



**THE PROCESS OF REINTEGRATION OF
INSTITUTIONALIZED CHILDREN: A CRITICAL ANALYSIS
OF THE SRI LANKAN STANDPOINT**

by

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The Thesis is submitted to

**GENERAL SIR JOHN KOTALAWALA DEFENCE
UNIVERSITY
SRI LANKA**

In partial fulfillment of the requirement for the award of the degree

of

Master of Laws

10 August 2024

ABSTRACT

Children, being part of a human family, have the right to all the privileges protected by the United Nations Convention on the Rights of the Child (UNCRC). The family is the fundamental unit of society and the inherent setting for the development and welfare of children, specifically. The state has the duty to prevent the involuntary separation of a child from their family unless the authorities determine that such separation is necessary for the child's best interests. An analytical approach utilizing the black letter method and international and comparative methodology is used to examine the current legal framework that governs child protection in Sri Lanka. The National Policy on Alternative Care, enacted in 2019, demonstrates the gradual implementation of deinstitutionalization in Sri Lanka. Nevertheless, poverty continues to be the underlying reason for institutionalization, yet the issue of removing provisions acknowledging this remains unattended. The recognition of existing non-institutional measures, such as 'fit person' orders, is relatively low. The legal system has not adequately acknowledged the necessity of enacting legislation for alternative care within its context. The cross-cutting theme of upholding a child's right to family is not being implemented. Sri Lanka has not conducted a comprehensive investigation into the extant legislation pertaining to child safeguarding, which has implications for the law governing reintegration. The contextual legal feasibility of legislating for Alternative Care in the Legal System has not been given sufficient recognition yet. Hence, it is imperative to thoroughly reassess the current legal structure in its entirety in accordance with UN standards, while ensuring the preservation of the child's entitlement to a family. Amendments to the Children Ordinance must be brought to remove 'destitution' as a criterion under children 'in need of care and protection'. This process of deinstitutionalization in Sri Lanka requires the cooperation of all parties involved, acknowledgement of existing non-institutional approaches and giving priority to 'Fit Persons' orders over institutionalization, implementation of foster care, and enhancement of the child's Right to a family.

KEYWORDS

Institutionalized Children, Reintegration, Right to Family, De-institutionalization