this is only utilised at HQ; Police units and divisions are still required to manually extract data and collate monthly reports to send to HQ, despite HQ having access to the database and the dashboard.

While NCPA has a new cloud-based database for child abuse complaints, this is only accessible to hotline staff and HQ; DCPO staff cannot access the database, and continue to have to provide information relating to cases manually. Hotline staff also tend to complete paper based records of complaints prior to entering the data into the database, due to the database being slow and poor internet connectivity.

At provincial level, DPCCS in the Eastern, Western and North-Central provinces reported being in the process of developing either cloud-based or computerised databases. However, at present, their data management processes are manual; DOs within probation units are required to complete summary reporting tables in Microsoft excel by drawing data from paper-based social reports. These are manually amalgamated by DOs in the provincial DPCCS to generate monthly provincial-level data.

Under the DPCCS HQ, CRPOs also have a relatively sophisticated, computerised data management process for their child abuse assessments; CRPOs enter assessment data into a google sheet, which is automatically stored in an excel sheet and is accessible to DPCCS HQ. However, data is often first collected using paper-based forms in the field, and the remaining data management activities of CRPOs remain similar to other stakeholder (i.e., the manual completion of monthly statistics reports).

One common issue increasing the manual nature of data management processes in Sri Lanka is the requirement for physical signatures to indicate approval of the reports; even where data is collated electronically, summary statistics tables are required to be printed out, signed and scanned before being sent to either provincial departments / divisions or HQ. The format of documents prevents the easy amalgamation of data and results in the unnecessary manual re-entry of data after transmission, because data in scanned documents cannot be merged or copied and pasted. Establishing the use of E-signatures for all stakeholders would support in reducing this problem.

### 5.3.3. Data storage and data security

The methods of storage of data can pose risks to the security of data and the assurance of confidentiality of personal data for children in contact with the justice system. While case files for the police, DPCCS, NCPA and JMO were reported to be stored in locked filing cabinets, this was not

the case for all stakeholders. It was clear that in the courts and LAC store, case files are kept on open shelving. Mediation boards are not provided with physical office space, meaning they are required to store mediation case files within their own homes. While some stakeholders reported there are guidelines / processes for destroying case files within a certain time after completion, there was no evidence that this takes place, and some stakeholders reported that files which should have been destroyed remain in storage.

The sharing of computer devices within institutions further limits the security of data and the confidentiality of personal data to which only specific individuals within organisations should have access. Methods of data transfer can also limit data security. The lack of work email addresses means that staff often rely on their own email addresses, shared work email addresses or other personal modes of data sharing, such as WhatsApp, for transferring data. There was reference to the use of data sharing through personal or shared accounts for most stakeholders (i.e., DPCCS, Police, NCPA, JMO, Mediation Boards), which compromises data security and is a cause for concern. In addition, manual posting of data, including case files, also poses a risk to the security of children's private data. The electronic databases, however, are seemingly secure: only specific individuals with usernames and passwords can access the police VPN system and NCPA database. There were no reports of data breaches by stakeholders.

### 5.3.4. Staff training and turnover

It was common for stakeholders across sectors to report that they have received training on working with children or child friendly interviewing, including

from retired staff within the sector or psychologists. While training relating to stakeholders dealing with child abuse seemed relatively high (NCPA, DPCCS, juvenile court), there is a lack of training for stakeholders working with children in conflict with the law.

In relation to training specifically on data management, the majority of staff responsible for data management receive only on-the-job training. While some stakeholders have provided or received training on data management historically, these trainings are often isolated events at the time of data capture form developments, and are not provided regularly or as a standard practice for new staff. It appears that the only stakeholders responsible for data management who receive adequate training are police VPN officers. Training was not always seen as a necessity by stakeholders who explained that the monthly summary reports require little training and are often self-explanatory, only require simple information and thus require little training. Individuals responsible for data entry, however, felt they would benefit from further training.

In most institutions, staff turnover is low. The only exception to this was within DPCCS; it was noted that the staff turnover of those responsible for data management tends to be higher than staff in the institution as a whole, owing to development officers (who frequently rotate between posts) often being given the tasks of data entry and collation.<sup>156</sup> While the police are normally required to rotate their post every three years, this does not apply to the female officers working within the WCDs trained on child-friendly interviewing, who can remain stationed in the same post indefinitely.<sup>157</sup> Although staff turnover was largely rated as low, it was noted by multiple respondents across sectors that the low salaries and rising costs of living have resulted recently in a greater loss of trained staff.<sup>158</sup>

<sup>156</sup> E.g. Interview with Probation Officer in Charge, Eastern Province, February 2023.

<sup>157</sup> E.g. Interview with WCD, Eastern Province, February 2023.

<sup>158</sup> Interview with Judicial Medical Officer, Eastern Province, February 2023; interview with Attorney General's Department, February 2023.

## 5.4. STANDARDIZED DATA AND PRACTICES AND QUALITY ASSURANCE

### 5.4.1. Disaggregation of key indicators

There is limited disaggregation of data, or collection of key juvenile justice indicators overall (for more details, see [Section 4](#) of this report). Most key indicators are only partially collected (i.e., for subgroups of children) and are not analysed according to key disaggregates. Most baselines provided in this study are not collated regularly as part of standard data reporting and monitoring processes; rather, they were either produced upon request from UNICEF or as part of a specific project / study. The lack of electronic databases storing case file data limits the extent to which data can be easily disaggregated by stakeholders; although a number of disaggregates could theoretically be available, this data is often only recorded in paper-based case files (in free-text format, i.e., not a required data entry field).

As noted throughout this report, there is a particular lack of data available for children in conflict with the law, or the outcome of any case relating to children in conflict or contact with the law. The DPCCS seems well placed to record many of the juvenile justice indicators. Indeed, provincial DPCCS collates a large amount of summary data on a monthly basis (including disaggregates by age and gender), but much of this is not clearly aligned with the juvenile justice indicators. The extent to which much of the data collected by the DPCCS is useable for planning and monitoring purposes is also unclear.

For indicators best provided by the police, this information is recorded and stored within the VPN database (and could thus be easily disaggregated), but is not routinely extracted from the database or monitored on the real-time dashboard by HQ. The courts report very little data to shed light on children's access to justice, although key information is available within case files; this is a significant gap.

### 5.4.2. The use of standardized forms, codebooks and guidelines

All stakeholders have clear, standardized reporting forms (for case files and for monthly reporting). Provincial and national DPCCS, MoJ, the Bureau for the Prevention of Abuse Against Women and Children, the Mediation Boards Commission and LAC request monthly data using the same templates each month. Police B reports, PO social reports, DCPO case files and JMO medicolegal reports follow a consistent, structured format. The only inappropriate standardised reporting forms seen were those in the juvenile court, where the forms for reporting of care proceedings under the CYPO were those used in the magistrates courts for criminal offences.

The manual nature of data management limits the accuracy of data, with a high possibility of incorrect data entry or missing data. Additionally, while paper-based forms have a level of standardization and some clearly defined fields, much necessary information relating to the juvenile justice indicators is only gathered in free text boxes within paper-based reporting forms (i.e., no fields for specific juvenile justice indicator information or certain disaggregates). The correct completion of paper-based forms is reliant on stakeholders' knowledge of reporting requirements, which can be unclear, due to the lack of training.

The cloud-based systems (Police VPN system, NCPA hotline database, CRPO child protection assessment) have implemented standardization measures, such as forced entry, skip logic and predefined categories, but there are challenges to these. The reliance on initial paper-based data collection due to lack of IT resourcing means that the information required for data entry is often missing, which can result in the entry of incorrect information. For example, it was reported that CRPOs are sometimes unable to complete the electronic child protection assessment forms

when in the field with families (due to either a lack of portable devices or poor internet connectivity in the field). They do not have the budget to print paper copies of standardized forms to complete when conducting assessments of families in the field. As a result, they may not record all the information required by the electronic form. Forced entry fields in the form mean that, without all the required information, CRPOs would be unable to continue through the form and submit the assessment electronically. This has the potential to result in false information being entered.

Written or informal procedures/guidelines do not exist for any stakeholders, but need to be developed in relation to managing data collection, storage, cleaning, coding, quality control and security for data on justice for children in all institutions, and at subnational and national levels. There are no written codebooks for any stakeholders. This was noted by stakeholders (particularly DPCCS and NCPA) as sometimes resulting in confusion with regards to the meaning of specific categories of data requested in the reporting forms, or difficulties in understanding the category under which certain cases fall (for example, not knowing when something should be categorised as child abuse as against corporal punishment).<sup>159</sup> There is, however,

some consistency; all stakeholders categorise criminal cases in accordance with the relevant Article under the Penal code or an Ordinance.

### 5.4.3. Quality assurance procedures

There is limited training on data analysis. Some quality assurance measures are in place, but these are limited, due to a lack of staff resourcing and the length of time required for the quality assurance of manual, often paper-based data. For most stakeholders, the main mode of quality assurance of data reporting is conducted by provincial / divisional offices or HQ; several stakeholders reported that monthly data is cross-checked with quarterly or annual data provided, and if the totals in the summary tables do not align across reports, stakeholders are requested to check the data and provide accurate numbers for cases. However, stakeholders (particularly the Police and DPCCS) highlighted their understanding of the importance of recording the correct information for individual case files to ensure children have access to justice, and reported that they take this duty seriously.

## 5.5. DATA TRANSMISSION

For most stakeholders, a paper-based system requires manual collation and transmission of data from unit level to subnational level, and from subnational level to HQ. For all stakeholders, summary reporting statistics are either sent via email, uploading sheets onto a shared drive, sent in a physical hard copy by post, hand delivered, or sometimes transferred via WhatsApp. The method of transfer is largely dependent on the availability of computers.

For stakeholders with a cloud-based database (police, NCPA, CRPOs within the DPCCS), the transfer of data from subnational to national level is

automatic, which permits real time data availability. However, there are challenges to all staff accessing the database consistently, meaning there are often delays in the upload of data to the system, and only national HQ have access to the data for real-time viewing and analysis. Even where data is available through the database, summary reporting statistics are also requested manually (i.e., summary tables in excel transferred via email or post). There is also a level of confusion within the police about means of transfer. Several police stakeholders referred to the transfer of data through the VPN system, when they were referring to summary reporting in a google sheet that is accessible to multiple

<sup>159</sup> Interview with DPCCS provincial department, Eastern province, February 2023.

stakeholders, or the uploading of documents onto a shared google drive (particularly for the police).

A particular strength across stakeholders was the importance placed on timely transmission of data and stakeholders' efforts to ensure data is reported on time, despite challenges to IT access. This often results in the manual transmission of data, and sometimes, reporting deadlines are regrettably not met.

Challenges to access to computers and reliable internet alongside pressure to meet reporting deadlines poses risks to the secure transfer of

data. Across respondents, there were examples of data being posted, data being emailed from personal devices and personal email accounts, or via social media platforms, including WhatsApp. Stakeholders, including JMOs and POs and court staff noted that many individuals within the courts have a preference for manual data transmission processes, which can result in delays to cases being concluded. The manual nature of data transmission and use of personal devices and personal email accounts for data transfer means the security of data can often be compromised during transmission.

## 5.6. DATA USE, DEMAND AND DISSEMINATION

Administrative data on justice for children are not seen as having strategic value and their use is limited, particularly due to the lack of routine recording of key juvenile justice indicators at the present time. While efforts to capture and monitor data to understand the needs of child victims of abuse seem to have increased, there is a particular lack of national interest in the monitoring of information on children in conflict with the law. Awareness-raising as to the benefit of administrative data for monitoring, evaluating, budgeting, planning, policymaking and research may yield improvement, as could a champion in this area.

Reports at the national level contain very limited indicators or disaggregate information, limiting the extent to which data can be used for strategic planning, nor indeed to provide insight in general to trends in juvenile justice. However, among some stakeholders (particularly DPCCS), the use of data at provincial level for planning is relatively strong. It was common for stakeholders to report that data is used for budgeting and decisions relating to human resourcing, though in practice there was little evidence of this. There seems to be little to no use of data relating to juvenile justice being requested from, or used by, mediation boards, the LAC or JMO.

The lack of electronic databases and reliance on manual data management processes limits the extent to which data can be routinely used to monitor trends in juvenile justice or for strategic planning. However, even when stakeholders have the means to do so, they are not utilising data on juvenile justice that is available within their electronic systems. This is particularly the case for the police. While it was reported that HQ use the data stored in the VPN system and the real-time dashboard to monitor trends, HQ do not specifically monitor trends on children in conflict with the law, despite the system having the capacity to do so. Additionally, those at subnational level do not have access to the dashboard, so are required to await communications from HQ with regards to trends in crime, or take additional steps to monitor their own data manually.

Stakeholders reported that data is rarely requested by other institutions beyond UN organisations, and occasionally academics. Most institutions reported that any provision of data to meet requests is challenging, due to the reliance on manual data management processes and the time that would be needed for stakeholders to manually compile summary statistics, often directly from case files or log books.

## 5.7. COORDINATION OF DATA

There is limited coordination with respect to data on justice for children; each stakeholder currently collects data which it reports to its own department / ministry at the national level. The NCPA has been identified as a key stakeholder for coordination on data for juvenile justice (although their mandate relates only to the coordination of data on child abuse, as outlined in the NCPA Act).

It should be noted that, at present, the National Child Protection Authority is not facilitating inter-agency coordination. There is currently no formal inter-agency committee to ensure a protocol for stakeholders to share data / information, and there is no integrative ICT system developed for police, prosecution, court and social welfare databases.

## 5.8. COMPLETENESS OF DATA

As outlined in [Section 3](#) of this report, a key limitation for all stakeholders in Sri Lanka is the limited collection of key indicators and disaggregates. Of particular note is that even where data is available, there is a lack of alignment with UNICEF's recommended indicators. It was

clear that data is often collected within case files, but relevant indicators and disaggregates are rarely extracted from case files into a database. Findings demonstrate that more data is collected at the field and subnational levels than is reported to or is available at national level.

## 5.9. MATURITY SCORES FOR JUVENILE JUSTICE DATA MANAGEMENT PROCESSES

As discussed, effective and well-functioning data management systems are necessary to monitor the effectiveness of the juvenile justice system. The surveys completed by stakeholders during the data collection phase were used to assess the overall 'maturity' (i.e., level of functioning, see introduction [Section 1](#) for an overview) of data management processes for child justice in Sri Lanka across the elements specified above. Survey responses were used to calculate a percentage, to assess at which level of maturity each stakeholder's data management processes currently operates. Based on the UNICEF assessment tool:

- A score below 34 per cent would indicate that a data management system is "not functional";

- A score of 35-64 per cent would be considered as "weak";
- A score of 65-84 per cent would be considered as "functional but needing improvement";
- A score of 85-100 per cent would indicate a "well-functioning" data management system.<sup>160</sup>

These scores can be used to determine whether the data management system is at level 1 (system strengthening is needed), level 2 (moving towards maturity) or level 3 (the system is mature).

The amendments to the tools outlined in the methodology resulted in the scoring system

<sup>160</sup> The scoring values are contained in the UNICEF Assessing Administrative Data Systems on Justice for Children, A tool for country-level self-evaluation. Although the tool provides for three levels of maturity, the scoring contained within the tool has 4 levels.

being slightly different to that outlined in the assessment toolkit. Therefore, the table below shows percentages against four elements of data management processes:

- Data infrastructure and resources;
- Standardised data and practices in relation to children (including quality assurance);
- Data use, demand and dissemination;
- Data transmission.

A qualitative overview of the remaining elements needed for an effective data management system (legal and normative framework; governance and planning; coordination of data) is provided, based on findings from the desk review and KIIs.

The table below shows the data maturity scores for each element of data management processes per stakeholder, in addition to the average maturity score for each stakeholder and for each element of the data management process. As can be seen, the majority of stakeholders (and therefore the overall data management system) falls into either the “not functional” or “weak” levels of functioning, and are therefore operating at a low level of data management maturity. The only exception was data transmission processes for Sri Lanka Police, owing to the clear data transmission procedures and the timely transmission of data amongst police stakeholders. The police had the highest overall score across indicators, owing largely to their electronic VPN database. The table below is colour coded to reflect maturity; red is “not functioning”, yellow is “weak” and green is “functioning but needing improvement”.

**Figure 24:** Stakeholder scores for the assessment of Child Justice management maturity

Stakeholder	Data Infrastructure	Standardization of Data	Data Transmission	Data use, demand and dissemination	Average
DPCCS	41	30	54	43	42
Police (Women and Children’s bureau and Crime investigation Division)	56	41	74	58	57
MoJ / Courts / AG’s department	23	14	28	25	23
NCPA	35	22	51	50	40
Legal Aid Commission	35	17	47	50	37
Mediation Boards	21	7	28	13	17
Judicial Medical Officer	-	-	-	-	
<b>Average</b>	35	22	47	40	36

Based on these scores, the assessment deems the current status of the child justice data management system as at level 1, meaning that system strengthening is needed. However, the system can be considered as “moving towards maturity” across a couple of elements of the data management process for one or two stakeholders, mainly owing to cloud-based databases implemented by the police and, most recently, the NCPA. The courts

and mediation boards have the lowest level of maturity for data management processes relating to juvenile justice, with data management systems deemed to be not functioning. For all stakeholders, the primary issue is the lack of standardisation of data; this is mainly due to stakeholders’ manual data management processes and lack of databases limiting the extent to which standardized data can be maintained.



## 5.10. CONCLUSION

In summary, it is clear that many developments are needed to increase the maturity of the data management system. There is an absence of legislation and national guidelines for juvenile justice data management. While the NCPA is recognised as the key body for coordinating data relating to child abuse, a body responsible for data coordination of children in conflict with the law has yet to be designated. As a result, there is currently no coordination of juvenile justice data at present.

All stakeholders currently lack the necessary resources for effective data management, particularly computer-based data storage and reporting. Most stakeholders rely on manual data management processes. Where cloud-based databases are in use, the lack of resources inhibits their effective use. For all stakeholders, the storage of physical case files and data transmission

processes compromise data security. Existing data management processes prevent the collection of juvenile justice indicators. This limits the extent to which current data can be used to monitor children's access to justice / the functioning of the juvenile justice system, for strategic planning and policy development. In terms of the overall maturity scores, the courts / MoJ and mediation boards are identified as in most need of support to improve their data management processes.

Figure 25, below, provides a summary of data management processes for each key juvenile justice stakeholder, including data structure, the level of manual versus computerised data management processes, standardized data processes, transmission and use, demand and dissemination of data.

**Figure 25:** Summary of stakeholder data management relating to Justice for Children

Institution / juvenile justice indicators	Data structure (resources, storage and security, training)	Manual / Computer processes	Standardized data processes	Data transmission, use, demand and dissemination
<p><b>Department of Probation and Child Care Services</b></p> <ul style="list-style-type: none"> <li>• <i>Children in conflict with the law (no baseline)</i></li> <li>• <i>Children in detention (pre-trial only, no baseline for post-trial detention)</i></li> <li>• <i>Children in Child-care Institutions</i></li> <li>• <i>Children in need of care and protection (no baseline)</i></li> <li>• <i>(All statistics &lt;16 years only)</i></li> </ul>	<p>Lack of computers. Some shortage of physical resources</p> <p>Shortage of trained staff (reliance on development officers, with high turnover)</p> <p>Historic, one-time training on data entry</p> <p>Shared computers/ emails and compromised security. Locked paper-based files</p>	<p>Paper-based case files</p> <p>Summary reports from probation units to Provincial DPCCS in Excel /Google spreadsheets or written completion of printed templates.</p> <p>Plans to develop cloud-based systems or google sheets</p> <p>CRPOs have google forms for child abuse assessments and excel tables for reporting</p>	<p>Clear, standardized reporting format (although formats differ between provinces)</p> <p>Informal guidelines</p> <p>Lack of codebooks, resulting in confusion</p> <p>Manual processes limits standardization / accuracy</p> <p>Lots of data collection, but not aligned with juvenile justice indicators (and notable lack of disaggregation between children in conflict with the law and children in need of care and protection)</p> <p>Cross-check monthly and annual statistics, random cross-check of case files to data</p> <p>For CRPOS, although google sheet is standardized, manual collection of data using unstandardised paper notes when in the field to later input to google sheet limits accuracy of data</p>	<p>Monthly reporting to provincial DPCCS, and yearly reporting to headquarters</p> <p>Sometimes email, sometimes post, sometimes hand delivery</p> <p>Most units meet reporting deadlines, but lack of IT resourcing sometimes results in delays</p> <p>Provincial reports used for budget planning and justification for activities / monitoring resourcing for institutions</p>

Institution / juvenile justice indicators	Data structure (resources, storage and security, training)	Manual / Computer processes	Standardized data processes	Data transmission, use, demand and dissemination
<p><b>Police – Bureau for the prevention of abuse against women and children (and Women and Children’s Desks)</b></p> <ul style="list-style-type: none"> <li>Crimes against children</li> </ul> <p><b>Police – Criminal Investigations Department</b></p> <ul style="list-style-type: none"> <li><i>Children in conflict with the law (no baseline)</i></li> </ul>	<p>Lack of IT resourcing, data allowance, physical space and stationery</p> <p>Child friendly training and low turnover of staff in WCDs (but not for police in crimes division dealing with children in conflict with the law)</p> <p>Lack of data training for WCD staff (and limited knowledge of VPN system), but trained VPN staff</p> <p>Locked store rooms for paper files and secure VPN system.</p>	<p>Paper-based record books</p> <p>Paper-based B reports (typed up and printed)</p> <p>Summary reports in Microsoft Excel spreadsheets / tables in Microsoft Word</p> <p>Comprehensive VPN system to load paper report data for real-time access (but slow and stations cannot easily extract data from VPN)</p>	<p>Clear reporting formats for paper-based reports and summary table templates</p> <p>Manual reports cross-checked with VPN system</p> <p>VPN has forced entry / restricted entry fields, dropdown menus etc.</p> <p>Informal guidelines and circulars</p> <p>No codebooks with definitions (beyond penal code articles / ordinance sections)</p>	<p>Women and Children Desk – daily and monthly reporting to provincial department</p> <p>Division report monthly, quarterly and annually to HQ</p> <p>Realtime access to dashboard (HQ only), plus manual transfer of data summary reports via email and WhatsApp</p> <p>No reporting on children in conflict with the law by crimes division</p> <p>Used to monitor crime rates and inform prevention outreach (when budget allows)</p>
<p><b>Ministry of Justice / Courts / AG’s Department</b></p> <ul style="list-style-type: none"> <li>Crimes against children (child abuse)</li> <li><i>Children in conflict with the law (no baseline)</i></li> </ul>	<p>Stationery is generally available, but limited computers. Inefficient budget</p> <p>Paper files stored in unlocked shelves (lack of security)</p> <p>Limited training (but simple reporting requirements)</p> <p>Low staff turnover</p>	<p>Paper-based records in court and AG’s department</p> <p>Monthly summary reports are entered into a Microsoft Excel spreadsheet / Word table and sent to headquarters (hard copy and email)</p> <p>Headquarters maintains a Microsoft Access database</p>	<p>Standardized reporting templates</p> <p>Little-no data for juvenile justice indicators</p> <p>Manual processes limit accuracy</p> <p>No codebooks, and much data provided under “miscellaneous” category</p> <p>Limited quality assurance procedure (beyond cross-checking monthly and annual numbers)</p>	<p>Courts provide reports monthly and quarterly; MOJ produces annual report</p> <p>Hard copies of reports are primarily sent by post</p> <p>Limited use of data beyond human resourcing (lawyers) and budget allocation, or establishment of juvenile court</p>

Institution / juvenile justice indicators	Data structure (resources, storage and security, training)	Manual / Computer processes	Standardized data processes	Data transmission, use, demand and dissemination
<p><b>NCPA</b></p> <ul style="list-style-type: none"> <li>Children in need of care and protection (complaints / DCPO cases)</li> <li><i>Crimes against children (no baseline)</i></li> </ul>	<p>Shortage of stationery and insufficient budget. Most offices have sufficient computers but some DCPOs lack access to IT equipment. Computers are slow and there is insufficient data allowance.</p> <p>Cloud-based system secure, case files in locked cabinets</p> <p>Training on child-friendly interviewing, but limited training on data management. Limited training for hotline staff on new database</p>	<p>Cloud-based centralised database for hotline complaints (newly established and still under development)</p> <p>Manual system for DCPOs (paper-based / Microsoft word, google sheets) – DCPOs cannot access database</p>	<p>New database is highly standardized – forced entry, restricted entry, pre-defined variables, dropdown menus etc</p> <p>Live dashboard with many disaggregates (but only disaggregation of one variable at a time)</p> <p>Reliance on paper forms during calls (slow database) can limit collection of standardized data</p> <p>Limited quality assurance processes</p>	<p>Data requested from DCPOs on a monthly basis, report produced annually</p> <p>Live data dashboard for complaints entered by hotline staff</p> <p>DCPOs post data (including case files) or sometimes email or WhatsApp</p> <p>Data used to monitor DCPOs’ handling of cases, some programme planning, and budget allocations</p>
<p><b>Department of Prisons</b></p> <ul style="list-style-type: none"> <li>Children (&lt;16) and youths (16-22) in pre-trial detention</li> </ul>		<p>Manual entry into excel spreadsheet</p> <p>Youth correctional centre have cloud-based system with live dashboards visible to HQ.</p>	<p>Standardized format for reporting</p> <p>Lack of disaggregation for key indicators (namely not disaggregating clearly for children under 18, only &lt;16 and 16-22)</p> <p>Cross-checking of daily and monthly reports for verification</p>	<p>Daily, monthly, and annual reporting; Annual report</p> <p>Data sent by phone, email or fax</p> <p>How data is used for planning relating to juvenile justice is unclear</p>
<p><b>Mediation board</b></p> <ul style="list-style-type: none"> <li><i>Child cases referred for mediation (no baseline)</i></li> </ul>	<p>No provision of IT equipment, inadequate stationery budget, no physical office space</p> <p>Recognise data confidentiality but difficult given no physical space for data storage. Files stored in mediation board chairperson’s home.</p> <p>Training essential for mediators, but limited in relation to child-friendly interviewing and data management. Low turnover (rotational as per requirements, but delayed due to Covid-19)</p>	<p>Primarily manual (written completion of tables), but computerised records (Microsoft Word) for some mediators upon their own incentive</p> <p>Paper-based case files / log books</p>	<p>Standardized reporting form, but no disaggregation for child related cases in table</p>	<p>Monthly report to Mediation Board’s Commission (no publication of child cases)</p> <p>Sent by post or email</p> <p>Data not used for planning on juvenile justice</p>

Institution / juvenile justice indicators	Data structure (resources, storage and security, training)	Manual / Computer processes	Standardized data processes	Data transmission, use, demand and dissemination
<p><b>Legal Aid Commission</b></p> <ul style="list-style-type: none"> <li><i>Children provided with legal aid (no baseline)</i></li> </ul>	<p>Some branches have sufficient stationery, others do not.</p> <p>Lack of updated IT equipment and insufficient data allowance.</p> <p>Ongoing cases in open pigeon holes. Unclear on storage of closed cases.</p> <p>Limited training – data administrative staff learn on-the-job. Low staff turnover</p>	<p>Manual and computerised reporting. Reporting to HQ using google sheets or Microsoft Excel sheets</p> <p>In process of developing cloud-based system</p>	<p>Standardized reporting forms</p> <p>Dropdown menus and duplicate prevention in google sheets</p> <p>No data on children receiving legal aid beyond adoption, maintenance and “child rights” cases</p> <p>No codebook for defining data variables</p>	<p>Monthly, quarterly and annual reporting to HQ (no publication of child cases)</p> <p>Sometimes posted, sometimes email, sometimes automatic transmission through google sheets</p> <p>Data used to raise awareness for LAC programmes and programme planning and budgeting</p>
<p><b>JMO</b></p> <ul style="list-style-type: none"> <li><i>(no baseline)</i></li> </ul>	<p>Inconsistent access to ICT equipment and stationery, and no budget allocation for this. Some JMOs use their own IT equipment</p> <p>Paper files stored in locked cupboards</p> <p>No training on data management, but training on examining children</p>	<p>Manual and computerised record keeping of medicolegal reports in Microsoft word</p> <p>Inconsistent excel-based records</p>	<p>Standardised medicolegal report form, but not formatted to capture most child abuse cases</p>	<p>No reporting on data beyond the provision of medicolegal reports to the court</p> <p>No reporting means that data is not used for planning</p>



# 6

## FINDINGS PART 3: PROCEDURAL JUSTICE

Although criminal procedure was not the subject of this assessment, and was not explored in any depth, the issue of delay within the child justice system was commented on by many stakeholders. Delay impacts on both the timeliness and the accuracy of data. Delay also impacts on access to justice and outcomes for children.

Delay is currently endemic in the child justice system and in relation to criminal justice for children occurs at each point in the process: at the police station, at the Magistrates Court, at the Attorney-General's Office and at the High Court.

*“For a rape case, the victim gives a statement to the police. The police produce the victim before the Judicial Medical Officer. Then, the police record the witness statement. Police keep the file for 1 or 2 years before proceeding.”*

High Court Judge, Eastern Province.

If the case is an indictable case (non-summary), and / or one for which the High Court has original jurisdiction, the Code of Criminal Procedure Act requires committal proceedings and in some cases an inquiry.<sup>161</sup> Committal proceedings involve holding a hearing at the Magistrates Court to determine whether there is sufficient evidence for the accused to be indicted. If so, the case is then sent to the AG's Department for indictment. At this point, the AG's Child Protection Unit will review the draft charge sheet prepared by the police, and prepare an indictment relating to that charge or, on review, amend the charge. There continues to be significant delay in preparing indictments. Once the indictment is prepared it is sent to another division of the Attorney-General's Office who takes the case forward from there. Further delay occurs at this point, due to the case load of prosecutors and counsel.

According to the Child Protection Unit, they receive around 60 cases per month, an estimated 80 per cent of which relate to statutory rape cases (where the girl is under the age of 16). For these cases, a medico-legal report is required (Section 137 Code of Criminal Procedure Act) as is a birth certificate and the 'B' report, containing the facts relied upon.<sup>162</sup>

*Once the report is received from the JMO, the case is reviewed to see if there is sufficient evidence for a statutory rape case. If the girl becomes pregnant as a result of the incident, the Unit will wait for the baby to be born and take a DNA sample to use as evidence.<sup>163</sup>*

The indictment must also contain a list of witnesses, a list of documents and things intended to be produced at the trial, whether or not there was a preliminary inquiry, a certified record of the inquiry, copies of statements to the police made by the accused and the witnesses listed in the indictment if there is no preliminary inquiry; all reports and sketches, copies of the notes of any identification parades; copies of any statements made to the magistrates and copies of notes containing observations of the scene of offence made during the investigation of the offence.<sup>164</sup> The Attorney-General cannot send out an indictment without these documents.

The requirement for all these documents to be produced prior to the filing and service of the indictment causes delay. Indeed, according to Judges at the High Court, it can take up to 5 years for an indictment to be lodged at the Court,<sup>165</sup> with the result that only 1-2 per cent of child victims are still children at the time of the trial.<sup>166</sup>

These procedural hurdles cause delay in a case reaching trial and there has not, as yet, been a major reform to procedure to simplify and hasten the process. Delay in the Magistrates Court, for instance, is compounded by the requirement for

161 Meeting with key stakeholders, 28<sup>th</sup> November 2022, Colombo.

162 Meeting with key stakeholders, 28<sup>th</sup> November 2022, Colombo

163 Meeting with key stakeholders, 28<sup>th</sup> November 2022, Colombo. Before the economic crisis DNA testing took 12 months. At the time of writing the chemical agents/kits for testing are not currently available and thus it is not possible to complete DNA tests within Sri Lanka.

164 Meeting with key stakeholders, 28<sup>th</sup> November 2022, Colombo

165 Meeting with key stakeholders, 28<sup>th</sup> November 2022, Colombo

166 Meeting with key stakeholders, 28<sup>th</sup> November 2022, Colombo

committal proceedings preceding an indictment, a procedure that has its roots in English common law. It was introduced in the colonial period and was retained post-independence. There were 15,805 cases filed in the High Court in 2020, of which approximately 5,587 related to indictable offences which were the subject of committal hearings. The requirement for a committal hearing, which may take the form of a mini-trial to determine whether there is sufficient evidence to indict the accused, and at which witnesses can be called, takes up considerable Magistrate time. Even if it is assumed that the average committal proceedings only takes one hour of court time, that still requires almost 6000 hours of court time or almost 1000 days of court time (based on 6 hours of active court time). The requirement for committal hearings reduces the availability of Magistrates, courtrooms and court days for trials.

Other delay factors include the trial process itself, with the parties, witnesses, prosecutors and lawyers being required but failing to attend hearings for a variety of reasons, the process of listing cases for trial and a lack of interpreters where parties and witnesses speak Tamil only. Many cases go 'part-heard' meaning that rather than the trial taking place on consecutive days until all evidence has been received, the trial takes place on a number of non-consecutive days spread over several weeks or months.<sup>167</sup> This is partly due to the requirement that criminal judges also sit on civil matters for a certain number of days per week. Delay is also caused by the time taken to deliver judgment. While the High Court in the North Central Province estimated that judgment was usually handed down

within a month, other interviewees noted that it can take up to 6 months.

As can be seen from the High Court Register (Figure 26, below), cases take a significant period of time from the commission of the offence to charge, to trial and to judgment. The first case listed, involving a charge of kidnapping and grave sexual abuse against a child under the age of 18, was alleged to have taken place in 2004. The indictment was not filed until 2017, some 13 years later. Judgment was due to be given on 28th March 2023, after 12 court hearings and almost 20 years after the incident occurred. The ability of witnesses to recall the details of the event 20 years later is inevitably questionable.

The incident relating to the second example, occurred in 2009, with the indictment occurring in 2017 and the commencement of trial towards the end of 2017. As can be seen in Figure 26, below, the trial commenced at the end of October 2017, had been the subject of 37 hearings and at the date of review of the register, the trial had yet to be completed, with a further two days listed for February 2023, some 5 ½ years following the commencement of trial. In cases such as these, witnesses have often tired of proceedings and fail to appear at court to give evidence, thus prolonging the trial, while a further listing date is set, and they are called upon to attend once more. The delay not only places stress on the accused (especially if remanded in custody) but also on witnesses, and plays into the legal maxim that "justice delayed is justice denied", creating a sense of frustration amongst those seeking justice and a lack of respect for the justice system.

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167 Meeting with key stakeholders, 28<sup>th</sup> November 2022, Colombo

**Figure 26:** Example of monthly record book of pending child abuse cases, High Court, Eastern Province

Trials Pending at the High Court of Trincomalee - 2023 (CH)												
S. N	Case No	AG'S Ref	Nature of Offence	Date of				Name of the Counsel	No of Trial Dates	Present Position	Next Date	
				Offence	Indictment	Service of Indictment	Commencement of Trial			Prosecution / Defence		
1	753/17	CH/CN/80/2010	P.C - 354, 365 B (2) (B)	2/8/2004	6/6/2017	8/1/2017	-	-	12	Judgment	28.03.2023	
2	756/17	EPI/64/2014 (SOW)	364(2)(a)	17.11.2009	05.05.2017	31.07.2017	31.10.2017	Mr.Salih, Mrs.Munasira	37	Trial	14,15.02.2023	

The High Court in the North Central Province noted none of the cases currently before that Court related to charges that took place later than 2019, some 5 years ago.

### 6.1.1. Committal proceedings

England abolished committal procedure in 2013. Since the reforms, indictable (non-summary) cases are sent straight to the Crown Court (the court which tries indictable offences) from the Magistrates Court. The accused charged with an offence may make an application to the Crown Court to dismiss the case for lack of evidence. The purpose of the reform was to get cases to trial as quickly as possible and to reduce the number of pre-trial hearings. The first hearing in the Crown Court consists of a plea and a trial preparation hearing.

Further delay is caused by the range of documents that must be obtained before the filing of an indictment. Again, these requirements emanate from English common law. However, in England, the format of the indictment has been simplified.

In the UK, the **Criminal Procedure Rules England, Rule 10.2.** simply requires that

1. The indictment ... must be in writing and must contain —
  - a. a statement of the offence charged that
    - i. describes the offence in ordinary language, and

- ii. identifies any legislation that creates it; and

- b. such particulars of the conduct constituting the commission of the offence as to make clear what the prosecutor alleges against the defendant.

In order to address the problem of delay between charge and indictment, Sierra Leone, with very similar legal procedures to Sri Lanka, amended Section 42 of Sexual Offences Act in 2012 in the Sexual Offences Amendment Act 2019. Section 42 now provides that in relation to sexual offences against children-

1. Where the Attorney-General is of the opinion that the findings in any investigation warrants prosecution under this Act, the Attorney-General shall do so in the High Court.
2. An indictment relating to an offence under this Act shall be preferred without any previous committal for trial and it shall in all respects be deemed to have been preferred pursuant to a consent in writing by a judge granted under sub-section (1) of section 136 of the Criminal Procedure Act, (No. 32 of 1965) and shall be proceeded with accordingly.
3. On a trial on indictment preferred under this section, an extract of the findings of the police or investigators, signed by the Attorney-General to the effect that a particular person is, or particular persons are implicated in any offence under this Act shall, without more, be sufficient authority for preferring that indictment in

respect of such offence as is disclosed in or based on the report of those findings.

4. An indictment preferred under this section shall be filed and served on the accused together with the summary of the evidence of the witnesses which the Attorney-General rely on for the proof of the charge contained in that indictment and the names of such witnesses shall be listed on the back of the indictment.
5. The Attorney-General may, upon giving to the Registrar of the Court and to the accused a notice of its intention to do so together with a summary of the evidence to be given by that witness, call as additional witness any person not listed on the back of the indictment who may give necessary or material evidence at the trial of any indictment under this section, whether or not that person gave any evidence during an investigation by the police or investigators.
6. The trial of any offence under this Act shall have priority of hearing in the Court over any other indictment except an indictment for treason, murder or other capital offence.

Procedural reforms of a similar nature in Sri Lanka could significantly reduce delay, and encourage more effective court management. Disclosure of documents, for instance, can be dealt with through case management and Court Rules which specify what is to be disclosed and at what time.<sup>168</sup>

### 6.1.2. The Juvenile Court

Although Section 4 of the CYPO establishes Juvenile Courts and grants them exclusive jurisdiction with respect to charges against children for summary offences, the Juvenile Courts (at Battaramulla and Jaffna) do not handle criminal cases involving children. Instead, their jurisdiction

covers applications for care and protection orders under section 34 of the CYPO. They do not have jurisdiction over private law child cases (e.g., custody, access, and guardianship) which remains with the district court. The Juvenile Court in the Western Province has one judge, supported by 30 staff. The case load is high and as can be seen from the daily list on the 10<sup>th</sup> February 2023 (see Figure 27) the judge has a great number of cases to get through on each sitting day. The number of cases begs the question of how much time can be spent on each case. While 6 of the hearings are just motions, and thus brief, the other 18 cases are not. It is difficult to envisage a judge having sufficient time to give full attention to the rights, needs and best interests of the children concerned if required to hear 18 cases a day. Further, given that the listing on the 10<sup>th</sup> February is duplicated on other days, there is inevitably very little time for the judge to familiarise herself with the files before hearings.

**Figure 27:** Example of documentation of daily cases in the Juvenile Court, Western Province

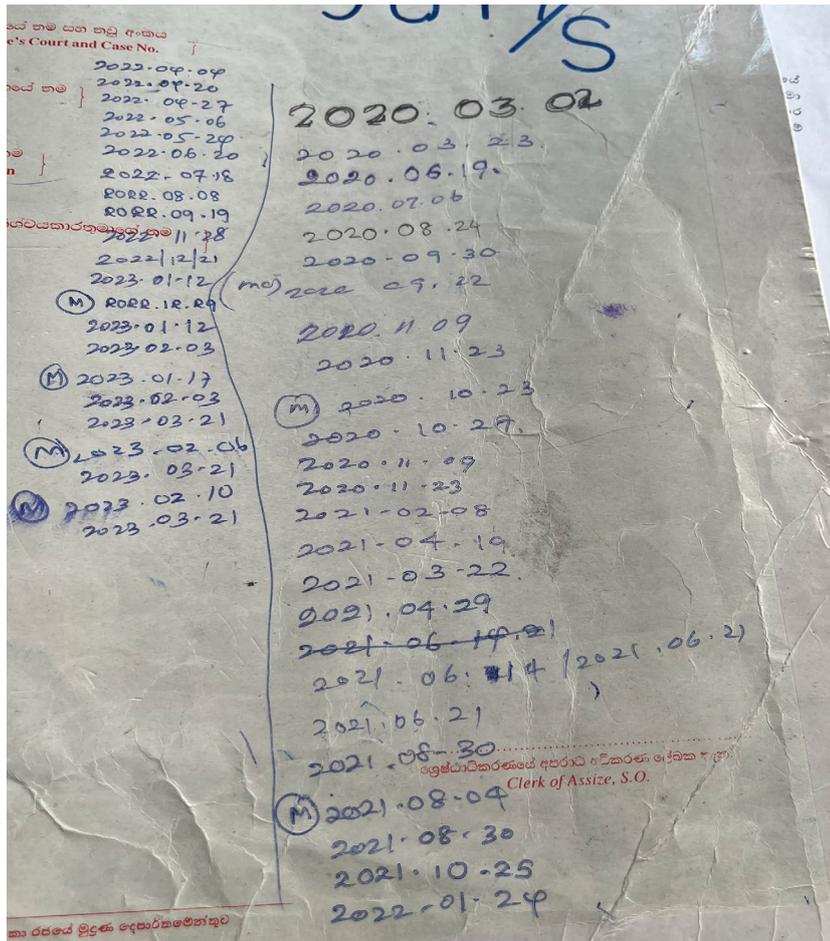
Date	Case Number	Number of children	
2023.02.10	5140/P	4	
	5412/P	1	
	7168/S	1	
	8208/S	5	
	8425/S	2	
	8497/S	3	
	8603/S	1	
	8685/S	1	
	8892/S	1	
	8906/S	1	
	8998/S	1	
	9059/S	3	
	9062/S	1	
	9097/S	1	
	9109/S	1	
	9180/S	3	
	9195/S	1	
	9231/S	1	
	Motion	7946/S	2
	Motion	8604/S	2
Motion	5299/P	1	
Motion	9017/S	3	
Motion	9210/S	1	
Motion	8591/S	1	
<b>Total</b>	<b>24</b>	<b>42</b>	

168 Meeting with key stakeholders, 28<sup>th</sup> November 2022, Colombo.

A further issue is the number of hearings per case and the length of cases. As can be seen from the below image of a case file cover documenting hearing dates (see Figure 28), this case commenced in March 2020. Over three years, up until February 2023, there had been

46 hearings, albeit that 5 were simply motions (i.e., a request for continuance of an order / placement or request for directions). Three years is a significant period of time in a child's life for his or her care to remain unsettled and under constant review.

**Figure 28:** Example of the front of a case file detailing hearing dates



Inevitably, the question is 'why so many hearings' and why has the case not been settled / disposed of? It may be that the case illustrated above was a particularly difficult case. However, continuing a case without closure over three years has to be regarded as inefficient for the court and legal representatives and ineffective for the parties. It is expensive for the court and for the legal aid system (if parents are legally aided), absorbs valuable time of the probation and other child care services; is

stressful for the parents and leaves the children, and in this case, very vulnerable children (and the parent / carer) in limbo. The system would benefit from a fundamental review of procedure to prevent cases from drifting. To ensure access to justice is meaningful, time limits and targets for completion of cases need to be put in place.<sup>169</sup> It is in children's best interests to be effective and efficient courts that resolve applications in a timely manner.

169 Meeting with key stakeholders, 28<sup>th</sup> November 2022, Colombo.

# 7

## RECOMMENDATIONS

## 7.1. RECOMMENDATIONS FOR THE MONITORING OF JUVENILE JUSTICE INDICATORS

While a number of baselines (or partial baselines) were identified in this assessment, most juvenile justice indicators are not routinely reported or monitored by stakeholders best placed to do so. Notably, no baseline indicators were identified for children in conflict with the law, highlighting this as a key area in need for development to support planning and effective functioning of the juvenile justice system. One of the aims of this assessment was to identify approximately 10 juvenile justice indicators to be routinely collected in Sri Lanka. Based on findings from this assessment and consultation with key stakeholders during the validation phase, it is recommended the following 13 indicators are routinely aggregated, with the body best placed to collect such indicators contained in brackets:

Children in conflict with the law:

- Children detained by police pre-charge during the year (*police*)
- Number of criminal proceedings initiated against children during the year (*courts*)
- Number of children convicted, acquitted, and cases dismissed (*courts*)

Diversion and custodial / non-custodial measures:

- Number of children provided with police informal diversion, such as a caution, warning, informal settlement (*police*)
- Number of children sent to mediation (*Mediation Board*)
- Number of children sentenced receiving custodial sentence (*DPCCS*)
- Number of children sentenced with alternative (non-custodial) measures (*DPCCS*)

Children in detention:

- Number of children in pre-trial detention (*DPCCS*)
- Number of children in detention after sentencing (*DPCCS*)

Crimes against children:

- Number of cases of crimes against children registered by police (*police*)
- Number of crimes against children brought to trial during the year (*courts*)
- Number of criminal convictions during the year in which the victim was a child (total and as a percentage of cases tried i.e., conviction / acquittal / dismissal rates) (*courts*)
- Number of children involved in administrative detention (*DPCCS*)

While the ultimate aim of a mature data management system requires that key disaggregates for each of the above indicators are collected (including both victim and perpetrator demographic characteristics), data management processes and systems need to be developed further in Sri Lanka in order to achieve this. At this stage, only the police are in the position to analyse their respective juvenile justice indicators by key disaggregates on a systematic and regular basis, utilising their cloud-based database. While recommendations relating to increasing the maturity of data management processes are outlined in the following subsection, it is recommended that, as a matter of priority, stakeholders should focus on developing their current data reporting mechanisms to capture the specified juvenile justice indicators set out above. This will enable the stakeholders to obtain baseline values for all indicators and monitor these on an ongoing basis.

In order to achieve the collection of these core indicators, it is recommended that the following steps be taken:

**a. Police:**

- i.** To enable accurate monitoring of children in conflict with the law the police need to establish separate reporting processes for children. Crimes branches should also maintain separate log books for cases relating to children.
- ii.** The VPN system should be developed to provide live dashboards to those at sub-national level, and to utilise the existing national-level dashboard to monitor cases for children (i.e., develop live data visualisation tables for children detained by police pre-trial, children charged with an offence, and crimes against children registered by the police).
- iii.** Increased efforts should be placed on ensuring the outcome of cases is recorded in the available fields within the VPN system. This would require coordination between the police, probation and the courts, and additional IT and human resourcing within the police for the additional data entry requirements.
- iv.** Increased efforts should be made to monitoring child-related cases which are diverted by the police, which currently are not recorded beyond the initial incident log book. Formally reporting on diversion measures by the police, and incorporation of all complaints into the VPN system, would enable the monitoring of diversion indicators.

**b. MoJ / Courts:**

Currently, it is not possible to determine how many cases reported by the courts relate to children,

either as victims or as perpetrators of crime. The only disaggregation of cases for children at all relates to child abuse cases heard by the High Court and cases before the Juvenile Court (civil cases). Additionally, there is no record held by the MoJ or JSC on the number of victims or accused involved in a case, only the total number of cases (i.e., not accounting for the possibility that multiple children may be victims or accused per case).<sup>170</sup> Courts also do not report on the outcome of cases, only the number of new cases, pending cases and closed cases per year.

- i.** Magistrates should keep a separate log book for children in conflict with the law and include the details on the outcome of cases, including the number of cases dismissed or discontinued (and reason), the number of acquittals and convictions, and the nature of the measure imposed on a conviction.
- ii.** In order to provide evidence on the efficiency of the courts, the log book for children should include dates for all hearings and the number of hearings (reporting averages in monthly reporting).
- iii.** The log book recording criminal cases should include the number of child victims and witnesses, if any.
- iv.** New monthly reporting forms should be devised for the Juvenile Courts to use in care cases brought under the Children's Ordinance to reflect the civil nature of the cases.
- v.** The MoJ should develop additional tables within its monthly reporting templates to a) record cases relating to children in conflict with the law, b) record cases relating to child victims, c) record the outcome of concluded cases and d) monitor the length of time for cases to be brought to trial, number of hearings and length of trial.

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<sup>170</sup> Interview with MOJ HQ, February 2023.

**c. DPCCS:**

The DPCCS is well placed to monitor a number of key indicators on juvenile justice, as it is the main stakeholder involved in monitoring children in the justice system (pre-trial, during trial and post-trial). Although already engaged in comprehensive monthly reporting of key data, much of this information is not routinely reported or aggregated at sub-national or national level. It is recommended that the DPCCS should:

- i.** Amend/develop existing monthly reporting forms to capture juvenile justice indicators.
- ii.** Assess the extent to which data collated through monthly reporting is meaningfully used for policy and planning, and streamline current reporting templates (i.e., focus on collecting key indicators and data most informative for activity monitoring, to reduce current reporting burden on staff).
- iii.** Clearly disaggregate reports for children in conflict with the law and child victims / children in need of care and protection.
- iv.** Continue to monitor the number of children in institutions and include the reasons for placement (i.e., whether as children in pre-trial detention, children in conflict with the law, child victims, children in administrative detention, other care and protection, etc).
- v.** Routinely collate data on the sentencing options for children if convicted (i.e., non-custodial / custodial sentencing).
- vi.** In the short term, as the DPCCS already monitors children post-trial and has more advanced monitoring processes than the courts, DPCCS should report on the outcome of cases each month, with regards to the number of cases dismissed, and the number of acquittals versus convictions.

**c. Coordination:**

At the present time, the NCPA are statutorily responsible for collecting data on child abuse, but they currently only record child abuse data as it relates to complaints being received directly by the NCPA, not complaints made directly to the police. Additionally, NCPA's functions do not include coordinating the collection of data on children in conflict with the law. It is recommended that:

- i.** The Government nominate a body to undertake the function to ensure a central coordination point for data relating to children in conflict with the law. The function of the NCPA would need to be expanded to include data on children in conflict with the law through an amendment to the Law.
- ii.** Consideration be taken when selecting the body to be responsible for coordinating data for children in conflict with the law. The DPCCS would be a suitable coordinating body due to the level of involvement with children in conflict with the law (pre-trial and post-trial) and existing coordination with both the police and the courts. However, the police already have a database (with fields already existing for many of the indicators), which could be built upon. While the NCPA has a recently developed database which could be further developed, their mandate does not relate to children in conflict with the law, nor is any element of their system built to capture children in conflict with the law, meaning the task of facilitating this coordination and data recording would be more challenging.
- iii.** The NCPA develops coordination mechanisms with the Bureau for the prevention of abuse against women and children and the DPCCS to ensure the current database captures all child abuse cases (not only complaints made directly to the NCPA), and outcomes of child abuse cases, in order to provide indicators relating to child victims of crime (and, although not included within the priority indicator list above, the provision of support to child victims).

Although the list of priority indicators outlined above does not include children receiving legal aid or children referred to mediation (as these practices were noted as rare by stakeholders), it was recognised that current data reporting would require minimal amendments to obtain these indicators. Therefore, it is also recommended that:

- i. The mediation boards make the monthly reporting statistics on the number of children in conflict with the law receiving mediation.
- ii. The Legal Aid Commission includes a total for the number of children in conflict with the law and number of child victims receiving aid within their monthly reporting, and all courts make a note in case files on whether a child has legal representation in every hearing.

## 7.2. RECOMMENDATIONS FOR INCREASING MATURITY OF DATA MANAGEMENT PROCESSES

A number of recommendations can be made based on findings from the assessment of data management processes.

**The lowest maturity scores related to limited standardization of data across all stakeholders. A number of developments are needed to increase the level of standardization of data:**

- i. All actors should develop online daily electronic reporting systems, to ensure that all case file data is stored on a platform which enables the collation of data for monthly reports and the disaggregation of data. The preferable option would be for stakeholders to develop cloud-based systems. However, should this not be viable in the immediate future, software such as Microsoft Excel, Microsoft Access or Google Sheets could be used as an interim “database” for case file data. Support for the development of a database should be prioritised for the DPCCS (with consideration of learnings from previous attempts to develop such a database), as the stakeholders best placed to collect many indicators, and already identified as in the process of trying to develop databases (in research locations, at least).
  - ii. Where possible, existing, and new databases should be designed to collect standardized data (e.g., with dropdown menus, restricted entry fields).
  - iii. Paper-based forms should be amended to increase standardization, by having set data entry fields. There should be clearly defined fields for indicators and disaggregates within paper-based files, as opposed to the current practice of relying on those completing free-text forms to include all relevant data. The development and refinement of paper-based reports should be prioritised for Police B reports, DPCCS social reports, and court case files.
  - iv. For stakeholders with a database, paper-based forms should be fully aligned with the database.
  - v. All stakeholders should develop codebooks with definitions of variables for entry into the database and / or reporting forms. Each available field either within a reporting table or a database, should be clearly defined. The data entry options for each field should also be clearly defined.
- In order to support the collection of standardized data, the following measures need to be taken by all stakeholders:**
- i. All individuals responsible for data entry should be provided with training on the data management processes / systems and reporting requirements. This should include clear communication of definitions within

codebooks; instructions for how to complete monthly reporting templates; training for the specific data software used; training on basic data analysis; the oversight of data entry and reporting until individuals feel confident.

- ii. Data verification processes should be developed to go further than adding monthly summary statistics to ensure the accuracy of quarterly or annual statistics. Staff in senior / management roles should cross-check case file data to the database/reporting forms on a routine basis.
- iii. Written reporting guidelines should be developed by all stakeholders, with the assurance that adequate resources are provided to ensure guidelines can be adhered to.
- iv. All individuals responsible for data entry should have access to an electronic device with necessary reporting software (computer, laptop, tablet), and (if needed) increased data allowances.
- v. Adequate budgets should be provided for stationery.

**Recommendations to all stakeholders to improve the security of data are as follows:**

- i. Ensure that staff have access to their own password protected devices, or, when device sharing is necessary, confidential case file data and reports are stored in password-protected folders / users have their own device account.
- ii. Ensure that all staff have a professional email address, that staff do not share email addresses, and that staff log out of all relevant email and/or database accounts when using shared devices.
- iii. Ensure staff do not use personal email accounts, other personal platforms (such as WhatsApp/Messenger), or devices for the recording and transfer of data.

- iv. Steps should be taken to move away from paper-based storage and transfer of data. This includes integrating email or shared-drive transfer of data as a standard practice, and implementing e-signatures to prevent the unnecessary use of limited paper resources.
- v. Ensure all stakeholders have clear guidelines for securely storing paper-based files, and destroying paper-based files, and that they are provided with the resources to do so. The identification of secure data storage should be prioritised for mediation boards, who at present are required to store data within their own homes.

**Recommendations for ensuring the effective use of data are as follows:**

- i. All stakeholders at national and sub-national level should be aware of why the monitoring of juvenile justice indicators is important for informing their work, and stakeholders should take steps to embedding data monitoring in planning and strategy development. There should be a clear understanding at national level and provincial level of the need for indicators, in addition to clear communication of this to individuals responsible for data management on the ground.
- ii. Stakeholders who obtain large amounts of data that are not directly aligned with juvenile justice indicators (DPCCS, NCPA) should carry out an assessment of the extent to which existing data is being used for informing practice and planning. This can help a) identify analysis needs to better utilise existing data, and b) refine and streamline current data reporting processes to remove any unnecessary data or adapt current data collection to better capture data that can be of use (including clear capture of juvenile justice indicators). This is particularly important for the DPCCS, who, at provincial level, are collecting a large amount of data from probation units on a monthly basis, with much of the data having no

clear use in relation to planning. Streamlining current data monitoring would reduce the burden on those currently responsible for data management and increase capacity for monitoring juvenile justice indicators.

Findings from the assessment of data management process maturity should be considered alongside findings in relation to the juvenile justice indicators, when determining which stakeholders should be prioritised for support for the development of data management processes. This assessment identifies the DPCCS and the MoJ/courts as the stakeholders who should be prioritised. The

DPCCS have been highlighted in several of the above recommendations, due to being well placed to collect a number of indicators, in addition to being “on their way” and actively engaged in data management processes. Conversely, the data management processes maturity scores provided in this assessment identified that the courts have extremely low maturity scores for most elements of the data management processes. As the courts / MoJ are key stakeholders for reporting on a number of juvenile justice indicators (but are currently not providing this data) the courts should also be prioritized as recipients for support with data management system development.

## 7.3. RECOMMENDATIONS FOR PROCEDURAL JUSTICE

1. In order to comply with international standards it is recommended that:
  - i. Proceedings relating to children in conflict with the law should be heard by a juvenile court;
  - ii. New ‘child friendly’ procedures should be developed for cases of children in conflict with the law;
  - iii. A probation officer should be assigned to the juvenile courts to ensure that children in conflict with the law receive support in the absence of legal representation.
2. In order to promote efficiency and to ensure the timeliness of proceedings it is recommended that the current procedures for cases of children in contact with the law should be reviewed with a view to reform and the reduction of delay. In particular, it is recommended that:
  - i. The procedure relating to committal proceedings should be amended to allow children’s cases triable in the High Court, to be referred directly to the High Court without a committal hearing;
  - ii. The format of indictments should be reviewed and simplified;
  - iii. The JMOs should be required to complete a MLR for each child at the time of examination and sent to the police.
3. The management of care and protection cases, and particularly the causes of delay should be reviewed. There is a need to:
  - i. Determine the causes of delay in cases and multiple hearings before the juvenile court;
  - ii. Define the roles of the DPCCS and the Court more clearly;
  - iii. Review outcomes for children.
4. The efficiency of the Juvenile Courts would be assisted by the drafting of new Court Rules for care and protection cases.





**JURE**

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தீர்மானம்  
Support to Justice Sector Project



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for every child  
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