

Abuses against Juvenile Offenders as National Security Threats; Rehabilitation and Reintegration of Juvenile Offenders in Sri Lanka

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Abstract - Not every child or youth is fortunate enough to have a childhood they would like to remember. A handful of youngsters tend to end up in prison, as juvenile offenders. All too often, the concern offered by the government for children does not extend to those juvenile offenders who are yet vulnerable children when caught up in the wrong side of law despite the fact that they are also a portion of this society and the future of the country. Abuses against juvenile offenders who are perceived to be threats to the national security of the country that seem to be a phenomenon in the global context therefore remains as a hidden layer in Sri Lanka with less concern. Hence, it is of vital importance to every human being in the society to establish a stable foundation that could raise juvenile offenders as productive adults with a guarantee of a brighter future. It is true that, the deliberation drawn towards the juvenile offenders and juvenile justice in Sri Lanka by the government and the society have been increased to a considerably higher level due to the initiatives taken in the view of reintegrating juvenile offenders into the society through rehabilitation making the punishments more effective. However with the rise of the rate of juvenile offenders and abuses towards them in the recent years, it may be precisely pointed out that the existing policies and laws are not sufficient enough to reflect a proper solution for the protection of juvenile justice leading to the question, how a considerable concern with efficacy could be devised in the country regarding this issue. Therefore, this study intends to critically analyse the prevailing legal framework and to assess the institutional initiatives relating to juvenile offenders, failures in the existing system and to provide necessary legislative and institutional approaches for rehabilitation in order to properly reintegrate juvenile offenders for the enhancement of juvenile justice through the protection of juvenile offenders as a solution for the issue of effectively punishing juvenile offenders and preventing abuses against juvenile offenders that has become far more complex and sensitive in its entirety whilst striking a balance between juvenile justice and protecting national security. The objective of this study will be achieved by the utilization of both qualitative and quantitative research methods that involves a broad assessment of current legal instruments, their gaps and their adequacy to a relevant extent.

Keywords— Juvenile Offenders, Juvenile Justice, Rehabilitation

I. INTRODUCTION

Sri Lanka being a country that has committed for the guaranteeing of rights of children to develop to their full potential in a safe and caring environment and to eradicate all forms of abuse and violence against children however, faces the crucial issue of juvenile offenders. Juvenile offender being alluded as a child under the age of 18 years and charged of committing a crime or any illegal activity, as per the statistics of the Department of Prisons for 2017 reveal that the young offenders who are in the number of 428 are of age 16 and below (Joseph, 2019). In Sri Lanka criminal law pertinent to children and youngsters, who are resolved as not mature enough to be considered answerable for criminal acts is the juvenile justice. According to this juvenile justice system it attempts to rehabilitate and

reintegrate children who are under the purview of juvenile justice law instead of severely punishing them (De Silva, 2010) as a result of seeking a way to win the struggle that has been experiencing by every nation on initiating a form to effectively punish a juvenile. The question that is of grave significance with regard to juvenile offenders phenomenon is apart from the society's sole perspective that juvenile offenders are a threat despite of recognizing the abuses against the juvenile offenders as the real threat to the national security is to pause and think about how did these children or youngsters end up in becoming a threat to the society as well as to their own self. Therefore this research aims to seek the root causes for a child to become a threat as a juvenile offender, to evaluate the adequacy of utilizing necessary legislative and institutional approaches to rehabilitate and reintegrate juvenile offenders into the society as productive citizens, to formulate a proper legal framework to safeguard and make juvenile offenders acceptable to the society and to draw the deliberation of the authorities to recognize the importance of protecting juvenile justice by putting forward further legal recommendations and proper institutional practices for the minimization of unfavourable impacts to this vulnerable party as well as to the society.

II. METHODOLOGY

For the purpose of achieving the objective of the research and for the completion of the study a blend of both qualitative and quantitative research methods were accompanied. The qualitative research method was adopted by utilizing primary sources such as the Constitution, legislations, conventions, statutes and judicial decisions and secondary sources such as books, journals, web articles and newspapers respectively that has identified legal issues associated with juvenile offenders and juvenile justice through the data obtained. The argument of the research was also supported

by the judicial decisions from the Indian Jurisdiction and verifiable data acquired through the adoption of quantitative research method which obtained statistical data from the records and reports of the Department of Prisons and the Training School for Youthful Offenders with regard to the rate of increment of juvenile offenders in the rehabilitation centres. Through the employment of both the qualitative and quantitative research methods this study was able to assist certain claims and come to certain conclusions. The key limitation of the study was that the findings were not based on data obtained from interviews.

III. JUVENILE OFFENDERS

To begin with, it is pertinent to discuss and understand as to how the notions of juvenile and juvenile offenders are perceived and shaped under the Sri Lankan legal perspective. With the understanding of the vital importance to define a child in order to provide the necessary protection to a child or a youngster under juvenile justice there are several statutes in Sri Lanka that deal with children specifically such as; Adoption of Children's Act No. 24 of 1956, Children and Young Persons Ordinance (CYPO) No. 48 of 1939, Convention on Prevention and Combating Trafficking in Women and Children for Prostitution No. 30 of 2005 and Employment of Women, Young persons and Children Act No. 47 of 1956 and Lanka Children. CYPO being the main domestic legal instrument with regard to juvenile justice has defined a child as a person beneath the age of 14 years and a youngster as a person between 14 and 16 years (Children and Young Persons Ordinance 1939) whereas, Children's Charter has defined a child as a person beneath the age of 18 years. Be that as it may, juvenile offender can be alluded as a child or a youngster who is charged of committing a crime or be part of unlawful activity and who is with an antisocial, hostile, violent and disobedient behaviour where the offences they commit can range from petty offences such as begging, sale

oftobacco,pettystealing,vagrancy, prostitution, trafficking of heroin or narcotic drugs, consuming alcohol in a public place, causing mischief, force, criminal force, assault and simple hurt to serious crimes such as robbery,grievoushurt,physicalassault, murder, sexual abuse and offences against State such as terrorism (Niriella, 2020).

A. Legal Framework pertaining to Juvenile Offenders in Sri Lanka in light of Juvenile Justice

Juvenile Justice being the criminal law applicable to juvenile offenders there are several legislative enactments that have been established to deal with the law relating to juvenile justice in Sri Lanka. The law pertaining to the administration of juvenile justice is contained fundamentally in the Children and Young Persons Ordinance No. 49 of 1939 which is applicable to persons below the age of 16 years. This Ordinance also accommodates the foundation of juvenile courts for the hearing of any charge against a child or youngster, aside from where the alleged charge is on murder, attempt to murder, culpable homicide not amounting to murder, attempt to commit culpable homicide or on robbery (UNICEF, n.d.). In addition CYPO has also stipulated provisions with regard to the procedures involving children in the juvenile court that are Magistrate Court and Primary Courts which exercise juvenile justice such as, these courts should be presided over by a Juvenile or Children's Magistrates and that the Children's Magistrate is required to clarify the substance of the supposed offence in simple language. In addition, Youthful Offenders (Training Schools) Ordinance No. 28 of 1939 and Probation of Offenders Ordinance No. 42 of 1944 provide for the detention of juvenile offenders and probation of juvenile offenders respectively. Furthermore, the Penal Code Act No. 2 of 1882, Code of Criminal Procedure Act No. 15 of 1979 and the Prisons Ordinance No. 16 of 1877 in the same manner contain several provisions applicable to juvenile offenders (UNICEF, n.d.).

Whilst prohibiting imprisonment of children except in cases where the court confirms they are of unruly or debased character that they cannot be detained by a remand home or a certified school by the CYPO (Children and Young Persons Ordinance 1939), it along with the Prisons Ordinance also provides for a partition of juvenile prisoners from adult prisoners (Prisons Ordinance 1877). As per Section 75 of the Penal Code that has provided several sections with regard to offences committed by children has described 8 years as the minimum age of criminal responsibility (Penal Code 1995). Under Section 76 it also provides that those who are above 8 years but below 12 years cannot be punished except where they have attained sufficient maturity (Penal Code 1995) and likewise, as per Section 288 of the Code of Criminal Procedure persons under the age of 18 years cannot be imposed with death sentence (Code of Criminal Procedure Act 1979). It is obviously critical to remember that the Constitution of Sri Lanka as well provides specific rights that can be enjoyed by a child in a similar manner as other citizens.

B. Issues in the existing Legal Framework

Age is the central factor of the classification of adults and children in any circle. As per the prior discussion it is apparent that in Sri Lanka there exist a confusing and an incompatible situation with regard to defining a child and a youngster. A child who is defined under CYPO as a person beneath the age of 14 years and a youngster as a person between 14 and 16 years is not the same under Children's Charter of Sri Lanka which defines a child as any person under the age of 18 years. However, under CYPO persons between 16 to 18 years are not considered as a juvenile. Furthermore, in the Youthful Offenders (Training Schools) Ordinance No. 28 of 1939 it has provided those who have arrived at the age of 16 and who have not yet arrived at the age of 22 as youngsters (Youthful Offenders Training Schools Ordinance 1939). In the same manner,

the Sri Lankan Penal Code which sets 8 years as the minimum age of criminal liability provides that children above 12 years can be charged with criminal liability despite considering if they have attained sufficient maturity to understand the nature of their conduct although a person under 14 years and person under 18 years is defined as a child who is immature or irresponsible under the CYPO and Children's Charter. It is also noteworthy that in the situation where the age 16 has been made the minimum age to have sexual consent legally, the provision of 12 years as the minimum age to marry of a Muslim girl under the Muslim Marriage and Divorce laws could be in contradiction where having sexual intercourse with a girl under 16 years is made a punishable offence on the ground of statutory rape under the Penal Code that could lead to a minor married to a Muslim girl a juvenile offender for committing rape wrongfully. These befuddling situations have made the undertaking of executing juvenile justice standards troublesome, uncertain and also inconsistent.

When children coming into contact with the justice system there are several shortcomings that would violate the rights of juvenile offenders as children such as according to the CYPO it is not required to explain a child about the progress of his or her case or about the judicial process.

When it comes to judicial proceedings, provisions regarding the right to legal representation of children are not provided under the CYPO.

According to Section 42(2) of CYPO a detention order made by an approved or certified school lasts for a 3 years period of time which is longer than the period an adult would be detained for a similar offence (Children and Young Persons Ordinance 1939).

Although the probation officers (PO) are tasked to ensure care and protection of children in the justice system under the CYPO

the act fails to specifically mention the role of POs in facilitating the reintegration of juvenile offenders to the society.

Another key gap in observance of the law and enforcement is that special Juvenile Courts dealing with offences committed by juveniles has not been offered in impact to a countrywide premise. In fact, there is just a single Juvenile Court and that is in Colombo.

Moreover, the delays in the adjudication of cases that occur every now and again have antagonistic results on juvenile offenders, especially when they have not been discharged on bail and are sent to remand homes on pending trial (De Silva, 2010). When dealing with juvenile offenders the interruptions that may occur in the schooling will then consequently be a grave negative outcome of the law's delay.

C. Child's Perspective; What causes for a child to become a Juvenile Offender

"Children are like clay, that can be moulded into any shape" It is of fundamental concern to examine the personal, social and financial impacts which would conceivably be added to make a child a juvenile offender instead of letting this get out of hands as humans in the society who should rather stop and think for a while why these children have become offenders at such a young age making them ended up in correctional centres for juvenile offenders. In response, it is justifiable to be in the opinion that these children could have a blend of numerous reasons which especially includes abuses against children that drove them to choose a criminal way of life where adults could partly be held liable.

When looking into visible personal and social factors several causes for a child to become a juvenile offender can be found. Due to broken families, living with an abusive parent or parents and living with a divorced parent a child would not be able to receive enough love, care and acceptance which are essentially

required for their potential to become a good human. Apart from these, living with a family of criminals or having a mother who is a sex worker would lead for the rejection of a child from the society. In the same sense there is a high possibility for orphans who have been rejected from his or her own parents to become part of criminal gangs during their path of seeking for belongingness, acceptance and their own happiness. As per the records of a Child Activity Survey which was done in the year 2016 it has revealed that children under the age group of 5 to 17 years, 3% of children live with father only, 15.7% live with mother only and 3.5% of children live without both the parents (Child Activity Survey, 2016). Apart from these visible factors there are some other causes that are overshadowed in the society which would impact a child personally and socially. Domestic violence that could be termed as family violence would abuse a child mentally and physically; mentally through verbal abuse, emotional abuse, neglect of educational needs, psychological maltreatment and physically through injury upon child which includes burning, hitting, beating and harming. This situation gets far dirtier when a child gets sexually abuse by an adult or a relative when she or he is with a lower protection where they have been left alone by their parents intentionally or unintentionally for instance having a mother who is working as a migrant worker. As per the records of NCPA in 2015 among their complaints, 2317 were regarding cruelty to children, 885 neglecting of children, 735 on sexual harassment and 433 were on rape (National Child Protection Authority Report, 2015). Besides the aforesaid causes, illiteracy, immaturity, moving into a strange society, irresistible impulses and early psychological maturity could also impact a child negatively.

Modern day technology also seems to have a role in causing a child to become a juvenile offender with the bad influence of present-day

movies that represent sex and violence in a greater level which could make a child to experience those things happen in the movies in reality. Moreover, economic aspects also have a significant contribution in the offences committed by juveniles. When poverty comes into scene there are several neglects of the basic needs of children that can be identified such as inability to provide children with proper education and other basic necessities in life which could lead a child to commit offences such as theft in order to fulfill their desires whereas, in the similar manner but for different intention children of rich families with busy working parents tend to involve in such petty offences for the sake of being distant from feelings of isolation or for the sake of fun (Niriella, 2020).

For further clarification on the importance of considering the root causes of making a child to become a juvenile offender by looking into Indian judicial decisions the very recent case *Mukesh v. State* (Mukesh Singh v State, [2017]) famously known as Nirbhaya Judgment can be taken into account. Firstly, it is important to note that while sentencing the four adult defendants to death by hanging on the convictions for rape, murder and assault the juvenile convict was given only imprisonment of three years as per Juvenile Justice Act of India. The second fact to be noted is as per the record of the Juvenile Justice Board that tried him, the investigation conducted by them in seeking for the causes that made the juvenile offender in this case brutal. Evidence revealed that the offender was weighed down by poverty since his childhood he was a person who has fled from home as a small boy and on the day of the fateful night of the crime he was landed on the bus where the victim was raped by mere chance (Press Trust of India, 2017).

In spite of the hardship in prioritizing the specific causes to become juvenile offenders the above causes can be recognized as having much contribution to the issue leading to come into a conclusion that one day the victims of

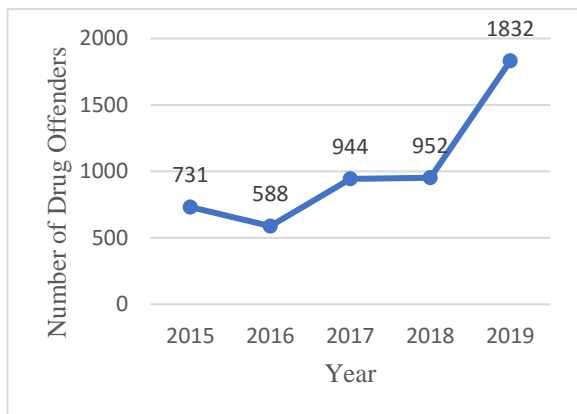
child abuse may repeat the violent acts they experienced as a juvenile offender or as well as an adult offender.

D. National Security Perspective; Abuses against Juvenile Offenders as National Threats

According to the criminal law framework in the country, the offences committed by juveniles cannot be disregarded any longer due to the statistics that have demonstrated an expansion of juvenile crime in Sri Lanka in the recent years. Very high number of children and youngsters fall prey to allurements and has consequently violated the law (Chirlesan and Chirlesan, 2013). Not just the quantity of wrongdoings committed by youngsters has expanded yet additionally the degree of their violence.

Figure 1: Drug offenders according to age group,

2015-2019

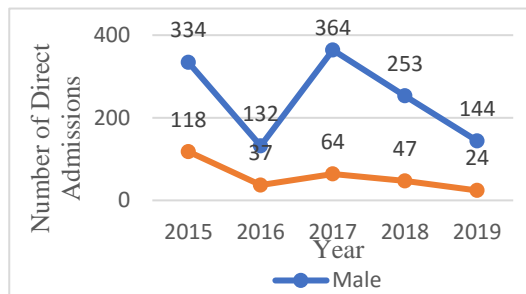


Source: Department of Prisons, 2020

For Instance, the above chart shows the increment of drug offenders who are under the age group of 16 and under 22 years during the last five years.

According to the statistics of the Department of Prisons for 2017 reveal that the young offenders who are in the number of 428 which represent 384 males and 64 females are of age 16 and below (Department of Prisons, 2020).

Figure 2: Direct Admissions of Unconvicted Prisoners according to Age Group 2015-2019



Source: Department of Prisons, 2020

Above chart shows the number of direct admissions of unconvicted prisoners that have been made in the years of 2015, 2016, 2017, 2018 and 2019 of those who are under the age group of below 16 years.

However what is of vital importance to be the topic of discussion is the abuses faced by juvenile offenders under the purview of the legal framework relating to juvenile justice instead of giving so much gravity for the topic of threats done by the juvenile offenders to the society through the offences committed by them, as being persons who are incapable of attaining sufficient maturity to understand the nature and the consequences of their conducts. Hence, it may be unfair and wrong to ignore a child for the reason of becoming an offender in a situation where the juvenile offender being under the age of 8 years since it is considered to be the minimum age to have mens rea to commit a crime.

Be that as it may, it can be observed that abuses against juvenile offenders could be the most controversial issue which is not yet resolved because more than the reasons that made a child or a youngster a juvenile offender, the abuses faced by the juvenile offenders when they are detained or when they are being ignored by the society as well as from the juvenile justice system of the country can be of greater impact for them to be serious offenders leading to the issue of threats to national security.

When looking into the issue of abuses against juvenile offenders several violations of their rights and abuses can be recognized significantly.

In case of child combatants who are being re-institutionalized in Sri Lanka for being direct participants of war which was front by the Liberation Tigers of Tamil Eelam (LTTE) are often detained on groundless suspicion and frail evidence for the fact of being a part of an armed group or for being a relative of a terrorist family member. Due to gaps in the existing legal and institutional framework with regard to juvenile offenders also some issues have arisen such as making juvenile offenders share the same cells with adult prisoners during remand which could lead to additional risks of physical and sexual violence as well as making their behaviour worse by making them accompanied by experienced offenders or criminals. In the same manner with law's delay negative impacts to their education may occur depriving their right to freedom which includes their right to education and also their right to employment which could abuse a child or a youngster mentally. Most importantly because of the ignorance of the society and the juvenile justice system of the country with regard to the protection of a child that could lead children or youngsters to face serious abuses and threats as mentioned earlier can make the worse type of juvenile offenders with so much hate towards the society they live in. Violent young offenders are often known to have come from homes of criminal parents where children have been forced to act as couriers for drugs (Joseph, 2019). Consequently there have been very recent instances where children have been found while transferring heroine or any narcotic drug in public places such as in buses, trains and near schools. Indeed, this can be considered as the main reason for the birth of many drug addicted or alcoholic juveniles. Although prostitution is described as one offence that is committed by juvenile offenders the consequence of engaging in prostitution could make a juvenile offender a victim of mental and physical abuse with interrupted education, broken families and lifestyles, mental illnesses as well as health problems such as sexually

transmitted diseases in situations where poor girls are forced to sell their bodies. In contrary to such situations there are also some other situations where young people being rejected in their villages when they get released from institutes that have been established for the treatment of juvenile offenders such as certified or approved schools. Accordingly, it can be observed that there is a direct nexus between child abuse and juvenile offenders where it can be clearly assumed that child abuses cause an abused child to become a violent juvenile offender later in the future.

IV. REHABILITATION AND REINTEGRATION OF JUVENILE OFFENDERS

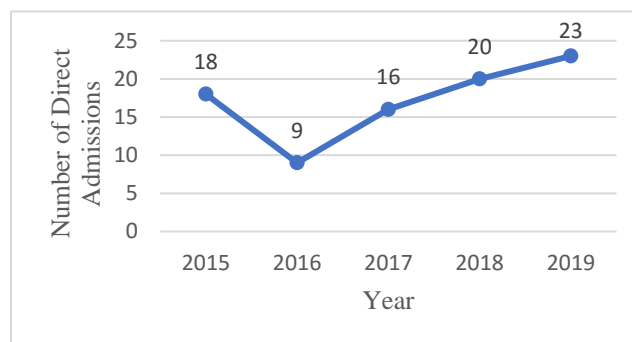
Discipline, punishment and imprisonment are from numerous points of view are as old as the historical backdrop of the humankind. Although modern world has experimented intensely with the idea and thought of discipline and punishment; in case of juvenile offenders the ultimate aim needs to consistently beat endeavour at rehabilitation and reintegration (Paper Due, 2014). Due to the reason of taking a therapeutic approach rather than a harsh or a punitive approach by the Juvenile Justice Courts in imposing punishments towards juvenile offenders as the first option they are sent to correctional centres prioritizing the importance of rehabilitation in order to properly reintegrate them into the society. Mental growth of children, development of professional training opportunities, moulding towards good behaviour and qualities and to make a juvenile offender acceptable to the society (Gunawardhana, 2020) can be considered as the aims of each and every rehabilitation process conducted by all the institutions established for the purpose of treating juvenile offenders in Sri Lanka.

A. The existing Rehabilitation System for Juvenile Offenders

The rehabilitation of juvenile offenders waiting on the probation or in custodial care is

managed by the Department of Probation and Child Care (Gunawardhana, 2020). In Sri Lanka juvenile offenders are rehabilitated in remand homes, certified schools and approved schools. Therefore, it can be stated that there are three types of correctional institutions that are built up for the rehabilitation of children and young persons during the period of punishment under the Children and Young Persons Ordinance (CYPO). At present there are 18 remand prisons where two centres have been operating at Pallansena and Taldena for juvenile offenders as Correctional Institutions for Youthful Offenders. Furthermore, there are four Certified Schools that are located in Makola, Hikkaduwa, Keppetipola and Ranmuthugala and one Training School in Watareka, Homagama. For a period not exceeding one month a juvenile offender who is under the age of 16 years could be sent to a remand home whereas for a maximum period of three years a young person could be sent to a certified or approved school where activities on rehabilitation are conducted during that period. It is also important to note the furnishing of formal education and vocational training to children while they are staying at these institutional centres that are for treatment of juvenile offenders where systematic vocational training which includes motor mechanism, carpentry, sewing work, agricultural work etc. and education through the government schools in the surrounding with some necessary facilities.

Figure 3: Direct Admissions at the Training School for Youthful Offenders, Homagama according to the age group 2015-2019



Source: Department of Prisons, 2020

The above chart shows the number of direct admissions that have been made to the Training School for Youth Offenders at Homagama in the years of 2015, 2016, 2017, 2018 and 2019 of those who are under the age group of 16 and below 17 years.

B. Issues in the existing Institutional Framework and the Rehabilitation System

Through the assessment of institutional practices including the prevailing rehabilitation system with regard to juvenile justice in Sri Lanka several gaps can be identified.

In the adoption of rehabilitation for the juvenile offenders in order to reintegrate them it is confronted with numerous issues that arise on the grounds of both practical and legal standards.

During the vocational training programs conducted in correctional centres for the rehabilitation of a juvenile is basically centralized upon training them only on home science, engineering work and sewing. Therefore, it is clear that there is a lack of a proper and a well-advanced vocational training programs in the certified or training schools. Despite the fact that the number of the admissions of juvenile offenders are on raise the institutional correctional framework's capacity has not reached out in shape at a similar rate. Because of this reason various functional issues have been made with respect

to the institutional rehabilitation programs in Sri Lanka. Lower standards in the institutes, shortage of institutes, the insufficient allocation of space to conduct particular activities that help the process of rehabilitation, overcrowding, hardships in giving appropriate consideration and assurance to the juveniles, challenges in leading the treatment programs in a legitimate way, the current recovery strategies that do not sufficiently address the issues of the juveniles, monetary constraints of running great rehabilitation programs, lack of staff for the lack of preparation and qualifications of the existing staff and the denial of the children after rehabilitation by the society as well as by their own relatives can be added to list of practical issues in the prevailing rehabilitation system in the country.

Also, another prominent issue with regard to the probation and correctional centres where rehabilitation processes are conducted is children as juvenile offenders who are within the justice system are not provided with proper educational facilities and legal assistance

The partition that is required to be incorporated between adult prisoners and juveniles during remand is likewise not strictly adhered in every case. In the same manner, juveniles are once in a while accompanied by adults in remand.

Another unacceptable practice which is in need of earnest revision is that of setting youngsters who are taken into police custody except for reasons of criminal offences along with the individuals who have carried out such offences.

Moreover, the knowledge gap and inadequate training of police officers regarding requirements pertaining to justice of children.

Also, with regard to the probation and correctional centres where rehabilitation processes are conducted; children as juvenile offenders who are within the justice system

are not provided with proper educational facilities and legal assistance

Besides the aforesaid issues due to the inadequacy of the legal framework prevailing with regard to juvenile justice as well give rise to certain specific issues in the rehabilitation system. Infringement of child rights which includes ill-treatment, torture and their right to privacy and health, interruptions in education due to law's delays can be added to the list of defects in the laws regarding the rehabilitation and reintegration system in Sri Lanka.

V. CONCLUSION

Children being the future of the country, every child should be provided with a decent childhood through the strengthening and guaranteeing of their rights and pride which may pave the path for development of the nation. Hence, it is the responsibility of each and every adult citizen in the society to protect children from social evils regardless of whether they are victims of abuse or juvenile offenders. Besides the community-based protection of children, rehabilitation institutions also play an active role with regard to the protection of juvenile justice in the country. It could be stated that when the juvenile justice system draws their deliberation strongly towards rehabilitation and reintegration it becomes a win-win situation for the child offender as well as to every other person in the society. Therefore from the perspective of the national security of the country also adhering to rehabilitation instead of punitive punishments could help mitigate threats towards the national security where rehabilitation operates as a fruitful process of managing the violent nature of a juvenile offender by conducting in-depth analysis in seeking for the root causes that transformed a child to an offender as well as by focusing on their special needs and measures that are to be taken according to the nature and the offence of each juvenile where

it is evidenced that criminal acts of most of the juvenile offenders are symptoms of grave emotional and physical abuse. For the sake of the protection of juvenile justice and the national security the relevant legal authorities as well as the society must do better in addressing the critical issues that afflict children.

VI. RECOMMENDATIONS

With the pressing need to scrutinize and minimize the institutional challenges faced by the country and for the issues in the existing Legal Framework pertaining to juvenile offenders in light of juvenile justice in Sri Lanka following recommendations can be provided;

- For the shortfall in the definition of a child the Sri Lankan legal framework relating to children should clear the confusion and ambiguity in the term 'child'. As being a member state to the Convention on the Rights of the Child (CRC) Sri Lanka is lawfully bound to implement into its domestic legal framework the declarations of the Convention. Hence, a new definition can be proposed to the term 'child' that is in align with the CRC definition of child.
- In the same manner, any person under the age of 18 years should be uniformly defined as a child and the Penal Code should be amended to increase the minimum age to 12 years as to hold a child criminally liable.
- Scrutinizing juvenile court activities along with introducing a proposal to establish juvenile courts on a countrywide premise and revising the legal standards and regulations in order to diminish the delays in the laws can be recommended to resolve the functional issues in the juvenile court proceedings.

- Establishing the right to legal representation ensuring that the best interests of children are protected in matters regarding juveniles in the justice system.
- Strengthening the legal framework pertaining to the protection of children from all kinds of abuse with a special reference to the protection of juvenile offenders and filling the knowledge gaps between police officers and probation officers with regarding to the laws on juvenile justice.
- For the partition issue of preventing the juvenile offenders being mixed with adult prisoners during remand, laws should be implemented on the relevant authorities to look into this matter strictly without any mistake.
- It is clear that although juvenile justice is upheld in Sri Lanka, it lacks legislations and enactments relating to juvenile justice. Hence a special legislative enactment can be formulated which stipulates provisions for the protection, treatment and rehabilitation and reintegration of juvenile offenders in the purview of juvenile justice.

In the perspective where rehabilitation and reintegration are considered as essential for the protection of juvenile offenders and guaranteeing their rights the existing rehabilitation system has been overshadowed by certain issues as mentioned in the research. Therefore, in order to resolve such issues following recommendations can be provided;

- Firstly, it is important to note the absence of a Rehabilitation Act for the treatment and rehabilitation of juvenile offenders in Sri Lanka. Hence, the rehabilitation processes for juvenile offenders should be based on a special rehabilitation policy that aims to regulate

training programs for the rehabilitation by identifying their special needs, to standardize rehabilitation processes, to prescribe minimum qualifications for the staff dealing with juvenile offenders, to establish and improve well-advanced vocational training programs that help the process of rehabilitation, to introduce proposals for the institution of more rehabilitation centres, to allocate financial facilities to provide the juvenile with their special needs and necessities as well as to provide enough space in such centres, and to provide after care programs that can be conducted after reintegrating a juvenile offender into the society as a productive citizen.

- Moreover, a juvenile justice scheme should be well established through the appointment of a Juvenile Justice Board and Special Juvenile Police Units to deal with juvenile offenders.
- Filling the knowledge gaps between police officers and probation officers with regarding to the laws on juvenile justice.
- Finally, it is clear that as the most important suggestion with regard to the protection of the juvenile justice system in the country the administration of juvenile justice which includes the treatment and protection of juvenile offenders should be strengthened from a policy, institutional and a legislative viewpoint.

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ABBREVIATIONS

CYPO- Children and Young Persons Ordinance

NCPA- National Child Protection Authority

CRC- Convention on the Rights of the Child

BIOGRAPHY OF AUTHOR



Author is a final year undergraduate of the Faculty of Law, of General Sir John Kotelawala Defence University. With her special interest in research writing she has presented many research papers for international and national conferences. The areas of interest are Human Rights Law, Women's Rights, Child Rights and Humanitarian Law.