

CHILD PROTECTION LAW OF TAMIL EELAM

This law was enacted to protect and improve child rights in Tamil Eelam.

This has been enacted with the consent of Tamil Eelam National Leader honourable V Prabaharan and any additions corrections or removals in connection with this law can only be done by the Law Making Office.

ACT - 01 GENERAL DEFINITION

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| 01. | This law shall be called 'Tamil Eelam child Protection Act' and can be abbreviated as Act of year 2006..... number. | <i>"Name of the Law and Abbreviation".</i> |
| 02. | This law of 2006 has been put into effect from this date | <i>"Date come to effect from"</i> |
| 03. | 'Child' means all the persons of 18 years of age and under. | <i>"Child"</i> |
| 04. | 'Child' Rights' includes right to live, right to have a name, to have contacts with their parents, to enter his/her own country, to voice their opinion, to receive information, to exchange opinions and to think, follow a religion, meet others, to form societies, to gather, maintain confidentiality, rest and enjoy leisure, and participate in sports and cultural activities, right for Education, to be protected from sexual molestation, to participate in social activities. | <i>"Child Rights"</i> |
| 05. | 'Participating in social activities' means freedom to think for themselves, express their opinion forcefully and make older people involve in issues that concern them, learn to communicate constructively with other people, actively involve in the decision making of their own lives and in the lives of the people who are in their society and community and active involvement in child matters. | <i>"Participating in Social Activities"</i> |
| 06. | 'Guardian' refers the natural parents. Can also, refer to the person who has been appointed to take care of the child following the abandonment or death of child's parents or when they becomes mentally ill. But the foremost right to be the guardian remain with the court. | <i>"Guardian"</i> |

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| 07. | It is important to give special protection to the children who cannot live with their families. Therefore, the court will undertake to appoint foster parents according to the child's cultural background or make arrangements for the child to stay in a child care centre. | <i>"Protection"</i> |
| 08. | 'Force' means the army, air force, navy and police of the Tamil Eelam. | |
| 09. | 'Freedom to express' refers to the right to receive information without infringing other people's rights, to share and publish their opinions. | <i>"Force"</i> |
| | | <i>"Freedom to Express"</i> |
| 10. | 'Freedom to Gather' refers to the rights of children to meet others and form societies, without infringing other people's rights. | <i>"Freedom to Gather"</i> |

ACT 2

RIGHTS WITH REGARD TO EDUCATION

This act defines the confirmation and implementation of rights for free education for the children of Tamil Eelam to learn and to improve leadership quality, physical and intellectual ability.

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| 11. | All children have the right for education. Therefore the Tamil Eelam Education Department shall make arrangements to provide Primary Education free to all children. | <i>"Free Education"</i> |
| 12. | Make vocational education and training available to the children who are physically and mentally handicapped. | <i>"Education to children who are handicapped"</i> |
| 13. | It is the duty of 'Child Care Centres' to help the children who live under poverty line, when ever a need arises, through the heads of schools or through other avenues. | <i>"Assist the children who live under poverty line"</i> |
| 14. | Make education and vocational training accessible to all children on the basis of individual's knowledge, mental and physical capacity so as to raise their standards. | <i>"Make Vocational Training accessible based on each individual "</i> |
| 15. | Take measures to encourage regular attendance at schools and to reduce the drop-out rates and take appropriate measures to improve discipline in the school. | <i>"Take measures to encourage children's school attendance"</i> |

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| 16. | To make arrangements for children to receive compulsory primary education, to avoid making them work at home during school hours and higher education times, to create suitable environment to study, to encourage, avoiding quarrelling among themselves are the responsibilities of the parents. | <i>"Responsibility of parents in Children's Education"</i> |
| 17. | Higher education should be made available to all children in accordance with their own abilities and desires. | <i>"Higher Education according to own wish"</i> |

ACT 3

RIGHTS WITH REGARD TO PROTECTION

This act is formed to protect children from bodily harm, negligence and sexual molestation.

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| 18. | Parents or guardians have no rights to persecute the children. If children were persecuted, this would be considered as a punishable crime. | <i>"Persecuting children is a crime"</i> |
| 19. | Anyone who abuses the child should be punished by custodial sentence and fine. The imprisonment should be not less than years and not more thanyears | <i>"Punishment for abuse"</i> |
| 20. | <p>(1) Sexual molestation means using a child for sexual gratification. Forms of child sexual molestation includes engaging child in sexual activities, indecent exposure, keeping the child in separate place with an intention of using the child for sexual favours.</p> <p>(2) To use the infants for sexual intercourse an infant or any sexual gratification will be considered as sexual molestation.</p> <p>(3) Through advertising materials, other media, verbal propaganda or any other similar form if someone is encouraged to be a customer of a child for sexual intercourse or any other sexual gratification,</p> <p>(4) Take advantage of the influence held over a child or the relationship that is established because of that and use the child for sexual intercourse or indecent sexual use.</p> <p>(5) Threaten or use violent behaviour on children with an intention of using them for sexual gratification.</p> <p>(6) Will be considered as having committed crime of sexual molestation.</p> | <i>'Child Sexual Molestation'</i> |

21. Anyone who abuses the child should be punished by custodial sentence and fine. The imprisonment should be not less than 5 yrs and not more than 20 yrs.

"Punishment for child abuse"

ACT 4

RECRUITMENT IN THE FORCES

22. Recruiting or engaging children who are under the age of 16 directly or indirectly to the forces is completely prohibited.

"Recruiting to the forces"

23. (a) Should not directly engage the children of the age between 16-17 in war activities.

"Children between 16 – 17"

- (b) When (a) is broken, this should be brought to the attention of District Court by making a complaint with relevant documents by the parents or guardian of the child.

24. (a) When a complaint is received according to section 23, the Appeal Court should examine the documents to see whether they have enough evidence to take further action. If they find evidence, they should gather all the relevant information from claimant and give an order to bring the person concerned to the court.

"Responsibility of Appeal Courts"

- (b) This investigation may be a short one. If the person could not be recruited to the force according to this law, then the court should give an order to handover that person to his parents or guardians.

ACT 5
INVESTIGATIONS REGARDING CHILDREN

"Care for Children"

25. Law Courts should care for children and ensure that they follow simple legal proceeding in the interest of the children.

26. When attention is drawn to the Law Courts, with regard to child criminal and civil complaints, they must avoid making the child to stand on the dock while questioning or hearing their case.

"Avoid making the child to stand on the dock"

27. (i) Viewing by the public or gathering information by the press is totally prohibited with regard to court proceedings in connection with children.

"Viewing by the public and press should be prohibited"

(ii) However, if the appeal court service believes this would help a child's wellbeing, they may give permission to do so.

"Hearing in an open room or at Judge's private room"

Exception

Viewing the court proceedings by child's own parents or guardian is not prohibited.

28. It is legal to carry out Court hearing in a the Judge's private room or this can be heard in an open room, after making the parties who are not connected in the case leave the room.

"Legal Support"

29. Law Making Office should arrange a lawyer to the child if the child does not have legal representation with regard to the case.

30. (a) Law Court should consider other suitable punishment and try to avoid giving custodial sentence to children.

"Children in the prison"

(b) However if custodial sentence is suitable, the child should be separated from other prisoners and kept in a different place in consideration of the child's future.

"Refer to parole board"

31. At the appropriate time the Law Court can refer the children cases to the parole board on the basis of good behaviour.

38. Anyone who commits the offence 37 (b) should be punished with custodial sentence of up to 3 years or fine or both. Also arrangements should be made for the compensation to be paid in the child's name and if the court feels that the child needs to be cared for in a child care centre, arrangement should be made for this also.

"Punishment for recurring children for work"

ACT 7
GENERAL

39. If a child needs protection before it is born, suitable protection must be arranged for that child by the Authorised Officer with the consent of the Court.

"Child protection before the child is born"