

DESK REVIEW AND BASIC FIELD DATA ON CHILD MARRIAGES,
STATUTORY RAPE AND UNDER AGE SEX

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Concepts and Definitions

Age of Marriage: Age of marriage in Sri Lanka is 18 years for both males and females since 1995 when the new law was implemented. This law does not operate in connection with the Muslims, whose age of marriage for girls is 12 years.

Arranged-Marriage: Arranged marriages are the marriages that parents or guardians set up for the marriage of their son or daughter through a mediator or directly by them. This type of marriages in Sri Lanka involves a process of negotiation, including matching for social status, caste and dowry etc. and horoscope reading with astrological procedures.

Child: any person whose age is 14 years or less than 14 years is considered a child in Sri Lanka. However the Report of the Committee to consider reforms to the Juvenile justice laws Chaired by Hon. Justice Shiranee Tilekawardene recommends inclusion of every person under the age of 18 years as children - unless otherwise provided by any other special law.

Child Marriage: Any marriage of a girl child 14 years or less, to a male of similar age group or to an older male is known as child marriage. Child marriages are reported to occur in cultures that value early marriage of girl child.

Consensual Marriage: Any marriage between two persons, whose union is based on mutual understanding and agreement, with or without parental consent, and without getting registered in an office of a government registrar of marriage.

Early Marriage: Any marriage, consensual or arranged, registered or unregistered, that occurs between a male or a female of less than 18 years of age and a partner whose age is less than 18 years of age or more than 18 years of age is known as an early marriage.

Living-together: Any consensual union between two persons, usually separately domiciled, without being registered under a legally appointed registrar of marriage is known as a living-together arrangement. Living-together arrangements and consensual marriages share similar characteristics in Sri Lanka.

Statutory Marital Rape. Statutory marital rape refers to sexual intercourse by a man with his wife below the minimum age of marriage, which is 12 years, with or without her consent. This provision on statutory marital rape will only apply to Muslims, since Muslim marriages below the age of 12 years continue to be illegal.

Statutory Rape: The offence of “statutory rape” in criminal law refers to sexual intercourse with or without consent, with a minor child below the age of 16. Usually statutory rape is committed on a girl by a male perpetrator.

Underage Marriage: Any marriage of a female or male 18 years or less, to a partner whose age is less than 18 years of age or more than 18 years of age is known as an underage marriage.

Underage sex: Sexual activity between two or more persons whose age is less than 16 years of age. 16 years of age is the legal age for sexual independence in Sri Lanka.

Unregistered Marriage: Marriages that are not registered at an office of a government registrar of marriage.

Abbreviations

AG	Attorney General
CBO	Community-Based Organisation
CCF	Christian Children's Fund
CRPO	Child Rights Promotion Officer
DCDC	District Child Development Committee
DCPU	District Child Protection
DHS	District Health Service
DPCCS	Department of Probation and Child Care Services
DS	District Secretary
ESCO	Eastern Self-reliant Community Awakening Organization (an NGO)
FHB	Family Health Bureau
GA	Government Agent
GBV	Gender Based Violence
GCE OL	Government Certificate of Education Ordinary Level
GN	Grama Niladhari
IDP	Internally Displaced Population
JMO	Judicial Medical Officer
LTTE	Liberation Tigers of Tamil Eelam
MC	Municipal Council
NCPA	National Child Protection Authority
NGO	Non-Governmental Organisation
PHM	Public Health Midwife
PO	Probation Officer
RDHS	Regional Director of Health
SC	Supreme Court
TP	Teenage Pregnancy
W&C	Women and Child Desk at the Police Station

Executive Summary

This fact finding study on early marriages and statutory rape is based on data obtained from interviewing experts and key informants, desk research on published unpublished literature, fieldwork primarily in Batticaloa District, and information obtained from relevant authorities, service providers, and institutions. This study was carried out over one month from 21 September to 20th of October 2009. The objectives of the study were to find key knowledge gaps, emerging issues and questions pertaining to early marriage and statutory rape, and develop a research plan with methodology and key questions for a comprehensive research study.

This study finds that while registered early marriages in Sri Lanka are fast declining after 1995 amendments to the marriage law of the country, incidence of statutory rape is increasing particularly in less developed, war-affected districts, ethnic enclaves, and poverty pockets. The amendments to the marriage law in 1995 that increased the age of marriage to 18 years has actually reduced the incidence of registered marriages in all categories of persons, except the Muslims who were not covered under the new law.

Due to lack of data, which is a result of poor data collection procedures and coordination among service providers, it is hard to comment on the prevalence or patterns of unregistered early marriages, and unreported statutory rape, which are considerably high as revealed in this study. Based on a few studies, it could be hypothesised that consensual unregistered 'living together' type unions, which are considered marriages in the communities, are continued in the same vigour and magnitude over the last decade. The studies conclude that these marriages take place at the rate of 12-15 percent of total marriages in the rural districts of Sri Lanka. The legal perception of marriage and sexuality is in contract with the community perception of marriage and sexuality, for which many extralegal or 'illegal' unions or 'marriages' of young people occur in the districts as they used to occur a decade ago.

Increase of the age of sexual freedom to 16 years in the amendments to the law in 1995, from 12 years which was the age of sexual freedom earlier, did not help much in reducing the incidence of sexual violence and underage sex in Sri Lanka. The population at risk for sexual violence is thus increased to include those adolescence whose age falls between 12 and 16 ages. This study based on data available with safe houses and certified schools finds that underage sex and statutory rape are increasing in the country, particularly in the rural sectors and less developed districts. However, the study questions the validity of the term and definition of 'rape' to described most of the incidents that are classified as 'rape' in the records of service providers, as forced sex involving rape incidents were minimal in reported incidents as revealed. The majority of cases were consensual sex between the partners although they were legally defined as rape due to the fact that the victims of such incidents were less than 16 years of age.

Besides the lack of data on prevalence and patterns of early marriages (in relation to ethnicity, age, districts and sub districts, socioeconomic status of families etc) and statutory rape in the country, no knowledge exists pertaining to early marriage and rape on the psychological and health impact, impact on education or human rights. No studies or data available on why early marriages and rape are reported high in the 'stressed' communities, in poor pockets and ethnic enclaves. The service providers do not collect

information on early marriages and statutory rape, although such incidents are classified as 'sexual abuses'. National data do not classify marriage data by early marriages of less than 18 years. Although the topics of early marriage and rape are occurring in populations where teenage pregnancies, suicides of young persons and onset of early menarche are high, the relationships among these issues have not been adequately studied in Sri Lanka.

This study argues that the need for documentation and analysis of data pertaining to the overall domain of sexuality including early marriage and rape should be given high priority as they are linked to many problems and issues of the youth in the country. This study recommends undertaking of a large scale field research focusing on less developed districts and service providing institutions, first to understand the patterns and relationships among various components and variables associated with early marriage and rape, and second to measure the capacity of the service providers and the impact of their work in reducing the effects of these issues on the community at large and the youth in particular.

DESK REVIEW AND BASIC FIELD DATA ON CHILD MARRIAGES, STATUTORY RAPE AND UNDER AGE SEX

Amarasiri de Silva, PhD

Introduction:

Background and Objective:

During the later part of 2009, there had been an uprising of public opinion on early marriage particularly focusing on the question whether the age of marriage be reduced to 16 years, should it be increased to more than 18 years or be treated as 18 years as stated in the law of 1995. The opinions and concerns of the public, which appeared in the newspapers and other media have erupted in response to a speech made by an officer of the Attorney General's Department, which was given media publicity (Lakbima Newspaper 16-08-2009). In his speech, this officer has questioned the validity of keeping two ages as the age of sexual independence and the age of marriage according. Assigning one age (age 16) as age of sexual independence and an older age (age 18) as age of marriage, has given rise to problems regarding legal actions on sexual perpetrators of victims whose age falls between 16 and 18 years of age, as viewed by the officer of the AG's Department.

In addition, the organisations working with children and adolescence required an explanation and information as to the increase in reported incidents of sexual violence among young children and adolescence in the war-affected areas, less developed districts and among the poor segments of the country, as reported particularly in FHB reports of recent years, which is another reason for the renewed interest in this issue. Health and social consequences of early marriage, the effects of such marriages on the children born to young women of such marriages were some concerns that questioned the validity of early marriage.

Concerns of some other quarters, particularly the lawyers, focussed on the registered marriages taking place in the country of those who are less than 18 years of age. Such incidents reported in the Register General's Department, according to them, required an in-depth analysis as to why such underage marriages continue to get registered despite the new law that prohibits marrying people younger than 18 years.

With this background, this study aims to find key knowledge gaps, emerging issues and questions pertaining to early marriage and statutory rape, and develop a research plan with methodology and key questions for a comprehensive research study.

Legal Reform-Early Marriages and Statutory Rape:

Until 1995 legal reforms, child marriages less than 18 years of age in all communities were sanctioned by the law. The General Marriage Ordinance of 1907 and the Kandyan Marriage and Divorce Act of 1952 permitted child marriages. Most marriages in Sri Lanka are registered and the child marriages prior to 1995 were all registered marriages.

In 1995, both these laws were amended and removed the legal sanction given to under 18 year marriages, where the legal age of marriage has been raised to 18 years. The

age of marriage has been increased on the ground that children younger than 18 were biologically and socially immature to get into wedlock and bear children, and detrimental effects may create problems in children born to such young women. The law is such that 'even parental consent could not remove the absolute bar to marriages of children under 18 years'¹.

The changes in marriage law simultaneously introduced changes in the Penal Code which raised the age of sexual consent / freedom from 12 to 16 years keeping it on a par with age of freedom to make decisions on education which was 16 years. This change in the Penal Code has implications for the law on rape. The offence of "statutory rape" in criminal law referring to sexual intercourse with or without consent, with a minor child below the age of 16 has become the law of statutory rape afterwards.

These changes in the legal system did not affect the Muslim community as their marriage system comes under the jurisdiction of the Muslim law (Goonesekere 2004). Muslim Law Research Committee has proposed raising the age of marriage in the Muslim community from 12 to 18 years (Colombo Law Review 1978, p57), which has not been implemented. However, with the Muslims the existing criminal law that prohibits sexual intercourse with a child wife less than 12 years of age is continued and interpreted as statutory marital rape (Goonesekere and Gunaratne, 1998).

Despite the legal reforms introduced in 1995, among the traditional villagers in less developed districts and among the ethnic enclaves such as the Veddhas, estate Tamils and in rural communities the practice of early marriages is continued (FHB reports, de Silva 2000). "*Among the Vedas {Vedda} of tropical India, girls marry before they are nine years of age, and have relations with their husbands before sexual maturity*" (http://en.wikipedia.org/wiki/Child_marriage). The law does not affect the Muslims as they have a separate law which is not subject to the amendments. The Veddhas and estate Tamils although marry early, and do not have a written law on marriage, have been subject to the new law.

Early Marriages in Sri Lanka

Early (child) marriages of less than 18 years of age and statutory rape (intercourse with a girl less than 16 years of age, with or without consent) affect young girls less than 18 and 16 years of age respectively. Often when an early marriage is reported, the male partner also gets into trouble and in many cases he is sentenced to rigorous imprisonment, with a minimum of 10 years and a maximum of 20 years until 2008 when changes were introduced to the Penal Code (SC Reference No. 03/08). The girls concerned are often sent to correctional institutes such as the Girls Home in Ranmuthugala by court decision, where she undergoes a reform and rehabilitation program over three years or less, before sending her home under the supervision of the Probation Officer of the respective Probation Division.

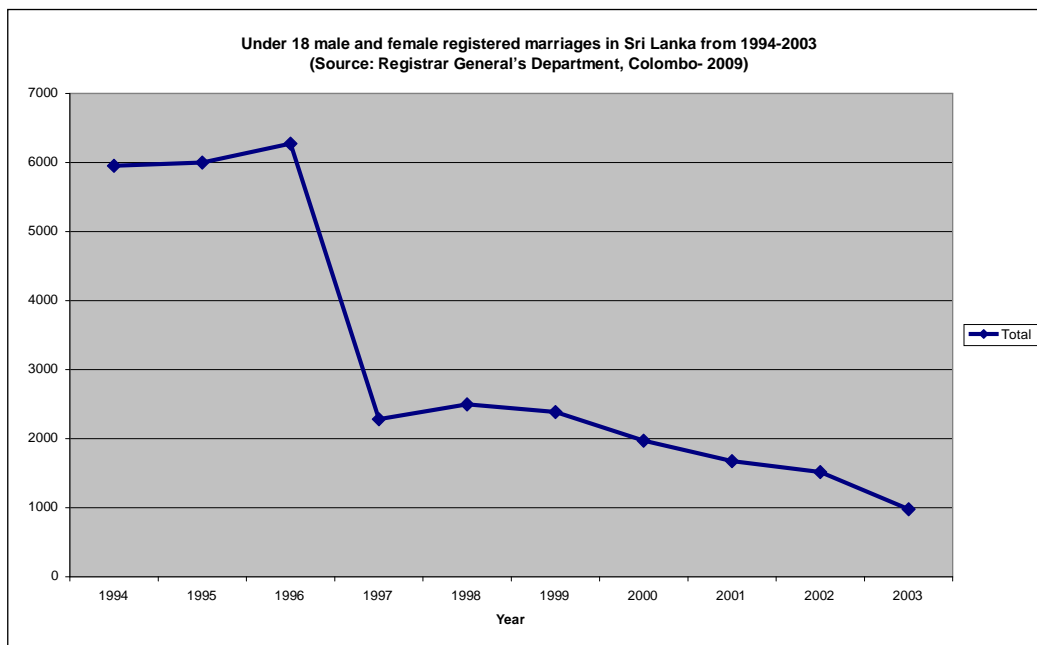
In the case of statutory rape, the girl concerned is examined by the respective JMO, who will initiate a correctional program for the girl, and provide evidence for legal action against the perpetrators (JMO Batticaloa). According to the Penal Code, any form of vaginal sex with a girl less than 16 years of age, irrespective of whether it was a result of a consensual marriage, love affair or any such intimacy, is considered a 'rape' by the

¹ Savitri Goonesekere (2004) Early Marriage: A new challenge in. J of the National Committee on Women, Ministry of Women's Affairs, Vol. 2, No 3 March 2004

Penal Code, and the perpetrator is subject to prosecution and liable to rigorous imprisonment of ten years minimum and 20 years maximum. Since 2008, this law has been made less rigorous and sensitive to each case following the Supreme Court clarification related to Anuradhapura HC No. 333/04 judgement (SC reference No. 03/08).

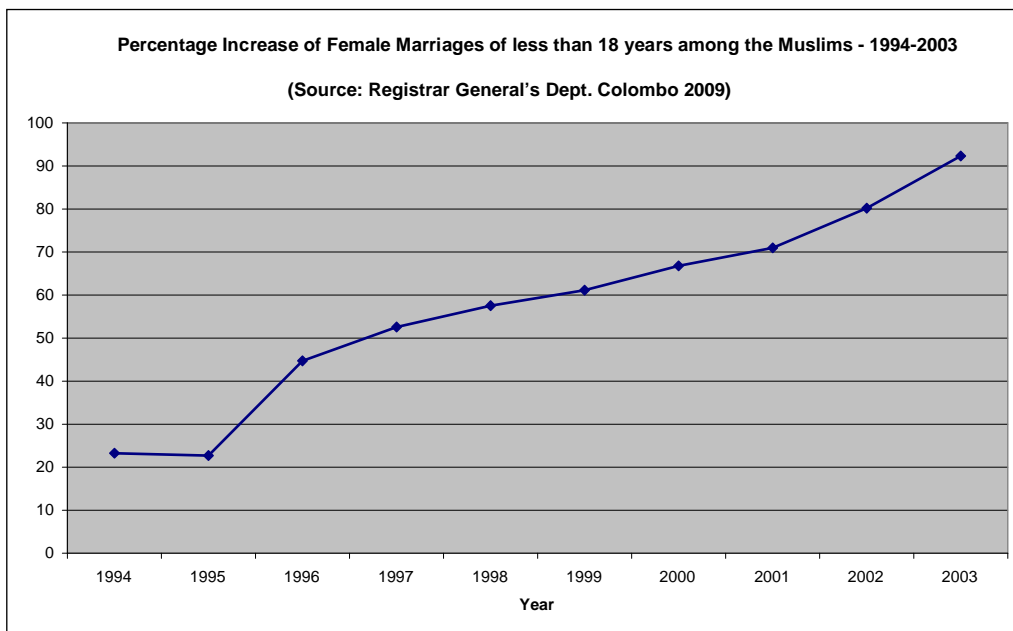
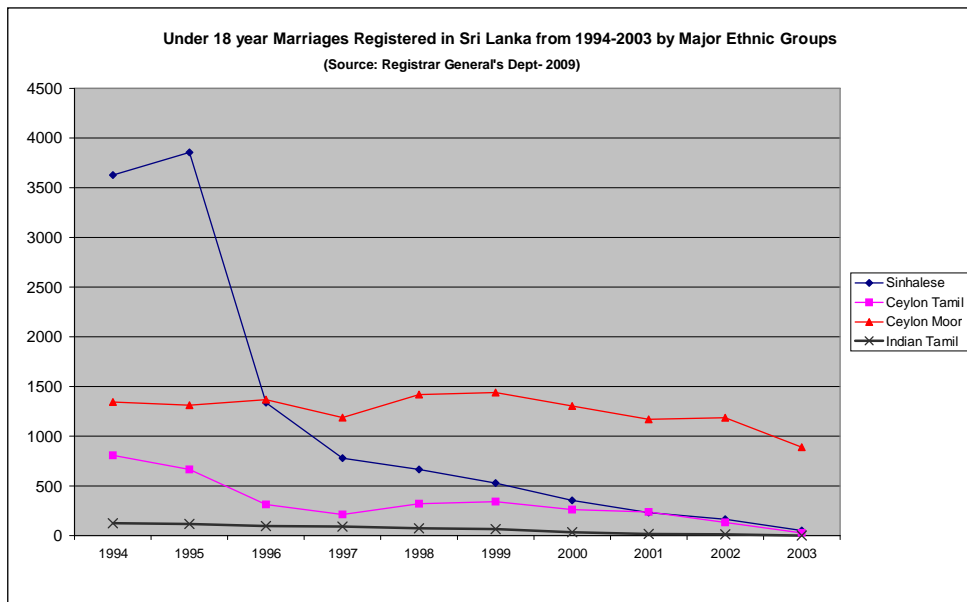
The registered number of under-18 marriages in Sri Lanka from 1994-2003 shows that the overall total has declined tremendously, particularly after the amendment of the marriage law in 1995 where the age of marriage is increased to 18 years. As the following graph shows the law had come to effect in 1996, and until such time marriages of persons whose age was less than 18 years had been registered by the Registrars of Marriage. It was stated that about 50 marriage registrars have been indicted for falsifying the date of birth; especially in the Tamil community, estates etc (Goonesekere 2009b). During fieldwork, number of registrars was identified by community members who register underage marriages after charging a large amount of money. Most young married couples were aware of these registrars of marriage, as they have approached them for registration of their marriage. Continuity of underage marriages, especially Sinhala marriages is questionable in the circumstances that the registrars were expected to follow the law of marriage.

The total registered marriages of persons under-18 years obtained from the Registrar general's Department are given in the following chart.



The registered marriages by persons less than 18 years in Sri Lanka have thus declined from around 6000 persons both male and female entered into marriage in 1996 to a mere 1000 in 2003. The decline can be attributed to the amendment of the law in 1995. The decline is seen across all ethnic groups except the Muslims (Moors and other Muslims) as they were not covered under the 1995 amendment to the marriage law (Goonesekere 2004). As the law does not affect the Ceylon Moors or other Muslims in Sri Lanka the registered marriages of the Muslims remained somewhat constant during this period. The

decline of registered marriages of less than 18 years is clearly visible in other ethnic groups as the following chart shows.



As the following secondary data (published and unpublished) points out under-age marriages are a common practice in the less-developed districts in the dry and arid zones in Sri Lanka. The practice is mostly seen in low socio-economic groups as witnessed.

- In Trincomalee district, of girls aged thirteen to seventeen, 10 percent (30 of 311) were married in villages, and 12 percent (15 of 123) had such marriages in IDP/resettled areas (Save the Children 2009).
- Percentage of women who were married below 15 years of age in the IDP population is 12.5% of total population in camps in 2000 (de Silva 2000).
- Muslims of Polonnaruwa IDP camp in year 2000 had 35.9% girls married at an age of 15 years or less (de Silva 2000).

These data indicate that there are a considerable number of under-age marriages, mostly consensual marriages without registering is taking place in such remote districts. The rates reported for year 2000 is 12.5 percent (de Silva), while for 2009 the rate remains unchanged with 12 percent (Save the Children). It can be surmised from the above data that 12 to 15 percent of people in those districts continue to practice consensual marriages of under-age persons with or without the consent of the parents.

Early marriages are associated with wife-beating (Subramaniam1 and Sivayogan 2001) and harassment (de Silva 2000). Negative health consequences of early marriages are widely reported (Waidyaratne 2009).

Teenage Pregnancy as a proxy measure of early marriage

As shown in FHB data, the definition of teenage pregnancy up to 2007 included pregnancies of women less than or equal to 19 years. In 2007, the age cut-off point was increased to 20 years in FHB data presentations (FHB Reports). The increase in the percentage of teenage pregnancies shown in FHB data in 2007 to 7.7 percent from 3.2 percent in 2005 is attributed to this change in the definition of teenage pregnancy². As witnessed in field data pertaining to this review, the age of pregnant mothers who are younger than 18 years is often reported as over 18 years of age by the respective women in fear of legal action. Therefore, the reported age of teenage pregnant mothers may not represent the actual age structure of young pregnant mothers in Sri Lanka. It is assumed that a large proportion of teenage pregnancies that are reported include pregnancies of young mothers who are less than 18 years of age.

Year	Total Registered Pregnancies	Teenage pregnancies (TP)	Percent of TP
2004	367074	12246	3.34
2005	371555	12029	3.24
2006	203734	13446	6.60
2007	404138	31207	7.72
Source: Family Health Bureau, Colombo			

² FHB Report 2007

‘The proportion of teenage pregnancies reported high (>10%) in Batticaloa, Mullaitivu, Puttalam, Kilinochchi, Kalmunai RDHS divisions and Colombo MC Area’³. These divisions are less developed (except Colombo MC) and are located in the war-affected regions. In addition, they comprise higher percentage of Muslims in their population, except in Kilinochchi and Mullaitive – the factors that might have contributed to the increase in teenage pregnancies. Northern Districts such as Kilinochchi and Mullaitive, where Tamils are the majority, the LTTE is said to have exempted women who were married and who had children from the requirement of being forced into their army. This may have contributed to an increase in teenage marriages in these districts. It can be surmised that the high incidence of early marriages, may have led to the high incidence of teenage pregnancies in these districts.

Statutory Rape

According to the Penal Code, any form of vaginal sex with a girl less than 16 years of age, irrespective of whether it was a result of a consensual marriage, love affair or any such intimacy, is considered a ‘rape’. The girl subject to the incident is examined by the respective JMO, and evidence is provided to the courts that eventually order a correctional program for the girl⁴. When a statutory rape is reported, the perpetrator is prosecuted and often punished by the courts through legal action. The girls are often sent to correctional institutes such as the Girls Home in Ranmuthugala on the order of the courts where they undergo a reform and rehabilitation program over three years or less, before they are sent home under the supervision of the Probation Officer of the respective Probation Divisions.

As reported, statutory rape in the country is increasing.

- According to DCDC Batticaloa, in 2008, there were a total of 84 cases of child abuses of which 35 were sexual violence (41.7%). Of those individuals subject to such violence 34 (97.1%) were females.
- The Women’s and Children’s Desk of Batticaloa Police reported 4 rape cases in 2008 and 2 cases of rape in 2009 of girls less than 16 years.
- DPCCS Central Province shows that in 2006 there were 26 cases of sexual violence, which is 26% of the total 100 cases reported in the first half of 2006 (de Silva 2006).

According to the data provided by the correctional institutions and safe houses, the incidence of statutory rape is increasing. As most cases that are reported to the correctional institutes are from less developed districts, war-affected areas, and minority communities of the country, there are grounds for believing that incidence of statutory rape is rising such poor districts and communities and in poverty pockets (Poor care for children, broken and disorganised families, remarried mothers, single parent families, families without parents have reported high incidence of statutory rape in these districts (see case studies in appendix).

In Snehedeeepam- the safe house in Batticaloa, six girls of less than 18 years were admitted after being sexually abused in 2003 and this number has increased to 24 in

³ FHB report 2007

⁴ As explained by the JMO of the Batticaloa District during my fieldwork for this study.

2008. The yearly data of Snehedeepam from 2004 up to September 2009 provided in the following table shows that cases falling into the legal category of 'statutory rape' has increased over the last 6 years.

Sexually Abused Girls Admitted to Snehedeepam, Batticaloa from 2003-2009 September								
(Source: Compiled by author from information available with Snehedeepam 2009)								
Year	Total Boys	Sexually abused boys	Total Girls	SEXUAL VIOLENCE AGAINST GIRLS				Total
				Total # of sexually abused girls	Type of Sexual Abuse Reported in the Total Sexually Abused Girls			
					Statutory Rape	Elopement	Married before 18 years without parental consent ⁵	
2003	18	0	8	6	02	02	02	26
2004	32	0	65	15	05	04	06	97
2005	32	1	59	14	05	01	08	91
2006	30	0	70	18	07	08	03	100
2007	35	13	102	42	20	12	10	137
2008	46	0	87	20	08	06	06	133
2009 (09)	28	0	63	24	08	09	07	91
Total	221	14	454	139	55	42	42	675
Percent	32.74		67.26					100.0

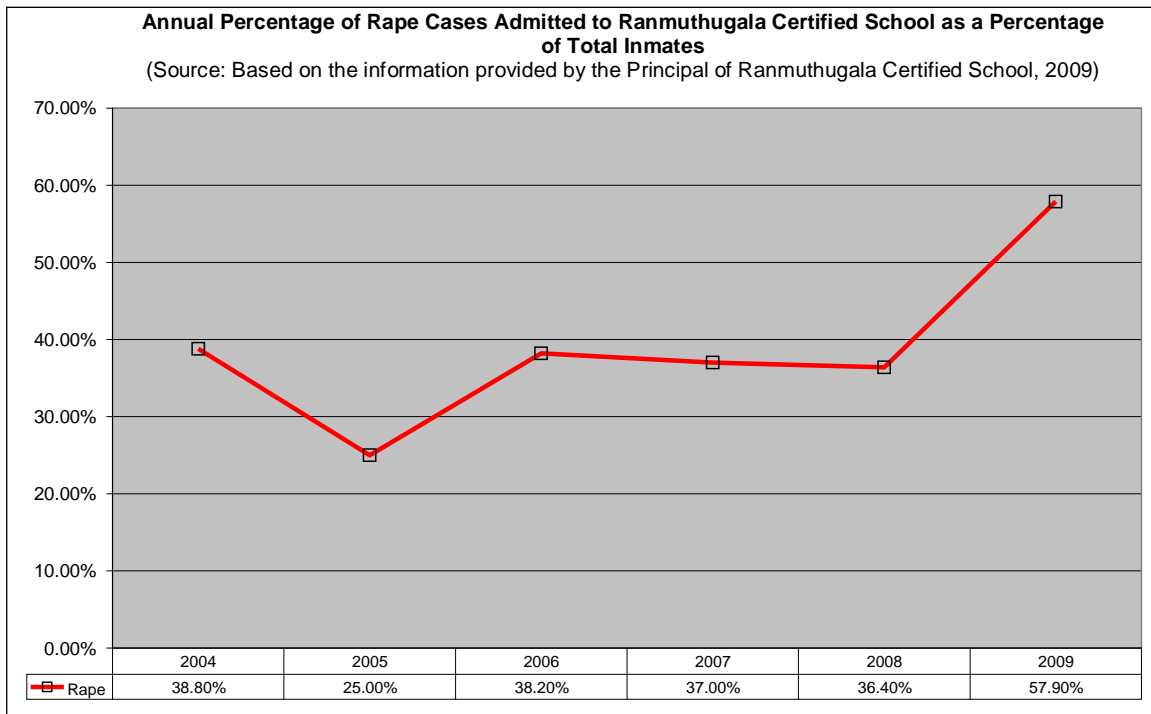
Sexually abused girls in Snehedeepam are grouped into three categories based on the nature of the abuse. Of the total female inmates of 454 girls admitted to Snehedeepam, 30.6 percent entered to the institute were sexually abused (sexually abused girls include those who were identified as raped, those who had eloped, and those who had married before 18 years without parental consent, as per description provided by the management of Snehedeepam) Of those sexually abused girls, 39.5 percent had been raped (statutory rape), 30.2 percent had eloped with a man, and another 30.2 percent had married before 18 years without parental consent. Often the rapes reported were committed by a known person, and were a result of an association with a man. However, as they were under 16 years of age, any vaginal sex is legally defined as 'statutory rape'. Unlike the registered marriages, data on statutory rape is not collected in a central place or institution which makes it difficult to gauge countrywide trends.

Girls subjected to rape and sexual abuse whose cases are heard by the courts are kept in the Certified School for Girls (Ranmuthugala), which is the only state-run certified school for girls in Sri Lanka. The state-run children's homes in the districts and in detention homes (Nivarthana Nivasa) in Gangodavila and Halpathota also keep a few girls directed by the courts. The girls who are directed by the courts after completion of the court cases are usually sent to Ranmuthugala Certified School. In Batticaloa and Jaffna there are two safe houses and many children's homes in each district which are managed by the private sector and provide shelter and protection for girls subjected to

⁵ No incidence of any marriage of under-aged girls with parental consent has been reported in Snehedeepam data.

sexual violence. Sometimes, sexually abused girls are sent to these institutions for a period less than 6 months by the courts until such time the court cases are completed.

Data obtained from the Certified School for Girls in Ranmuthugala shows that the percentage of girls who have been raped and admitted each year to the school based on court decisions has increased over the years (see diagram below).



Based on data obtained from the Safe House, the Certified School and the observations made in the field, we can state with certainty that the incidence of statutory rape in Sri Lanka is increasing.

The Problem(s):

Evidence provided in this report show that the incidence of statutory rape is in the increase, while the registered marriages under 18 years of age in the country have declined considerably. However there are grounds for believing that unregistered early marriages are rising in less developed districts and DS divisions, war affected areas (FHB Reports), particular ethnic enclaves (de Silva 2000; Save the Children 2009; Daily News 2009; Daily Mirror 2009), and estate sector and in poverty pockets. The various agencies such as safe houses and Certified School for female children show that the percentage of girls entered to these institutions who experienced statutory rape and consensual marriages is in the increase.

The available data on early marriages and statutory rape are all reported cases by the police which have undergone legal procedures in the courts. The reported data however portray only a fraction of the actual practice in the communities, which is

largely unreported for variety of reasons. There are grounds to believe that most of such incidence is under-reported.

The large number of cases of early marriages is not registered as they are considered customary to the culture of the people. Statutory rape is highly under reported for variety of reasons. Collection of such unreported community data forms a challenge for the researchers. Without such data, it is difficult to make any valid conclusion as to the nature of statutory rape and early marriages in the country.

The data available with the Probation Department, DCDC, and W&C Desk of the Police are the sources for research, strategic planning and making inferences on statutory rape in Sri Lanka. However, this data is in disarray as they are not properly recorded and documented. The data available with the Police W&C desk, DPCCS, JMO, DCDC and NGOs are all in scattered form, and are not coordinated by any central agency. None of these agencies report these data in terms of 'early marriages' or 'statutory rape'; rather they are grouped into an overarching category of 'sexual abuse'. Although the police data comprises the category of 'rape', this category is used to describe all forms of vaginal intercourse, whether forced sex or consensual marriage of under-aged persons.

The reported data available with the institutions and departments mentioned before are seldom used to examine early marriage or statutory rape in terms of population trends, health and fertility, educational attainment, and cultural and economic impacts of them. Few studies have examined the practice from a human rights perspective, in terms of trends or its impact on family in general and wives, husbands, children in particular. Existing data are not disaggregated in terms of ethnicity, age below 18 and 16 years, or district and DS or GN division levels, making it much difficult to use in such analysis.

Communities that practice early marriage view the practice as legitimate from a cultural point of view. There are social, cultural and religious reasons for its persistence. Community persons view that girls who attain age when they are 10 or 12 years are ready to take responsibilities of marriage by the time they are 16, 17 years old. Protecting such girls whose onset of menarche is at an early age forms a challenge for the parents, especially if the girls have dropped out of the school at an early age, and the earning capacity of the family is poor. Such people consider marriage is a form of social protection for the girl, a way of shedding out parental responsibilities towards the girl child, and a means to incorporate grownup children into the viable agricultural economy.

The legal definition of marriage however does not recognize the community perceptions of marriage. The 'under-aged' persons who are consensually married are considered as violators of the marriage law. Reading through the case histories of girls who have been prosecuted and sentenced to Certified Schools and Safe Houses shows that they had to 'give-up' their hope for a family life with a husband / lover chosen by themselves and in many occasions they had to give away their son or daughter to a relative or an unknown person to take care of. Although their lover or husband is bound to be sentenced to rigorous imprisonment of 10 to 20 years, as per section 364 (2)(e) of the Penal Code amendment act of 1995, making it rather a distant dream for them to unite again as family. *"the learned High Court Judgeobserves that in the Anuradhapura District ...love affairs are a common occurrence (meaning elopements and early marriage) and that complaints often present a different version of their complaint to the police after the parents raise objections to (them).... The learned High Court Judge also notes that the family life of the first accused would now be disrupted. Also notes that*

such a custodial sentence would also not benefit the complaint. Having regarded all the circumstances of the case the learned High Court Judge observes that the imposition of a minimum mandatory sentence for an offence committed consequent to a love affair between two persons in their youth is against her conscience” (SC Reference No. 03/08, HC Anuradhapura, No. 333/04, 9-08-2008). Attorney General’s Department drops charges – if police reports during the proceedings prove that the victim is married. Although early marriages are always be discouraged for a number of psychological, health and adverse impact on the infant of the child wife, such marriages continue to occur. The current system does not seem to provide adequate protection for these victims of child marriages. The legal provisions that have been put in place to discourage under age marriages, ignores the fact that there cannot be total legal solutions to social problems and in fact have worsened the situation for victims of child marriages.

Key Research Questions and knowledge gaps:

1. How do we assess the prevalence of early marriages in Sri Lanka? The available data on early marriages in Sri Lanka available with the Registrar General’s Department portray the picture of registered marriages only, and therefore does not give an indication as to the prevalence of early marriages in Sri Lanka. The question then is how do we assess the prevalence of consensual marriages of persons less than 18 years, which are unregistered, and prevail in rural, less developed districts in particular?
2. How do we assess the prevalence of reported data on statutory rape? Statutory rape is not reported in any data set provided by any reporting agency such as the police, Probation Department or the DCDC. In the W&C Police records, any vaginal intercourse with a girl under 16 years of age reported to the police is listed as rape irrespective of the fact whether they were committed with consent or by force.
3. Consensual marriages of persons less than 16 years are also reported as ‘rape’ in the police records. In DCCPS records, statutory rape is generally classified under the caption of ‘sexual abuse’, and therefore, prevalence and patterns of statutory rape is not obtainable from such data.
4. How do we get a holistic / realistic view of early marriages and statutory rape in Batticaloa District (the district of concern for the UNICEF), or for that matter in any other district? The various government agencies working in the area on early marriages and statutory rape at the district level such as the DPCCS, W&P Desk of the Police, CRPOs at the DS office and Provincial Councils, DCDC in each district, the JMO in the district and various NGOs working in the districts including safe houses do maintain their own records. However, their data is not classified under the categories of statutory rape or early marriages. The data emanating from various institutions in the district are not reported to a central organisation for record keeping purposes. The data is thus in disarray and how do we improve their reporting and coordination?

5. What are the trends and patterns of early marriages and statutory rape in the Country? The sources of information do exist to a certain extent, but they are seldom used to examine early marriage in terms of population trends, health and fertility, educational attainment, and cultural and economic impacts of them.
6. What are the human rights perspectives of early marriage and statutory rape? Few studies have examined the practice from a human rights perspective, in terms of trends or its impact on family in general and wives, husbands, children in particular. Rights perspective as it affects the wider society needs highlighting.
7. How does the community and families perceive early marriage of their children? Do they share the same views as the agencies / lawyers and activists working on the subject? What factors have contributed towards persistence of such practices in the communities?
8. Why child marriages and rape are in the increase in 'stressed' populations and in less developed areas? There are grounds for believing that early marriages and statutory rape are rising in less developed districts and DS divisions, war affected areas and in ethnic enclaves in particular; and why are they increasing in such populations? Is it because the adolescent population in these districts are increasing? Is it because war and poverty have brought in a different dimension of stress that the early marriages are in the increase? Or because it is a cultural factor that pervades the rural populations in such districts?
9. How do we get a good understanding and visibility of the spread of early marriages and statutory rape in the national data such as the census data? National data comprises aggregate figures. Under the category of marriages, often highlighted fact is that the age at marriage in the population has been increased; it has been attributed to many positive developments. In the guise of these interpretations, early marriages and rape etc are undermined as they do not manifest in the overall picture of statistics in the country. This is partly because the developed districts in the wet zone areas of Colombo, Kalutara, Gampaha, and the littoral comprises over 75% of the population, and hence their presence in the aggregate picture of the country's statistics is overwhelmed and the regional variations are submerged.
10. What are the psychological and health impacts of early marriage and child rape? The young girls especially who are under the besiegement of such circumstances may undergo various harrowing psychological experiences, and health-related consequences. When these girls are brought to the police and courts do they undergo any psychological counselling? When they are examined by the JMO of each district, does s/he make any records of the health impact of the incidents? Where are these records kept?

11. How important is timing of menarche, particularly in low socio-economic groups and in less developed districts and war affected areas in Sri Lanka to onset of sexual activity and pregnancy? As revealed in the literature, rural girls especially those in socioeconomically poor communities tend to experience early puberty. Girls who grow up in households with an unrelated adult male reach menarche earlier than peers as literature suggest. Timing of onset of menarche in girls in such communities is associated with early onset of sexual activity and pregnancy (references are given in appendix). The fact that poor rural girls in less developed districts experiencing early puberty has any relationship to their early marriage, onset of early sexuality and teenage pregnancy? The trio – early marriage, statutory rape and teenage pregnancy- are they related?
12. What are the success rates (or 10 year survival rates/ success rates) of less than 18 year old child marriages as compared with regular adult marriages?
13. What strategic plans and programmes be identified and implemented towards changing community attitude against child marriages in certain pockets and districts?
14. How awareness raising in a mass scale be organised to address this issue of early marriage in the less developed districts in particular?

Recommended Methodology and Research Plan

Methodology for a research study:

The proposed methodology comprises three areas of work. First is to get an idea as to the prevalence of early marriages, especially unreported consensual unions in the rural community settings. This needs a field research. The field research should comprise a) qualitative, rich in detail, case studies of such unions in the rural communities and b) a survey of the areas.

The method of selecting cases should be based on the snowballing technique of sampling, where dissimilar cases are interviewed to collect information and thereby building up types of cases. Types can be as many as the researcher finds them in the community. Some examples of types are the following: a) younger girl married to a man who is 5 years or less older than the girl with family consent; b) younger girls (less than 18 years) married to a younger boy (less than 18 years) with parental consent; and c) younger girl eloped with a man who is 5 years or less older to the girl without parental consent. Only one or two examples from each type may need documenting. The number of cases to be documented depends on the types detected in the field by the researcher. If the researcher has found only 20 types, may be good solid 2 cases each representing one type would be sufficient. If variations exist within types more than two case studies per type is required. These depend on the researcher's intuitive understanding of the types and their composition in the field setting.

The case studies need to be analysed using a textual data analysis package such as the Atlas/Ti to identify different variables associated with the cases. The rich case material should be written out separately to understand the patterns of early marriages in Sri Lanka, which can be treated as a separate analysis. In each case, reproductive history of the girl, experience of puberty, vaginal sexual experiences should be detailed out in addition to the details of the early marriage.

Once the variables are identified in the case studies by way of textual data analysis, the most crucial variables that distinguish the cases should be used to build up an instrument for data collection in the survey. This instrument can be discussed with the expertise in the subject matter and improved. The instrument need field testing and pretesting before it is used in the research. If it is prepared in the English language, then it requires translation into Sinhala and Tamil languages for field enumeration. After completing the survey instrument, the sampling method needs to be identified.

There are two ways to collect information on the sampling frame to begin with. This research that I have conducted shows that over 90 percent of pregnant young mothers deliver their children in hospitals, and over 70 % of them attend a pre-natal clinic in the respective MOH area. The MOH clinics and delivery wards of the local hospitals can thus be excellent repositories of data on early marriage. The PHM (or family health worker) as part of her job, collect and compile a list of potential mothers where all the married / likely to be pregnant young women are included. The young married women may give false ages to the PHM is a possibility. However, still there is a probability that some percentage of married young women avoiding the PHM, in order to conceal their marriage, when the PHM visited their homes. Although most of this data is available with the FHB records, reasons for such underage marriages are not discussed in the FHB reports, which may need a separate study to explain the causes and factor leading to such community practices.

Before collecting information on the sampling frame, the MOH areas need identification. From each district, two MOH areas should be selected to collect information on the sampling frame; One MOH area in the urban, developed sections of the district, and another MOH area from the poverty ridden, less developed rural areas of the district. As it is found that most of the early marriages are reported in less developed districts, war-affected areas, poverty pockets and in ethnic enclaves, the MOH areas with such characteristics in the less developed districts should be selected for the survey. The two MOH divisions can be compared to test the hypothesis that less developed poor segments of the districts contain most of the early marriages.

After building up the sampling frame in the two MOH areas of the district, a simple random sample can be obtained. If the sampling frame has more than 400 cases in each MOH area, then selecting 400 per MOH area is advisable. If the number of cases is enormously high, then 20 percent of the sampling frame could be obtained at random from each MOH area as the sample for the survey. The number of districts can be decided on the availability of funds. However if this proposed research is going to be a preliminary research, may be at least three districts should be selected with two MOH divisions each making a sample of at least 2000 cases, which will be an excellent data base for variety of analysis. The data of the Registrar General's Department collected for this study contains only marriages that are registered with the Registrars of Marriage, which therefore, include legally acceptable marriages. Most of the cases reported are

from predominantly Muslim districts, such as Colombo, Batticaloa, Trincomalee, Puttalam, Kurunegala, Gampola, Kalutara, Polonnaruwa and Kandy. This list can include certain other districts such as Monaragala, Hambantota, Badulla, Vavuniya and Killinochchi which are less developed, and less represented in the Registrar General's data, which may have unregistered consensual marriages in large percentages.

The research study could be validated with a few other data sources available with the institutions. They are the teenage pregnancy data, maternal mortality data available in the hospitals, and the suicide data. The first two types of data are reported to the Family Health Bureau (FHB) as I was informed. If we could get details on age, ethnicity, district DS and GN divisions of these cases, they can be built into the sampling frame in the first instance. Secondly they can be used to see if the findings of the survey were consonant with such distributions. In other words, the study can test the hypothesis that early marriage, statutory rape and teenage pregnancy are components in one continuum. In addition, data on suicides of young married people could be a good source to look at, which are available with the Registrar General's Department, FHB and the Police.

Methodology for ongoing data collection by the agencies:

Beside these two research studies, there are other methodologically important aspects that need introduction to streamline the existing data collection system in the districts. As has been observed, the various agencies that work with early marriage and statutory rape at the district level, require coordination among them, and identify a system for reporting data using a commonly accepted methodology and reporting system.

Development of a common reporting system requires several workshops with all stakeholders towards development of a commonly agreed format for data reporting, and a system of reporting. The agencies at the district level, who deal with early marriages and statutory rape, are the DPCCS, W&C Desk at the Police Stations, Probation Officers of the DPCCS, CRPOs at the provincial and DS office, JMO, DCDC, and NGOs working with affected girls and boys. These agencies need to be convened at a meeting to discuss the problem, and educate them about the need for the data, and about early marriage and statutory rape. May be a couple of workshops are required to develop a commonly agreed instrument (questionnaire) for reporting the incidents.

The lead organization in Batticaloa to coordinate the work would be the DCPU. A system of reporting data to DCPU should be identified and developed in consultation with all stakeholders. The data should be computer entered, analyzed and used for strategic planning. Data entry, analysis and strategic planning need educational sessions for the participating agencies.

Other Research Needs and Gaps That Require Attention

Special studies are needed to examine health and psychological responses of early marriage and statutory rape. Data on the psychosocial impact of early marriage on family and marriage, wife and children and the ways in which these interact with wider social, political and economic aspects and their consequences require further examination.

Rights perspective as it affects the wider society needs examination. Tasks can be given out to academics and organizations to look into the human rights aspects of these topical areas.

The subjective interpretation of parents, families and communities need documentation to see if their views on early marriage is culturally constructed, and if so what constitute such perspectives. This needs interviewing parents, families and community members where cases have occurred. May be these can be assigned to CRPOs and Probation Officers with a little training on interviewing. The training is important to avoid influence of 'official' approach to the problem, which may distort the parental revelation of the stories.

Studies are needed on social, cultural and economic determinants influencing early marriage, particularly those that cause it to rise. May be carrying out control studies where incidence of early marriage is high and where such marriages are low may provide information on possible reasons for its increase and persistence of early marriage.

Aspects that need improvement particularly with regards service providers:

The national data at the census and Registrar general's department should require to develop a method for presenting data in such a way that child marriages are shown separately by districts, ethnicities and ages. The data could be presented in comparative perspectives with less developed districts and developed districts separately and compared with regards various indices and early marriage and rape in particular. Data should be made available to the public without hindrance for use and interpretation. Better to cultivate a more robust understanding of why open government data is essential to democracy! Information becomes more valuable as it is shared, less valuable as it is hoarded! Open data promotes increased civil discourse, participation, improved public welfare, and a more efficient use of public resources!

New methodologies and additional indicators/criteria may be needed for use in population surveys to capture early marriages and statutory rape in their entirety. The national data should be presented in terms of GN divisions so that the regional variations could be seen and highlighted.

New methodologies may be needed to enable NGOs /CBOs working in less developed districts and rural and 'stressed' communities to conduct small-scale qualitative research, with participation of adolescents and youth. NGO/CBO and government agency cooperation in carrying out such small-scale surveys is stressed.

Collection of case material (without personal identifications of the subjects) of each early marriage and statutory rape case, using an agreed identified format is needed to be incorporated in the quarterly reports by reporting agencies. This would help understanding the cases in qualitative terms.

Discussion with the Police, Batticaloa and other districts as to improve the services of the W&C desk, and record keeping of cases reported on early marriage and statutory rape is needed. The person doing data entry at the DPCCS in Batticaloa (paid by the UNICEF) can be used to document the data in the Police Station, may be on one day a week basis.

In order to make families, parents aware of the consequences of early marriage and child rape through awareness programs, and educational efforts. May be these can be incorporated in to the school syllabi from grade 8 onwards.

The CBOs and NGOs working in villages should be made aware of the consequences of child marriage and rape, and then they could educate the communities with possible improvement in reporting.

Research Plan

Research Plan for collection of Reported data on Statutory Rape and Child Marriages:

Activity Strand	Indicator by type	Information Needs	Source of Information	Methodology of collecting / analyzing data
<i>Collection of data on statutory rape and child marriages</i>	(1) Number of cases reported / received (Output indicator)	<ul style="list-style-type: none"> - Reported cases by category (Rape/early marriage/elopement/ other sexual abuses) - By gender, age, education and location (e.g. district) of the girl accused. - By socio-economic status of the families (family size, presence of parents, parental education, father's occupation, degree of poverty, war affect, ethnicity, etc) 	<ul style="list-style-type: none"> - Probation officers - Probation Commissioner (province) - Probation Commissioner (National) - NCPA - NCPA provincial officers - DS - Police (W&C desk) - JMO - Magistrate Courts - CRPOs - UNICEF regional offices - Safe houses - DCPU/DCDC - Children's homes - UNICEF District office - UNICEF Partner NGO e.g.: Sarvodaya, Save the Children, CCF, ESCO 	<ul style="list-style-type: none"> - Structured format to collect secondary information
	2) Percent change in reported cases across time (yearly) space (Districts) and	<ul style="list-style-type: none"> - Information on reported cases by year for 10 years each pre-post 1995 amendment of law - Compare pre 1995 	<ul style="list-style-type: none"> - Registrar General's Department data - Census data - Family Health Bureau data - District and provincial level data - Documentation at DCDC - PO records 	<ul style="list-style-type: none"> - Trend analysis over the years, districts, and ethnicities using reported data

	<p>social and cultural variables (e.g. ethnicity, socioeconomic groups)</p> <p>(Impact Indicator)</p>	<p>and post 1995 data to gauge the impact of the amendments to the marriage law in 1995</p> <ul style="list-style-type: none"> - Increasing / decreasing trend in reporting 	<ul style="list-style-type: none"> - CRPO records - UNICEF Partner organization records 	
	<p>3) Court decision on the cases</p> <p>(Output indicator)</p>	<p>The following data by duration, training, rehabilitation type etc</p> <ul style="list-style-type: none"> - No. of cases sent to certified schools - No. of cases sent to safe houses - No. of cases given other type of court orders (e.g. imprisonment) - No of cases handed over to the parents/families 	<ul style="list-style-type: none"> - Certified school record - Safe house records - Records of children’s homes - Magistrate Courts records - Police records - PO records / note books - CRPO records - DCPU 	<ul style="list-style-type: none"> - Structured formats by number received and type of rehabilitation provided and duration - Review of secondary information

Research Plan to Collect Data on Service Provider Capacity on Data Collection, analysis, and program development				
Activity Strand	Indicator by type	Information Needs	Source of Information	Methodology of collecting / analyzing data
<i>Facilities, training, available for data collection, analysis, (interpretation, planning, strategic planning)</i>	4) No. of Government Service Providers with facilities and training for data collection, analysis and interpretation and use. (Output indicator)	<ul style="list-style-type: none"> - No and type of facilities available (e.g. computers etc) - No of officers working on data collection analysis and use. - No and type of Trainings received by them - No of trained government service Providers in each institution by category (POs and CRPOs) 	<ul style="list-style-type: none"> - Probation office documentation - CRPO data from DS, provincial authorities and Probation commissioner –Colombo - Records at W&C desk of police stations - DCDC / DCPU documentation - UNICEF District Offices for training provided - Records of UNICEF Partner / NGOs 	<ul style="list-style-type: none"> - Interviews using structured formats - Review of secondary information
	5) No of rape and early marriage cases handled in by case conferencing or similar approach (Output indicator)	<ul style="list-style-type: none"> - No of cases reported by JMO - No. of cases reported to POs at Judicial Zone level - No. of cases reported to CRPOs at Divisional level - No of cases reported by W&C desk of police 	<ul style="list-style-type: none"> - DCPU /DCDC records - POs records - CRPOs records - W&C desk (police) records - JMO records - UNICEF Partner / NGO records 	<ul style="list-style-type: none"> - Interviews using structured formats

Plan to Collect data on the Impact of Monitoring and Evaluation work of the Service providers				
Activity Strand	Indicator by type	Information Needs	Source of Information	Methodology of collecting / analyzing data
<i>Monitoring / evaluation by service Providers</i>	6) Percent of raped and consensually married girls who have returned home and community after legal prosecution, training and rehabilitation. (Outcome indicator)	<ul style="list-style-type: none"> - No. of cases reported - No. of cases successfully oriented into the family and community - No of cases successfully married - No of cases economically and socially successful - No of cases that were monitored at least one year after they were sent home. 	<ul style="list-style-type: none"> - POs records - CRPOs records - NGO records - Safe house records - Certified school records 	<ul style="list-style-type: none"> - Interviews using structured formats
	7) Percent of trained staff that have used collected data for programming, planning, monitoring etc. (Outcome indicator)	<ul style="list-style-type: none"> - Type of trainings - No of Trainings - No of monitoring / evaluations activities 	<ul style="list-style-type: none"> - POs records - CRPOs records - Probation commissioner records 	<ul style="list-style-type: none"> - Interviews using structured formats

	<p>8) Percent of raped and young consensually married girls who were home-visited, and monitored after release into their families. (Outcome indicator)</p>	<ul style="list-style-type: none"> - No. of cases visited at home, who visited and frequency - No. of cases receiving any advise or assistance - Type of assistance received - Perceptions of service recipients - No. of girls making use of the training that they received during their institutionalization. 	<ul style="list-style-type: none"> - PO records - CRPO records - Social care centres' records - DCDC records - Community perceptions - Service provider's perceptions - Perception of the beneficiary (family and the girl especially) - Observations by the researcher at the community 	<ul style="list-style-type: none"> - Observation format with a scoring system - 5- Very good, 4 – Good, 3- Neutral, 2- Below Average, 1 – Poor - Case studies by visiting the girls family - Discussions with key members of the community of the girls selected for the study - Focus group discussions with service providers and beneficiary communities using SSI
	<p>9) Percent of Districts/DS Divisions/Service Providers that enforce preventive Strategies to reduce the occurrence of rape and child marriages (Outcome indicator)</p>	<ul style="list-style-type: none"> - Type , No and Frequency of Preventive Strategies operationalized 	<ul style="list-style-type: none"> - GA records - DS Divisions records - PO records - CRPOs Records - NCPA District Coordinator records - National Probation Commissioner Records - Provincial Probation Commissioner records 	<ul style="list-style-type: none"> - Secondary information - Interviews /Discussions - Observations

Research Plan to Collect Information on Public Awareness Programs pertaining to Early Marriage and Statutory Rape Organised by the Service Providers				
Activity Strand	Indicator by type	Information Needs	Source of Information	Methodology of collecting / analyzing data
<i>Public awareness on risk of Early Marriage and Statutory Rape</i>	10) Number and type of public awareness campaigns (Output indicator)	<ul style="list-style-type: none"> - Type of public awareness campaigns - No. of programs conducted - No of Service Providers conducted the programs No. and type of participants 	<ul style="list-style-type: none"> - PO office records - DS office records - CRPO records - UNICEF partner organization records 	<ul style="list-style-type: none"> - Secondary data collection - Focus group discussions
	11) Percent of community members knowledgeable of how rape and early marriage can impact on the girls, families etc. a random sample study of community members (Outcome indicator)	<ul style="list-style-type: none"> - No of participants in awareness programs - No. of community members who are aware of the negative effects of rape and early marriage - No. of members aware of protection issues 	<ul style="list-style-type: none"> - PO records - DS/CRPO records - UNICEF Partner organization records 	<ul style="list-style-type: none"> - Survey of a random sample - Qualitative interviews

Appendix

Appendix A: Case studies:

Case Studies Reported by the POs in Batticaloa:

The following incidents were reported by the Probation Officers in the DCCPS Batticaloa. They were Mr. Bala, Mr. Maniwannan, and Mr. Chandra Kanthan. According to them, most of the cases reported as rape, early marriages and other sexual abuses were from the western part of Batticaloa, known as Paduwankarai. People living in these areas are poor and they work as farmers. Alcohol consumption, drug abuse, and poverty are the causes identified by the POs for the increase in the number of rape and early marriages. Suicides and divorces take place often in these young families, who have very little knowledge of running a family. There were 47 abuse cases reported in 2009 in Batticaloa, however, the nature of the abuse is not adequately described to get an understanding of how the reported 'rape' cases have happened.

1. Two girls were arrested in Irudhaya Puram and Trimadu in Batticaloa as they were sexually abused and kidnapped by two men. Those two girls were actually married consensually with the consent of their families. They were under 18 years of age. Their mothers were also married like that when they were under 18 years of age. The two families were agriculturalists and poor people. The girl in Trimadu had a baby girl as well. Now the baby lives with the girl's grandmother. The first girl was 16 years old and the second one was 14 years old. Because of the elopement, in the second case, the parents complained the police that their daughter was missing. The boy who has educated up to GCE OL is a carpenter. The second girl lost both her parents during the Tsunami in 2004, and she was living with her aunt. She had a love affair and eloped with that boy. The aunt who was the fit person (custodian) of the girl had complained to the police that the girl was missing from home.
2. Ten year girl and her mother were raped by her father's friend. Now this child is in Sneheddeepam and attending school. She has not attained age. The mother is conceived as a result. They are from the western part of Batticaloa known as Paduwankarai.
3. Fourteen year old girl is raped by her father. The child got pregnant as a result and delivered a baby. Mother came to know that her husband (or girl's father) had been sleeping with the daughter about six months after. Afterwards the mother complained to the police that her husband had cohabited with her daughter. The father was arrested and put in jail. The family is a poor fishermen family, and the man is a fisherman himself. Both parents were poorly educated. They were living in the rural, western part of Batticaloa.
4. The father is a drunkard. He is a fisherman in the village, and had a few friends who used to come home and drink together. These men had some encounters with the mother as well, as noticed by the people. The family was a poor family living in a small house made of cadjan. The girl was about 10 years old and the men used to molest her at night when they sleep in the veranda after drinks. The girl did not attain puberty. As a result of these associations, the mother of the girl got conceived. One day the girl had complained her mother that one of those uncles

had raped her the previous night. In fear of any further problems, the mother went to the police station and complained about this. Now the girl is at Snehedeepam and the man is in jail.

Case studies from the field

Indrani

Indrani (pseudonym) lost her parents due to the Tsunami of 2004, when she was about 11 years old. She was then brought up by her father's sister (auntie) who has been nominated by the courts as her custodian (by fit person order). She was psychologically feeling badly over the death of her parents, and did not perform well in her school. As a result, she dropped out of the school even before she did GCE OL examination. Her auntie was a poor woman who had to support her two sons and the daughter in addition to Indrani. Indrani willingly helped her auntie in her activities, did cooking in the household, and other house chores. Also she did help her in her food preparation business. She used to go to various small boutiques to put in hoppers that her aunt made. She went to the market to buy stuff needed for her auntie's petty business. During that time she met a boy and he became friendly with her. She did not tell about his to her aunt for fear. The couple used to meet in the market place and in various locations in the urban area. The boy however had informed about this to his parents, who had given consent for the affair. Although Indrani was just 16 years, the boy was about 22. Time moved fast, and the relationship also grew into a well established love affair needing the two persons to come together under one roof. They decided to live together, and in a plot of land obtained from the father, the boy he put-up a house, where the couple started living together. Indrani's auntie although was aware of the union and their settlement, did not like what Indrani did at a time when she required her service for her small business. She got angry and made a complaint in the police that Indrani is lost, thinking that the police would bring her back from the boy to her house. The police found the girl and the boy living in a separate house without a proper wedlock. The young couple was taken into custody; on the orders of the magistrate courts, the girl was sent to the certified school, and the boy was prosecuted for committing a crime of rape, and was sent to jail for 10 years. The auntie of Indrani and the parents of the boy now worried over what has happened to the couple. They never expected such a thing to happen to their son and daughter in law. Indrani has lost all her hope. She does not want to go back to her auntie. She knows that her husband would not be released soon. She sends letters to him stressing that they should bear all the things until such time that he is released from the prison, hoping that one day they can be together again for ever.

Kumaran

Kumaran and his two sisters lost their parents in the 2004 tsunami. At that time Kumaran was just 13 years and the sisters were much younger. After their house was washed away in the tsunami, and the parents were dead, Kumaran and the two sisters were given to Kumaran's mother's sister. They were living in this camp house for many years now. In this camp there were 44 families, who were affected by the tsunami. Earlier they were in the school premises, and as the school premises needed to be given to the government, these people were relocated into a different camp.

There are many children in this camp whose parents have died of the tsunami. When Kumaran stopped schooling due to poverty and other difficulties, he started working as a labourer in agriculture farms and fishing boats. When he was just 18 years of age he eloped with Rani, a 16 year old girl from the same camp and now they live in a separate small house closed to the beach. The temporary house where Kumaran lives is made of corrugated iron. It has only one room for every thing. The kitchen is built outside. Everybody sleeps in the same room. They have a one year old child now. One of Kumaran's two sisters living with his mother's sister also has an affair with a boy. She is just 15 years old. She doesn't go to school, and often sleep with her friends when she fights with her guardian. Kumaran had asked her sister to come and live with him in his house, and some days she spends nights and eats at Kumaran's house. Kumaran and his wife with the little child live happily in this tiny house, and I have not witnessed any health problem in the family due to their early marriage. The death of their parents had tremendously affected Kumaran and his sister. The early marriage of Kumaran can be seen as a result of all these developments.

Rudrani:

Rudrani (pseudonym) is a village girl who spent time with her parents and sisters and the brother when everything happened. A man from the militant group has made a proposal to her when she was just 16 years. However, her father did not like this proposal and did not want her to marry him. However, Rudrani and this man had been in association, and as a result she became pregnant. She has told this to her mother, who has made arrangements for her to spend time at Snehedeeepam until the baby is born, and keep this a secret and hide it from her father and the other family members. The father was told that Rudrani was taken away by her mother to the Middle East for employment. Her mother went abroad to the Middle East after Rudrani was settled in the safe house. Rudrani is now planning to go back to her father after the baby is delivered and given on adoption to some family arranged by the safe house, for which she is promised Rs. 30,000. Rudrani thinks that this money can be shown to her father as her savings from employment and get back to the family safely, and live a harmonious life in the village again. The man from the militant group has gone missing after Rudrani became pregnant. Rudrani has educated only up to 5th standard only. She is from a very poor family in a village close to the Eastern University of Batticaloa. She does not know any details of the family who is going to get her child on adoption. The safe house has deliberately stated that they would never communicate such details to Rudrani.

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Appendix C: List of People/institutions met and visited for the study:

Name	Organization / Address	Contact no
Mr Spritheon (Asst. Director Mr. <i>Kothai Ponnuthurai</i>) Mr. <i>Felician Francis</i> (consultant) Mr. Uden (a field officer)	Safe house for GBV victims ESCO 6/3, Vataraniyam Square Batticaloa	065 2224728 (Director- 065 2226600 0776618984
Mr. Nelundeniya	Probation Commissioner Eastern Province	060-2200211 026-2222733
Batticaloa - GBV desk	At Batticaloa General Hospital	
Mr. Madanaraj (called 15 th -09-09) Sarvodaya Mr A M Kareem Coordinator	Sarvodaya Batticaloa 09, Buntings Lane Batticaloa	0777678003 TP- 065-2225292
Mr. Muralishwaran-Field Coordinator Mr. Jeyakumaran – Field Coordinator	CARE East 221, Bar Road Batticaloa	TP- 065 - 2224779
Ms. Soma Sivasubramaniam President	Women Development Forum 14, Avuliyar Lane, Batticaloa	TP- 065 - 2224483
Denise Ulwor Mr. Nimalan	UNICEF, Batticaloa	
Ms. Dilani	Women and Children's Desk Batticaloa Police	065 2224357
Mr. Kanagasooriyam Ravichandran	Secretary, DCPU, Batticaloa	
Anton Stanislaus	Director KOINONIA No.1A, St Cecilia Street, Batticaloa	065-2223034

Ms. Thegage	Principal Certified School Ranmuthugala	
Ms. Ajantha	Officer, Probation Commissioner's Office, Colombo	
Dr. Thiloma Munasinge	National Program Coordinator UN Joint Program on Gender- based Violence.	011 2580691
CENWOR Center for Women's Research Colombo	Kirula Road, Narahenpita, Colombo	Library use
Boys Certified Scholl, Makola		
Mr. Somarathna Probation Commissioner, Western Province	Colombo	
Mr. Harshana Nanayakkara	Legal Consultant Colombo	0773572736
Ms. Shanali Athukorala Program Specialist-Legal Protection	Save the Children, Colombo	011 2672676
The Director and Dr	Family Health Bureau Colombo	
Prof. Savitri Goonesekere	Emeritus Professor of Law University of Colombo	