

## Child Rights & Protection Case Study Report

<b>Report No:</b>	GHRF/2026/CR-SL14
<b>Title:</b>	<b>Sexual Abuse of Minors Within Religious Institutions and Legal Accountability: An Investigation into the Court of Appeal's Affirmation of the Prison Sentence Imposed on Ven. Hambegamuwe Chandananda</b>
<b>Judgments:</b>	Court of Appeal Judgment: May 14, 2026   High Court Judgment: December 17, 2024
<b>Data Source:</b>	BBC Sinhala News Report & Official Case Records of the Court of Appeal of Sri Lanka

### 1. INTRODUCTION AND BACKGROUND

Religious sites and educational institutions are sacred spaces where minors should receive the highest standard of care, moral guidance, and protection. However, incidents where responsible individuals in charge of such places sexually abuse vulnerable minors who seek refuge and spiritual guidance are reported periodically in Sri Lanka. This dynamic demands serious societal attention and institutional accountability.

This case study is based on the tragic judicial history of a 9-year-old minor novice monk (Samanera Bhikkhu) who was subjected to grave sexual abuse exactly one day after his ordination. Rejecting in full the appeal filed by the accused monk against his conviction, the Court of Appeal of Sri Lanka on May 14, 2026, legally affirmed the prison sentence and compensation orders. This landmark judgment marks a progressive step forward in the judicial history of Sri Lanka regarding child rights and protection.

### 2. CASE TIMELINE AND CRIMINAL INVESTIGATION

The background, investigative process, and legal timeline of the offense are outlined below:

- Period of Offense:** Between May 06, 2016, and May 21, 2016.
- Status of the Victim:** At the time of the crime, the victim was a 9-year-old minor novice monk. The child faced this brutal violence the day after his ordination.
- The Complaint:** The victimized novice monk informed his mother about the severe sexual harassment he endured, and the mother immediately lodged a formal complaint with the police.
- Medical Evidence:** The Judicial Medical Officer (JMO) who examined the child verified scientifically through his medical report that the novice monk had been subjected to grave sexual abuse, stating that the commission of the offense could not be ruled out.
- Filing of Indictments:** Based on medical and investigative evidence, the Attorney General filed indictments against the accused, Ven. Hambegamuwe Chandananda, in the High Court of Anuradhapura.

### 3. HIGH COURT JUDGMENT AND SENTENCING STRUCTURE

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Following an extensive 8-year trial, on December 17, 2024, the Anuradhapura High Court Judge ruled that the charges against the accused were proven beyond reasonable doubt. Convicting the accused monk, the court imposed the following rigorous sentencing framework:

[Anuradhapura High Court Sentencing Structure - 17.12.2024]

- └ i. Seven (07) years of Rigorous Imprisonment.
- └ ii. A mandatory fine of LKR 5,000.
  - └ (In default of payment: an additional 3 months of Simple Imprisonment).
- └ iii. LKR 100,000 as compensation to be paid to the victim novice monk.
  - └ (In default of payment: an additional 6 months of Simple Imprisonment).

### 4. COURT OF APPEAL PROCEEDINGS AND DEMOLITION OF TECHNICAL ARGUMENTS

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Following the High Court verdict, the accused Ven. Chandananda preferred an appeal to the Court of Appeal, seeking an acquittal. The appeal was argued before Court of Appeal Judge Hon. P. Kumaran Ratnam, with the concurrence of Hon. Judge Pradeep Hettiarachchi, where the technical counter-arguments of the defense were thoroughly dismantled:

- **Technical Contentions of the Defense:** Counsel representing the accused argued that serious contradictions existed between the oral testimony given by the victim during the High Court trial, testimonies of other witnesses, and the JMO medical reports, thereby demanding the acquittal of the accused.
- **Judicial Position and Admissibility of Video Evidence:** The Court of Appeal illuminated an exceptionally vital legal principle. The court emphasized that the video statement provided by the child to investigators during the initial phase of the investigation (at age 9) was completely admissible and constituted formidable substantive evidence under the Evidence Ordinance. The court highlighted that even if a minor exhibits minor inconsistencies or faintness of memory when testifying orally years later (by which time the victim was a 15-year-old school student), the original recorded video testimony clearly established the commission of the crime.

The Court of Appeal further observed that the defense had failed to properly mark the alleged contradictions during the High Court trial and that the High Court Judge had analytically weighed the evidence correctly. Consequently, the Court of Appeal dismissed the appeal in its entirety and upheld the conviction.

### 5. GHRF CONCLUSIONS AND POLICY RECOMMENDATIONS

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The Research & Analysis Division of the Global Human Rights Front (GHRF) commends this judgment as an exemplary model of judicial efficacy in safeguarding child rights and penalizing perpetrators who weaponize religious robes or social status to abuse children. Furthermore, the Court of Appeal's directive that the term of imprisonment—prosecuted on behalf of the Attorney General by Deputy Solicitor General Wasantha Perera—must run continuously from the date of the High Court judgment (December 17, 2024), reinforces the integrity of judicial deterrence.

## **Policy Recommendations:**

- 1. Child Protection Units within Religious Institutions:** The National Child Protection Authority (NCPA) and the Department of Buddhist Affairs must jointly establish an independent monitoring mechanism to oversee the safety of minors enrolled or residing across all temples, churches, kovils, and monastic educational institutions (including Pirivenas).
- 2. Expansion of Video Testimonies:** To prevent the secondary victimization and psychological trauma of child victims forced to testify repeatedly in the presence of perpetrators inside courts, legislative frameworks must be strengthened to acknowledge scientific video statements recorded immediately post-offense as primary substantive evidence.
- 3. Stringent Institutional and Canonical Laws:** Relevant religious authorities must take immediate steps to strip any monk or clergy convicted of sexual abuse of all official positions, custodian titles, and execute ecclesiastic rules (Vinaya Karma) to expel them permanently from their respective holy orders.

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