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PART I : SECTION (I) — GENERAL

Government Notifications

CF. 1/64.

THE PUBLIC SECURITY ORDINANCE (CHAPTER 40)

REGULATIONS made by the President under Section 5 of the Public Security Ordinance (Chapter 40).

MAHINDA RAJAPAKSA,
President.

Colombo,
15th December, 2008.

Regulation

The Emergency (Miscellaneous Provisions and Powers) Regulation, No. 1 of 2005 published in *Gazette Extraordinary* No. 1405/14 of August 13, 2005 and deemed to be in force by virtue of Section 2A of the Public Security Ordinance, as amended from time to time, is hereby further amended by the insertion immediately after regulation 22 of that regulation of the following new regulation :-

22A (1) The Commissioner-General of Rehabilitation shall, in consultation with the District Secretary of any District, the relevant Provincial Commissioner of Probation and Child Care Services and the Chairman, National Child Protection Authority, take steps to identify suitable locations for the establishment of—

Designation
and Notifica-
tion of places
as Protective
Child
Accommoda-
tion or
Rehabilitation
Centre's.

- (a) Protective Child Accommodation Centre's for the purpose of providing accommodation and support for persons under eighteen years of age who surrender or who are arrested in terms of the provisions of these regulations, (hereinafter referred to as "a child to whom these regulations apply") ; and
- (b) Protective Child Rehabilitation Centre's for the purpose of providing care, psychosocial support, and vocational and other training for the facilitation of the process of re-integration of such child into his family, community and into society.

(2) As and when such locations are identified as provided for in paragraph (1), the Commissioner-General shall by Notification published in the Gazette, specify the type of Centre being established and the location at which such Centre has been established.

(3) Where a child to whom these regulations applies—

(a) has been subjected to debt bondage, forced or compulsory labour, or slavery, or has been forcibly recruited as a combatant in an armed conflict or has been subjected to an offence under Section 360C of the Penal Code ; or

(b) has committed or is suspected of having committed an offence during any period in which he was subjected to debt bondage, forced or compulsory labour, or slavery, or was forcibly recruited as a combatant in an armed conflict or was subjected to an offence under Section 360C of the Penal Code ; or

(c) has through fear of threats or reprisals by any party to the said armed conflict, or who through fear of being subjected to debt bondage, forced or compulsory labour, or slavery, or being forcibly recruited as a combatant in an armed conflict or being subjected to an offence under Section 360C of the Penal Code,

surrenders to, or is arrested by, any police officer or any member of the armed forces or surrenders to any public officer or any other person or body of persons authorized by the President in that behalf, such police officer or member of the armed forces or public officer or other person or body of persons authorized by the President, shall record the statement of such child and the circumstances in which such child surrendered or was arrested.

(4) Forthwith upon the recording of such information, the officer in charge of the police station or the unit of the armed forces to which a child to whom these regulations apply has surrendered or by which such child was arrested, or if such child has surrendered to a public officer or any other person or body of persons authorized by the President, a senior officer of the department, office, institution or organization to which such public officer belongs, or such other person or body of persons shall ensure the custody of such child—

(a) in a place which is apart from the adult surrendees or detainees, if any ; and

(b) Where such child is a female,—

(i) in a place which is separated from child or adult male surrendees and detainees, if any ;

(ii) in the charge, care and custody of a female officer of the police or a female member of the armed forces who shall respectively be assigned for that purpose, by the officer in charge of the police station or of the unit of the armed forces to which he has surrendered, or where such child has surrendered to a public officer, or any other person or body of persons authorized by the President, be in the charge, care and custody of a female officer of the department, office, institution or organization to which such public officer or other person or body of persons as the case may be, authorized by the President belongs, and specifically assigned for the purpose by a senior officer of such department, office, institution or organization.

- (5) (a) Where a child to whom these regulations apply has surrendered to or is arrested by, any member of the armed forces or to any public officer or any person or body of persons authorized by the President, such member of the armed forces or such public officer or any such person or body of persons shall forthwith cause a record to be made substantially in Form No. 1 set out in the Schedule to these regulations in duplicate, and shall and no later than twenty-four hours after such surrender or arrest, cause such child to be produced at the nearest police station. The original copy of the record made in Form No. 1 shall be handed over to the officer in charge of the police station and the duplicate of such record shall be retained by the person making the record. The officer in charge of the police station shall record of the statement of such child as well as the record of the circumstances in which such child has surrendered or has been arrested, and shall hand over the record to the police at the time of such production.
- (b) The officer in charge of the Police Station shall maintain a record, substantially in the Form set out Form No. 2 set out in the Schedule to these regulations, in respect of such child.
- (6) Where a child to whom these regulations apply has surrendered to, or has been arrested by, the police, or has been produced at the police station by any member of the armed forces or by any public officer or any person or body of persons authorized by the President, the officer in charge of such police station shall forthwith take all measures to inform the parents or guardian of such child, the Probation Officer and the Co-ordinator of the National Child Protection Authority for such area, of the fact of such surrender and shall within twenty four hours of such surrender produce such child before the relevant Magistrate.
- (7) The Magistrate before whom the child to whom these regulations apply is produced shall—
- (a) interview such child surrendee in camera either in court or at such Magistrate's residence, in consultation with such Probation Officer, assisted where necessary by the Police, the Child Rights Promotion Officer or the Co-ordinator of the National Child Protection Authority and, where possible the parents of the child surrendee :
- Provided that the Magistrate shall take all necessary measures to ensure that the mother tongue of the child is used for the conduct of such interview, or where it is not possible to do so, that an instantaneous translation of such interview is provided ;
- (b) order a medical examination of such child ;
- (c) order such Probation Officer to prepare, in consultation with the Child Rights Promotion Officer and the Co-ordinator of the National Child Protection Authority for the area, within one month of the date on which such child was produced before him, a social inquiry report wherein the immediate and long term needs of the child are clearly set out ;
- (d) return such child to the charge care and custody of his parents or guardians or make order that such child be placed in a Protective Child Accommodation Centre, for a period of one month, supported and monitored by the Provincial Commissioner of Probation and Child Care Services and forthwith communicate to the Commissioner General of Rehabilitation the address at which such child is to be accommodated.
- (8) Where a child to whom these regulations apply has been accommodated in a Protective Child Accommodation Centre, the Magistrate shall, at the end of the period of one month referred to in sub-paragraph (d) of paragraph (7) determine, having regard to the

results of such examination and interview, and the social inquiry report referred to in sub-paragraph (c) of paragraph (7) and with the assistance of the police,—

- (i) whether such child should be returned to the charge, care and custody of his parents or guardians ;
- (ii) whether such child should be accommodated for a period not exceeding one year in a Protective Child Accommodation Centre under the care and supervision of the Provincial Commissioner of Probation and Child Care Services ; or
- (iii) whether such child should be placed in a “Protective Child Rehabilitation Centre”, for a period not exceeding one year ;

Provided that, where there is evidence that such child has committed an offence during any period in which he was recruited as a combatant, the Magistrate shall place him in a Protective Child Rehabilitation Centre for a period not exceeding one year ;

Provided further, the Magistrate may in the exercise of his powers of review referred to above, in respect of such child require the person in charge of the Protective Child Accommodation Center in which such child is placed, to forward to him quarterly reports in respect of such child.

- (9) (a) In arriving at the determination referred to in paragraph (7) the Magistrate shall have regard —
 - (i) to the necessity to ensure the protection and the best interests of such child ; and
 - (ii) the need to effect family reunification or placement within the extended family, taking into consideration the necessity to ensure at all times, the safety of such child and his family.
- (b) Upon the making of his determination, the Magistrate shall forthwith cause a copy of his determination along with his recommendation as to the period for which such child is to be accommodated at the Protective Child Accommodation Centre or the Protective Child Rehabilitation Centre, as the case may be, and the address of the place where such child is accommodated, kept or resides, to be communicated to the Commissioner-General of Rehabilitation.
- (10) The Magistrate before whom a child to whom these regulations, apply, is produced under the provisions of this regulation or who arrives at a determination under the provisions of paragraph (8), shall direct that child friendly procedures are adopted—
 - (a) at the medical examination and at the interview conducted under paragraph (7) ; and
 - (b) at the Protective Child Accommodation Centre and the Protective Child Rehabilitation Centre to which such child may be sent,

and shall also ensure that such child is treated with courtesy, consideration and kindness.

- (11) (a) If the Magistrate orders that such child be returned to his parents or guardian he shall order that the Probation Officer supported by the Child Rights Promotion Officer or the

Co-ordinator of the National Child Protection Authority, monitor the process of re-integration of such child into his family and into society along with his progress thereafter for a period of one year from the date of return to his parents or guardian, such Probation Officer, Child Rights Promotion Officer or Co-ordinator of the National Child Protection Authority as the case may be, shall undertake monthly visits to such child and forward monthly reports on his progress to the Court, as well as to the Provincial Commissioner of Probation and Child Care Services.

- (b) The Provincial Commissioner of Probation and Child Care Services shall take all measures to ensure that such child will benefit from the reintegration services available in the district. Such reintegration services shall be co-ordinated by the Chairman of the District Child Development Committee (DCDC) in collaboration with other child protection agencies in the District. The Provincial Commissioner of Probation and Child Care Services shall also maintain a record, substantially in the Form No. 3 specified in the Schedule to these regulations, in respect of such child.
- (c) The Provincial Commissioner of Probation and Child Care Services shall forward quarterly reports on the progress of such child to the Commissioner-General of Rehabilitation.
- (12) If the Magistrate orders that a child whom these regulations apply shall be accommodated at a Protective Child Accommodation Centre, such Magistrate shall, if such Protective Child Accommodation Centre is located in a judicial division other than the judicial division over which such Magistrate has jurisdiction, transfer the record relating to such child surrenderee to the Magistrate having jurisdiction over the area in which such Protective Child Accommodation Centre is located.
- (13) (i) The officer in charge of the Protective Child Accommodation Centre at which a child to whom these regulations apply is accommodated, shall—
- (a) cause such child to be examined by a medical officer and take necessary measures to provide him with necessary health care ;
 - (b) provide him with psychosocial counselling in accordance with the needs of such child identified in the social inquiry report, required under paragraph (7) ;
 - (c) facilitate and encourage visits by and contact with the family at least once in every two weeks ;
 - (d) provide the necessary physical care and sustenance for the child ;
 - (e) assist the child to obtain the necessary identification and other documents which he is lawfully entitled to obtain and which he does not presently possess ;
 - (f) provide the child with education or appropriate vocational, technical and other training with a view to equipping him to pursue a career of his choice ;
 - (g) prepare monthly reports and submit them to the Magistrate, the Probation Officer and the Commissioner General of Rehabilitation which reports shall contain information regarding any changes on the current status of such child, the training and facilities being accorded to him and the progress of such child ;
 - (h) the Provincial Commissioner of Probation and Child Care Services shall maintain a record substantially in Form No. 3 specified in the Schedule to these regulations in respect of each such child.
- (ii) The officer in charge of the Protective Child Accommodation Centre shall maintain a record substantially in Form No. 4 specified in the Schedule to these regulations.

- (14) The Magistrate to whom the reports referred to in paragraph (13) are submitted, shall take all such measures as may be necessary to monitor the progress of such child, and where he is of the opinion that it would be more appropriate for such child to be accommodated at a Protective Child Rehabilitation Centre or returned to the custody, care and control of his parents or guardian, transfer such child to such Protective Child Rehabilitation Center or return him to the custody, care and control of his parents.
- (15) Where the Magistrate orders that such child be accommodated at a Protective Child Rehabilitation Centre, or that such child be returned to the custody, care and control of his parents or guardian, he shall cause—
 - (a) The Commissioner-General of Rehabilitation to be informed of the address of the place to which such child has been transferred or sent ; and
 - (b) a certified copy of his order to be issued to the parents or the guardian as the case may be and also to the police.
- (16) If the Magistrate orders that a child to whom these regulations apply be placed in a Protective Child Rehabilitation Centre and if such protective Child Rehabilitation Centre is located in a judicial division other than the judicial division over which such Magistrate has jurisdiction,
 - (a) such Magistrate shall transfer the record relating to such child to the Magistrate having jurisdiction over the area in which such Protective Child Rehabilitation Centre is located ; and
 - (b) the probation officer who has been assigned to monitor the progress of such child shall transmit all relevant records and reports relating to such child to the relevant probation officer having jurisdiction over the area in which such Protective Child Rehabilitation Centre is located.
- (17) (i) The officer in charge of the Protective Child Rehabilitation Center in which such child surrendee is placed shall—
 - (a) cause such child to be examined by a medical officer and take necessary measures to provide him with the necessary health care ;
 - (b) provide him with psychosocial counselling in accordance with the needs of such child identified in the social inquiry report prepared under paragraph (7) ;
 - (c) facilitate and encourage visits by and contact with his family at least once a month ;
 - (d) provide the necessary sustenance and physical care for the child ;
 - (e) assist the child to obtain the necessary identification and other documents which he is lawfully entitled to obtain and which he does not presently possess ;
 - (f) provide a child surrendee with education or appropriate vocational, technical and other training with a view to equipping him to pursue a career of his choice ;

- (g) prepare quarterly reports, and submit them to the Magistrate, the probation officer and the Commissioner General of Rehabilitation, which reports shall contain information regarding any changes on the current status of the child, the training and facilities being accorded to him and the progress of such child ;
 - (h) the Provincial Commissioner of Probation and Child Care Services shall maintain a record substantially in Form No. 3 specified in the Schedule to these regulations in respect of each such child.
- (ii) The officer in charge of the Protective Child Rehabilitation Center shall maintain a record substantially in Form No. 4 specified in the Schedule to these regulations.
- (18) (i) The Magistrate to whom the reports referred to in paragraph (17) are submitted shall—
- (a) review his decision to accommodate or place as the case may be any child to whom these regulations apply, at a Protective Child Accommodation Centre or a Protective Child Rehabilitation Centre once a month in the case of a Protective Child Accommodation Centre and once in three months in the case of a Protective Child Rehabilitation Centre to ensure proper monitoring of the progress and security of the child ; and
 - (b) where he is of the opinion that it would be more appropriate for such child to be accommodated at another centre in another district or returned to the custody, care and control of his parent or guardian, shall transfer such child to such other centre, or hand such child to the custody, care and control of his parents or guardian.
- (ii) The officer in charge of the Protective Child Rehabilitation Center shall maintain a record substantially in Form No. 4 specified in the Schedule to these regulations.
- (19) In these regulations, unless the context otherwise requires -
- “debt bondage” “forced or compulsory labour” and “slavery” shall have the same meaning as assigned to it in the Penal Code (Chapter 19) ;
- “Probation Officer”, “Child Right Promotion Officer” and “co-ordinator for the National Child Protection Authority” means respectively the Probation Officer, the Child Rights Promotion Officer and the Co-ordinator for the National Child Protection Authority who has jurisdiction over the area in which a child to whom these regulations apply surrenders or is arrested, or in which he is accommodated or kept in a Protective Child Accommodation Centre or a Protective Child Rehabilitation Centre ;
- “Officer-in-charge of the Police Station” means the officer-in-charge of the Police Station having jurisdiction over the area in which the surrender or arrest took place ;
- “Magistrate” means the Magistrate having jurisdiction over the area in which a child to whom these regulations apply surrendered or was arrested, or over the area in which such child is accommodated at a Protective Child Accommodation Centre or placed in a Protective Child Rehabilitation Center as provided for in this regulation.”.

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PART I : SEC. (I) - GAZETTE EXTRAORDINARY OF THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA - 15.12.2008

Serial No.

SCHEDULE**(Regulation A(5)(b))****FORM No. 1**

FORM TO BE USED IN RESPECT OF EACH CHILD BY THE PERSON TO WHOM A CHILD SURRENDERS OR BY WHOM A CHILD IS ARRESTED
(TO BE FILLED IN DUPLICATE)

1. Name	
2. Age	
3. Sex	
4. Address	
5. Date, time and place of surrender-arrest	
6. Circumstances of Child	
7. Date, time and place of handing over to Police	
8. Name and signature of Officer handing over Child	
9. Name and signature of police officer receiving Child	

(Regulation 22A(5)(b))**FORM No. 2**

FORM TO BE USED IN RESPECT OF EACH CHILD BY THE OFFICER IN CHARGE OF THE POLICE STATION

1. Name	
2. Age	
3. Sex	
4. Address	
5. Date, time and place of surrender-arrest	
6. Date and time of notice to parents	
7. Date and time of notice to Probation Officer	
8. Date and time of notice to NCPA Coordinator	
9. Whether kept separate from adult detainees	
10. If female whether custody given to a female officer, give name of officer	
11. Date and time of production before Government Medical Officer	
12. Date and time of Production before Magistrate	
13. Name of Police Officer accompanying the child	
14. Date and time of medical examination	
15. Interim order by Magistrate	
16. Date and time of notice sent to Commissioner General of Rehabilitation	

SCHEDULE (Contd.,)

(Regulation 22A(11)(b))

FORM No. 3

**FORM TO BE USED IN RESPECT OF EACH CHILD BY THE PROVINCIAL COMMISSIONER OF PROBATION AND
CHILD CARE SERVICES**

1. Name	
2. Age	
3. Sex	
4. Address	
5. Date and time of notice from Police	
6. Name of allocated Probation Officer	
7. Whether interim assessment carried out and when reported to Court	
8. Interim Order by Magistrate - date and placement	
9. Whether full social inquiry carried out and when reported to Court	
10. Reintegration order by Magistrate - date and placement	
11. Placement reports - if received from Probation Officer - OIC Accommodation Centre or Rehabilitation Centre and if submitted to Magistrate Month 1	
12. Months 2	
13. Month 3 — 1st quarter	
14. Month 4	
15. Month 5	
16. Month 6 — 2nd quarter	
17. Month 7	
18. Month 8	
19. Month 9 — 3rd quarter	
20. Month 10	
21. Month 11	
22. Month 12 — 4th quarter	

SCHEDULE (Contd.,)

(Regulation 22A(11)(b))

FORM No. 4

FORM TO BE FILLED BY THE OFFICER IN CHARGE OF THE PROTECTIVE CHILD ACCOMMODATION CENTRE

1. Name		
2. Age		
3. Address		
4. Health Care (Whether arrested and provided for)		
(1)		
(2)		
(3)		
(4)		
(5)		
(6)		
(7)		
(8)		
(9)		
(10)		
(11)		
(12)		
5. Psychological Counselling (Monthly Reports)		
(1)		
(2)		
(3)		
(4)		
(5)		
(6)		
(7)		
(8)		
(9)		
(10)		
(11)		
(12)		
6. Visits by Family members (Dates visited and Remarks)		
7. Identification and other documents (whether provided)		

FORM No. 4 (Contd.,)

8. Education (Monthly Reports)		
(1)		
(2)		
(3)		
(4)		
(5)		
(6)		
(7)		
(8)		
(9)		
(10)		
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(12)		
9. Vocational Training (Monthly Reports)		
(1)		
(2)		
(3)		
(4)		
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(8)		
(9)		
(10)		
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(12)		
10. Other Training (Monthly Reports)		
(1)		
(2)		
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