



Legal questionnaire completed by D. L. & F. De Saram Law Firm • April 2024

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1. What laws and regulations contain legal definitions of the following terms or corresponding terms in your local jurisdiction (links to existing U.S. legal definitions are included, where relevant, as background for comparison – please include definitions of any corresponding terms in your country):

a. child or minor (18 U.S.C. 2256(1), <https://www.law.cornell.edu/uscode/text/18/2256>)

Section 286A of the Penal Code (Amendment) Act No.22 of 1995 defines child as under 18 years of age.

286A (4) in this section -

- "child" means a person under eighteen years of age

Section 88 of the Children and Young Persons Ordinance

In this Ordinance, unless the context otherwise requires-"child" means a person under the age of eighteen years;

Section 05 of the Children and Young Persons (Harmful Publications Act)

- child "means a person under the age of fourteen years";
- young person "means a person who has attained the age of fourteen years and is under the age of sixteen years".

There seems to be a disparity in the definition of the "child" in the abovementioned Children and Young Persons (Harmful Publications Act). However, in General Law a "child" means a person under eighteen years of age.

b. child sexual exploitation (Missing Children's Assistance Act of 2023, Section 2, (a)(1)(9), <https://www.congress.gov/118/bills/s2051/BILLS-118s2051es.pdf>)

S. 360B of Penal Code (Amendment) Act No.22 of 1995. - Sexual Exploitation of Children

(1) Whoever-

- (a) knowingly permits any child to remain in any premises for the purpose of causing such child to be sexually abused or to participate in any form of sexual activity or in any obscene or indecent exhibition or show;
- (b) acts as a procurer of a child for the purposes of sexual intercourse or for any form of sexual abuse;



(c) induces any person to be a client of a child for sexual intercourse or for any form of sexual abuse, by means of print or other media, oral advertisements or other similar means;

(d) takes advantage, of his influence over, or his relationship to, a child, to procure such child for sexual intercourse or any form of sexual abuse;

(e) threatens, or uses violence towards, a child to procure such child for sexual intercourse or any form of sexual abuse;

(f) gives monetary consideration, goods or other benefits to a child or his parents with intent to procure such child for sexual intercourse or any form of sexual abuse,

commits the offence of sexual exploitation of children and shall on conviction be punished with imprisonment of either description for a term not less than five years and not exceeding twenty years and may also be punished with fine.

(2) In this section child means a person under eighteen years of age.

c. sexually explicit conduct (18 U.S.C. 2256(2), <https://www.law.cornell.edu/uscode/text/18/2256>)

S. 360B of Penal Code (Amendment) Act No.22 of 1995. –

The Penal Code does not explicitly define the term “Sexually explicit conduct.”

However, this section is utilized because the concept aligns with the notion of sexual exploitation, prompting its application in relevant cases.

d. child sexual abuse (18 U.S.C. 2243(a), <https://www.law.cornell.edu/uscode/text/18/2243>)

S . 365B of Penal Code (Amendment) Act No.22 of 1995 defines “grave sexual abuse”.

(1) Grave sexual abuse is committed any person who, for sexual gratification, does any act, by the use of his genitals or any other part of the human body or any Instrument on any orifice or part of the body of any other person, being an act which does not amount to rape under section 363, in circumstances falling under any of the following descriptions, that is to say-

- (a) without the consent of the other person;
- (aa) with or without the consent of the other person when the other person is under sixteen years of age;"
- (b) with the consent of the other person while such other person was in lawful or unlawful detention or where that consent has been obtained, by use of force, or intimidation or threat of detention or by putting such other person in fear of death or hurt;
- (c) with the consent of the other person where such consent has been obtained at a time the other person was of unsound mind or was in a state of intoxication induced by alcohol or drugs.

e. child pornography or child sexual abuse material (CSAM) (18 U.S.C. 2256(8), <https://www.law.cornell.edu/uscode/text/18/2256>)

The below provision of the Penal Code restrains involving children in inappropriate activities



and criminalizes the sale or possession of obscene materials featuring children.

S. 286A of Penal Code (Amendment) Act No.22 of 1995

(1) Any person who

- (a) hires, employs assists, persuades, uses, induces or coerces, any child to appear or perform, in any obscene or indecent exhibition or show or to pose or model for, or to appear in, any obscene or indecent photograph or film or who sells or distributes, or otherwise publishes, or has in his possession, any such photograph or film; or
- (b) being the parent, guardian or person having the custody of a child, causes or allows such child to be employed, or to participate, in any obscene or indecent exhibition or show or to pose or model for, or to appear in, any such photograph or film as is referred to in paragraph (a);
- (c) (i) takes, or assists in taking of any indecent photograph of a child ; or
(ii) distributes or shows any such photograph or any publication containing such photograph;
(iii) has in his possession for distribution or showing, any such photograph or publication.
(iv) publishes or causes to be published, any such photograph or publishes or causes to be published, any advertisement capable of conveying the message that the advertiser or person named in the advertisement distributes or shows any such photograph or publication or intends to do so,

commits the offence of obscene publication and exhibition relating to children and shall on conviction be punished with imprisonment of either description for a term not less than two years and not exceeding ten years and may also be punished with fine.

- (2) Any person who, being a developer of photographs or films, discovers that any photograph or film given to him for developing is an indecent or obscene photograph or a film of a child, shall, forthwith on such discovery, inform the officer in charge of the nearest police station that he has in his possession, such photograph or film.
- (3) Whoever being a developer of photographs or films acts in contravention of the provisions of subsection (2) shall be punished with imprisonment of either description for a term which may extend to two years or with fine or with both.

Section 3 of the Children and Young Persons (Harmful Publications) Act prohibits publications, accessible to children or young people, primarily featuring visual stories—accompanied or not by written content—depicting harmful content.

- f. **computer-generated images or videos of child pornography or CSAM (created by artificial intelligence or morphed) (18 U.S.C. 2256(8) & (9),**
<https://www.law.cornell.edu/uscode/text/18/2256>)

There is no specific legal provision stipulated in the existing laws of Sri Lanka covering computer generated images or videos of child pornography or CSAM (created by AI or morphed). However, the following legal provisions of the Penal Code prohibits engaging children in obscene activities and the distribution or publication of indecent materials involving children which in turn covers computer generated images or videos of child



pornography or CSAM.

S. 286A of Penal Code (Amendment) Act No.22 of 1995- Section is set out under Child pornography or child sexual abuse material (CSAM)

- g. enticement or grooming (encouraging, persuading, or coercing a child to engage in sexual activity or to create child pornography or CSAM) (18 U.S.C. 2422(b), <https://www.law.cornell.edu/uscode/text/18/2422>)**

360E of Penal Code (Amendment) Act No.16 of 2006 (Solicitation)

- (1) Whoever, whether within Sri Lanka or from outside Sri Lanka solicits by whatever means-
- (a) a person under eighteen years of age; or
 - (b) any person believing such person to be under eighteen years of age,
- for the purpose of sexual abuse of a child, commits the offence of soliciting a child and shall on conviction be liable to imprisonment of either description for a term not exceeding ten years or to a fine, or to both such imprisonment and fine.

The Penal Code does not explicitly define the term "Enticement or grooming". However, this section is utilized because the concept aligns with the notion of Soliciting a child, prompting its application in relevant cases.

- h. legal age of consent for sexual activity – are there laws and regulations, if so, what ages are specified?**

The statutory rape occurs when child is age of 16 and below.

S.363 of the Penal Code (Amendment) Act No.22 of 1995. Section 363(e) refers to statutory rape where a man is said to commit "rape" who enactment has sexual intercourse with, a woman) with or without her consent when she is under sixteen years of age, unless the woman is his wife who is over twelve years of age and is not judicially separated from the man. Age 12 refers to the Muslim law under which the minimum age for Muslim girls to get married is 12 years.

363 A man is said to commit "rape" who enactment has sexual intercourse with, a woman under circumstances falling under any of the following descriptions:-

- (a) without her consent even where such woman is his wife and she is judicially separated from the man;
- (b) with her consent, while she was in lawful or unlawful detention or when her consent has been obtained, by use of force or intimidation, or by threat of detention or by putting her in fear of death or hurt;
- (c) with her consent when her consent has been obtained at a time when she was of unsound mind or was in a state of intoxication induced by alcohol or drugs, administered to her by the man or by some other person;
- (d) with her consent when the man knows that he is not her husband, and that her consent is given because she believes that he is another man to whom she is, or believed herself to be, lawfully married;
- (e) with or without her consent when she is under sixteen years of age, unless the woman is his wife who is over twelve years of age and is not judicially separated from the



man.

Explanation

- (i) Penetration is sufficient to constitute the sexual intercourse necessary to the offence of rape;
- (ii) Evidence of resistance such as physical injuries to the body is not essential to prove that sexual intercourse took place without consent.

However, Section 23 read with Section 47 the Muslim Marriage and Divorce Act –

Section 23 - Notwithstanding anything in section 17, a marriage contracted by a Muslim girl who has not attained the age of twelve years shall not be registered under this Act unless the Quazi for the area in which the girl resides has, after such inquiry as he may deem necessary, authorized the registration of the marriage.

Section 47 – Sets out the General powers of Quazis

- i. **Sextortion (extorting money or sexual favors from a child by threatening to share sexually explicit, child pornography or CSAM images of the child) (Missing Children’s Assistance Act of 2023, Section 2, (a)(1)(8), <https://www.congress.gov/118/bills/s2051/BILLS-118s2051es.pdf>)**

S. 360B of Penal Code (Amendment) Act No.22 of 1995. .The Section is set out under Child sexual exploitation

The Penal Code does not explicitly define the term “Sextortion”. However, this section is utilized because the concept aligns with the notion of Soliciting a child, prompting its application in relevant cases.

2. Please explain any legal or regulatory requirement or recommendation for Online Platforms to undertake any of the following activities on their systems to protect children online from sexual exploitation:

- a. review, screen, moderate, or detect content to identify child pornography or CSAM content**

Under the Online Safety Act No. 9 of 2024, Online Safety Commission has power to make recommendations to internet service providers to remove prohibited statements including any photographs, audio, or video of abusive or pornographic nature relating to children. Section 11 (b), (c) and (f) read together with Section 21(1) and Section 21(2).

- (b) to issue notices to persons who communicate prohibited statements, to stop the communication of such statements;
- (c) to issue notices to any internet service provider or internet intermediary to disable access to an online location which contains a prohibited statement by the end users in Sri Lanka or to remove such prohibited statement from such
- (f) The Commission shall have the following powers and functions: to maintain an online portal containing information to enlighten the public of the falsity of any statement;



Section 21.

- (1) Any person, whether in or outside Sri Lanka, who, by way of an online account or through an online location commits or aids and abets an act upon a child, which constitutes an offence within the meaning of section 286A, 288, 288A, 288B, 308A, 360A, 360B, 360C, 363, 364A, 365, 365A or 365B of the Penal Code commits an offence and shall on conviction be liable to the punishment for each such offence as specified in the Schedule hereto: Provided however, in the case of aiding and abetting to commit an offence under section 363 of the Penal Code in respect of a child, every reference to a “woman” in subsection (2) of section 364 of the Penal Code shall be read and construed as a reference to a “child” for the purpose of this section.
- (2) Any person, whether in or outside Sri Lanka, who, by way of an online account or through an online location, publishes any photograph, audio or video of abusive or pornographic nature relating to a child, commits an offence and shall on conviction be liable to imprisonment for a term not less than two years and not exceeding twenty years or to a fine not exceeding one million rupees, or to both such imprisonment and fine.

Section 27(1) lays out the Exemption from liability of internet service providers in following cases:

- (1) Subject to the provisions of any other written law and the provisions of subsection (2), a person who engages in providing the following services shall have no liability in relation to the communication of a prohibited statement circulated through the online location owned, operated or controlled by such person, or for making available to the end users through such online location a communication link which contains any prohibited statement by any other party, which amounts to an offence under this Act or for any compensation payable for any wrongful loss caused to any person by such communication:
 - (a) an internet intermediary service;
 - (b) a telecommunication service;
 - (c) a service of giving public access to the internet;
 - (d) a computing resource service;
 - (e) an email service, if emails are the only user generated content enabled by such service;
 - (f) a short message services
 - (i) if such short messages are the only user-generated content enabled by such service;
 - (ii) if such multimedia messages are the only user-generated content enabled by such service; or
 - (iii) if such short messages and multimedia messages are the only user-generated content enabled by such service; or
 - (g) one-to-one live aural communication service, if such one-to-one live aural communications are the only user-generated content enabled by such service.
- (2) Where
 - (a) a false statement, prohibited statement or material communicated on any service referred to in subsection (1) has been removed within six months from the date of coming in to operation of this Act; or
 - (b) any material has been uploaded or interfered with by third parties, the owner of an online account or the internet service provider shall have no liability in relation to the statement or the material referred to in paragraph (a) or (b).



b. review, screen, moderate, or detect content to identify enticement, grooming, or sextortion of a child

Under the Online Safety Act No. 9 of 2024, Online Safety Commission has power to make recommendations to internet service providers to remove prohibited statements including any photographs, audio, or video of abusive or pornographic nature relating to children. Section 11 (b), (c) and (f) read together with Section 21(1) and Section 21(2).

- (b) to issue notices to persons who communicate prohibited statements, to stop the communication of such statements;
- (c) to issue notices to any internet service provider or internet intermediary to disable access to an online location which contains a prohibited statement by the end users in Sri Lanka or to remove such prohibited statement from such
- (f) The Commission shall have the following powers and functions: to maintain an online portal containing information to enlighten the public of the falsity of any statement;

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- (2) Any person, whether in or outside Sri Lanka, who, by way of an online account or through an online location, publishes any photograph, audio or video of abusive or pornographic nature relating to a child, commits an offence and shall on conviction be liable to imprisonment for a term not less than two years and not exceeding twenty years or to a fine not exceeding one million rupees, or to both such imprisonment and fine.

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 - (a) an internet intermediary service;
 - (b) a telecommunication service;
 - (c) a service of giving public access to the internet;
 - (d) a computing resource service;
 - (e) an email service, if emails are the only user generated content enabled by such service;



- (f) a short message services
 - (i) if such short messages are the only user-generated content enabled by such service;
 - (ii) if such multimedia messages are the only user-generated content enabled by such service; or
 - (iii) if such short messages and multimedia messages are the only user-generated content enabled by such service; or
 - (g) one-to-one live aural communication service, if such one-to-one live aural communications are the only user-generated content enabled by such service.
- (2) Where
 - (a) a false statement, prohibited statement or material communicated on any service referred to in subsection (1) has been removed within six months from the date of coming in to operation of this Act; or
 - (b) any material has been uploaded or interfered with by third parties, the owner of an online account or the internet service provider shall have no liability in relation to the statement or the material referred to in paragraph (a) or (b).
- c. report child pornography, CSAM, enticement, grooming, or sextortion that they become aware of or are notified about on their systems to a law enforcement or government agency or nongovernmental organization**

Section 286A of the Penal Code states as follows:

- (1) Any person who
 - (a) hires, employs assists, persuades, uses, induces or coerces, any child to appear or perform, in any obscene or indecent exhibition or show or to pose or model for, or to appear in, any obscene or indecent photograph or film or who sells or distributes, or otherwise publishes, or has in his possession, any such photograph or film; or
 - (b) being the parent, guardian or person having the custody of a child, causes or allows such child to be employed, or to participate, in any obscene or indecent exhibition or show or to pose or model for, or to appear in, any such photograph or film as is referred to in paragraph (a) ;
 - (c)
 - (i) takes, or assists in taking of any indecent photograph of a child ; or
 - (ii) distributes or shows any such photograph or any publication containing such photograph;
 - (iii) has in his possession for distribution or showing, any such photograph or publication.
 - (iv) publishes or causes to be published, any such photograph or publishes or causes to be published, any advertisement capable of conveying the message that the advertiser or person named in the advertisement distributes or shows any such photograph or publication or intends to do so,

commits the offence of obscene publication and exhibition relating to children and shall on conviction be punished with imprisonment of either description for a term not less than two years and not exceeding ten years and may also be punished with fine.
- (2) Any person who, being a developer of photographs or films, discovers that any photograph or film given to him for developing is an indecent or obscene photograph



or a film of a child, shall, forthwith on such discovery, inform the officer in charge of the nearest police station that he has in his possession, such photograph or film.

- (3) Whoever being a developer of photographs or films acts in contravention of the provisions of subsection (2) shall be punished with imprisonment of either description for a term which may extend to two years or with fine or with both.
- (4) in this section -
- "child" means a person under eighteen years of age: and
 - "film" includes any form of video recording.

Section 286B

- (1) A person who provides a service by means of a computer shall take all such steps as are necessary to ensure that such computer facility is not used for the commission of an act constituting an offence relating to the sexual abuse of a child.
- (2) A person referred to in subsection (1) who has knowledge of any such computer facility referred to in subsection (1) being used for the commission of an act constituting an offence relating to the sexual abuse of a child, shall forthwith inform the officer in charge of the nearest police station of such fact and give such information as may be in his possession with regard to such act and the identity of the alleged offender.
- (3) A person who contravenes the provisions of subsections (1) or (2) shall be guilty of an offence and shall on conviction be liable to imprisonment of either description for a term not exceeding two years or to a fine or to both such imprisonment and fine.
- (4) In this section, "child" means a person under eighteen years of age.

The National Child Protection Authority (NCPA) has introduced a helpline to report illegal activity including online CSAM or imagery.

- d. remove or take down any child pornography, CSAM, enticement, grooming, or sextortion that they identify, become aware of, or are notified about**

Under the Online Safety Act No. 9 of 2024, Online Safety Commission has power to make recommendations to internet service providers to remove prohibited statements including any photographs, audio, or video of abusive or pornographic nature relating to children.

Section 11 (b), (c) and (f) read together with Section 21(1) and Section 21(2).

- (b) to issue notices to persons who communicate prohibited statements, to stop the communication of such statements;
- (c) to issue notices to any internet service provider or internet intermediary to disable access to an online location which contains a prohibited statement by the end users in Sri Lanka or to remove such prohibited statement from such
- (f) The Commission shall have the following powers and functions: to maintain an online portal containing information to enlighten the public of the falsity of any statement;

Section 21.



- (1) Any person, whether in or outside Sri Lanka, who, by way of an online account or through an online location commits or aids and abets an act upon a child, which constitutes an offence within the meaning of section 286A, 288, 288A, 288B, 308A, 360A, 360B, 360C, 363, 364A, 365, 365A or 365B of the Penal Code commits an offence and shall on conviction be liable to the punishment for each such offence as specified in the Schedule hereto: Provided however, in the case of aiding and abetting to commit an offence under section 363 of the Penal Code in respect of a child, every reference to a “woman” in subsection (2) of section 364 of the Penal Code shall be read and construed as a reference to a “child” for the purpose of this section.
- (2) Any person, whether in or outside Sri Lanka, who, by way of an online account or through an online location, publishes any photograph, audio or video of abusive or pornographic nature relating to a child, commits an offence and shall on conviction be liable to imprisonment for a term not less than two years and not exceeding twenty years or to a fine not exceeding one million rupees, or to both such imprisonment and fine.

Section 27(1) lays out the Exemption from liability of internet service providers in following cases:

- (1) Subject to the provisions of any other written law and the provisions of subsection (2), a person who engages in providing the following services shall have no liability in relation to the communication of a prohibited statement circulated through the online location owned, operated or controlled by such person, or for making available to the end users through such online location a communication link which contains any prohibited statement by any other party, which amounts to an offence under this Act or for any compensation payable for any wrongful loss caused to any person by such communication:
 - (a) an internet intermediary service;
 - (b) a telecommunication service;
 - (c) a service of giving public access to the internet;
 - (d) a computing resource service;
 - (e) an email service, if emails are the only user generated content enabled by such service;
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 - (i) if such short messages are the only user-generated content enabled by such service;
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 - (g) one-to-one live aural communication service, if such one-to-one live aural communications are the only user-generated content enabled by such service.
- (2) Where
 - (a) a false statement, prohibited statement or material communicated on any service referred to in subsection (1) has been removed within six months from the date of coming in to operation of this Act; or
 - (b) any material has been uploaded or interfered with by third parties, the owner of an online account or the internet service provider shall have no liability in relation to the statement or the material referred to in paragraph (a) or (b).



e. review content by human moderators to screen or moderate for child pornography or CSAM

Not legally required in Sri Lanka. However, NCPA has established a cyber-security unit to fight Online Violence Against Children (OVAC).

f. remove child pornography, CSAM, enticement, grooming, or sextortion from their systems when notified of its presence by a victim, nongovernmental organization, law enforcement, or government agency

Under the Online Safety Act, Online Safety Commission has power to make recommendations to internet service providers to remove prohibited statements including any photographs, audio, or video of abusive or pornographic nature relating to children. Section 11(f) read together with Section 21(1) and Section 21 (2).

Section 11 (f) The Commission shall have the following powers and functions:

- to maintain an online portal containing information to enlighten the public of the falsity of any statement;

Section 21.

- (1) Any person, whether in or outside Sri Lanka, who, by way of an online account or through an online location commits or aids and abets an act upon a child, which constitutes an offence within the meaning of section 286A, 288, 288A, 288B, 308A, 360A, 360B, 360C, 363, 364A, 365, 365A or 365B of the Penal Code commits an offence and shall on conviction be liable to the punishment for each such offence as specified in the Schedule hereto: Provided however, in the case of aiding and abetting to commit an offence under section 363 of the Penal Code in respect of a child, every reference to a "woman" in subsection (2) of section 364 of the Penal Code shall be read and construed as a reference to a "child" for the purpose of this section.
- (2) Any person, whether in or outside Sri Lanka, who, by way of an online account or through an online location, publishes any photograph, audio or video of abusive or pornographic nature relating to a child, commits an offence and shall on conviction be liable to imprisonment for a term not less than two years and not exceeding twenty years or to a fine not exceeding one million rupees, or to both such imprisonment and fine.

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- (1) Subject to the provisions of any other written law and the provisions of subsection (2), a person who engages in providing the following services shall have no liability in relation to the communication of a prohibited statement circulated through the online location owned, operated or controlled by such person, or for making available to the end users through such online location a communication link which contains any prohibited statement by any other party, which amounts to an offence under this Act or for any compensation payable for any wrongful loss caused to any person by such communication:
 - (a) an internet intermediary service;
 - (b) a telecommunication service;
 - (c) a service of giving public access to the internet;



- (d) a computing resource service;
 - (e) an email service, if emails are the only user generated content enabled by such service;
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- (2) Where
- (a) a false statement, prohibited statement or material communicated on any service referred to in subsection (1) has been removed within six months from the date of coming in to operation of this Act; or
 - (b) any material has been uploaded or interfered with by third parties, the owner of an online account or the internet service provider shall have no liability in relation to the statement or the material referred to in paragraph (a) or (b).
- g. use any specific technology to detect, remove, block, or take down any child pornography, CSAM, enticement, grooming, or sextortion, including:
- i. "Hashing technology" (<https://www.thorn.org/blog/hashing-detect-child-sex-abuse-imagery/>). Many Online Platforms hash and tag images and videos of child pornography or CSAM and then use hashing technology to scan content on their systems to detect the distribution of child pornography or CSAM online so it can be removed.
 - ii. Artificial intelligence or machine learning tools to detect the presence of child pornography, CSAM, enticement, grooming, or sextortion.

Not a legal or regulatory requirement in Sri Lanka.

- h. if the applicable laws or regulations require some, but not all, Online Platforms to perform any of the above activities, describe how the differing requirements apply. For example, are differences based on the number of online users, types of services offered, etc.?

Not a legal or regulatory requirement in Sri Lanka.

*In respect of the Online Safety Act No 09 of 2024, please note that there will be a further amendment to the Act

3. Are Online Platforms legally required or recommended to implement any method to verify the age of a user before allowing access to an online platform?

No. Under Sri Lankan law, verification of age to access online platforms is not mandated/recommended.

4. Are Online Platforms legally required or recommended to implement any method to obtain parental consent before a child uses the services of such Online Platforms?



In Sri Lanka, Online Platforms are not legally required or recommended to implement any method to obtain parental consent before a child uses an online platform.

5. **Are there legal remedies for children who have been victimized by online child sexual exploitation? This may include children who are victimized by the distribution of child pornography or CSAM imagery in which they are depicted, or children victimized by enticement, grooming or sextortion. If such legal remedies exist, do they include:**

YES

- a. **The ability to stop the publication of the pornography or CSAM imagery by the Online Platform?**

Section 3 (4) Children and Young Persons (Harmful Publications) Act No.s, 48 of 1956

3(4) Where any person is convicted of an offence under subsection (1), and any such copy, plate or photographic film in his possession or under his control as is referred to in subsection (2) has been seized under that subsection, the court shall order such person to show cause why the seized article should not be destroyed and, if he fails to show cause, shall order such article to be destroyed. An order made under this subsection for the destruction of any seized article shall not take effect until the expiration of the period within which an appeal to the Court of Appeal in the matter of the proceedings in which the order was made may be lodged or, where such an appeal is lodged, until the appeal is finally decided.

- b. **An obligation on the part of the Online Platform to take active steps to remove the pornography or other imagery from their servers?**

Section 3 (4) Children and Young Persons (Harmful Publications) Act No., 48 of 1956

The section is set out under (a) the ability to stop the publication of the pornography or CSAM imagery by the Online Platform

- c. **An ability to get an injunction or other court order against the Online Platform to stop them from publishing the pornography or imagery?**

The Procedure to be followed to obtain an interim injunction is set out in the CHAPTER XLVIII of Civil Procedure Code (CPC) read with Section 54 of the Judicature Act

- d. **A protective order or other court order that prohibits the person who posts the pornography or imagery from doing so in the future on the same or other Online Platform?**

There is no exact legislation covering this area.

- e. **the ability to seek financial damages or any sort of monetary recovery from an offender who has shared the child's image or video, either in a civil or a criminal proceeding?**

Section 14(1) of the Computer Crime Act



- (1) Where a person is convicted of an offence under this Act, and where it is established that as a result of the commission of such offence-
 - (a) loss or damage was caused to any person or institution; or
 - (b) monetary gain accrued to the offender or any other person,the court shall, in addition to any other punishment that may be imposed on the offender, make order for the payment by the offender-
 - (i) of compensation, to the person or institution that incurred loss or damage; or
 - (ii) of a sum equivalent to the value of the monetary gain so accrued, to the State, as the case may be.
- f. **the ability to seek any other forms of victim compensation/recovery/services provided for under the law and/or by a government-funded source?**

Section 07 of Assistance to and Protection of Victims of the Crime and Witnesses Act, No. 10 of 2023

Victims

- (1) A victim of crime shall be entitled to request and receive reasonable financial assistance from the Authority according to the availability of such assistance, in consideration of the expenses incurred as a result of-
 - (a) the offence alleged to have been committed; and
 - (b) his participation in any proceedings before a court or Commission in relation to such offence.
 - (2) A victim of crime shall be entitled to request and receive from the State any medical treatment including appropriate medical services, medicines and other medical facilities, or psychological or social assistance in respect of any harm suffered by him as a result of being a victim of crime.
 - (3) A victim of crime shall be entitled to request and receive necessary counselling or rehabilitation services from the State, through any means including through community based organizations.
 - (4) A request for any medical treatment, services, facilities or assistance under subsection (2) or (3) may be made to the Authority in such manner as may be prescribed and the Authority shall proceed with such request and cause appropriate treatment, services, facilities or assistance to be provided to such victim of crime in an expeditious manner.
 - (5) The Authority may consider the grant of an interim award in relation to any request made under this section, under section 67 of this Act.
- g. **notification to a victim when an offender is arrested for distributing child pornography or CSAM in which the child is depicted?**

No exact legal provision is currently stipulated in the existing laws of Sri Lanka.

6. **“Safety by Design” is defined as tools or processes that are built into an Online Platform to protect children by making it easier for the relevant Online Platform to detect or prevent the distribution of child pornography or CSAM.**

- a. **Are Online Platforms legally required to incorporate “Safety by Design” into their systems?**



No legal provision is currently stipulated in the existing laws of Sri Lanka.

i. If so, must these steps be taken before the launch of an Online Platform?

No exact legal provision is currently stipulated in the existing laws of Sri Lanka.

ii. If so, if an Online Platform has already been in public use, when must they have incorporated “Safety by Design” measures?

No exact legal provision is currently stipulated in the existing laws of Sri Lanka.

iii. For each of 6(a)(i) or (ii) above, please describe the legal requirement or recommendation.

No exact legal provision is currently stipulated in the existing laws of Sri Lanka.

b. Please include information about the parameters for monitoring, management, and enforcement of any legal or regulatory requirements for the Online Platform’s incorporation of “Safety by Design”?

No exact legal provision is currently stipulated in the existing laws of Sri Lanka.