



No Safety No Escape:

Children and the Escalating Armed Conflict in Sri Lanka

April 2008

WATCHLIST MISSION STATEMENT

The Watchlist on Children and Armed Conflict strives to end violations against children in armed conflicts and to guarantee their rights. As a global network, Watchlist builds partnerships among local, national and international nongovernmental organizations, enhancing mutual capacities and strengths. Working together, we strategically collect and disseminate information on violations against children in conflicts in order to influence key decision-makers to create and implement programs and policies that effectively protect children.

Watchlist works within the framework of the provisions adopted in Security Council Resolutions 1261, 1314, 1379, 1460, 1539 and 1612, the principles of the Convention on the Rights of the Child and its protocols and other internationally adopted human rights and humanitarian standards.

Information is collected through an extensive network of organizations that work with children around the world. Analysis is provided by a multidisciplinary team of people with expertise and/or experience in the particular context. Information in the public domain may be directly cited in the report. All sources are listed in alphabetical order at the end of this report.

General supervision of Watchlist is provided by a Steering Committee of international nongovernmental organizations known for their work with children and human rights. The views presented in this report do not represent the views of any one organization in the network or the Steering Committee.

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Please Note: The people represented in the photos in this report are not necessarily themselves victims or survivors of human rights violations or other abuses.

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NOTES ON METHODOLOGY

- Information contained in this report is current through January 3, 2008
- This report primarily reflects information drawn from secondary sources available in the public domain. Information is collected through an extensive network of organizations that work with children around the world. Analysis is provided by a multi-disciplinary team of people with expertise and/or experience in the particular context. Some sources are confidential and are not listed to protect their safety.
- In this report, any violations or attacks attributed to an armed group or militia reflect reports made by the source cited and not by Watchlist.
- This report contains more extensive information on violations committed by the Government of Sri Lanka and armed groups operating in government-held areas. This may be due in part to the extreme lack of access to information in LTTE-controlled areas.

IMPORTANT UPDATES

- The UK sentenced the former leader of the Tamil Makkal Viduthalai Pulikal (TMVP), Colonel Karuna, to nine months in prison for identity document fraud on January 25, 2008.
- The TMVP became a registered political party on January 24, 2008.
- The International Independent Group of Eminent Persons (IIGEP) terminated its operations in Sri Lanka on March 8, 2008. In its public statement, the IIGEP said that “the proceedings of inquiry and investigation [of the Presidential Commission of Inquiry (Col)] have fallen far short of the transparency and compliance with basic international norms and standards pertaining to investigations and inquiries.”

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LIST OF ACRONYMS

AHRC	Asian Human Rights Commission	NCPA	National Child Protection Authority
AI	Amnesty International	NHAPP	National HIV/AIDS Prevention Project
ARV	Antiretroviral Treatment	NPC	National Peace Council
CAC	Children and Armed Conflict	NSCMA	National Steering Committee for Mine Action
CFA	Cease-fire Agreement	OCHA	Office for the Coordination of Humanitarian Affairs
CHAP	Common Humanitarian Action Plan	OHCHR	Office of the UN High Commissioner for Human Rights
CoI	Presidential Commission of Inquiry	P-TOMS	Post-Tsunami Operational Management Structure
CPA	Center for Policy Alternatives	SAHR	South Asians for Human Rights
DDR	Disarmament, Demobilization and Reintegration	SLMM	Sri Lanka Monitoring Mission
ERW	Explosive Remnants of War	SSR	Security Sector Reform
ESDC	Educational Skills Development Centre	STF	Security Task Force
EU	European Union	STI	Sexually Transmitted Infection
GBV	Gender-based Violence	TRO	Tamil Rehabilitation Organization
GoSL	Government of Sri Lanka	TMVP	Tamil Makkal Viduthalai Pulikal
HRC	Human Rights Commission	UN	United Nations
HRW	Human Rights Watch	UNAIDS	The Joint UN Program on HIV/AIDS
HSZ	High Security Zone	UNESCO	Educational, Scientific and Cultural Organization
IASC	Inter-Agency Standing Committee	UNFPA	UN Population Fund
ICBL	International Campaign to Ban Landmines	UNHCR	UN High Commissioner for Refugees
ICC	International Criminal Court	UNICEF	UN Children's Fund
ICG	International Crisis Group	UNICEF ROSA	UNICEF Regional Office for South Asia
ICRC	International Committee of the Red Cross	UNIFEM	UN Development Fund for Women
IDMC	Internal Displacement Monitoring Center	UNMAO	UN Mine Action Office
IDPs	Internally Displaced Persons	UNMAS	UN Mine Action Service
IIGEP	International Independent Group of Eminent Persons	UN PoA	UN Program of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All its Aspects
ILO	International Labor Organization	UNSC	UN Security Council
IMC	International Medical Corps	USAID	US Agency for International Development
IMSMA	Information Management System for Mine Action	WCRWC	Women's Commission for Refugee Women and Children
INGO	International Nongovernmental Organization	WHO	World Health Organization
LTTE	Liberation Tigers of Tamil Eelam	WFP	World Food Program
MAG	Mine Advisory Group		
MRE	Mine Risk Education		
MSF	Médecins Sans Frontières (Doctors Without Borders)		
NGO	Nongovernmental Organization		
NCAPISA	National Commission Against the Proliferation of Illicit Small Arms and Light Weapons in All its Aspects		

INDICATORS

INDICATORS	SRI LANKA
Population	Estimated 20.7 million people in 2005, including an estimated 6.1 million children (UNICEF, 2007)
Gross National Income (GNI) per Capita	US \$1,300 in 2006 (World Bank, 2007)
Refugees and Internally Displaced Persons (IDPs)	Estimated 97,000 refugees in Tamil Nadu (India) as of December 2007, including an estimated 20,000 refugees from the post-January 2006 conflict Estimated 456,000 IDPs as of November 2007, including an estimated 189,000 from the post-April 2006 conflict Children constitute approximately 39 percent of IDPs (UNHCR, January 2008)
Infant Mortality	12/1,000 in 2005 (UNICEF, 2007)
HIV/AIDS	Less than 0.1 percent estimated prevalence rate as of 2005 (UNAIDS, WHO and UNICEF, 2006)
Education	Estimated 97 percent net enrollment rate for primary education, not accounting for regional differences or actual student attendance as of 2005; near gender parity in school enrollment (UNESCO, 2007)
Gender-Based Violence (GBV)	Conflict-related GBV, including sexual violence in IDP camps, trafficking, sexual exploitation, early marriages and sexual harassment at military checkpoints. Specific data on prevalence of GBV is scant
Trafficking	As of 2004, an estimated 5,000 Sri Lankan children had been trafficked for commercial sex, domestic work and child recruitment (ILO, 2004)
Landmines and Explosive Remnants of War (ERW)	Estimated 99 sq km of land is contaminated by ERW and 730 villages are contaminated by landmines, according to GoSL estimates (Landmine Monitor Report 2007)
Small Arms	Estimated 1 to 2.4 million small arms in circulation in Sri Lanka, half of which are owned by civilians (independent experts, cited in Small Arms Survey, 2004) Estimated 45,000 small arms in circulation according to GoSL officials (SAS, 2004)
Child Soldiers	6,248 cases of child recruitment by the LTTE, including 2,469 girls, were reported to UNICEF between January 2002 and December 2007. 453 cases of child recruitment, including one case of a girl, by the TMVP/Karuna faction with alleged complicity of the GoSL were reported to UNICEF between April 2004 and December 2007. Actual numbers of recruitment are thought to be significantly higher (UNICEF, 2008)
Abductions and Disappearances	More than 1,100 new abductions and “disappearances” of civilians, including children, reported between January 2006 and June 2007, mainly Tamils (HRW, August 2007)
Attacks on Humanitarian and Human Rights Workers	At least 28 humanitarian NGO workers were intentionally killed from January 2006 to November 2007 (UNOCHA, 2007)

INTERNATIONAL STANDARDS

International Treaties Signed (S)/ Ratified (R)/ Acceded (A) (Year)	International Treaties Not Signed
<ul style="list-style-type: none"> ● Convention on the Rights of the Child (CRC) (R) (1991) ● Optional Protocol on the Involvement of Children in Armed Conflict (R) (2000) ● Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (R) (2006) ● The Geneva Conventions of 1949 (R) (1959) ● International Covenant on Civil and Political Rights (A) (1980) ● International Covenant on Economic, Social and Cultural Rights (A) (1980) ● Convention on the Elimination of All Forms of Racial Discrimination (A) (1982) ● Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (A) (2004) ● Convention on the Prevention and Punishment of the Crime of Genocide (A) (1950) ● International Labor Organization (ILO) Convention 182 on the Worst Forms of Child Labor (R) (1991) 	<ul style="list-style-type: none"> ● Additional Protocols to the Geneva Conventions of 1949 ● 1951 Convention relating to the Status of Refugees and its 1967 Protocol ● Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction ("Mine Ban Treaty") ● Rome Statute of the International Criminal Court ● Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
<ul style="list-style-type: none"> ● UN Security Council Resolutions on Sri Lanka 	<ul style="list-style-type: none"> ● UN Security Council has not adopted any country specific resolutions on Sri Lanka
<ul style="list-style-type: none"> ● UN Security Council Resolutions on Children and Armed Conflict 	<ul style="list-style-type: none"> ● 1612 (July 2005), 1539 (April 2004), 1460 (January 2003), 1379 (November 2001), 1314 (August 2000), 1261 (August 1999)

NOTES: In September 2006, the Sri Lankan Supreme Court "declared that neither United Nations conventions signed by Sri Lanka nor the directives of monitoring bodies are binding on the country" according to a statement by the Asian Human Rights Commission (AHRC), *Sri Lanka: Supreme Court Removes Country from Obligations under International Law, Raises Unprecedented Questions for UN*, September 18, 2006.¹

EXECUTIVE SUMMARY

Sri Lanka's children have been embroiled in a brutal armed conflict which has killed more than 67,000 civilians in the last two decades and caused untold suffering among the Sri Lankan population. Gross human rights violations committed by Government of Sri Lanka (GoSL) forces, the Liberation Tigers of Tamil Eelam (LTTE) and armed breakaway groups, like the Tamil Makkal Viduthalai Pulikal (TMVP)/ Karuna faction, have created a climate of constant fear and insecurity throughout the country.

Both the GoSL and the LTTE have restricted or denied the delivery of vital humanitarian aid to the Jaffna peninsula and the Vanni area in the North, certain areas in the East and GoSL-declared high security zones. Adding to considerable bureaucratic barriers, humanitarian and human rights workers have been increasingly harassed, threatened and even killed while carrying out their lifesaving work. Additionally, restrictions on the movement of civilians have exacerbated the humanitarian crisis by preventing civilians from escaping into safety or seeking assistance. Perpetrators commit violations against children and other civilians with impunity. Today, the establishment of an independent human rights monitoring system is more critical than ever since the recent dissolution of the cease-fire agreement and the subsequent withdrawal of the Nordic-led Sri Lanka Monitoring Mission (SLMM).

Children throughout Sri Lanka face a broad spectrum of violations against their security and rights, perpetrated by various armed forces and groups. In this report, Watchlist illustrates this situation and provides practical recommendations for urgent actions needed to protect Sri Lankan children.

Refugees and IDPs

Between April 2006 and April 2007, the resumption of violent conflict displaced more than 300,000 people within Sri Lanka and forced more than 20,000 to seek safety in India. Approximately half a million Sri Lankans had been displaced prior to April 2006. Children comprise approximately 39 percent of the displaced population.

Internally displaced persons (IDPs) suffer as a result of poor sanitary conditions and strained health facilities, as well as insufficient food supplies in host communities and IDP camps. The lack of security in and around the camps has exposed children to abduction, recruitment and sexual violence. Some IDP camps have become direct targets of military attacks. Similarly, Sri Lankan refugees in India live in difficult conditions. Though given minimal assistance by the Indian government, many live in refugee camps with outdated infrastructure from the 1980s and 1990s. In addition, approximately 23,000 Sri Lankan refugees living outside the camps are not entitled to any assistance.

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Some Sri Lankan children have grown up in the confines of IDP or refugee settings. While finding durable solutions for IDPs and refugees is a priority, humanitarian organizations have considered the recent returns of many IDPs premature and have criticized the GoSL for forcing thousands of IDPs to return to insecure areas. The lack of clear policies and plans for IDPs has stirred tensions among various groups, mainly along ethnic lines.

Health

Armed conflict, displacement and restrictions in the delivery of humanitarian aid have increased Sri Lankans' vulnerability to malnutrition and disease. In addition, many health facilities in the North and East have been damaged or destroyed. The World Food Program warned of an emerging humanitarian emergency in Jaffna and Batticaloa and an acute food and livelihood crisis in five other districts in the North and East in May 2007. Ongoing armed conflict and access restrictions have prevented people in conflict-affected areas from accessing life-saving medical care. Children in particular suffer under these conditions.

HIV/AIDS

At the end of 2005, the estimated national HIV prevalence rate among people between the ages of 15 and 49 was less than 0.1 percent in Sri Lanka, according to UNAIDS. Nonetheless, GoSL, international and national agencies warn that HIV may spread further among the population, particularly among older children, due to lack of awareness, stigmatization and unsafe sexual practices. Even health care personnel and officials in the education sector are known to have discriminated against individuals with HIV/AIDS. Armed conflict and consequent displacement have created conditions that make the spread of HIV more likely in the North and East.

Education

Sri Lanka's armed conflict has turned schools into military targets, IDP camps and military shelters. More than 250,000 children in Sri Lanka, mostly in the North and East, have been forced to interrupt their education due to the renewed outbreak of armed conflict in 2006. Military attacks had damaged or destroyed 261 schools as of September 2007 and their reconstruction has been delayed due to insecurity. The massive outflow of educational staff in recent years from conflict-affected areas has resulted in a serious lack of teachers in the North and East. Exceptionally high student dropout and absentee rates are prevalent in conflict areas, particularly among displaced children. Many students who remain in school require special attention as a result of distress due to conflict-related experiences or because they missed years of education.

Gender-Based Violence

There is a dearth of information about conflict-related cases of gender-based violence (GBV) in Sri Lanka, which makes it difficult to assess the nature and scope of the problem. However, anecdotal information suggests that this lack of information does not neces-

sarily reflect the reality of the situation. Rather, it is likely that incidents of GBV have increased due to the armed conflict, yet incidents are not reported or systematically documented due to survivors' fear of stigmatization or retribution and the lack of access to adequate and appropriate legal, medical and social services for them.

Landmines and ERW

Before the 2002 cease-fire, the LTTE and the GoSL had used antipersonnel mines extensively throughout the conflict. The mines' proximity to civilian settlements has endangered the lives of the war-affected populations in the North and East. Children accounted for 30 percent of casualties from landmines and explosive remnants of war (ERW) in 2006. Lack of access to these areas due to mine contamination has hindered humanitarian assistance, economic reconstruction and the return of displaced people to their homes. Since the upsurge of violence in mid-2006, agencies have been forced to slow down or even halt demining efforts. In some cases, clearance efforts may have been deliberately blocked by the military. Recent reports also point to renewed use of landmines by the LTTE, including claymore mines which are notorious for their indiscriminate and lethal effects on civilians.

Small Arms

The proliferation of illicit small arms has become one of the main barriers to achieving sustainable peace and human security for children and their communities in Sri Lanka. Independent experts estimate that 1 to 2.4 million small arms are in circulation in Sri Lanka, mostly owned by civilians. Despite its active participation in international efforts to stave off the proliferation of small arms and light weapons, the GoSL has not been able or willing to monitor or control the circulation of illicit arms in its territory. For its part, the LTTE has employed an effective network for guaranteeing a steady flow of small arms into the country. The European Union, as well as the United States and other countries have declared the LTTE a terrorist organization and introduced measures to prevent it from raising money for arms or other purposes.

Child Soldiers

Sri Lankan children currently face the ubiquitous threat of being abducted, recruited and used as soldiers whether they are in areas controlled by the GoSL or the LTTE. UNICEF's child recruitment database, the authoritative source on child recruitment and use, documents 6,248 cases of child recruitment by the LTTE between January 2002 and December 2007, including many girls, and 453 cases of child recruitment by the TMVP/Karuna faction, with alleged complicity of the GoSL, between April 2004 and December 2007. However, UNICEF relies exclusively on voluntary reporting by parents and communities, therefore it is likely that the actual numbers are much higher.

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Despite promises to do so, the GoSL has not yet conducted a credible and thorough investigation into the alleged complicity of certain elements of its security forces with the TMVP/Karuna faction in the recruitment of children. Both the LTTE and the TMVP/Karuna faction have been named by the UN Secretary-General as repeat offenders of this crime. There is currently no formal disarmament, demobilization and reintegration (DDR) process for children, nor policies or programs to protect and reintegrate children who surrender to the GoSL or seek its protection after they escape from armed groups.

Other Violations and Vulnerabilities

Sri Lankan children continue to face a spectrum of other violations of their security and rights, including trafficking, child labor, prostitution, abuse in orphanages and arbitrary and illegal arrests. While Sri Lankan children were vulnerable to these violations even before the armed conflict, anecdotal information suggests that incidents likely have increased due to the conflict.

Recommendations

In this report, the Watchlist on Children and Armed Conflict makes urgent recommendations to the GoSL, the LTTE, the TMVP/Karuna faction; the United Nations Security Council; the 1612 Taskforce in Sri Lanka; the humanitarian community in Sri Lanka; donors; and other governments. Of primary importance, is the call to all armed forces and groups in Sri Lanka to immediately halt violations against children. Additionally, all actors must take immediate action to protect children in Sri Lanka from further abuse and to find ways to assist and support those who have suffered the consequences of decades of armed conflict.

CONTEXT

Roots of the Armed Conflict

For more than two decades, the Liberation Tigers of Tamil Eelam (LTTE) has been fighting with the Sinhalese-dominated Government of Sri Lanka (GoSL) to establish an independent Tamil state or a degree of autonomy for Tamils in the North and East of Sri Lanka. For decades, the LTTE has accused the GoSL of discriminating against the Tamil minority in Sri Lanka's multi-ethnic state.²

After Sri Lanka's independence from Britain in 1948, the Sinhalese majority government passed a number of laws that barred Tamils from certain educational and employment opportunities. Most notably, Sinhala became the official language of Sri Lanka in 1956,³ costing thousands of Tamils their civil service jobs. At the time, many Tamils staged demonstrations against these policies, demanding equal rights and adequate political representation.⁴ The GoSL's excessive use of force against the protesters incited counter force by emerging militant Tamil groups. What began as a largely nonviolent movement turned into a brutal civil war in the 1980s. Full-blown armed conflict broke out in 1983 after Tamil militants killed 13 GoSL troops, triggering violent ethnic riots and a massive displacement of Tamils.

The LTTE, under the leadership of Velupillai Prabhakaran, emerged as the dominant Tamil armed group, violently eliminating its rivals. To solidify its territorial claims, the LTTE established a "quasi" state in parts of the Vanni area⁵, the northern mainland, controlling Mullaitivu and Kilinochchi and parts of Vavuniya and Mannar.⁶ Today, the LTTE administers government-like services in these territories, including a police force, justice system and tax regime. The Tamil Rehabilitation Organization (TRO) has effectively acted as the LTTE's humanitarian wing. Most recently, the TRO has been accused of supporting the LTTE's war efforts.⁷ In addition to these institutions, the Tamil diaspora in the United States, Canada, the United Kingdom (UK) and Australia provides a secure financial base for the LTTE's military and other operations, according to a Human Rights Watch (HRW) report, *Funding the "Final War," LTTE Intimidation and Extortion in the Tamil Diaspora*, March 14, 2006.

Sri Lanka's armed conflict has been characterized by massive human rights violations committed by both the GoSL and the LTTE. The LTTE has employed suicide bombers, landmines, claymore mines⁸ and other explosive remnants of war (ERW), used children as soldiers and civilians as shields, abducted civilians, engaged in politically motivated killings and blocked water supplies from the civilian population.

Similarly, the GoSL has committed grave abuses of human rights, including indiscriminate shelling and aerial bombardment of LTTE-controlled areas, arbitrary arrests, extrajudicial killings,

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torture, forced returns of internally displaced persons (IDPs) to unsafe areas and forced evictions. More recently, Sri Lankan security forces have been accused of complicity in the recruitment and use of child soldiers by the Tamil Makkal Viduthalai Pulikal (TMVP)/Karuna faction, a paramilitary group operating in the East.⁹

In what many describe as a war on civilians, gross human rights violations have created a climate of constant fear and insecurity. An estimated 67,000 civilians have lost their lives in the conflict between the LTTE and the GoSL since 1983, according to the United Nations, in *United Nations Concerned by Civilian Deaths in Sri Lanka*, January 2, 2007. At least 45 children were killed and 77 maimed due to armed conflict between November 1, 2006 and September 14, 2007, according to the 2007 Secretary-General's Report on Children and Armed Conflict (S/2007/758, para. 24). Fighting has been concentrated in the North and East, but has also spilled into the South with the LTTE staging suicide bombings and other violence in Colombo and other areas. Today's disregard for the rule of law, increased hostilities and rampant impunity have caused innumerable problems, including the polarization of communities, the militarization of the civilian population and the displacement of hundreds of thousands of people. Extremely high levels of violence in the country have also led to the development of new and multiple armed breakaway factions.

Increasing Complexity: The Emergence of the TMVP/Karuna faction

The emergence of the TMVP/Karuna faction, an unregistered political party and paramilitary group, added to the volatile environment in Sri Lanka. Vinayagamoorthy Muralitharan, alias Colonel Karuna, the LTTE's leading commander in the East, founded the TMVP/Karuna faction in March 2004 after splitting from the LTTE. The TMVP/Karuna faction allegedly cooperates with the GoSL to fight against the LTTE, according to HRW, *Return to War. Human Rights under Siege*, August 2007. This cooperation enabled the TMVP/Karuna faction to establish itself in the districts of Ampara, Trincomalee and Batticaloa. Although the GoSL officially regained control of these territories, its security forces have failed to disarm the TMVP/Karuna faction and other smaller paramilitary groups or to stop their human rights violations against the civilian population.

After leaving the TMVP/Karuna faction, Colonel Karuna was arrested in the UK on November 2, 2007, on pending immigration charges. Pillayan, the TMVP's second in command, has declared himself the new leader of the TMVP/Karuna faction. However, internal power struggles within the faction have resulted in breakaway factions and increased human rights violations with no clearly identified group to hold accountable for violations.

Cease-fire Agreement and its Dissolution

In 2002, the GoSL and the LTTE signed a cease-fire agreement (CFA) brokered by Norway, and agreed to move towards a negotiated settlement. An independent monitoring mission, the Sri Lanka Monitoring Mission (SLMM), initially comprised of staff from five Nordic countries (Norway, Sweden, Finland, Denmark and Iceland)¹⁰ was established to investigate violations of the CFA. Peace talks between the GoSL and the LTTE started in September 2002 with Norway acting as the mediator. Four co-chairs (Norway, the United States, Japan, and the European Union) were also designated to support the peace process, particularly post-conflict rehabilitation and development.

Despite this international support for the peace process, the LTTE unilaterally abandoned the process in April 2003, citing its exclusion from donor talks. The LTTE predicated future negotiations upon the acceptance of its proposal to establish a self-governing authority for the North and East. The GoSL opposed this demand viewing it as an effective secession of these territories. There have been several attempts to re-engage both parties in the peace process since then, most recently in October 2006. None of these have yet succeeded.

Between 2002 and 2005, the CFA led to some improvements in the human rights and humanitarian situation for civilians. Yet, political assassinations, child recruitment and ethnic clashes between Muslims and Tamils, often over unsettled land issues, continued.

Following the devastating Asian tsunami in December 2004, the GoSL and the LTTE agreed to cooperate in relief efforts as part of the Post-Tsunami Operational Management Structure (P-TOMS). Many donors tied assistance to shared aid structures, viewing this as an opportunity to overcome ethno-political barriers. However, the P-TOMS eventually collapsed following the Sri Lankan Supreme Court's decision to render the shared aid system unconstitutional.

India, the United States, Canada and the UK, as well as other countries and the European Union (EU) have declared the LTTE a terrorist organization. The United States and the UK have suspended some aid to the GoSL in response to alleged human rights violations by military groups with which the GoSL cooperates.¹¹ Despite warnings and sanctions, violations of the CFA continued by both sides. The SLMM reported 4,181 violations of the CFA between February 2002 and April 2007, of which the vast majority, 3,830 violations, were committed by the LTTE.

On January 3, 2008, the GoSL officially abrogated the CFA of 2002, and the SLMM consequently terminated its operational activities in Sri Lanka on January 16, 2008. Top UN officials and many governments, including Japan, Norway, and the US, as well

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as the EU, raised concerns about the protection of civilians and humanitarian access to affected areas following the GoSL's declaration. UN Secretary-General Ban Ki-moon has called for an end to bloodshed through a political solution.

"Military Solution" and Its Impact on Civilians

During the few years before the formal end of the cease-fire in 2008, the political climate had increasingly turned towards a resumption of hostilities. The assassination of Foreign Minister Lakshman Kadirgamar in 2005 prompted the GoSL to enact the Emergency Regulations of August 2005, giving the security forces broad powers to arrest and detain civilians. After presidential elections in November 2005, the United People's Freedom Alliance (UPFA) coalition government led by President Mahinda Rajapakse of the Sri Lanka Freedom Party, assumed a more confrontational stance against the LTTE than the preceding government and expanded the Emergency Regulations in December 2006. The LTTE, for its part, reinforced belligerence with a series of suicide attacks and political killings.

The GoSL, likely encouraged by territorial gains in the East, appears determined to defeat the LTTE militantly before entering into further peace negotiations. To achieve this "military solution," it is widely believed that the GoSL is collaborating with the TMVP/Karuna faction, using the group's insider knowledge of the LTTE, and its intelligence and troops, including child soldiers, to fight the LTTE. The GoSL also raised its military expenditure by almost 20 percent from 2007 to 2008, according to *BBC News*, "Sri Lanka Defense Budget to Soar," October 10, 2007. In the preceding year, the government had raised military expenditure by 40 percent, according to *The Economist*, "A War Strange as Fiction," June 7, 2007. The LTTE has similarly engaged in a massive funding campaign, urging and, in some cases, coercing members of the Tamil diaspora to contribute to a "final war" according to HRW, *Funding the "Final War," LTTE Intimidation and Extortion in the Tamil Diaspora*, March 14, 2006. In preparation, it has re-engaged in a campaign of "compulsory training and mobilization of civilians" in Vanni since 2006, according to OCHA, *Common Humanitarian Action Plan (CHAP) for Sri Lanka 2007*, July 17, 2007.

Already, efforts to achieve a military solution have resulted in massive human rights violations and a humanitarian crisis in the conflict-affected areas. More than 3,000 civilians have been killed in the conflict since the renewal of fighting in 2006, according to the UN, *United Nations Concerned by Civilian Deaths in Sri Lanka*, January 2, 2007. More than 50 civilians were killed in aerial bombardments, shelling and claymore mine attacks in the last two weeks of November 2007, according to Amnesty International (AI)/HRW, *Human Rights Council: Urgent Action Needed to End Abuses in Sri Lanka*, December 7, 2007. In addition, reports indicate that fighting has intensified in the northern areas of Mullaitivu and Kilinochchi, Mannar, Vavuniya, Weli Oya and Jaffna, as well as at sea.

Need for Independent Human Rights Monitoring

The absence of a functioning human rights monitoring system in Sri Lanka has put the lives of those speaking out against human rights violations in jeopardy while allowing perpetrators to commit crimes with impunity. National and international human rights organizations have thus been demanding the establishment of an independent monitoring mission under the auspices of the Office of the UN High Commissioner for Human Rights (OHCHR).¹² This office would receive complaints of human rights violations and conduct appropriate investigations.¹³ This need for monitoring became even more critical with the dissolution of the CFA and withdrawal of the SLMM. Yet, the GoSL continues to oppose an independent human rights monitoring mission, referring to existing mechanisms and commissions established by the government such as the Human Rights Commission (HRC), the Presidential Commission of Inquiry (Col)¹⁴ and a number of other commissions.¹⁵

Humanitarian Crisis and Lack of Access

The current armed conflict has triggered humanitarian emergencies in two districts and acute food and livelihood crises in five others in the North and East, according to the World Food Program (WFP), *Executive Brief: Sri Lanka Integrated Food Security and Humanitarian Phase Classification (IPC)*, May 2007. The upsurge in violence since April 2006 has also caused the displacement of more than 300,000 people. Approximately 189,000 of these people were still displaced as of November 2007 according to UNHCR (see below: Refugees and IDPs). Restrictions on the movement of civilians have also exacerbated the humanitarian crisis. For example, people can only leave the Vanni area if issued a local pass by the LTTE and on the condition that one family member is left behind (S/2007/758, para. 40).

The GoSL and the LTTE do not provide the people living in these crisis areas with adequate assistance. Instead, they have at times obstructed the delivery of vital humanitarian assistance. Humanitarian organizations are especially concerned about the lack of access to the Jaffna peninsula in the North, the Vanni, certain areas in the East and parts of the country declared by the GoSL as high security zones (HSZs). Beginning in August 2006, the government closed the A9 highway, the only land route linking Jaffna to the rest of the country. The LTTE, in turn, put up a sea blockade, cutting off 600,000 people in Jaffna from aid supplies, according to *AI Report 2007*. Humanitarian programs also continue to face restrictions on operational space. For example, in June 2007, if permitted through a checkpoint at Madavachchiya, a main highway intersection, humanitarian trucks were forced to offload goods for inspection and then had to transfer them to other trucks, which delayed the provision of assistance and jeopardized lives.

The conditions for humanitarian access improved somewhat in some areas between August 2007 and November 2007, according to *IRIN*, "Sri Lanka: Humanitarian access improving in resettlement

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areas in East," November 21, 2007. Although relief and humanitarian agencies were still required to go through a cumbersome bureaucratic process to access certain regions, particularly in the East, a new government system allowed them access to most conflict-affected areas, including resettlement sites. Nevertheless, many agencies, especially those dealing with protection issues, are still rarely permitted to access these areas.

Humanitarian aid workers are increasingly being harassed, threatened and even killed in the North and East. In many instances, the LTTE has forced national aid workers to join its ranks or to contribute money or labor to its war efforts, according to the UN Secretary-General's 2007 report on children and armed conflict in Sri Lanka (S/2007/758, para. 40). Since January 2006, at least 28 humanitarian aid workers have been intentionally killed, according to *IRIN*, "Sri Lanka: UN urges investigations of deaths and more security for aid workers," November 14, 2007. This includes 17 Sri Lankan aid workers from the international NGO Action Contre la Faim (Action Against Hunger, ACF) who were murdered, execution style, allegedly by Sri Lankan security personnel, in the eastern town of Muttur in the Trincomalee district in August 2006. To date, no one has been held accountable for the crime. UN Under-Secretary-General for Humanitarian Affairs, Sir John Holmes, described Sri Lanka as one of "the most dangerous places in the world for aid workers" in an interview with *Reuters*, "Sri Lanka Rebukes UN Aid Chief Over Safety Fears," August 10, 2007. This heightened aggression against aid workers has caused many NGOs to increase their security measures, limit their movement and scale down their operations or even suspend them in some cases.

Threats against Human Rights Defenders and the Media

Free media and information exchange has become elusive in Sri Lanka's current climate of fear and intimidation against journalists, local and international NGOs, humanitarian workers and human rights activists.¹⁶ International human rights and humanitarian NGOs are frequently accused of clandestine support for the LTTE in the local media or on official GoSL websites. Those who publicly criticize the security forces or the government's human rights record risk harassment, abduction and death.¹⁷ Accusations against international NGOs and UN agencies undermine the credibility of humanitarian and human rights work to the detriment of people in need. Moreover, they endanger the lives of humanitarian and human rights workers.

Security forces are allowed to arrest members of the media and civil society organizations for peaceful activities protected under Sri Lankan and international law under the emergency Prevention and Prohibition of Terrorism and Specified Terrorist

Activities regulations of December 6, 2006.¹⁸ The GoSL also established a Parliamentary Select Committee responsible for investigating NGO activity in Sri Lanka.

In those areas that have been blocked to the UN, NGOs and the media, the government or the LTTE are the only information sources, resulting in unbalanced information and propaganda. Both the GoSL and the LTTE want to persuade their respective constituency of their military successes to justify the costs and sacrifices, according to the National Peace Council (NPC), a Sri Lankan think tank that supports the nonviolent settlement of armed conflict.

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The resumption of violent conflict caused the new displacement of more than 300,000 people within Sri Lanka from April 2006 to April 2007 and the movement of an estimated 20,000 refugees to India, according to the Internal Displacement Monitoring Center (IDMC), *Civilians in the Way of Conflict: Displaced People in Sri Lanka*, September 26, 2007. The newly displaced persons originate mainly from the areas of Batticaloa, Vanni, Trincomalee, Ampara and Jaffna, according to UNHCR. Reflecting the ethnic make up of these regions, the majority of them are Tamils and Muslims, according to IDMC. In addition, approximately half a million people were displaced by conflict prior to April 2006 and by the 2004 tsunami, according to IDMC. Thousands of IDPs who are not registered are not included in these figures¹⁹ and do not benefit from any official assistance.²⁰

Even after more than a decade, a number of IDPs have not received adequate assistance to end their displacement. While tens of thousands of people have returned home spontaneously or through government-run resettlement programs, a total of 456,000 displaced persons remained in Sri Lanka as of November 2007. This includes 189,000 IDPs from the post-April 2006 conflict. A total of 97,000 Sri Lankan refugees were still living in India's Tamil Nadu state as of December 2007, according to UNHCR.

The causes of displacement are many, as parties to the conflict have not spared the civilian population and in some cases have specifically targeted them. Civilians have fled violent clashes, landmine and ERW contamination and recruitment of children (see below: Child Soldiers). Some families fled in a desperate attempt to spare their children from recruitment by either the LTTE or the TMVP/Karuna faction, according to AI, *Waiting to Go Home – The Plight of the Internally Displaced*, June 29, 2006.

Children have been acutely affected by displacement in Sri Lanka. According to UNHCR's estimates, children constitute approximately 39 percent of the displaced population. In the turmoil of the armed conflict, thousands have been separated from their families and live in vulnerable circumstances without proper guardianship.

Lives of Internally Displaced Persons

For many IDPs the flight from their homes was the first phase of a strenuous and long displacement which they initially envisioned as a temporary situation. The majority of IDPs live in government-run IDP camps, so-called "welfare centers," which have been established in public buildings. Others stay with host families or relatives.

The arrival of large numbers of IDPs has strained sanitary and health facilities, as well as food supplies in host communities and IDP camps (see below: Health). In some clinics, one doctor must see on average 150 IDP patients per day compared to the 50 patients per day recommended by the internationally accepted

SPHERE standards for humanitarian relief in emergencies, according to International Medical Corps (IMC), *Save Sri Lanka's Neglected Population, IMC's Mobile Clinics Bring Health Care to Those Who Need it Most*, August 31, 2007. The lack of adequate sanitation facilities in many camps heightens the risk of infections. On average, more than 16 individuals must share one toilet in the government-run IDP camps in Jaffna, according to the Danish Refugee Council Sri Lanka and UNHCR, *Sri Lanka: Jaffna Welfare Centre Assessment – Final Report*, July 31, 2007. Worse yet, many of the toilets were not usable, according to the same assessment. Malnutrition has become another serious concern in many IDP camps, particularly for infants and children under 5 years old, according to OCHA, *CHAP: Sri Lanka 2007*. In many instances, restricted humanitarian access to the displaced populations has added to the difficult plight of these children.

The lack of security in and around camps also poses a severe risk for IDP children in Sri Lanka. They are exposed to threats from armed groups roaming around camps and are vulnerable to recruitment into armed groups, including cases of abduction and recruitment from the camps (see below: Child Soldiers). Over a period of 18 months in 2006 and 2007, more than 200 protection incidents were reported in the government-run IDP camps in Jaffna, according to Danish Refugee Council Sri Lanka and UNHCR, *Sri Lanka: Jaffna Welfare Centre Assessment – Final Report*, July 31, 2007. Afraid of abductions en route to or in school, some displaced parents have forbidden their children to attend school according to AI. The lack of security in the camps has also reportedly exposed women and girls to increased levels of domestic and sexual violence (see below: GBV).

In many instances, military sites are in close proximity to IDP camps, thereby endangering both IDPs and humanitarian workers. In fact, some IDP camps, including schools used as temporary shelters, have become direct targets of military attacks (see below: Education). In addition to livelihoods and humanitarian access, the UN Special Representative on Human Rights of IDPs, Walter Kälin, has highlighted the need for physical security as a key concern of IDPs, *UN Press Release, "UN Expert Emphasizes Sustainable and Durable Solutions for Sri Lanka's Internally Displaced Persons,"* December 27, 2007.

Lives of Refugees

An estimated 20,000 Tamil refugees arrived in camp sites in the Indian state of Tamil Nadu between 2006 and 2007, raising the number of refugees living in the camps to 74,000 people as of December 2007, according to UNHCR. After passing through a transit facility, they usually move into one of the 117 refugee sites where the Indian government gives them basic assistance. New arrivals in particular need this assistance after having spent a large portion of their savings and sold their belongings to pay for the passage, according to *The Washington Times*, "Tamils Flee Sri Lankan War for Jobs in India; Families Sell Possessions to Make Journey," November 18, 2006. In addition, approximately 23,000 Tamil refugees are living outside the camps and are not entitled to any assistance, according to UNHCR.

As the armed conflict has continued for more than twenty years, some children have grown up in the confines of camps and have been unable to lead normal lives. Refugees generally must ask for official permission to leave the camps and have to return to the camp at a certain time, according to *BBC News*, "War Weary Tamils Face India Hardship," June 4, 2007. Some refugees have also encountered difficulties when trying to find a job, rent a house or set up bank accounts in India, according to *BBC News*. Once refugee children have finished school, these challenges may hamper their prospects of finding employment in the highly competitive Indian job market.

Despite the minimal assistance they receive, refugees tend not to complain for fear of inciting resentment among members of the Indian host communities who in some cases may be living in equally destitute circumstances. Some of the refugee camp infrastructure dates back to the 1980s and 1990s and requires urgent repair, especially water facilities and toilets, according to the US Bureau of Population, Refugees and Migration, *FY Guidelines for Proposal Submissions for IO and NGO Protection and Assistance Programs for Sri Lankan Refugees in India*, August 27, 2007.

Some recent reports state that refugees have been prevented from escaping to India by sea by Sri Lankan authorities. The Sri Lankan Navy reportedly fired at the ship of a refugee family that was fleeing from the Mannar mainland coast on October 18, 2007, killing a man and two children, ages 11 and 16 years, and injuring a woman and two other younger children, according to a report by the University Teachers for Human Rights (Jaffna) (UTHR(J)), a leading independent human rights organization in Sri Lanka, *Slow Strangulation of Jaffna: Trashing General Larry Wijeratne's Legacy and Enthroning Barbarism, Special Report No. 28*, December 4, 2007.

Forced to Return

The GoSL has sought to resolve the displacement crisis quickly to demonstrate its ability to address the humanitarian situation and to downplay other human rights concerns. In this vein, the government started major return campaigns in September 2006 and March 2007, during which more than 100,000 IDPs went back to their homes in the Trincomalee and Batticaloa districts. Many of them were coerced to return. Security forces at times have allegedly threatened to withhold water and food rations from IDPs who refuse to cooperate with return programs. This prompted WFP to link the government's food aid requests to conditions of voluntary return, according to *Reuters*, "Sri Lanka's War Displaced Seek New Start - Yet Again," June 19, 2007.

Security forces, nevertheless, have continued to threaten IDPs stating that they will no longer guarantee the security of those staying in the camps, according to HRW, *Return to War: Human Rights under Siege*, August 2007. Some government officials exerted considerable pressure on IDPs in the days leading up to the returns. At times, they forced IDPs in the camps onto buses that would take them back to their home communities without allowing the IDPs to wait for their children to come back from school or for others relatives to return from work outside the camps. Some displaced persons have told humanitarian workers that security forces threatened to beat or kill them if they refused to return, or said that they would consider the IDPs to be part of the LTTE if they didn't go home.

Humanitarian organizations have also raised concerns about whether these premature returns allow returnees to live under the "safe, dignified and sustainable" conditions that international standards require. With the security situation unchanged and humanitarian access restricted in some of these areas, resettlement exposes many IDPs to the same dangerous and insecure environment from which they had hoped to escape.

The GoSL has in some cases not ensured that returnees have shelter, the ability to earn a livelihood or access to basic services. According to initial assessments by humanitarian organizations, the conditions and areas of return are unsatisfactory and there appears to be an urgent need to support the returnees with food and equipment to restart their livelihoods. As many schools in the areas of return are not open, some parents decide to leave children behind with host families so they can continue their education in IDP camps, according to Save the Children in Sri Lanka, *Emergency Response Monthly Update*, May 2007. Due to the lack of coordination in the resettlement process, some children in the North and East missed their "O" level exams in December 2007, delaying the completion of their education for another year, according to the Inter-Agency Standing Committee (IASC) (see below: Education).

Humanitarian organizations wanting to provide returnees with livelihood support in the initial stages of return have been denied access to some areas of the Batticaloa district by the government, citing security concerns, according to the UN Office for the Coordination of Humanitarian Affairs (OCHA). The absence of humanitarian assistance and human rights monitoring may inhibit the ability of returnees to thrive and creates an environment where human rights violations take place. Access constraints have also made it difficult to obtain reliable information on living conditions and protection needs of resettled people and newly displaced persons in these conflict areas.

In March 2007, UNHCR officially stated that "heavy pressure has been applied on internally displaced people" to return. It then received assurances from the GoSL that future IDP returns would be safe and voluntary. Subsequently, UNHCR noted an improvement in the situation and released a statement in May 2007 stating that the majority of returns were meeting minimum international standards. Several human rights organizations disapproved of UNHCR's turnaround in light of ongoing violations in the return process, according to South Asians for Human Rights (SAHR).

Discriminatory Return Policies

The lack of clear policies and plans for IDPs has stirred tensions among various groups that accuse the GoSL of favoritism and discrimination. The LTTE and the government are well aware that the return of displaced populations can change the ethnic make up of certain areas. Minorities in the East fear that the GoSL is pursuing a policy of "Sinhalization" in some areas to change the ethnic demography of the Eastern Province in its favor, according to SAHR, *Report on the Fact Finding Mission to the North and East to Assess the State of Displaced Persons*, August 2007. They accuse the GoSL of changing administrative borders, moving Sinhalese settlers to Tamil and Muslim areas and constructing Buddhist temples on these lands to acquire territory for the Sinhalese majority. Similarly, the LTTE has allegedly encouraged Tamils to move to Muslim areas according to AI, *Waiting to Go Home - The Plight of the Internally Displaced*, June 29, 2006.

Moreover, human rights organizations have cast doubts on the nature of some government-declared high security zones (HSZs), which are only accessible to the military, and which are seen as discriminating against Tamils. Most IDPs in Jaffna and many in Trincomalee are unable to return to their communities because their homes are located in HSZs. Paradoxically, the government deemed one area in the Trincomalee district as a HSZ in 2007, yet opened it for economic investment, according to UTHR(J), *Can the East be Won by Human Culling? Special Economic Zones. An Ideological Journey Back to 1983*, August 2007.²¹ More than 4,250 families, mainly Tamils, are currently stranded in transit sites as a

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result of their area of origin being deemed a HSZ in Trincomalee and have not been offered viable alternatives by the GoSL, according to UTHR(J).

The GoSL rarely offers alternatives for displaced people who cannot or do not wish to return and generally does not approve of local integration or resettlement to other areas of Sri Lanka except if the area of return is mined or has been designated as a HSZ. This strict policy prevents a large percentage of Muslim IDPs in Puttalam in western Sri Lanka from formally starting their new lives. Having been displaced for 17 years, some people who were displaced as children have lived in the district almost all of their lives, started families and developed social ties there. Nevertheless, current policies prevent them from acquiring resident status and property rights and participating in resettlement programs. They cannot leave the camps unless they return to their areas of origin.

The government's strict policy also does not account for the well-founded security concerns of Muslim IDPs in Puttalam, Trincomalee and Anuradhapura about returning to areas formerly controlled by the LTTE. Muslim IDPs from Puttalam and Anuradhapura had been expelled by the LTTE in the 1990s to make space for Tamils.

Finally, some donors have earmarked funding for tsunami-displaced areas or IDPs, thereby creating disparities between the tsunami-induced and conflict-induced displaced people. While villages for tsunami-affected IDPs in the South were rebuilt for the largely Sinhalese population, Tamil and Muslim IDPs in the North and East hardly benefited from the funding as HSZs and insecurity impeded reconstruction efforts, according to AI, *Waiting to Go Home*, June, 29, 2006. This "funding divide" between tsunami-induced and conflict-induced IDPs prevents aid organizations from addressing such inequities. In addition, this pre-selection of beneficiaries contradicts the humanitarian goal of assisting the most vulnerable victims of armed conflict or natural disaster.

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Armed conflict, displacement and restrictions on the delivery of aid have increased Sri Lankans' vulnerability to malnutrition and disease. In addition, many health facilities in the North and East have been damaged or destroyed. However, the lack of information on the health situation in conflict-affected areas somewhat conceals the urgency of the crisis. Due to intentional obstruction of access to vulnerable areas by both the GoSL and the LTTE, it is extremely difficult to assess the health situation for children in certain areas of the country. For example, *The New York Times* reported on an incident in which the government allegedly blocked the release of an emergency assessment by the UN that found signs of an increase in child malnutrition in Jaffna, according to *The New York Times*, "Sri Lanka's Scars Trace Lines of War Without End," June 15, 2007.

The World Food Program (WFP) warned of a humanitarian emergency in Jaffna and Batticaloa and an acute food and livelihood crisis in five other districts in the North and East, specifically in the districts of Kilinochchi, Mullaitivu, Trincomalee, Mannar and parts of Vavuniya in May 2007, *Executive Brief: Sri Lanka Integrated Food Security and Humanitarian Phase Classification (IPC)*, May 2007. WFP has called the armed conflict in Sri Lanka a "serious threat" to food security and to ongoing efforts to eradicate poverty in the North and East. Substandard hygienic conditions and a lack of clean water have exacerbated risks of infections. Only 30 percent of the people in the northern districts of Kilinochchi and Mullaitivu have access to latrines, clean water and sanitation, according to WFP. Children suffer particularly under these conditions.

Malnutrition

Malnutrition is undeniably one of the most serious health concerns that children in Sri Lanka face. Almost one third of children under five years old in Sri Lanka are reported to be underweight and approximately 14 percent suffer from acute malnutrition or wasting, according to UNICEF's figures between 1999 and 2005. WFP regards armed conflict as one of the main reasons for malnutrition, with the highest levels in the North and East and some deprived areas in central Sri Lanka, *Food Security Assessment*, April 2007. WFP's 2007 assessment specifically identified the need for a supplementary feeding program for malnourished children under five in conflict areas.

Malnutrition has affected girls disproportionately as families tend to discriminate against them in their food distribution, according to WFP's Food Security Assessment of April 2007. Growth of girls under five was almost 40 percent more likely to be severely stunted than that of boys and approximately 70 percent of girls were more likely to be underweight than boys, according to the same assessment. One explanation for this discrimination may be that Sri Lankans tend to follow traditional gender roles so that men and boys receive food first, leaving only the leftovers for women and girls. This discrimination may also impact the food

consumption of pregnant women and increase risks for the unborn child. Further studies are required to better understand the gender disparities related to nutrition, according to WFP.

Displacement, government restrictions and a lack of agricultural inputs or markets have deprived many IDPs and vulnerable communities in conflict-affected areas of their livelihoods. The fishing and farming sectors, the two main sectors in the North and East, have been particularly affected by the conflict. Many farmers and fishermen have lost land or tools during the war or have had to interrupt their work due to continued fighting or displacement. Moreover, the GoSL has imposed security-related restrictions on fishing and farming in the entire North and some parts of the East. It has also declared certain areas HSZs rendering them inaccessible for civilians. From August to December 2006, the average fisherman in Jaffna lost about three quarters of his usual income, according to WFP's *Sri Lanka Food Security Assessment* of June 2007. The production rates in the fishing industry also dropped to an estimated 10 percent of pre-conflict levels according to *IRIN*, "Sri Lanka: Malnutrition Rising in Jaffna, Aid Deliveries Struggling," July 18, 2007. Due to import restrictions, prices of agricultural imports, fuels and other products have increased dramatically, according to WFP.

As a result of poverty and despair, some families in the conflict areas have reduced the number of meals they eat each day, borrowed money, stolen from others or pawned jewelry or household belongings. Economic despair and lack of food may also motivate some families to allow their children to join the LTTE or the TMVP/Karuna faction to alleviate the tight household budget, as both armed groups have offered financial or other benefits to families whose children joined, or directly to the child recruits, according to HRW, *Complicit in Crime. State Collusion in Abductions and Child Recruitment by the Karuna Group*, January 2007 (see below: Child Soldiers).

WFP reported in June 2007 that approximately 800,000 people needed lifesaving humanitarian emergency assistance in Jaffna and Batticaloa, including IDPs, as well as families which had been living below the poverty line before the conflict and who were no longer able to sustain themselves due to the conflict. In Kilinochchi, Mannar, Mullaitivu, Vavuniya and Trincomalee, another 900,000 people needed help with livelihood generation, according to WFP.

In spite of this dire situation, between August 2006 and April 2007 food assistance was reduced by half due to security concerns, logistical constraints and lack of humanitarian access to the North and East, according to WFP. There is an urgent need to address this food and livelihoods crisis and to assist IDPs and other vulnerable groups in the North and East.

Safe Water and Sanitation

Increasing the provision of safe water for poverty eradication is a priority policy for the GoSL and international agencies working in the country, according to WFP, *Sri Lanka Food Security Assessment*, June 2007. The increasing number of IDPs and other vulnerable populations has strained the already weak water and sanitation services in Sri Lanka. As of 2007, about one third of households did not have access to sanitation facilities and about one quarter did not have access to safe drinking water, according to UNICEF. Approximately 18 percent of children in Sri Lanka did not have access to any water or sanitation facilities. Conditions in IDP camps are particularly severe (see above: Refugees and IDPs).

The discrepancies between districts regarding access to safe water are considerable. While 95 percent of the population in Colombo has access to safe water, only 21 percent in Mannar have access to safe water, according to WFP. Other districts with poor access are Mullaitivu, Kilinochchi and Kegalle.

Diseases

Sri Lanka's nationwide health indicators are generally positive with a remarkable reduction of mortality rates of infants and under-5-year-olds between 2000 and 2005, according to the World Bank, *World Development Indicators Database*, April 2007. Within this five-year period, infant mortality rates dropped from 16 to 12 per 1,000 deaths and mortality rates for children under 5 years old dropped from 19 to 14 per 1,000 deaths according to the World Bank. This is due in large part to the fact that immunization coverage in Sri Lanka has reached approximately 90 percent on average in all districts, according to WFP, *Sri Lanka Food Security Assessment*, June 2007. As a result of high overall immunization coverage, WFP concludes that there is no high threat of outbreaks of communicable diseases even in highly populated displacement areas.

The situation in conflict-affected areas is somewhat more difficult. In these areas many people have lost their immunization cards due to displacement and have not received all doses for multi-dose immunizations. Additionally, preventive health services, including antenatal care and vaccinations were completely disrupted in non-accessible areas due to the armed conflict from September to December 2006, according to WFP, *Health Lines. Newsletter of the Country Office for Sri Lanka*, December 2006. Containment services throughout the country are too overloaded and are unable to cope with large scale emergency situations or outbreaks of diseases and hygiene-related illnesses, according to UNOCHA, *CHAP in Sri Lanka*, 2007.

A shortage of essential drugs and vaccines persists in Jaffna and Vanni as private pharmacies have run out of supplies, according to UNICEF. In Mannar district, for instance, insufficient supplies of vaccine and lack of health professionals disrupted immunization

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services in 2007. In conflict areas there have also been more incidences of malaria, malnutrition among children, mental illness and drug resistant viruses, according to the UN. Due to the lack of safe water and sanitation, a high percentage of children suffer from some form of diarrheal disease every year, according to UNICEF.

Attacks on Hospitals and Access to Health Care

As a result of the tense security environment, health institutions have struggled to operate in the North and East of Sri Lanka, according to the UN. For example, on November 2, 2006, the Sri Lankan Army dropped bombs close to the hospital in Kilinochchi, according to UNOCHA, *Sri Lanka: United Nations Condemns Indiscriminate Use of Force*, November 9, 2006. The UN Country Team verified cases of attacks on hospitals committed by the Sri Lankan security forces in Batticaloa and Vavuniya between October 18, 2006 and July, 14, 2007, according to the UN Secretary-General's 2007 report on children and armed conflict in Sri Lanka (S/2007/758 para. 33). In another incident, doctors in Trincomalee General Hospital were harassed and threatened by unidentified armed assailants demanding money. This led the doctors to protest in September 2007 according to IASC Country Team Sri Lanka, *Situation Report # 92, Kilinochchi, Mullaitivu, Mannar, Trincomalee, Batticaloa and Ampara Districts*, September 13-20, 2007. According to various reports this was not an isolated incident.

Ongoing fighting and access restrictions have prevented people in conflict-affected areas from accessing lifesaving medical care. In August 2006, severely ill patients could no longer be transferred from Jaffna Teaching Hospital to Colombo due to fighting close to Muhamalai which forced roads to be closed according to ICRC *Annual Report Sri Lanka 2006*. While the International Committee of the Red Cross (ICRC) intervened by transporting patients by air the following month, such *ad hoc* contingency operations do not alleviate the need for systematic medical supply and care in conflict-affected areas.

Medical facilities are often difficult to reach for many people in conflict-affected areas in Sri Lanka. Some patients have to travel up to four hours to the nearest medical center. In some cases they must pass through several military checkpoints only to wait hours to see a doctor after their arrival. Apart from the long travel, many patients fear being abducted by armed groups on their way to seek medical attention. These obstacles have caused patients to delay or skip treatment, sometimes with fatal consequences, according to IMC, *Save Sri Lanka's Neglected Population IMC's Mobile Clinics Bring Health Care to Those Who Need it Most*, August 31, 2007.

To assist IDPs and other vulnerable populations in remote or difficult to access areas, the Sri Lankan Ministry of Health and humanitarian organizations have established some mobile health clinics. However, the government-run health clinics are not

operational in LTTE-controlled areas like Paduvankarai, leaving hundreds of thousands of people in these areas without any access to health care, according to the UTHR(J), *The Choice between Anarchy and International Law with Monitoring, Special Report No. 23*, November 7, 2006.

If left untreated, people risk dying of curable diseases such as diarrhea and acute respiratory infections, according to IMC. Some people in conflict areas have died of snakebites because they did not have access to timely treatment. UNICEF reported at least one maternal death in 2007 as a result of a late transfer due to curfews. Access restrictions also contributed to the death of two girls, an infant and a two-year-old in Kilinochchi Hospital in May 2007 (S/2007/758, para. 39). Additionally, the long and strenuous journey to medical facilities is a primary reason that Trincomalee has the highest maternal mortality rate in the country, according to IMC.

When people seeking medical assistance reach their destination, they often find medical facilities lacking medical staff, medicine and other vital supplies. Medical and health care service clinics are extremely short of doctors and other qualified health professionals in areas on the periphery of the conflict-affected districts, according to OCHA, *CHAP: Mid-Year Review of the Appeal 2007 for Sri Lanka*, July 17, 2007. Jaffna district, for example, faced a shortage of 17 medical consultants, 20 specialists, one dental surgeon, 176 medical officers, 38 registered medical officers, 327 nurses, 18 grade one nurses, 152 public health midwives and other hospital personnel, according to the IASC's assessment, September 6 – 13, 2007. As of early 2007 there was only one pediatrician responsible for Jaffna's half a million people, according to MSF-USA, *MSF Responds to Ongoing Violence in Sri Lanka*, January 24, 2007. The increased numbers of returning IDPs have strained health facilities in Trincomalee and Vaharai, according to OCHA, *CHAP, Mid-Year Review of the Appeal 2007* (see above: Refugees and IDPs). In addition, access restrictions have limited the supply of medicine to conflict-affected areas. Hospitals need surgical kits as well as medicine for chronic diseases, according to the WFP's December 2006 newsletter.

HIV/AIDS

At the end of 2005, the estimated national HIV prevalence rate among people between the ages of 15 and 49 was less than 0.1 percent in Sri Lanka, according to the *2006 Epidemiological Fact Sheet on HIV/AIDS and Sexually Transmitted Infections*, produced by the Joint UN Program on HIV/AIDS (UNAIDS), WHO and UNICEF. The fact sheet also reported that 5,000 adults and children were living with HIV/AIDS in Sri Lanka; no estimates for the number of children living with HIV or orphaned due to AIDS were available.

HIV/AIDS experts in Sri Lanka consistently note that the lack of access to certain areas in the country has resulted in a lack of information about HIV/AIDS prevalence. Sri Lanka has been classified as a low-level epidemic country by the UN. GoSL agencies and international and national agencies working on HIV/AIDS issues warn that HIV may spread further among the population due to lack of awareness, stigmatization and unsafe sexual practices. Additionally, there are a considerable number of cases likely not accounted for since counseling and testing services are unavailable, according to the World Bank, *HIV/AIDS in Sri Lanka*, June 2005. Also, fear of stigmatization if one is known to be HIV positive may discourage Sri Lankans from seeking HIV testing and support. Finally, the risk of contracting HIV and sexually transmitted infections (STIs) is further compounded by a low use of condoms among Sri Lankan males, according to the World Bank's brief on *HIV/AIDS in Sri Lanka*, June 2005.

Armed conflict and subsequent displacement have created conditions that make the spread of HIV more likely to take place in the North and East, according to the Center for Policy Alternatives (CPA), a Sri Lankan policy think tank, in its study *HIV/AIDS in Sri Lanka. A Profile on Policy and Practice*, July 2007. Transactional and unsafe sexual practices may be used as coping strategies for those impacted by the deterioration of communities due to the armed conflict. The breakdown of family and social structures and unsafe conditions in some IDP and refugee camps may expose children to sex at a younger age. There are reportedly more incidents of gender-based violence (GBV) in camps than in traditional communities, leading to a higher risk of STIs, including HIV/AIDS, according to WFP's *Sri Lanka Food Security Assessment, 15-30 April 2007*, June 2007. Reproductive health services are rarely available in the conflict-affected areas, particularly when humanitarian access to these areas is interrupted. Finally, conflict areas tend to have large numbers of soldiers and police officers who may engage in risky sexual behavior.

Conflict-related violence has also obstructed efforts by the humanitarian community to work on HIV prevention and care in Sri Lanka. Besides the lack of access to large and vulnerable parts of the country, the tense situation makes it difficult to gain the trust of people who may need support.

While many of these risk factors specifically impact children and youth, data on HIV/AIDS and war-affected children and youth is scarce in Sri Lanka. This information is crucial to better understanding their situation and addressing their particular concerns.

Stigmatization

Stigmatization of people living with HIV is a major obstacle to preventing HIV/AIDS and caring for patients in Sri Lanka. Many people simply do not know what HIV/AIDS is and how it can be transmitted, which can easily lead to harmful behavior. Out of fear and ignorance, communities, especially in rural areas, have at times turned violent against community members living with HIV, chasing them away or burning their homes, according to the news source *Global Information Network*, "Sri Lanka: Social Workers Fight for Acceptance of AIDS Orphans," July 6, 2007. Even many health care personnel and officials in the education sector are unaware of what HIV/AIDS is and how it is contracted, according to CPA and the Asia Pacific Leadership Forum (APLF), *A Profile of the Stigma and Discrimination Faced by People Living with HIV/AIDS*, 2005. The Salvation Army, which works with people with HIV/AIDS in Sri Lanka explained in an interview with the *Global Information Network* that some medical personnel have refused to treat HIV patients and that some schools have rejected pupils living with HIV, "Sri Lanka: Social Workers Fight for Acceptance of AIDS Orphans," July 6, 2007.

CPA reported in its 2007 study on *HIV/AIDS in Sri Lanka* one case in which hospital nurses would not touch the sheets of a mother living with HIV. They marked her bed with a sign to identify her as a patient with an infectious disease. As a result, people passing by started to insult her. Later, at the Lady Ridgeway Children's Hospital in Colombo, nurses prohibited the mother's child from playing with other children and the mother from using the common bathroom, according to CPA.

This kind of discrimination against individuals with HIV/AIDS can have devastating consequences on family members. For example, in 2001, some villagers harassed the family of a man living with HIV. Unable to endure the situation, the man committed suicide. Afterwards, the villagers set the family's house on fire with his family inside. Although his widow and children managed to escape, they could not return to their village, according to CPA, *HIV/AIDS in Sri Lanka. A Profile on Policy and Practice*, July 2007.

Countering discrimination against people living with HIV in Sri Lanka is essential for many reasons, including the fact that stigmatization discourages individuals from seeking HIV testing, thereby increasing the risk of further spread of the infection.

Prevention and Care

LACK OF INFORMATION

A National Adolescent Survey conducted by UNICEF and the GoSL in 2004 highlighted the lack of knowledge among 10 to 18 year olds about HIV/AIDS and other STIs, including modes of prevention and common symptoms. According to the survey, fewer than 45 percent of adolescents surveyed knew about STIs, including HIV/AIDS. This lack of knowledge is likely related to the stigma connected to HIV/AIDS, according to UNESCO's study on *Adolescent Reproductive Health in South Asia: Sri Lanka*, 2007. This lack of knowledge can also lead to unsafe sexual practices as well as discrimination against persons who are HIV positive.

Overall, Sri Lanka has high primary and secondary school enrollment levels, making schools an effective place to teach young people about sexual and reproductive health, including HIV/AIDS and other STIs, according to WHO. The GoSL has made sexual and reproductive health education part of its standard school curriculum. However, high dropout rates in conflict-affected areas prevent many children from learning about HIV/AIDS. Efforts by the UN to reach out-of-school youth through youth clubs and vocational training have recently been hampered by the escalation of the armed conflict.

ACCESS TO CARE

Prevention, treatment and care of HIV/AIDS patients are linked to containing the spread of HIV/AIDS and should therefore be part of an integrated approach to dealing with HIV/AIDS in Sri Lanka. At the moment, however, most programs and initiatives are part of the National HIV/AIDS Prevention Project (NHAPP) and mainly address prevention rather than treatment, care and support, according to CPA. In addition, many STI clinics in Sri Lanka lack infrastructure and qualified personnel to provide care for people living with HIV, according to CPA, *HIV/AIDS in Sri Lanka. A Profile on Policy and Practice*, July 2007.

The GoSL has supported freely available public sector provision of antiretroviral treatment (ARV) since 2004. As part of the policy, pregnant women infected with HIV are entitled to receive free therapy to prevent transmission to the baby, according to UNAIDS. However, this free treatment is only offered in Colombo, according to the Joint UN Team on AIDS in Sri Lanka, *Situation & Response Analysis, Update 2006, Key Findings from the External Review of the STD & AIDS Response in Sri Lanka*, 2006. It thus leaves out some of the most vulnerable and conflict-affected groups outside the capital, particularly in the North and East. As the overall health system has been severely damaged by the armed conflict in these areas, this population requires more, not less attention, resources and assistance for coping with HIV/AIDS (see above: Health). For example, the Jaffna hospital does not have a doctor trained to deal with STIs and people living with HIV, according to CPA.

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More than 250,000 children in Sri Lanka, mostly in the North and East, have been forced to interrupt their education due to the renewed outbreak of conflict, according to UNICEF, *Humanitarian Action. Sri Lanka. Donor Update*, June 24, 2007. Sri Lanka's armed conflict has turned schools into military targets, IDP camps and military shelters. Military attacks had damaged or destroyed 261 schools as of September 2007 and their reconstruction has been delayed due to insecurity (S/2007/758, para. 28).

As of 2005, prior to the renewed armed conflict, the national net enrollment rate was 97 percent for primary education with near gender parity, according to UNESCO's *Education for All (EFA) Global Monitoring Report 2008*. However, this high enrollment level does not take into account regional differences and actual student attendance. For example, in July 2007, 291 primary and secondary schools were forced to close due to security reasons, preventing more than 107,000 children from attending school, according to UNICEF figures reported in the *Joint UN North East Situation Monitoring Report – August 2007*.

Sri Lanka's educational authorities, UNICEF and international and national NGOs have initiated a number of local activities to provide educational continuity in conflict-affected areas to the extent possible. This is critical as the GoSL's failure to address educational grievances in the past is considered one of the root causes of the armed conflict and has the potential to stir ethno-political tensions again, according to the Coalition to Stop the Use of Child Soldiers ("the Coalition").

Schools under Attack

In 2006 and 2007, both parties to the conflict attacked schools, mainly in the Jaffna, Mullaitivu, Kilinochchi, Trincomalee, Vavuniya, Mannar and Batticaloa districts. For example, while fighting against the LTTE, the Sri Lankan military fired salvos at the Vigneshwara Vidyalayam School in Kathiravelli on November 8, 2006, according to HRW's *Return to War: Human Rights under Siege*, August 2007. About 2,000 people were living in the school compound at the time of the shelling. The school had housed IDPs since August 2006. In the incident, 62 people died, 47 people were injured, including 23 children, and the school building was damaged. The military reportedly delayed the entry of the ICRC and SLMM for hours after the attack. During its investigations HRW found no evidence to back the government's claim that the LTTE had used the IDPs as "human shields." On December 12, 2006, the LTTE launched a similar attack on a school in Kallar village, Trincomalee district, killing one child and wounding ten others, according to the Office of the Special Representative for Children and Armed Conflict, *Sri Lanka – LTTE Attack on School is a Grave Violation of Rights of Children*, December 12, 2006.

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The breakdown of civilian-military boundaries and the proximity of military checkpoints and the TMVP's political party offices to schools has exposed civilians to military attacks, violence, harassment and arbitrary and illegal arrests (see below: GBV and also Other Violations and Vulnerabilities). The LTTE has recruited children on their way to and from school and in the past used schools as recruitment sites, according to HRW, *Living in Fear. Child Soldiers and the Tamil Tigers in Sri Lanka*, November 2004 and *Complicit in Crime*, January 2007 (see below: Child Soldiers).

School Closures

In addition to schools being destroyed or damaged by armed groups during attacks, many schools have been forced to close as thousands of displaced people have sought shelter in school buildings. When fighting flared up in April 2006, the Batticaloa school district temporarily closed 324 schools to accommodate IDPs according to *IRIN*, "Many schools in East reopen, though fear persists," May 21, 2007. During this period of time, the education of more than 135,000 was interrupted, at least in the short term, according to the Batticaloa Divisional Secretary, cited by *IRIN*, "Sri Lanka: Many schools in East reopen." Approximately one year later, 86 schools still could not reopen because they either sheltered IDPs or were considered to be too insecure.

In Trincomalee, for example, 35 schools in Muttur town are still closed due to past conflict, or are in a HSZ and/or area not suitable for resettlement due to mines and explosive remnants of war (ERW), according to the *Joint UN North East Situation Monitoring Report of June 2007*. As a result of the intense security environment, little progress has been made on the reconstruction of schools. Even after the schools are vacated, they require repairs and cleanup before they can reopen for students.

Even post-tsunami reconstruction, which had initially received ample funding, has come to a standstill in the North and East due to the poor security situation, according to *IRIN*, "Uneven Progress in Post-Tsunami Schools' Reconstruction," September 9, 2007. Not a single school project has been finished in the three northern districts of Jaffna, Mullaithivu and Kilinochchi thus far. Although the destruction resulted from the tsunami, the failure to rebuild is due to the poor security situation, specifically the difficulties in importing materials, recruiting workers and dealing with constant work interruptions according to *IRIN*, "Sri Lanka: Shortage of construction materials hampers rebuilding in Jaffna," July 9, 2007.

As a result of these delays and interruptions, potential and current donors have also refrained from fulfilling their initial financial commitments. For example, all donors, except for UNICEF, have withdrawn their support for tsunami reconstruction in Jaffna and Mullaithivu where 25 schools were destroyed, according to Tsunami Education Rehabilitation Monitoring Trust (TERM), a GoSL agency.

Shortage of Teachers and Related Stresses

The GoSL would have to employ at least 5,000 new teachers in the North and East to meet current education needs, according to UNICEF's *Learning Years*, 2007. There has been a massive outflow of educational staff in recent years as a result of the armed conflict. An estimated 1,800 teachers have been displaced and others have moved away from conflict-affected areas to safer, more prosperous areas, according to UNICEF, *Humanitarian Action. Sri Lanka. Donor Update*, June 24, 2007. Moreover, many teachers from the northern district of Kilinochchi were cut off with the closure of the A9 road in August 2006 when they were visiting their families in Jaffna during the school holidays. They have not been able to return to Kilinochchi to date.

Recruiting and transferring new teachers to the North and East has proven difficult due to the general shortage of qualified teachers in Sri Lanka. Low teacher salaries is considered to be one of the main reasons for this shortage, negatively impacting the performance of teachers and the quality of new applicants, according to UNICEF Regional Office for South Asia (ROSA), *Social Inclusion: Gender and Equity in Education SWAPS in South Asia, Sri Lanka Case Study*, 2007. In addition, some local politicians have at times blocked the transfer of teachers to understaffed schools to please their constituencies, according to UNICEF.

The lack of teachers may cause school authorities to be more lenient than appropriate on remaining teachers regarding violations against schoolchildren. While corporal punishment is not illegal in Sri Lanka, the Ministry of Education has prohibited corporal punishment, and cruelty against children is punishable under the Penal Code of Sri Lanka. However, teachers and school principals have allegedly harassed and tortured schoolchildren without disciplinary or penal consequences, according to the Asia Legal Resource Center's *Alternative Report to the Second Periodic Report of Sri Lanka to the Committee against Torture*, September 2005.

Schoolchildren under Stress

Exceptionally high student dropout and absentee rates are prevalent in the North and East. In 2003, the dropout rate for children in the North and East was estimated to be 15.8 percent, four times higher than the national rate, according to the National Institute of Education and UNICEF, *Rapid Needs Assessment Survey: Education of Children in Conflict Affected Areas of Sri Lanka*, 2003. Dropout rates were highest among displaced children. Although education is free through university level in Sri Lanka, conflict induced economic hardship appears to be one of the key factors in determining whether a child drops out of school or continues his or her education.

Some children, particularly adolescents, must forgo their education because they are forced to assume adult responsibilities, such as caring for siblings or earning money due to hardship caused by the

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armed conflict. For example, a 14-year-old boy told UNICEF in an interview that he had to help take care of his nine siblings and his paralyzed mother after his father was killed in the war, according to *Making a Difference with Catch-up Education*, 2007. Many poor families cannot afford expenses for bus transport, school supplies and food, and some children lost their school books and uniforms when fleeing their villages. Humanitarian organizations identified the lack of materials as one of the main obstacles to children's regular school attendance, according to OCHA, *CHAP, Mid-Year Review of the Appeal 2007 for Sri Lanka*, July 17, 2007.

Many children who are able to remain in school must overcome multiple obstacles in order to continue their education. First, long and dangerous school routes put them at risk of abduction and recruitment. Once they arrive, classes usually take place in provisional huts with poor water and sanitation facilities. Additionally, classes are often overcrowded and noisy, making it difficult for students and teachers to concentrate. A teacher in Point Pedro explained that school assemblies take place on the road, according to *IRIN*, "Sri Lanka: Shortage of construction materials hampers rebuilding in Jaffna," July 9, 2007.

Many students who remain in school need special attention and care as a result of their distress due to conflict-related experiences. Some children suffer from symptoms such as a sense of insecurity and/or psychosocial distress and may require psychosocial support. Likewise, those who have missed years of education due to conflict require specialized catch up and non-formal education. Simply repeating grades could put students at odds with Sri Lanka's age-specific grades and examinations, according to UNICEF.

Some children in conflict-affected districts also encounter problems in the enrollment process because they may not have received a birth certificate or may have lost it due to displacement or related circumstances. Most documents in schools in Eachchilampattai in Trincomalee district, for example, were destroyed due to the conflict, including birth certificates, admission forms, certificates and other relevant documents. As a result, children may have difficulties registering for exams and common competitions, according to preliminary findings of IASC's situation report, 13 - 20 September 2007.

Several suicide and other attacks carried out by the LTTE in southern cities have left parents and schoolchildren there in a constant state of alert. For example, parents immediately responded to rumors in June 2006 about possible attacks on schools in Colombo and two other major towns by keeping their children at home for several days, according to education officials cited by *Deutsche Presse-Agentur*, "Nervous Sri Lankan Parents Pull Kids From Schools Amid Bomb Rumours," June 28, 2006. As a preven-

tive measure, some school authorities have established security checks at the entrance of school premises to identify explosive devices.

NEW EDUCATIONAL INITIATIVES

School authorities, supported by UNICEF, have recently introduced a new consolidated syllabus for children who have missed school for up to six months, according to UNICEF, *New Syllabus Helps Conflict-Affected Children Get Back to School in Sri Lanka*, November 5, 2007. Based on the syllabus, UNICEF is training teachers to assist students in catching up on their missed education and to address the emotional impact of armed conflict on children. At the time of writing, the trainings had been initiated in Batticaloa and Trincomalee. Other initiatives to address the psychosocial needs of children in the educational systems are ongoing.

Advocacy with the Sri Lankan Ministry of Education in late 2006 and early 2007 to strengthen its emergency response resulted in the establishment of a network of emergency education focal points at the central, provincial and zonal levels within the existing education system, according to UNICEF, *Humanitarian Action, Sri Lanka Donor Update*, June 24, 2007. In addition, the Ministry of Education affirmed its commitment to providing education for every child affected by the conflict and has dispatched textbooks, uniforms and supplies, according to UNICEF.

GENDER-BASED VIOLENCE

Incidents of conflict-related gender-based violence (GBV) against children in Sri Lanka appear non-existent. The UN Secretary-General's reports on children and armed conflict in Sri Lanka of 2006 and 2007 did not report a single case of grave sexual violence against children (S/2006/1006, para. 44, S/2007/758, para. 34). The lack of reports may leave the impression that the armed conflict has not impacted rates of gender-based violence. However, anecdotal information indicates that this is not the case. In fact, the most likely scenario is that cases of conflict-related GBV are not reported or systematically documented due to fear of stigmatization and the lack of access to adequate and appropriate legal, medical and social services in conflict-affected areas. The lack of reports, outdated studies and insufficient statistical data of GBV make it difficult to assess the nature and scope of the problem and to devise adequate policies and programs to prevent and respond to incidents of conflict-related GBV in Sri Lanka.

Prevalence and Types of Conflict-Related GBV

LACK OF PROTECTION IN IDP CAMPS

Some IDP camps in Sri Lanka have not taken into account the protection and privacy needs of women and children, exposing them to situations that make them vulnerable to sexual harassment, sexual abuse and rape, according to AI, *Waiting to Go Home - The Plight of the Internally Displaced*, June 29, 2006. For example, up to eight family members, including extended family members, often share small huts with no private areas. Bathrooms and toilets regularly require residents to walk long distances on unlit paths at night, which increases their risk of being attacked, according to AI. In a case reported by AI, an unidentified person raped a 13-year-old girl who was walking in one of Batticaloa's transitional camps where she was living. In general, "poverty, cramped living conditions and hopelessness" have fueled violence in many IDP camps in Sri Lanka, according to AI. In addition, stress-related alcohol abuse in camps may cause some men to turn violent, even against their own family members. All of these conditions may contribute to sexual violence in IDP camps.

SEXUAL VIOLENCE BY ARMED FORCES AND GROUPS

The proximity of military institutions and checkpoints to schools, IDP camps and health facilities exposes children to sexual violence, according to the Coalition/Chatham House, *Child Recruitment in South Asian Conflicts. A Comparative Analysis of Sri Lanka, Nepal and Bangladesh*, 2006. For example, residents of Vavuniya welfare centers who passed through military checkpoints several times each day complained about such abuses, according to the Coalition.

EARLY MARRIAGES AS A PROTECTIVE STRATEGY

The fear of child recruitment has encouraged parents to marry off their boys and girls at early ages, such as 14 or 15 years old, because of a widespread belief that the LTTE does not recruit

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people who are married. However, the “protective” strategy of early marriage has failed to keep the LTTE from recruiting children, according to the Coalition.

Obstacles and Deterrents to Reporting

International and national organizations working on GBV in Sri Lanka emphasize that children in conflict areas are at risk of being raped or subjected to other forms of sexual violence. However, these groups have been unable to systematically document cases to substantiate this as few cases of sexual violence are ever reported. The underreporting of GBV cases can be explained by several factors.

POTENTIAL REPERCUSSIONS FOR REPORTING

Many survivors of sexual violence, afraid of stigmatization and potential socio-economic repercussions for their families and communities, choose to remain silent. Cultural taboos relating to sexuality, STIs and sexual violence make it difficult for parents, teachers, and community leaders to speak about and address these fears. Even though sexual violence committed by family members is reportedly a major problem in IDP camps, it is considered a “family problem” and has not been widely addressed by those serving the IDP population. Survivors of intra-family violence who do speak out often encounter antagonism by other members of their families. Even more, they risk losing their families’ vital economic and social support, which would be particularly difficult to cope with in displacement settings.

Moreover, survivors’ fears for their physical safety may prevent them from reporting, particularly if the perpetrators belong to security forces or armed groups. Community workers reportedly are also afraid that they could be identified as supporters of an armed group if they assist survivors who complain about GBV, according to information from a locally based organization. In an increasingly insecure environment, many local organizations working on violence against women struggle to be adequately visible, trusted and accessible for the communities they strive to serve, according to the same confidential source.

The proliferation of small arms, often in the hands of civilians or paramilitary groups paired with the lack of effective legal protection, feeds this sense of insecurity. Tense inter-ethnic relations also pose an obstacle to reporting as Tamil or Muslim children are often hesitant to report cases of GBV to Sinhala caseworkers and vice versa. Police officers often lack the linguistic ability and cultural sensitivity to interview witnesses and effectively investigate violence within the Tamil and Muslim communities, according to the Special Rapporteur on extrajudicial, summary or arbitrary executions to the Commission on Human Rights following his mission to Sri Lanka from November 28 to December 6, 2005 (E/CN.4/2006/53/Add.5).

ACCESS TO SERVICES

Displacement and insecurity in the North and East make it difficult for survivors of GBV to seek out care from appropriate and compassionate service providers. This includes legal and judicial actors, such as the local police or court officials, health care workers, and social workers and other social service providers. Without access to appropriate and confidential health, psychosocial, legal and protection services, few if any survivors of GBV will ever report an attack.

While national NGOs working on issues related to violence against women provide services for GBV survivors²² throughout the country, all relevant service providers need strengthened comprehensive case management and referral systems. Government-run District Child Development Committees, comprised of multi-disciplinary teams, have recently been set up with the support of UNICEF to facilitate referrals and case management.

In the East and LTTE-controlled areas, very few organizations, if any, provide comprehensive case management services to survivors of GBV, and access to health services is extremely limited. To receive post-rape health services from a government health center, a survivor of abuse is often asked to present a completed police report form, given to her by the police department. This is particularly true for survivors under the age of 18. Many health workers believe that they will be penalized for failing to report the rape of a minor to the police. Health centers in many districts have been known to refuse services to GBV survivors who did not have a completed police form. However, many survivors of sexual violence wish only to receive medical care and not to report the case of abuse to the police and pursue legal action. This is particularly true in cases where the perpetrator is a member of an armed force or group.

Many police officers are not trained to handle cases of GBV and are not skilled in working with survivors. As a result, they rarely respect principles of confidentiality or the needs of survivors, according to anecdotal reports shared with Watchlist. In a case reported by the Asian Human Rights Commission (AHRC), the police at Rattota in the Central Province of Sri Lanka interrogated a 13-year-old rape survivor alongside the suspect, exposing the girl to mental trauma, according to AHRC, *Sri Lanka: Rattota Police Mishandle Case of Child Rape Victim*, November 26, 2007. In the same case, the police also failed to obtain critical evidence of the rape after a hospital refused to admit the girl, arguing that their medical staff was not qualified to conduct a medical examination to determine rape. The police did not arrest a suspect or conduct any investigation of this case as of November 26, 2007, according to AHRC.

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Some police officers have reportedly discouraged victims from filing complaints to avoid confrontations with the military in cases where the military is the accused perpetrator. One local women's organization noted that the case of a 14-year-old girl had been dropped by the police when it was discovered that the perpetrator was a member of the TMVP/Karuna faction. The police have even allowed members of armed forces or the police who are suspected of perpetrating gender-based violence to be transferred to other locations, according to the World Organization Against Torture (OMCT), *Violence against Women in Sri Lanka. Report Prepared for the Committee on the Elimination of Discrimination against Women*, 2002.

On a positive note, the GoSL maintains women and children's desks in many police stations to encourage women and children to report criminal cases of violence, including GBV, to women police officers in private settings. However, the absence of these desks in some areas undermines the purpose of providing an accessible and gender-sensitive channel for reporting GBV cases.

Many Sri Lankans have lost confidence in legal mechanisms as few perpetrators of violence are punished, which may also dissuade some GBV survivors from reporting. While legislation against violence against women and children exists, weak mechanisms to implement and enforce this legislation breed a climate of impunity, according to OMCT, *State Violence in Sri Lanka. Alternative Report to the United Nations Human Rights Committee*, January 2004. For example, it is not uncommon for a victim to wait more than a decade before the case is prosecuted, according to a written statement submitted by the Asian Legal Resource Centre (ALRC) to the UN Economic and Social Council (E/CN.4/2005/NGO/116), February 17, 2005.

This extended delay works against the survivor as evidence may get lost, witnesses may disappear or forget important facts and perpetrators can use the time to threaten victims and witnesses, according to ALRC. The lack of witness protection also helps explain the low conviction rate of four percent in criminal cases. The Ministry of Justice and Law Reform is currently considering a draft bill for the Assistance and Protection of Victims of Crime and Witnesses.

In some cases, family heads or village and religious leaders have led informal arbitration processes which often obligate the perpetrator to compensate survivors or the families of survivors, avoiding formal legal proceedings altogether, according to Zinithiya Ganeshpanchan, *Domestic and Gender-based Violence among Refugees and Internally Displaced Women*, 2005.

LANDMINES AND ERW

Before the 2002 cease-fire, the LTTE and the GoSL had used antipersonnel mines extensively throughout the conflict. The mines' proximity to civilian settlements has endangered the lives of the war-affected populations in the North and East. Lack of access to these areas due to mine contamination has hindered humanitarian assistance, economic reconstruction and the return of displaced people to homes that are in high contamination areas.

In general, children are particularly vulnerable to death and injury by landmines and explosive remnants of war (ERW) because they may mistake them for toys. In addition, their small body size intensifies the impact of the explosion when the devices are detonated.

Between 2002 and 2006, there were no confirmed reports of new use of antipersonnel mines by either government forces or the LTTE with the exception of command-detonated claymore mines by the LTTE, according to the International Campaign to Ban Landmines' *Landmine Monitor Report 2007*. However, there are credible allegations of use of antipersonnel mines by the LTTE since 2006, according to this report.

To date, both parties have refused to accept an independent mission to verify allegations of new use of antipersonnel mines. The GoSL and the LTTE have made negotiations on banning antipersonnel mines contingent on progress in peace negotiations, according to *Landmine Monitor Report 2007*. Thus, the GoSL has not signed the Mine Ban Treaty, and the LTTE has not signed the Deed of Commitment that would obligate them to observe a total ban on antipersonnel mines and to cooperate on mine action.

Since February 2004, the government has engaged in a comprehensive humanitarian mine action program to make Sri Lanka mine-free by the end of 2008. However, mine action operators have questioned the feasibility of this objective given the upsurge of violence since mid-2006, the levels of known contamination, reports of new use of landmines and the refusal of the military to allow mine clearance in HSZs, according to the *Landmine Monitor Report 2007*.

Assessment and Casualties

Since June 2007, there has been no comprehensive national effort for surveying the extent of landmine and ERW contamination in Sri Lanka, according to *Landmine Monitor Report 2007*. There are therefore varying estimates on the extent of national contamination. The National Steering Committee for Mine Action (NSCMA), which has been responsible for mine action policy since August 2002, planned to carry out a national technical survey through UNDP of all mine-affected areas in 2006. However, faced with access constraints due to renewed armed conflict, NSCMA has not yet been able to carry out the survey, according to *Landmine Monitor Report 2007*.

The GoSL estimated ERW to affect 99 square kilometers of land in April 2006, but actual numbers are estimated to be considerably lower, according to *Landmine Monitor Report 2007*. Landmines are estimated to contaminate 730 villages, of which 173 have reportedly been cleared, according to the same source. On the other hand, the LTTE's alleged use of new landmines and recent armed attacks by both the government and the LTTE may have led to an increase in landmines and ERW, according to the *Landmine Monitor Report 2007*. Landmines and ERW are known to affect the districts of Jaffna, Vanni, Batticaloa, Mannar, Vavuniya, Trincomalee and Ampara. Half of all landmines in Sri Lanka are thought to be in Jaffna, which is also the area with the most casualties from landmines and ERW.

In total, the UNDP/Information Management System for Mine Action (IMSMA) database, the most reliable source for information on landmines and ERW casualties in Sri Lanka, recorded 1,349 civilian mine or ERW casualties in Sri Lanka from 1985 to December 2006, according to *Landmine Monitor Report 2007*. These attacks killed 271 people and injured 1,132, including 275 children. UNDP/IMSMA believes the actual number of casualties to be much higher. In 2006, casualty rates increased for the first time since 2000, with 27 civilians killed and 37 injured, including 15 boys and four girls, according to UNICEF figures cited by *Landmine Monitor Report 2007*. Children thus accounted for 30 percent of the casualties. Almost half of the casualties were caused by ERW.

Many mine-related incidents affecting children may not be reflected in official statistics. LTTE's new child recruits have suffered from severe mine-related injuries during their military training, according to HRW, *Living in Fear: Child Soldiers and the Tamil Tigers in Sri Lanka*, November 2004. Landmines have at times exploded in children's hands, injuring or maiming them. In one case, a 17-year-old girl lost a finger during training. The LTTE has forced some child soldiers to sleep on landmines as a punishment, according to HRW.

Landmines and ERW continued to kill and injure civilians in 2007, according to *Landmine Monitor Report 2007*. At least eight children were killed and 20 maimed by the indiscriminate use of claymore mines and other explosive devices between November 1, 2006 and September 14, 2007 (S/2007/758, para. 27). In one example, the GoSL accused the LTTE of a bus explosion at a government check point in Ampara on April 2, 2007, which killed three children (aged 4, 6 and 17 years) and maimed four more (aged 1, 3, 11 and 17 years) (S/2007/758, para. 27). In another incident, a claymore bomb killed eleven people, including seven school children, who were traveling in a bus on the road between Thunukkai and Kokkaavil, according to HRW/AI, *Human Rights Council: Urgent Action Needed to End Abuses in Sri Lanka*, December 7, 2007. The GoSL and the LTTE have accused each other of carrying out the attack, according to HRW/AI.

Mine Action

The NSCMA sets mine action policy and priorities and coordinates mine action, mine risk education and victims' assistance. UNDP has coordinated demining operations since 2006.

Demining organizations cleared a total of seven square kilometers of land in 2006 and half a square kilometer in the first four months of 2007, according to UNDP. The UNDP mine action office has viewed the eastern region of Sri Lanka, including the Batticaloa and Trincomalee districts, as a priority area for mine and ERW clearance due to massive displacements and relocations of people, according to *IRIN*, "Sri Lanka: Conflict Disrupts Ongoing Demining Effort," August 2, 2007.

The escalation of armed conflict and subsequent security concerns have slowed down and at times temporarily stopped demining activities in 2006 and 2007, according to *IRIN*, "Sri Lanka: Conflict Disrupts Ongoing Demining Effort," August 2, 2007. From 2005 to 2006, demining productivity was reduced by approximately 60 percent as operators were forced to suspend their work as a result of renewed conflict, according to the *Landmine Monitor Report 2007*. Insecurity also discourages donors from funding demining activities. Unless the security situation improves, demining efforts cannot be carried out effectively, according to the UNDP mine action office in Sri Lanka as cited in *IRIN*.

Mine Risk Education and Survivor Assistance

MINE RISK EDUCATION

The NSCMA is also responsible for the overall coordination of Mine Risk Education (MRE) implementation with support from UNICEF. The MRE works through community-based initiatives, mass media campaigns and school-based programs to reach target groups. This includes children who face the highest risk of becoming victims of ERW, according to *Landmine Monitor Report 2007*. Between 2003 and 2006, more than 1.8 million people benefited from these programs, excluding those reached through mass media campaigns, according to *Landmine Monitor Report 2006*. In the North and East, many children receive MRE through their formal education as part of the school curricula. Since 2004, UNICEF has established approximately 140 children's clubs in the Trincomalee, Batticaloa and Ampara districts to provide out-of-school children with MRE.

Conflict-related insecurity and displacement has recently reduced the ability of UNICEF and its local partners to conduct MRE in certain areas, according to *Landmine Monitor Report 2007*. Even so, UNICEF is working to carry out both emergency MRE and established MRE priorities.

LANDMINES AND ERW

SURVIVOR ASSISTANCE

In Sri Lanka, six district mine action offices coordinate survivor assistance and provide technical assistance. The GoSL's plans to devise a national policy to assist survivors of landmine and/or ERW have been postponed due to the pressing mine action issues arising from the current intensified armed conflict.

In 2006, 1,494 people with disabilities due to mine and/or ERW-related incidents benefited from services, according to *Landmine Monitor Report 2007*. These services included medical care, physical rehabilitation, psychosocial support, socio-economic reintegration and educational support and other services. The National Policy on Disability entitles Mine/UXO survivors to a one-time grant the equivalent of US \$75 to US \$250, depending on the severity of the disability. To encourage child survivors' swift return to school, the government offers some educational grants for their families.

SMALL ARMS

Independent experts cited in *Small Arms Survey (SAS) 2004* speak of 1 to 2.4 million small arms in circulation in Sri Lanka.²³ Most of these weapons, between 600,000 and 1.9 million, are privately owned by civilians. However, official government sources put the number of small arms in circulation as low as 45,000, according to the Small Arms Survey (SAS).

The availability and use of small arms has put the security of civilians, including the security of children, in serious jeopardy. The proliferation of small arms has played a major role in prolonging the brutal armed conflict and allowed armed groups to augment their forces with children (see below: Child Soldiers). In addition, persistently high military expenditures on weapons and related items have absorbed a large portion of Sri Lanka's scarce resources, often at the expense of social sector expenditures in education or health. In 2007, the GoSL increased its defense budget by 40 percent, according to *The Economist*, "A War Strange as Fiction," June 7, 2007. It is set to rise again in 2008.

There is growing evidence that the proliferation of small arms due to armed conflict in Sri Lanka is contributing to escalating crime rates throughout the country, including the South. Official statistics have recorded over 1,900 violent crime incidents on average each year, as armed gangs are perceived to have taken advantage of the ready availability of guns for their illegal activities, according to South Asia Small Arms Network Sri Lanka and Saferworld, *Small Arms and Light Weapons. Challenges in Sri Lanka and Options for the Future*, May 2006. For example, the high number of army deserters in the Puttalam district, which borders the northern districts of Mannar and Vavuniya, may explain the rise in crimes involving guns in the North Western Province, according to South Asia Small Arms Network Sri Lanka and Saferworld.

There are a host of reasons to explain the growing availability of small arms throughout Sri Lanka. Civil society organizations name the lack of transparency and accountability among public and private security forces and the police as a factor in the increasingly violent armed conflict in Sri Lanka, according to South Asia Small Arms Network Sri Lanka and Saferworld, *Small Arms and Light Weapons. Challenges in Sri Lanka and Options for the Future*, May 2006. There are reports that private security guards, police and security forces make a profit by renting small arms to criminal gangs in urban areas, according to South Asia Small Arms Network Sri Lanka and Saferworld.

There is growing evidence that illicit arms circulate freely in Sri Lanka, surfacing from various channels such as army deserters. Many take their guns with them to later sell or rent. Likewise, there are reports that federal and district level politicians sometimes do not return weapons issued to them for the purpose of protection during elections, according to South Asia Small Arms Network Sri Lanka and Saferworld. These and other such guns often reappear

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in black markets. The GoSL has so far not been able or willing to monitor or control arms flows domestically, though it regularly accuses the LTTE of smuggling arms into the country. Meanwhile, the proliferation of illicit small arms has become one of the main barriers to achieving sustainable peace and human security for children and their communities in Sri Lanka, the South Asia Small Arms Network Sri Lanka and Saferworld claim.

GoSL Actions: National Commission

The GoSL is obligated to play a central role in monitoring and controlling arms proliferation across borders and within its territory. It has played an active role in advancing the UN Program of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All its Aspects (UN PoA).²⁴

As a first step towards the PoA's implementation, the GoSL established a National Commission against the Proliferation of Small Arms in Sri Lanka (NCAPISA) on November 5, 2004, to coordinate and monitor the control of illegal small arms and light weapons in Sri Lanka, and to collaborate with civil society. In addition, the GoSL explored options to revise legislation to regulate the civilian ownership and use of firearms with the Firearms Ordinance in 1916 and the Firearms Act in 1996, though both need updating.²⁵ However, it should be noted that Sri Lanka has yet to sign the UN Firearms Protocol, an important measure to enhance domestic regulation.

Disarmament

Formal disarmament, demobilization and reintegration (DDR) or security sector reform (SSR) activities have failed to take place to date. The LTTE has refused to hand in their weapons until a formal peace agreement is signed and their security guaranteed. Similarly, the government has failed to disarm the TMVP/Karuna faction despite provisions in the CFA that clearly stated that "no armed group or person other than the GoSL security forces will carry arms or conduct armed operations in GoSL controlled areas." The lack of trust by either side in peace negotiations mitigates any serious movement in this regard.

Although the GoSL attempted to collect some of the vast amount of small arms owned by civilians in 2004 and 2005, these efforts have not yielded meaningful returns. Neither amnesty processes nor buyback schemes for unlicensed weapons have yielded large returns of weapons. Members of civil society suggest that the public had not been adequately educated about these schemes and were thus not inclined to heed the government's calls.

Containing the Supply of Small Arms

New weapons continue to be smuggled into the country. The LTTE has an effective network to guarantee the steady flow and circulation of small arms in Sri Lanka. The LTTE has been receiving, partly through extortions, funding from the Tamil diaspora that now comprises approximately 600,000 to 800,000 people worldwide and is mainly based in Canada, the UK and other Western countries, according to HRW, *Funding the "Final War," LTTE Intimidation and Extortion in the Tamil Diaspora*, March 14, 2006. As of 2003, the LTTE received an estimated US \$1 million a month from the Tamil diaspora, according to SAS, *In the Shadow of a Cease-fire: The Impacts of Small Arms Availability and Misuse in Sri Lanka*, October 2003. This stable financial support has allowed the LTTE to operate its own merchant fleet of ocean-going vessels to import weapons illegally from Southeast Asia, according to *Funding the "Final War."* Given the wide availability of arms domestically, the LTTE has also used "domestic procurement" such as the capture of the Sri Lankan Army's stocks, according to SAS, 2003.

International efforts to shut down the supply of new weapons to the LTTE have focused primarily on banning small arms. In recent years, the EU and the US and other countries have declared the LTTE a terrorist organization and introduced measures to prevent it from raising money for arms or other purposes.

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International condemnation has not put an end to the recruitment and use of child soldiers in Sri Lanka. The LTTE has forced thousands of children in the North and East into their ranks. More recently, the TMVP/Karuna faction, with the alleged complicity of the government, has also recruited hundreds of children as soldiers. Sri Lankan children currently face the ubiquitous threat of being abducted and recruited, whether they are in areas controlled by the GoSL or the LTTE. The Special Adviser to the UN Special Representative for Children and Armed Conflict in Sri Lanka, Ambassador Allan Rock, drew attention to the continued recruitment and use of child soldiers in Sri Lanka after returning from his ten-day fact finding mission to Sri Lanka in November 2006.

Flaunting international commitments and repeated pledges, the LTTE has recruited thousands of children into its ranks throughout the past two decades. The UN Secretary-General has named the LTTE as a party that recruits and uses children in four recent annual reports on children and armed conflict to the UN Security Council (S/2002/1299, S/2003/1053, S/2005/72, S/2006/826). Nevertheless, reports of child recruitment and use by the LTTE continue.

In 2006 and 2007, the TMVP/Karuna faction increasingly recruited and used children in the East, an area formally under GoSL control. During his visit, the UN Special Adviser found "strong and credible evidence" pointing to the complicity of "certain elements of the Government security forces" in the abduction and forced recruitment of children by the TMVP/Karuna faction, according to *UN News Center*, "UN adviser finds Sri Lanka's children 'at risk from all sides' in the bloody conflict," November 14, 2007. HRW reiterated these claims and further stated that the GoSL has been fully aware of this recruitment practice since June 2006, *Complicit in Crime*, January 2007.

Following the UN Special Adviser's mission, the LTTE, the TMVP/Karuna faction and the GoSL promised to cooperate with UNICEF in ending the recruitment and use of child soldiers in Sri Lanka. However, none of the parties have fulfilled their commitments.

Pledges and Commitments

LTTE

The LTTE formally agreed to end child recruitment and release all child soldiers in its ranks under the Action Plan signed with the GoSL in June 2003, the Child Protection Act of January 1, 2007, and the new Action Plan signed on October 15, 2007. The LTTE increased the official minimum age of recruitment to 18 years old, in accordance with international law, on October 15, 2007 as result of advocacy by child protection agencies. It had raised the age to 17 years on October 15, 2006. The LTTE also claims to

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screen new recruits at least twice and to reject those who are underage. Furthermore, the LTTE committed in November 2006 to work with UNICEF to speed up the release of child soldiers and to complete the process by December 31, 2007. While some progress has been made (see below: Trends), these promises have not been fulfilled.

In October 2007, the LTTE signed a new Action Plan²⁶, which commits the LTTE to end the recruitment and use of children under 18 years old and to release all underage children by December 31, 2007. However, the Action Plan does not give the UN country team full access for verification or provide guidelines and timeframes for the safe and timely release of children. It also does not address ways to prevent re-recruitment (S/2007/758, para.48).

TMVP/KARUNA FACTION

The TMVP/Karuna faction released new military regulations on January 2, 2007, setting 18 as the minimum age for recruitment and making recruitment conditional on the provision of a birth certificate and the child's explicit consent, according to HRW, *Complicit in Crime*, January 2007. Further, the TMVP/Karuna faction promised UNICEF unimpeded access to its camps and to release any children remaining in its ranks. For those members who conscript children, the TMVP/Karuna faction's provisions set penalties according to HRW, *Complicit in Crime*.²⁷ These promises have not been fulfilled. The TMVP/Karuna faction does not have a formal action plan for the release of children in its cadre and the cessation of child recruitment.

GOSL

In reaction to allegations of GoSL complicity in the TMVP/Karuna faction's child recruitment practices, President Rajapakse assured the UN Special Adviser during his visit to Sri Lanka that the government would conduct a credible and thorough investigation and hold those responsible accountable. At the time of writing, such an investigation had not taken place (see below: GoSL Complicity).

Monitoring and Reporting Child Recruitment

UNICEF and, until recently, the SLMM, have been monitoring abduction and recruitment of children in Sri Lanka for several years.²⁸

UNICEF CHILD RECRUITMENT DATABASE

UNICEF has been collecting and compiling data on the recruitment, re-recruitment and release of children in Sri Lanka since 2002. This primarily includes information on the LTTE and, more recently, the TMVP/Karuna faction. Parents in communities can file reports of missing children and possible cases of child recruitment with UNICEF, the SLMM, UNHCR, Save the Children and others working on child protection issues. These agencies generally refer the reported cases to UNICEF which then verifies each case and tracks it in a database.²⁹

Most recently, the increasingly tense security situation in Sri Lanka has negatively affected UNICEF's ability to monitor child recruitment as its information exclusively relies on reporting by parents and communities, according to the Coalition, *Sri Lanka: The LTTE and Child Recruitment*, July 2006. Some parents do not report their children's "disappearance" and recruitment because they fear retaliation. Others may not be aware of the process or may live too far away from reporting channels. Moreover, as efforts to end child recruitment have dragged on for several years, some communities have lost confidence in UNICEF's strategy, according to HRW, *Living in Fear. Child Soldiers and the Tamil Tigers in Sri Lanka*, November 2004. Those parents who support the LTTE's child recruitment practices are also unlikely to report occurrences.

The LTTE has disputed UNICEF's figures as exaggerated while the TMVP/Karuna faction has altogether disputed the presence of child soldiers in its ranks, according to HRW. Moreover, both parties have restricted UNICEF's access to military sites, severely hampering its ability to effectively monitor child recruitment and use. The TMVP/Karuna faction even obstructed the UN's verification process by leading a team to a false training camp in Batticaloa (S/2007/785 para. 52). It has also asked citizens to report cases of child recruitment to their party directly rather than to the police, according to the Nonviolent Peaceforce Quarterly Report, January – March 2007.

SLMM MONITORING INITIATIVE

Before its departure from Sri Lanka, the SLMM conducted independent on-site monitoring missions to investigate child abduction and recruitment in accordance with its obligations under the CFA.³⁰ However, the SLMM did not make child recruitment a priority. Some SLMM members denied the relevance of human rights issues in the peace process and applied a narrow interpretation of their mandate under the CFA, according to HRW, *Living in Fear. Child Soldiers and the Tamil Tigers in Sri Lanka*, November 2004. Due to the sensitivity of the issue, the SLMM has not released any statements regarding child recruitment although more than 45 percent of the CFA violations from February 22, 2002 to December 31, 2006 concerned the recruitment of children by the LTTE.

Scope of the Problem: Trends of Child Recruitment and Use³¹

Existing statistical data on child recruitment and use is based on UNICEF's child recruitment database, which relies primarily on families reporting potential cases of child recruitment. However, the actual number of children recruited into armed groups is likely to be much higher as many families are not able or willing to file reports.³²

TRENDS IN THE LTTE

The following information is drawn from the UNICEF child recruitment database. In total, there were 6,248 reported cases of child

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recruitment by the LTTE, including 2,469 cases of girls, between January 2002 and December 2007. UNICEF has recorded 2,042 cases of release by the LTTE, while other child recruits have escaped or died.³³ However, there were a reported 1,429 outstanding cases of recruitment and re-recruitment, including 205 cases concerning children under age 18 as of December 2007. Of the reported cases, 60 percent are boys and 40 percent are girls. Most of the reported cases of child recruitment by the LTTE occurred in Batticaloa, but there were also reported cases in Jaffna, Kilinochchi, Ampara and Mullaitivu, as well as Polonaruwa.

Between 2002 and 2006, LTTE's child recruitment declined by approximately 60 percent. Between 2006 and 2007 it declined by approximately 38 percent, according to the UNICEF child recruitment database. Based on this trend, some analysts suspect that the LTTE may have conceded to international pressure and is now attempting to refrain from recruiting children.

Other observers have argued that the apparent decrease in the LTTE's child recruitment figures could be a reflection of low reporting levels due to increased insecurity, displacement and fear. Another possibility is that reporting dropped because UNICEF has little presence in the Vanni area, where LTTE recruitment is now focused, as compared to the East where recruitment previously took place.

Finally, it must be noted that the number of children recruited by the LTTE almost always outnumbered those released every month according to UNICEF statistics. Only since February 2007 have the numbers of children released exceeded those recruited, which is primarily due to reduced recruitment. In 2007, 160 cases of child recruitment by the LTTE were reported to UNICEF.

TRENDS IN THE TMVP/KARUNA FACTION

The following information is drawn from the UNICEF child recruitment database. The TMVP/Karuna faction began intensive recruitment of children in July 2006. By 2007, the TMVP/Karuna faction's reported rate of recruitment outstripped that of the LTTE. In total, there were 453 reported cases of child recruitment by the TMVP/Karuna faction, including the case of one girl, between April 2004 and December 2007. UNICEF has recorded 122 cases of release by the TMVP/Karuna faction, while other child recruits have escaped or died.³⁴ However, there were a reported 229 outstanding cases of recruitment or re-recruitment by the TMVP/Karuna faction, including 160 cases concerning children under age 18 by the end of December 2007. Most of the reported cases of child recruitment by the TMVP/Karuna faction occurred in the Batticaloa district or other areas in the East. In 2007, 252 cases of child recruitment by the TMVP/Karuna faction were reported to UNICEF.

Abduction and Recruitment of Children

LTTE RECRUITMENT PRACTICES

Since the beginning of the civil war in 1983, the LTTE has recruited children between nine and 18 years old into its armed group, forming a so-called "Baby Brigade." The group has generally demanded that each family "voluntarily" contribute one child to its war effort, according to HRW, *Sri Lanka, Living in Fear. Child Soldiers and the Tamil Tigers in Sri Lanka*, November 2004. In return, families of child soldiers generally attain higher social status and are granted special economic privileges, such as exemption from taxes and preferential access to the LTTE's social services.

When parents do not comply with the order to send their children to the LTTE, children are sometimes taken by force, or other siblings or family members are recruited in their place, according to HRW, *Living in Fear*, November 2004. On July 10, 2006, for example, a member of the LTTE reportedly beat two 17-year-old boys living in the Batticaloa district in their family's home when they refused to join their ranks. Three days later, the same LTTE member beat and abducted the boys. Eyewitnesses from the village confirmed the incident and identified the abductors. The children reportedly escaped from the LTTE camp but were too afraid to return home (S/2006/1006, para. 14).

The LTTE encourages recruitment by promising education, food and services for children once they join. These promises particularly attract children from poor, uneducated families, orphans and children who have been victims of abuse. The LTTE's propaganda campaigns have aimed to recruit children in schools or through street plays. For example, LTTE members speak directly to students in classrooms about the Tamil's liberation struggle and urge them to become part of the effort. At the same time, recruitment drives typically occur during temple festivities and school holidays when children are easier to access. LTTE forces may abduct children from streets, festivals or their houses, according to various sources.

Aware of the international political repercussions for child recruitment, the LTTE has attempted to hide its child recruitment policies by using intermediaries. The Coalition cites anecdotal evidence that the LTTE has hired members of village communities to identify and recruit children, *Sri Lanka – The LTTE and Child Recruitment*, 2005. In 2005, under the guise of conducting civil defense training, the LTTE, in fact, conducted military training for children from the age of 16 years along with adults in the Batticaloa, Ampara, Trincomalee and Kilinochchi districts, according to the Secretary-General's Report on Children and Armed Conflict of 2006 (S/2006/1006, para. 23).

In 2007, the LTTE reportedly changed its "child quota system" to a "family quota system" (S/2007/758, para. 5), demanding that every family contribute at least one family member to the LTTE.

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According to UTHR(J), the LTTE allegedly keeps a record of children's ages to recruit them once they turn 18 without breaching international law.

TMVP/KARUNA FACTION RECRUITMENT PRACTICES

Until early 2004, Colonel Karuna served as the LTTE's eastern commander and had approximately 1,800 child soldiers under his command. After Colonel Karuna's split from the LTTE in March 2004, his forces were attacked by the LTTE and then disbanded. However, in mid-July 2006, Colonel Karuna formed the TMVP/Karuna faction and began to recruit children, including those who had already been released from the LTTE, according to HRW.

Small armed groups of TMVP/Karuna faction soldiers generally abduct and recruit children from homes, work places, temples, playgrounds, public roads and IDP camps, according to HRW, *Complicit in Crime*, January 2007. Like the LTTE, the TMVP/Karuna faction recruits primarily from families who are poor, uneducated and living in rural areas. Some of these families have reportedly received a TMVP/Karuna faction soldier's salary of 6,000 to 12,000 Sri Lankan rupees per month, which is equivalent to US \$60 to US \$120 and thus a little more than a laborer's monthly salary (S/2007/758, para. 9). Also, like the LTTE, the TMVP/Karuna faction demands that families contribute children to their war efforts. Families who have already contributed one child are often forced to send another.

The opening of TMVP/Karuna faction political offices often coincides with a rise in the number of children abducted, according to HRW, *Complicit in Crime*, January 2007. For example, the very day a TMVP/Karuna faction office opened in Chenkalady town, 12 boys and men were abducted, according to HRW. Similar patterns occurred in other districts where TMVP/Karuna faction opened offices, including in Batticaloa town, Trincomalee town, Akkrappattu in the Ampara district and near Welikander in the Polonnaruwa district.

GOVERNMENT COMPLICITY WITH THE TMVP/KARUNA FACTION

The TMVP/Karuna faction's recruitment of children relies on the complicity of the GoSL's security forces, the Sri Lankan armed forces and the government's overall acquiescence throughout the recruitment process, according to various sources. Sri Lankan armed forces have at times accompanied TMVP/Karuna faction members as they abduct and recruit children (S/2006/1006, para. 27). Once recruited, the TMVP/Karuna faction has temporarily held child recruits in its political offices which are commonly guarded by the Sri Lankan army and the police, according to HRW, *Complicit in Crime*, January 2007. In February 2007, for example, HRW observed Sri Lankan soldiers and police blatantly passing by children, some of them armed, who were guarding the offices of

TMVP/Karuna faction in the Batticaloa district, including in Valaichchenai and Morakkottanachenai. According to HRW, TMVP/Karuna faction abductions happen in close vicinity to police or army camps.

Once abducted, children are transferred to TMVP/Karuna faction training sites. During the transfer, the TMVP/Karuna faction passes through checkpoints of army and police in areas firmly under GoSL control, according to HRW. In one instance, local human rights activists told HRW that a child who escaped from the Karuna camp had gone to the Sri Lankan army for protection, but the soldiers handed him directly back to the Karuna faction.

Parents and concerned communities have made repeated attempts in vain to alert and seek assistance from GoSL officials for children who have been recruited by the TMVP/Karuna faction. In July 2006, a group of 48 mothers from Batticaloa submitted a petition for their abducted sons, including children, to the Supreme Court with copies to the President, relevant ministers and the UN. During the investigation, the Sri Lankan army pressured the mothers to refer to members of the TMVP/Karuna faction as an "unidentified group" despite their better knowledge, according to HRW. When parents file complaints of abductions to the police, the police frequently refuse to register the complaint or fail to conduct a proper investigation, according to HRW.

To date, the GoSL has still not conducted a thorough and credible investigation into the alleged complicity of Sri Lankan security forces with the TMVP/Karuna faction on child recruitment. Moreover, an internal army inquiry has cleared the Sri Lankan security forces of any allegations linking them to the TMVP/Karuna faction's abduction of children. The Presidential Commission on Disappearance, which consists of one person, conducted the inquiry on child abduction in a manner considered inconsistent with commonly accepted practices, according to HRW.

Finally, the government has strongly denied all charges of complicity with the TMVP/Karuna faction in child recruitment. In 2006, the GoSL accused the UN Special Adviser, who had raised the issue of complicity, of supporting LTTE propaganda, according to HRW, *Return to War: Human Rights under Siege*, August 2007.

Living as a Child Soldier

LTTE

In a recent comprehensive study, HRW described the harsh conditions faced by children recruited by the LTTE. Once inside the LTTE, children were forced to sever their family ties and were subjected to strict disciplinary measures, according to HRW, *Living in Fear*, November 2004. As part of their initiation, the children's hair was cut short and they were forced to undergo at least four months of training. During their time in the military camps, children often suffered ill-treatment and harsh punishment, according to the Coalition, *Sri Lanka – The LTTE and Child Recruitment*, 2005. In one case reported by HRW, the LTTE burned a girl with hot water to punish her for not being able to carry heavy weapons even though she was sick with fever and cramps.

According to the HRW report, the LTTE usually deployed child soldiers in mass attacks during major battles, as infantry soldiers, security and intelligence officers, medics and even suicide bombers. Many of these children were killed or disabled in combat. Just like adult members of the LTTE, these children usually carried a cyanide suicide capsule that they were instructed to take if captured alive, according to HRW.

There is little information on the roles child soldiers are currently fulfilling in the LTTE and their living conditions.

TMVP/KARUNA FACTION

There is relatively little information available on the life of child soldiers recruited into the ranks of the TMVP/Karuna faction. Children generally undergo minimal military training before being deployed into combat and other military functions, according to HRW, *Complicit in Crime*, January 2007. Some of them have been issued weapons and assigned duties within two weeks of their initial recruitment, according to reports received by Watchlist. Children assume various roles, including fighters in combat and office guards. At times, families have been able to visit their children for one night in the military camp. During one of these visits, a child told his father that had he lost his ear and leg after a mine exploded near him during combat, according to HRW. Some commanders have reportedly beaten child soldiers under their command, according to anecdotal information shared with Watchlist.

Girl Soldiers

LTTE

Over the years, the LTTE has recruited a considerable number of girls into its armed forces. According to 2007 UNICEF statistics, 40 percent of the LTTE's child soldiers are female. Girls who escape have been particularly fearful of re-recruitment by the LTTE because their short military hair cuts may expose them as former

soldiers, as Tamil girls in rural areas generally grow their hair long, according to HRW.

There are no reports of grave sexual violence in Sri Lanka, according to the Secretary-General's Report of 2006, including among girls associated with armed forces and groups (S/2006/1006, para. 44). According to HRW's 2004 report, the LTTE generally prohibits sexual relations among recruits and establishes strict rules for relations between its male and female recruits. In 2006, the Coalition reported that the LTTE's girl recruits lived in separate quarters from the boys but could talk to them.

TMVP/KARUNA FACTION

In contrast to the LTTE, there is only one reported case of a girl soldier in the TMVP/Karuna faction, according to UNICEF.

Informal DDR for Children

There is currently no formal DDR process for children in Sri Lanka.

LTTE

The 2003 Action Plan³⁵ for Children Affected by War, a framework for the LTTE's release of children, expired in July 2006. The LTTE signed a new action plan in October 2007.

Under the 2003 Action Plan, the LTTE was supposed to automatically transfer all children in the group to transit centers run by the Tamil Rehabilitation Organization (TRO) with minimal support from UNICEF. Children were to stay in the transit centers for no more than three months before returning to their families. If conditions in the child's family were favorable, they were to be directly released to them. The Action Plan provided for the establishment of three transit centers in LTTE-controlled areas. In reality, this plan did not come to fruition because of the low number of child soldiers released. The center in Kilinochchi district, which opened in October 2003, transferred 173 children before closing in 2005. The other two centers never opened, according to HRW, *Sri Lanka. Complicit in Crime*, January 2007.

Overall, the DDR process envisioned by the 2003 Action Plan was fraught with problems. First, the LTTE did not comply with its commitments to release children and to end child recruitment. Second, by putting children in the care of the TRO, which effectively functioned as the LTTE's humanitarian organization, the LTTE was virtually permitted to retain ultimate control over the children. After numerous negotiations between UNICEF and the LTTE to restructure the Action Plan's release mechanism, UNICEF finally announced its opposition to the transit centers and explained its preference that released children should be promptly reunified with their families, *IRIN*, "In Sri Lanka children still go to war," May 24, 2007.

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More than 90 percent of child soldiers released from the LTTE between 2002 and 2007 have returned directly to their homes instead of transiting through centers, according to UNICEF. After their return to their communities, children and their families are supposed to receive reintegration support through international nongovernmental programs that provide protection, psychosocial, education and livelihood services.³⁶ As of 2007, 3,179 children had completed such support programs and 1,354 children were still under reintegration support, according to UNICEF (see below: Reintegration, Re-recruitment and Insecurity).

Despite the official closure of the transit centers, the LTTE has continued to transfer child soldiers under its command to TRO-run Educational Skills Development Centres (ESDCs), which provide catch up education and vocational training to youth. UNICEF has strongly opposed the transfer of former child soldiers to these centers due to the alleged close links between the LTTE and the TRO and does not acknowledge the transfer as a release. Instead, it advocates for the children's reunification with their families. As of August 22, 2007, at least eight children formerly associated with the LTTE remained in the ESDCs (S/2007/758, para. 14).

TMVP/KARUNA FACTION

The TMVP/Karuna faction does not have an official action plan for the release of children in its ranks or for ending its practice of child recruitment. UNICEF has repeatedly attempted to open a dialogue with the TMVP/Karuna faction to establish an action plan, but has not achieved any substantive progress.

SURRENDERS

There is currently no policy or program to protect and reintegrate children who surrender to the GoSL or seek its protection after their escape from armed groups. As a result, former child soldiers have frequently been put in prison, along with adult soldiers, with no clearly identified mechanism for their release. In June 2007, the GoSL held 218 children who had surrendered from the LTTE in prisons in Pallekele, Kandy and Jaffna, according to the National Child Protection Authority (NCPA) cited in *IRIN*, "Sri Lanka: UNICEF cautiously welcomes Tigers' release of child soldiers, June 19, 2007. Some children who had spent less than a month in the LTTE were detained for more than six months, according to a report from a protection agency received by Watchlist.

Treating former child soldiers as criminals defies international standards for the special protection of children recruited and used in armed conflict. While most children were released to their parents or to rehabilitation centers, 28 children remained in prisons at the beginning of January 2008, according to UNICEF. The remaining children are expected to be transferred to a new child rehabilitation center in Ambepussa city in western Sri Lanka, which is expected to open in February 2008. UNICEF is currently

working with different governmental ministries to develop a comprehensive policy to address this issue.

REINTEGRATION, RE-RECRUITMENT AND INSECURITY

Insecurity and re-recruitment obstructs former child soldiers' reintegration into their families and communities. In 2007, there were 73 reported cases of re-recruitment by the TMVP/Karuna faction and 30 cases of re-recruitment by the LTTE, according to UNICEF's database. In fact, children released from the LTTE or the TMVP/Karuna faction are generally at higher risk of re-recruitment by either group due to their prior military experience. In some cases the TMVP/Karuna faction has re-recruited children within days of releasing them (S/2007/758, para. 17). It has also punished the families of children who have escaped by physically assaulting them or recruiting a family member in the child's place, according to a report received by Watchlist. In addition, the Sri Lankan Special Task Forces have kept children formerly associated with the LTTE under close supervision (S/2007/758, para. 60). The LTTE has prevented some children released from its ranks from reunifying with their families outside the Vanni by imposing travel restrictions on all citizens, including children 13 years old and above (S/2007/758, para. 15).

The continual targeting of former child soldiers compromises the children's acceptance by their families and communities, feeding into fear and mistrust among community members. According to anecdotal reports received by Watchlist, some people have betrayed neighbors whose children have returned to their communities. The stigma attached to former child soldiers has also caused some community members to deny former child soldiers access to public services, including schools and community activities. Without effective protection and nowhere else to go, some child soldiers choose to remain in armed groups despite opportunities to leave, according to information shared with Watchlist.

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Trafficking

To date, there is no current comprehensive information available on trafficking of children in Sri Lanka. As of 2004, approximately 5,000 Sri Lankan children were exploited for commercial sex, domestic work and child recruitment after having been trafficked by criminal networks, according to the International Labor Organization (ILO) *Child Labour and Responses Overview Note on Sri Lanka*, November 2004. Children's vulnerability to trafficking has likely increased as a result of the armed conflict.

Children who have been separated from their families or orphaned during armed conflict are more vulnerable to trafficking, as they lack the traditional protection given by their families and communities. Also, families which have lost their livelihoods in the course of armed conflict and displacement are often hard-pressed to protect their children and find it difficult to resist offers for income or better futures for their children, even from dubious business people, according to ILO. Trafficking networks tend to operate in border areas near conflict-affected districts. Children in these districts are particularly vulnerable to child labor, prostitution and abuse, according to ILO.

Sri Lanka is a major entry and exit point for trafficking of women and children, according to the US Department of State's *Trafficking in Persons Report*, June 2006. The main destination areas are the Middle East, China, Korea, Russia and other former Soviet Union countries, but many children and women are also trafficked within the country. Organized criminal gangs have taken advantage of families' economic despair and the lack of law enforcement in the North and East. Male children are internally trafficked from the areas on the border of northern and eastern districts, according to the US Department of State's *Country Reports on Human Rights Practices in Sri Lanka 2006*.

Following repeated reports of sex tourism and child trafficking, the government has made some strides in combatting trafficking in Sri Lanka. For example, the Sri Lanka Tourist Board and NCPA have been working with UNICEF and ILO to develop national action plans to combat child sex tourism and trafficking in labor in Sri Lanka.

Child Labor

The practice of child labor in Sri Lanka is not a new phenomenon. However, conflict-related socio-economic hardships have intensified the pressure on children to earn money or to work at home, according to ILO. Due to the conflict, many children have been forced to survive on their own after being separated from their parents or after their parents were killed.

Almost one million children living in Sri Lanka were economically active in 1999, according to a national survey on child labor,

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conducted by the Ministry of Finance and Planning with the support of ILO in 1999. While the majority simultaneously followed some form of education, an estimated 26 percent worked exclusively. In the survey, 52 percent of working children were under 15 years old. Sixty-two percent were male and 95 percent lived in rural areas. In 2003, the UN Committee on the Rights of the Child raised concerns regarding the high proportion of children, including young children, working as domestic servants in the plantation sector, on the street and in other parts of the informal sector. Approximately 100,000 children were estimated to be employed as domestic workers, performing household tasks including cleaning, ironing, cooking, child care and gardening for households, according to 1999 UNICEF estimates.

Economic hardship has also reportedly forced some women and girls, many from the North and East, to migrate to the Middle East to seek an income, according to the Refugees Studies Centre, *Children & Armed Conflict in Sri Lanka*, 2001. Mothers who lost their husbands in the armed conflict often view this as their only way to survive, according to the Refugees Studies Centre.

Child Prostitution

Economic hardship induced by the armed conflict has forced children and women in the North and East into prostitution, according to the Women in Development IQC, *Gender Assessment for USAID/Sri Lanka*, February 17, 2004.

Estimates indicate that more than 30,000 women and girls and 15,000 boys work as child prostitutes in Sri Lanka, according to the Ministry of Health, *Sri Lanka Country Report on Follow Up to the Declaration On Commitment on HIV/AIDS (UNGASS)*, December 2005 and the World Bank, *HIV/AIDS*, June 2005, respectively. Young boys in particular are involved in "sex tourism" in coastal resort areas, according to the US Department of State, *Country Reports on Human Rights Practices 2006. Sri Lanka*, March 6, 2007.

Abuse in Orphanages

War and displacement are the two main reasons children have been placed in orphanages, according to the Ministry of Child Development and Women's Empowerment, *Out of Sight - Out of Mind*, July 24, 2007. There are currently 488 voluntary children's homes in Sri Lanka, according to *IRIN*, "Sri Lanka: Orphanages used as Last Resort by Parents of 19,000 Children," September 3, 2007. Sixty-six of them are in the conflict-affected Batticaloa district according to *IRIN*. In some cases, children have lost or been separated from one or both parents. In other cases, poverty has prompted parents to put their children in institutional care. The loose criteria for placing children in orphanages has further encouraged desperate parents to place their children in these homes, hoping to gain greater protection for them.

Out of the 488 children's homes in Sri Lanka, only 12 complied fully with current standards of care, according to *IRIN*, "Sri Lanka: Orphanages used as Last Resort by Parents of 19,000 Children," September 3, 2007. The majority of children's homes are overcrowded, lack sufficient staff and do not meet hygiene standards, according to *IRIN*. In one case, seven children had to take turns sleeping in two beds. Save the Children found that staff have paid little attention to the emotional well-being and needs of children in *Home Truths, Children's Rights in Institutional Care in Sri Lanka*, February 28, 2006. Also, once in institutional homes, many children are not able to attend formal education, according to Save the Children. Communication with parents and relatives is often restricted out of fear that parents may discover staff abuse and file reports or complaints with protection authorities, according to *IRIN*.

Given these conditions, both Save the Children and UNICEF have called for alternatives to institutional care, including foster families and targeted support to families in need. No large scale programs have been established yet to facilitate the reunification of abandoned or separated children with their families.

Arbitrary and Illegal Arrests, Forced Evictions, Extrajudicial Killings and Torture

As part of Sri Lanka's Emergency Regulations, police have engaged in the arbitrary and illegal arrest of Tamils, particularly young males, in Sri Lanka. This is because security forces often suspect Tamils of complicity with the LTTE, according to HRW, *Return to War: Human Rights under Siege*, August 2007. Families rarely dare to report these serious violations by the police or take legal action, for fear of potential retributions. The UN High Commissioner for Human Rights, Louise Arbour, stressed that the direct appointment of commissioners to Sri Lanka's Human Rights Commission, the main body for receiving and dealing with such complaints, has "undermined confidence in its efficacy and independence," Press Statement, *UN High Commissioner for Human Rights on Conclusion of Her Visit to Sri Lanka, Colombo*, October 13, 2007.

The Sri Lankan police recently conducted forced evictions and arbitrary arrests of Tamils in and around Colombo, justifying their actions as security measures following attacks blamed on the LTTE. For example, in June 2007, the police evicted 376 Tamils from Colombo, returning them against their will to the North and East, according to *Reuters*, "Sri Lanka battles rebels, evicts Tamils from capital," June 7, 2007. The arrests targeted ethnic Tamils with temporary residence in the capital without "valid reasons" for their stay, which reportedly included elderly women and mothers carrying children, according to *BBC News*, "Police Evict Tamils from Colombo," June 7, 2007. In another case, the GoSL, allegedly in response to a bomb attack blamed on the LTTE, ordered the arrest of more than 1,000 Tamils in Colombo and its suburbs on December 2, 2007, according to HRW and AI, *Human Rights Council: Urgent Action Needed to End Abuses in Sri Lanka*, December 7,

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2007. Following complaints by national NGOs, the Supreme Court ordered a halt to these evictions and arbitrary arrests of minority ethnic Tamils from the capital and is currently reviewing both cases.³⁷

In November 2007, the Sri Lankan army reportedly entered houses and schools to identify Tamil boys in Jaffna whom they accused of collaboration with the LTTE according to UTHR(J): *Slow Strangulation of Jaffna: Trashing General Larry Wijeratne's Legacy and Enthroning Barbarism*, December 4, 2007. They took their identity cards away and required them to report to the army camp for repeated and often brutal interrogation. Fearful of Sri Lankan security forces, at least 200 civilians in Jaffna have put themselves into voluntary official protective custody, according to UTHR(J). The UTHR(J) reports the case of a family of five with three children who asked to be put in voluntary custody on October 22, 2007 after having been interrogated by the Sri Lankan army. Similarly, a mother sought protective custody with the HRC for her son in October 2007 after a soldier marked the Tamil boy as an LTTE suspect on his bus ticket while passing through the security clearance process from Jaffna to Colombo, according to UTHR(J).

In prison or detention centers, children face a number of risks as detention facilities are often overcrowded, dirty and lack the appropriate separation of different groups of prisoners, according to Manfred Nowak, the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment while in detention centers.³⁸ For example, the GoSL's security forces detained two boys in Jaffna who reportedly went missing thereafter (S/2007/758, para. 22). In another case, on November 4, 2007, five youth, including a 17-year-old boy, were found shot dead after having been arrested the day before by Sri Lankan army personnel close to the army camp at Thavasikkulam near Vavuniya town, according to AHRC, "Sri Lanka, Extrajudicial Killings of Five Youths in Vavuniya," November 6, 2007.

Following his mission to Sri Lanka in November 2007, the UN Special Rapporteur noted that the worst cases of the "numerous consistent and credible allegations" he received on abuse and torture of detainees by the police and the army related to the current armed conflict, according to *UN News*, "UN Human Rights Expert Reports Allegations of Torture in Sri Lanka," November 16, 2007. Despite numerous indictments filed under the 1994 Torture Act, only three people in Sri Lanka have been convicted under the act as of November 2007.

UN SECURITY COUNCIL ACTIONS

Sri Lanka is not on the official agenda of the UN Security Council. However, the Security Council has addressed the situation of children through its Working Group on Children and Armed Conflict and through its review of the UN Secretary-General's annual reports on the situation of children and armed conflict.

UN Secretary-General's Reports to the Security Council

In February 2005, the UN Secretary-General included in his fifth report on Children and Armed Conflict to the Security Council (S/2005/72) a section on developments in Sri Lanka, briefly describing the continued recruitment and use of children by the LTTE. The report noted that the LTTE had recruited and re-recruited more than 1,000 children, often by abduction, since November 2003 despite its commitments under the Action Plan of July 2003. In Annex 2 of the report, the UN Secretary-General named the LTTE as a party recruiting or using children in armed conflict.

In October 2006, the UN Secretary-General included in his sixth report on Children and Armed Conflict to the Security Council (S/2006/826) a section on developments in Sri Lanka, briefly describing the escalation of armed conflict and massive displacement, particularly in the North and East, since early December 2005. The report also described the lack of free humanitarian access to civilians in need. It noted that children have been injured and killed in bombing raids and attacks on schools. The UN Secretary-General further reported some progress on implementing the Action Plan, mentioning the establishment of a dialogue forum between UNICEF and LTTE on technical aspects of ending child recruitment and releasing children, and the LTTE's creation of a child protection unit. In Annex II of the report, the UN Secretary-General named the TMVP/Karuna faction and the LTTE as parties that recruit or use children in armed conflict. Both parties have also been responsible for abducting children.

UNSC Resolutions on Children and Armed Conflict

Since 2003, the UNSC has adopted two resolutions on children and armed conflict, adding to the Security Council's four previous Children and Armed Conflict (CAC) resolutions. These resolutions set out important and practical steps to be taken by various members of the UN system, donors, NGOs and others to expand child protection in conflict-affected areas. The following highlights how the two latest CAC resolutions address issues relevant to Sri Lanka.

RESOLUTION 1539 (2004)

- Strongly condemns the recruitment and use of child soldiers by parties to conflict and other CAC violations
- Requests that the UN Secretary-General regularly review compliance by parties to conflict to halt the recruitment and use of child soldiers

UN SECURITY COUNCIL ACTIONS

- Calls upon parties to conflict to prepare action plans for halting the recruitment and use of child soldiers, which will be coordinated by focal points identified by the UN Secretary-General
- Expresses its intention to consider imposing targeted and graduated measures such as, *inter alia*, a ban on the export or supply of small arms and light weapons and other military equipment and assistance
- Reiterates its request to all concerned to include children in all DDR programs and to monitor demobilized children in order to prevent re-recruitment
- Requests the UN Secretary-General to propose effective measures to control the illicit trade and trafficking of small arms
- Encourages support for the development and strengthening of capacities to ensure the sustainability of local initiatives for CAC

RESOLUTION 1612 (2005)

- Strongly condemns the recruitment and use of child soldiers by parties to conflict and other CAC violations
- Expresses serious concern regarding the lack of progress in developing and implementing action plans to halt the recruitment and use of child soldiers
- Reiterates its intention to consider imposing targeted and graduated measures such as, *inter alia*, a ban on the export or supply of small arms and light weapons and other military equipment and assistance
- Requests that the UN Secretary-General implement a monitoring and reporting mechanism (MRM) on violations against children in five armed conflict situations plus Sri Lanka and Uganda
- Decides to establish a working group of the Security Council on children and armed conflict consisting of SC member states
- Urges member states and other parties concerned to take appropriate measures to control the illicit trade of small arms to parties to armed conflict
- Calls upon all concerned parties to ensure that the concerns of the CAC are specifically integrated into all peace processes and post-conflict reconstruction
- Calls upon all concerned parties to abide by their international obligations and commitments relating to the protection of CAC
- Urges all parties concerned to support the development and strengthening of the capacities of national institutions and local civil society networks for CAC
- Requests that the UN Secretary-General direct all relevant UN entities to take specific measures, within existing resources, to ensure systematic mainstreaming of CAC issues within their respective institutions

Implementation of Security Council Resolutions

UNSC WORKING GROUP ON CHILDREN AND ARMED CONFLICT

In December 2006, the UN Secretary-General presented his first report on Sri Lanka to the UN Security Council Working Group on CAC (S/2006/1006). This report contained detailed information on egregious violations against children in Sri Lanka in the six categories identified by the Security Council in Resolution 1612 between November 1, 2005 and October 31, 2006. The report highlighted that the LTTE used and recruited children in spite of its commitments not to do so. In addition, it noted with concern that the TMVP/Karuna faction abducted and recruited children in the East. The Secretary-General also outlined the challenges in delivering humanitarian assistance to conflict-affected children in Sri Lanka, including the deteriorating security situation, the restrictions in humanitarian access, weak state institutions, impunity and obstacles in monitoring and reporting, particularly for the 1612 Country Task Force in Sri Lanka (see below).

In response to the UN Secretary-General's report, the Security Council Working Group on Children and Armed Conflict examined the situation in Sri Lanka in its 7th meeting on February 9, 2007 (S/AC.51/2007/9). The Working Group identified the LTTE as the principal party responsible for serious violations against children in armed conflict in Sri Lanka. The Working Group concluded that, in contrast to the small number of children released, the LTTE's ever-increasing number of abductions, recruitment and use of children violates prior commitments under the 2003 Action Plan.

The Security Council Working Group thus urged the LTTE's leadership to immediately end the abduction, recruitment and use of children. On behalf of the Security Council Working Group, the Chairman called on the LTTE to cooperate with UNICEF on the following:

- The verification of children's release, including free access to LTTE military camps
- The release of children directly to their families rather than to the TRO's Educational Skills Development Center

Moreover, the Security Council Working Group demanded that the LTTE respect the security of schools, hospitals and religious institutions and grant free humanitarian access to areas under its control. The Chairman stated that the LTTE must abide by its international obligations, including SCR 1612, or it would consider "further steps."

At the same time, the Working Group expressed alarm about the recent increase in abduction and recruitment of children by the TMVP/Karuna faction in the East and the alleged complicity of certain elements of the security forces in government-controlled

UN SECURITY COUNCIL ACTIONS

areas. The Permanent Representative of Sri Lanka to the UN maintained that the GoSL would not tolerate any recruitment and use of children in armed conflict. Accordingly, it would investigate the allegations against elements of the security forces regarding the recruitment and abduction of children by the TMVP/Karuna faction.

Subsequently, on the occasion of the Security Council Working Group's 8th meeting on May 10, 2007, the Chairman released a public statement to reiterate its warning against the LTTE for its continued abduction, recruitment and use of children. The Working Group also addressed a formal letter to the GoSL and requested a follow up report from the UN Secretary-General.

In December 2007, the UN Secretary-General submitted his second report on children and armed conflict in Sri Lanka (S/2007/758) to the Security Council Working Group, which included the Working Group's latest conclusions and recommendations and an update on the six grave violations against children in Sri Lanka. The report covers the period between November 1, 2006 and September 14, 2007.

Noting some progress in the release of children by the LTTE and the TMVP/Karuna faction, the report emphasized that neither group had applied the recommendations of the Security Council Working Group and both had continued to commit egregious violations against children, including abduction, killing, maiming and the denial of humanitarian access. The report specifically urged the LTTE and the TMVP/Karuna faction to work with the UN Country Team to ensure that action plans to end the recruitment and use of children and to release all children associated with their groups would be devised or brought in line with international standards. The report also demanded full access to military locations under their control. If the LTTE and the TMVP/Karuna faction did not meet these demands regarding the recruitment and use of child soldiers within the next reporting period, the report recommended the Security Council Working Group to consider targeted measures against both groups.

The report welcomed the GoSL's establishment of a multidisciplinary task force on children and armed conflict³⁹ but reiterated its demand for a report on the alleged support of certain government security forces in the recruitment of children by the TMVP/Karuna faction. It also urged the government to end the abduction, recruitment and use of children by armed groups in areas under its control.

Other key recommendations included the need for free and safe humanitarian access to areas under the parties' control, capacity-strengthening activities for law enforcement authorities and an immediate halt to all attacks against civilian targets, including schools and hospitals.

THE 1612 COUNTRY TASKFORCE IN SRI LANKA

Sri Lanka was one of seven pilot countries selected by the UN to implement the UN-led Monitoring and Reporting Mechanism (MRM) in 2005. The UN officially established the 1612 Country Taskforce in Sri Lanka in July 2006.

The Taskforce is chaired by the UN Resident/Humanitarian Coordinator in Sri Lanka while the UNICEF Representative serves as the Deputy Chair. Members of the Taskforce include the UN Development Program (UNDP), UNICEF, the UN High Commissioner for Refugees (UNHCR), the International Labor Organization (ILO), Oxfam Great Britain, and Sarvodaya, a national NGO. Two agencies of the Government of Sri Lanka—the National Child Protection Authority (NCPA) and the Human Rights Commission (HRC)—also serve as members.⁴⁰ The International Committee of the Red Cross (ICRC) serves as an observer on the Taskforce.

The Taskforce has made some progress in monitoring and reporting children's rights violations despite the adverse security environment in the country. However, some challenges remain.

In its report, *Getting It Done and Doing It Right: Implementing the Monitoring and Reporting Mechanism on Children and Armed Conflict in Sri Lanka*, Watchlist identifies challenges faced in implementing the MRM in Sri Lanka and opportunities to build upon the Taskforce's successes to date.⁴¹ In particular, the report identifies challenges and opportunities related to the participation of NGOs in monitoring and reporting; maintaining security and respecting the rights of respondents, children and information collectors; leveraging networks and resources; and triggering a response to violations.

High levels of insecurity remain one of the key factors preventing or limiting the participation of both local and international NGOs in the implementation of the MRM. The obstacle that safety and security poses to the participation of NGOs in the implementation of the MRM cannot be overstated.

The deteriorating security situation poses obvious challenges for all actors implementing the mechanism. While human rights monitors and aid workers face risks in documenting and reporting abuses perpetrated by armed groups, respondents and survivors of abuse face long-term risks to their safety and security as they are unlikely to be able to relocate to safer areas and may be subjected to retributive or repeated attacks, threats and abuse. Respecting the confidentiality and informed consent of survivors and respondents is a key way to mitigate the risks of retributive attacks and other violence against them while ensuring respect for their rights and dignity.

UN SECURITY COUNCIL ACTIONS

Given the level of fear that has resulted from widespread insecurity in Sri Lanka, collecting verified information about abuses perpetrated by armed groups remains a challenge. In turn, this has impacted the ability of many agencies to share information and effectively collaborate and coordinate their activities. This restriction makes it critical that the Taskforce work to leverage previously existing data collection systems and structures in order to feed information into the MRM.

Collecting information on rape and other forms of sexual violence remains a significant challenge for the Taskforce. Although many experts have noted that sexual violence perpetrated by armed groups is a problem, to date no such cases have been reported to the Taskforce. Many obstacles exist which prevent the timely and ethical collection of GBV-related data. Perhaps the biggest challenge to collecting GBV-related information, however, is the fundamental lack of available services in the conflict-affected areas of Sri Lanka. Without access to appropriate and confidential health, psychosocial, legal and protection services administered by well-trained professionals, few if any survivors of GBV will ever report an attack (see above: GBV).

A variety of responses may be undertaken to address the needs of individuals or communities after a violation has occurred. These range from undertaking national and international public advocacy, revising existing policies to protect the rights of children, working to restore or improve judicial systems to help decrease impunity, improving service-delivery programs to better address the needs of children and taking immediate action to provide services and support to child survivors.

Responding to abuses is a critical part of monitoring and reporting violations of children's rights. However, various members of the Taskforce disagree about the extent to which the Taskforce should respond to incidents. This ultimately stems from a difference of opinion between Taskforce members about the objectives of the MRM. With regard to advocacy, some respondents noted that they hope UNICEF and the Taskforce would become more vocal and increase advocacy efforts in the future, while others largely saw this as unfeasible given the prevailing climate of insecurity.

In its report, Watchlist offers practicable and action-oriented recommendations to key stakeholders and decision-makers to advance and improve monitoring and reporting on children's rights in Sri Lanka (see below: Recommendations to the 1612 Taskforce and Related Organizations).

RECOMMENDATIONS

To the Governing Authorities of Sri Lanka

- Strictly comply with international human rights and humanitarian law with particular attention to the Convention on the Rights of the Child (CRC) and its Optional Protocols, and comply with all signed agreements.
- Immediately halt all violations perpetrated by Sri Lankan security forces against the security and rights of Sri Lankan children.
- Re-engage in the peace process, making human rights and the protection of children an integral part of peace negotiations.
- Conduct prompt, impartial and exhaustive investigations into all violations against children and hold accountable all government security forces who are responsible for violations.
- Ensure that policies to protect the security and rights of children affected by armed conflict are an integral part of all government institutions. To this end, train relevant government servants such as the police, justice professionals, teachers, health professionals and social workers on the rights and needs of children affected by armed conflict and the roles and responsibilities of the various actors involved in protecting children's rights.
- Take steps to ensure the effective protection of survivors and witnesses of violations against children, including the investigation and prosecution of individuals responsible for reprisals against them.
- Accept and fully cooperate with an independent human rights monitoring mission under UN auspices to investigate and report on all violations of international human rights and humanitarian law with a special focus on the security and rights of children.
- Ensure that human rights defenders are protected and supported in their efforts to bring public attention to violations of human rights, including children's rights. Support programs and policies that would halt crimes against human rights defenders.
- Provide humanitarian actors with unrestricted and secure access to all areas and guarantee all civilians safe, unimpeded and sustained access to humanitarian assistance, including emergency relief supplies.
- Refrain from making unsubstantiated allegations against humanitarian and human rights agencies in the media and on official websites.
- Respect the rights of refugees and IDPs to a voluntary and safe return or provide them with viable alternatives, if necessary, including resettlement and local reintegration into host communities. This should be done with special attention to the rights and needs of displaced children.
- Adopt and implement a national IDP policy in accordance with the Guiding Principles on Internal Displacement.
- Take all possible precautions to avoid attacks on schools and remove military checkpoints and camps from the immediate vicinity of schools. Ensure that schoolchildren are protected on their way to school and in school compounds from abduction and recruitment in government-controlled areas.
- Ensure that all children, including refugees and IDPs, have free and safe access to quality primary and secondary education in accordance with the Inter-Agency Network for Education in Emergencies (INEE) Minimum Standards for Education in Emergencies, Chronic Crises and Early Reconstruction. To this end, ensure that teachers receive adequate training and compensation and that there is a sufficient number of qualified teachers in conflict-affected areas.
- Strengthen and increase existing "catch-up education" programs for children who have missed out on school due to conflict, building on the current curriculum and extending it for children who have missed more than six months of school.
- Repair and rehabilitate schools affected by the armed conflict and replenish educational materials.
- Ensure that all barriers survivors face in accessing the police report form and GBV-related health services are removed. Ensure that all survivors receive clinical care regardless of their decision to complete the police form.
- Improve civilians' access to health care services and train health care staff.
- Ensure adequate representation of Tamils and Muslims among civil servants as well as the presence of Tamil-speaking officials in governmental services in the North and East.
- Strengthen the capacity of national agencies to ensure effective and impartial investigations of violations committed against children affected by armed conflict.
- Increase socially oriented spending in the budget, with a focus on addressing imbalances in the provision of educational, social and health services to children throughout Sri Lanka.
- Ensure the proper destruction of all stockpiled landmines and ERW and provide survivors of mine blasts with appropriate legal and medical assistance.
- Guarantee the safe and unimpeded access of demining teams to all mined and ERW contaminated areas.
- Enact the revised firearms legislation in Parliament and formally establish NCAPISA under an Act of Parliament.
- Immediately launch a thorough and credible investigation into the involvement of Sri Lanka security forces in aiding the recruitment and/or abduction of children by the TMVP/Karuna faction and hold those responsible accountable for their crimes.

RECOMMENDATIONS

- Ensure that policies against the recruitment or use of child soldiers are strictly enforced. Take strong and effective disciplinary actions against cadre responsible for such recruitment and share information of disciplinary actions taken with the UN Country Team.
- Take steps to end the recruitment and use of child soldiers in government-controlled areas. This includes:
 - * Close TMVP/Karuna faction political offices used for the recruitment and training of children.
 - * Instruct Sri Lankan security forces to actively investigate all reported cases of child abduction and/or recruitment and hold those accountable who fail to comply with these orders.
- With technical support from UNICEF, immediately develop appropriate reintegration policies and programs for children released from armed groups. Children surrendering from armed groups and currently held in detention must be immediately released and transferred either to their families, alternative care givers, or appropriate child welfare service providers.
- Establish a means to appropriately, safely and ethically identify and assist child survivors of exploitation, including prostitution, labor and trafficking.
- Allow human rights organizations to actively monitor arrests and detention, particularly mass arrests, and to report their findings to UN child protection authorities. Make lists of detainees available to families and others.
- Sign, ratify and/or accede to relevant international treaties:
 - * Additional Protocols to the Geneva Conventions of 1949
 - * 1951 Convention relating to the Status of Refugees and its 1967 Protocol
 - * Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction (“Mine Ban Treaty”)
 - * Rome Statute of the International Criminal Court
 - * Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
 - * International Convention for the Protection of All Persons from Enforced Disappearance

To the LTTE

- Strictly comply with all international commitments and uphold international human rights and humanitarian law, with particular attention to the Convention on the Rights of the Child (CRC) and its Optional Protocols.
- Immediately halt all violations perpetrated by the LTTE against the security and rights of Sri Lankan children.
- Ensure that policies against the recruitment or use of child soldiers are strictly enforced. Take strong and effective disciplinary actions against cadre responsible for such recruitment and share information of disciplinary actions taken with the UN Country Team.
- Lift restrictions on the flow of information in and out of LTTE controlled areas, especially information on security and well-being of children.
- Cease all rights violations connected with the entrapment of civilians, including the extraction of taxes and forced recruitment of civilians by intimidation, which creates an environment of extreme danger and vulnerability for children.
- Allow for the freedom of movement of civilians, particularly children. This includes the immediate abolishment of a local pass system which prevents civilians from moving in and out of the Vanni area.
- Immediately halt all suicide attacks on civilian targets throughout the country.
- Guarantee safe, unimpeded and sustained access to humanitarian assistance for all civilians, especially children, in all areas controlled by the LTTE.
- Immediately stop operating out of schools and other civilian facilities and the use of humans as shields.
- Make a unilateral declaration renouncing the use, manufacture and transfer of antipersonnel mines, particularly claymore mines.
- Ensure that policies against the recruitment of child soldiers are strictly enforced. Take strong and effective disciplinary actions against personnel responsible for such recruitment and share information of disciplinary actions taken with the UN Country Team.
- Immediately cease all new recruitment of children, immediately release all children currently in the LTTE forces and give those recruited before age 18 the option to leave, providing all necessary documentation for their effective demobilization and reintegration. Coordinate closely with the UN Country Team to release children to their families or interim care centers. Cease transferring released children to Educational Skills Development Centres (ESDCs).

RECOMMENDATIONS

- Working with the UN Country Team, develop a time-bound action plan for the release of all children in the LTTE and the cessation of new recruitment. This includes unrestricted access for humanitarian personnel to military installations to identify and support the demobilization of children.

To the TMVP/Karuna Faction

- Strictly comply with all international commitments and uphold international human rights and humanitarian law, with particular attention to the Convention on the Rights of the Child (CRC) and its Optional Protocols.
- Immediately halt all violations perpetrated by the TMVP/Karuna faction against the security and rights of Sri Lankan children.
- Ensure that policies against the recruitment or use of child soldiers are strictly enforced. Take strong and effective disciplinary actions against cadre responsible for such recruitment and share information of disciplinary actions taken with the UN Country Team.
- Immediately cease all new recruitment of children, immediately release all children currently in the LTTE forces and give those recruited before age 18 the option to leave, providing all necessary documentation for their effective demobilization and reintegration. Coordinate closely with the UN Country Team to release children to their families or interim care centers.
- Together with the UN Country Team, develop a time-bound action plan for the release of all children in the TMVP/Karuna faction and the cessation of new recruitment. This includes unrestricted access for humanitarian personnel to military installations and TMVP political offices to identify and support the demobilization of children.

To the UN Security Council

- Call on all relevant parties to implement the recommendations of the UN Secretary-General's report on the situation of children and armed conflict in Sri Lanka (S/2006/1006, S/2007/758) and the conclusions of the SCWG-CAC (S/AC.51/2007/9) bearing in mind relevant UNSC resolutions, particularly resolution 1539 (2004) and 1612 (2005).
- In any future peace negotiations or agreements, ensure that the protection of children's security, rights and participation is prioritized. To this end, call on the UN Country Team to prioritize these imperatives.
- Call on the GoSL, the LTTE, the TMVP/Karuna faction and other paramilitary groups to immediately cease all attacks on civilians and to halt all violations perpetrated by armed forces and groups under their control against the security and rights of Sri Lankan children. As a precautionary measure, require them to relocate

their political offices and military camps at a significant distance from IDP camps, schools, hospitals and other civilian sites.

- Call on all parties to the conflict in Sri Lanka to immediately halt the abduction, recruitment and use of children.
- Urge the GoSL to accept an independent international monitoring mission to investigate and report on all violations of international human rights and humanitarian law with a special focus on the security and rights of children.
- Urgently call upon all relevant actors to ensure that human rights defenders are protected and that their efforts to bring public attention to violations of human rights and child rights are supported. Closely monitor the complete, transparent and timely investigations into the threats and murder of human rights and humanitarian workers in Sri Lanka.
- Send a delegation of members of the SCWG-CAC to conduct a field trip to Sri Lanka (including partially affected areas) to draw attention to the plight of children affected by armed conflict in all parts of Sri Lanka, to investigate allegations of violations, to review progress by the monitoring and reporting mechanism (MRM) in Sri Lanka and to follow up by submitting a comprehensive report including recommendations for further action by the Security Council.
- Send a special envoy to engage in high level diplomacy to promote safe and unhindered humanitarian access in northern Sri Lanka and to facilitate the work and scope of humanitarian agencies, including on visa issues. Develop transparent, substantive, well-defined and agreed upon guidelines and parameters for rapid and sustained humanitarian access to unstable or LTTE-controlled areas. Ask the special envoy to report to the Security Council on the progress of its efforts.
- Emphasize the urgent need for an expedited rollout of the "Saving Lives Together" initiative in Sri Lanka to ensure that NGOs are effectively included under the security umbrella of the UN and that their security needs are accounted for.
- Call on the GoSL to cooperate fully with UNHCR to guarantee the voluntary and safe return of IDPs and refugees to their areas of return in accordance with international law. This includes conducting systematic evaluation missions and "go and see" visits to areas of return.
- Urge national governments to ban arms sales to Sri Lanka until the GoSL has prosecuted military officials alleged to have recruited child soldiers, provided humanitarian groups and reporters access to Tamil areas of the country and agreed to allow the UN to establish a human rights office in the country.
- Set clear benchmarks that the LTTE as a repeat offender must meet within a strict and limited time period to end the recruitment of children under age 18 and release all children in its cadre to the UN Country Team. If these benchmarks are not met, the Security Council should apply targeted measures, including an arms embargo, and a travel ban and an asset freeze on the leadership.

RECOMMENDATIONS

- Set clear benchmarks that the TMVP/Karuna faction as a repeat offender must meet to end the recruitment of children under age 18 and release all children in its cadre to the UN Country Team. If these benchmarks are not met, the Security Council should apply targeted measures, including an arms embargo, and a travel ban and asset freeze on the leadership. The TMVP/Karuna faction should also immediately enter into good faith dialogue with UNICEF to develop a credible action plan to end all recruitment of children.
- Urge the GoSL to meet without any further delay its promise to conduct an immediate, thorough and credible investigation of the alleged complicity of certain elements of the Sri Lanka security forces in the recruitment and/or abduction of children by the TMVP/Karuna faction. Request the GoSL to share information on concrete progress achieved in these investigations with the 1612 Taskforce and related organizations. The government should also inform the 1612 Taskforce and related organizations on steps taken to end the abduction and recruitment of children in government-controlled areas and to secure the release of children from the TMVP/Karuna faction.
- Call on the GoSL to develop appropriate reintegration policies and programs for children released from armed groups. Children surrendering from armed groups and currently held in detention must be immediately released and transferred either to their families, alternative care givers or appropriate child welfare service providers.
- Bring to the attention of UN agencies and donor governments the need for more concerted international advocacy and awareness raising on the protection of civilians, including children, in Sri Lanka in close cooperation with nongovernmental organizations and local communities.

To the 1612 Taskforce and Related Organizations

- To the Taskforce:
 - * Examine the various roles and responsibilities of each Taskforce member to help create a more formal division of labor and responsibility within the Taskforce.
 - * Identify confidential ways for NGOs and other actors to submit information about violations perpetrated by armed groups at the district level.
 - * Improve collaboration with experts on human rights monitoring, gender-based violence (GBV) and database management.
 - * Devise a list of potential and specific responses which Taskforce members or other actors can take upon receiving information on child rights violations.
- To the UN Security Council, ensure that the GoSL, the LTTE and the TMVP/Karuna faction fully support and facilitate the implementation of the MRM, and grant Taskforce members full access to all areas in Sri Lanka.
- To donors, support the work of UNICEF and other relevant agencies to increase the capacity of the monitoring and reporting mechanism, including funding to increase the capacity of the members of the Country Taskforce and the international and national NGOs contributing information to the MRM.

To the Humanitarian Community

- Immediately expedite the rollout of the “Saving Lives Together” initiative in Sri Lanka to ensure that NGOs are effectively included under the security umbrella of the UN and that their security needs are accounted for.
- With technical advice from UNHCR, assist the GoSL in developing a comprehensive plan for the return of IDPs and refugees, to be informed by consistent consultations with IDPs and refugees representing all ethnic communities.
- Actively engage with the relevant educational and politico-administrative authorities to ensure that children have adequate access to quality education and other social services.
- Utilize international standards, such as the INEE Minimum Standards for Education in Emergencies, increase the availability of catch up classes, including for children and youth who missed more than six months of school and provide in-service training and distance learning opportunities to increase the number of qualified teachers and education officials.
- Ensure access of IDP children to health and sanitation facilities, in particular by extending the provision of mobile health clinics to conflict-affected areas and territories bordering these areas. The special needs of women and girls should be taken into consideration.
- Assess conditions for Sri Lankan refugees living in camps in Tamil Nadu state.
- Strengthen ongoing efforts to prevent malnutrition of children and mothers in all conflict-affected areas. To this end, analyze and address the causes of gender-based discriminatory health and food distribution in families.
- Strengthen efforts to teach children, particularly out-of-school youth, about sexual and reproductive health, including the prevention of HIV/AIDS and other STIs.
- Prioritize the implementation of the actions outlined in the *Inter-Agency Standing Committee’s Guidelines on Gender-based Violence Interventions in Humanitarian Settings*.
- Ensure adequate and appropriate legal, medical and social services to GBV survivors throughout Sri Lanka, particularly the conflict-affected areas. To this end, conduct a mapping of GBV-related services available to survivors at the local level.

RECOMMENDATIONS

- Increase support for mine action programs with special attention to the threat and impact of landmines and ERW on children.
- Urgently conduct a study on trafficking of children in Sri Lanka and how it relates to the situation of armed conflict. Support the GoSL in devising adequate policies to halt trafficking; address the root causes and assist children who have been trafficked.
- In collaboration with the GoSL, devise a comprehensive plan for separated and unaccompanied children in Sri Lanka using the *Inter-Agency Guiding Principles on Unaccompanied and Separated Children*. This includes strengthening the capacity of relevant ministries, NGOs and local communities to develop relevant policies, and promoting standard approaches.

To Donors

- Fully support the IASC response plans, including the Common Humanitarian Acton Plan 2008 and contingency plans.
- Convene a donor conference to discuss new approaches that take into account widespread human rights abuses and the renewal of armed conflict, including conditionality of aid. The conference should aim to increase support for civilian protection and humanitarian initiatives and ensure that humanitarian aid is provided in a non-discriminatory manner and in accordance with the Guiding Principles for Humanitarian and Development Assistance in Sri Lanka and with SPHERE standards. It should also encourage the GoSL to sustain and increase its own funding for social services.
- Support national capacities for child protection monitoring, reporting and response. This includes financial and technical support to an effective witness and victim protection program.
- Ensure that humanitarian programs and services that benefit Sri Lankan refugees and IDPs are fully funded. In addition, special efforts should be made to ensure that new IDP camps are established or existing IDP camps are given adequate support.
- Support community-level initiatives on small arms control.
- Intensify efforts to support former child soldiers in their sustainable socio-economic reintegration into their families and communities, including the provision of catch up education and vocational and other skills training. These efforts should be community-based, reduce the child's stigmatization and take the protection needs of the entire family into consideration. The UN and NGOs should cooperate closely to identify former child soldiers who have spontaneously returned to their families.

To Other Governments

- Support the Consultative Committee for Humanitarian Assistance (CCHA)⁴² to improve the coordination with the GoSL and to give priority to the protection of civilians. The Committee should regularly review documented violations of non-adherence to the Guiding Principles on Humanitarian Operations and take them up with government representatives.
- Support arms embargos against the LTTE by India, the US, the UK, Canada and other governments, as well as the EU.
- To governments, such as India and those in the APEC region, cut supply and demand of small arms by supporting programs that enhance human security, such as amnesties for deserters and civilians, voluntary weapons collection programs, progressive demilitarization of certain border areas and targeted interventions for unemployed young men.
- To the governments of Canada, the UK, the United States and other countries with a significant Tamil diaspora, take active steps to prevent the LTTE from raising money in these territories to buy arms. This includes raising awareness among members of the Tamil community that funds raised for the LTTE may indirectly support the killing and maiming of children in Sri Lanka, the recruitment of children as soldiers and other war crimes.
- To the government of the UK, conduct a thorough investigation against Colonel Karuna, currently held under immigration charges, for crimes committed as eastern commander for the LTTE and also as leader of the TMVP/Karuna faction, and to pursue prosecution under UK law.

ANNEX: 1612 PERSPECTIVES

Children continue to be direct and indirect targets of the violence in Sri Lanka. The following is a brief summary of the impact of armed conflict on children relating to the six grave violations identified by the UN Security Council.

Sri Lankan children are maimed and killed as a direct and indirect result of the armed conflict. More than 3,000 civilians, including children, have been killed in the conflict since the renewal of fighting in 2006, according to the UN, *Press Release, "United Nations Concerned by Civilian Deaths in Sri Lanka,"* January 2, 2007. At least 45 children were killed and 77 children maimed due to armed conflict between November 1, 2006 and September 14, 2007 (S/2007/758, para. 24). Children die fighting on the frontlines (see above: Child Soldiers). They become the deliberate or accidental targets of aerial bombardments and shelling. The availability and use of small arms and the indiscriminate use of claymore mines and other explosive mines put the lives of children in Sri Lanka at risk (see above: Small Arms, also Landmines and ERW). In addition, the armed conflict has had a detrimental and at times lethal effect on the nutrition and overall health situation of children in the North and East. Many children are dying of treatable diseases due to forced displacement, the deterioration of medical services and the denial of humanitarian access (see above: Health).

Sri Lankan children are abducted by various armed groups and forces. These abductions are generally a precursor to forced recruitment by the LTTE or the TMVP/Karuna faction (see above: Child Soldiers). More than 1,100 new abductions and "disappearances" of civilians, mainly young Tamil boys and men, by the GoSL, the LTTE and other armed groups were reported between January 2006 and June 2007, according to HRW, *Return to War, Human Rights under Siege*, August 2007. The inaction of the government's security forces in response to abductions by the TMVP/Karuna faction even in government-controlled areas continues to lend credence to accusations of complicity between the government's security forces and the TMVP/ Karuna faction.

Sri Lankan children, particularly girls, in conflict areas are at risk of rape and other grave sexual violence according to international and national organizations in Sri Lanka. However, even simple documentation of sexual violence in Sri Lanka does not exist. This lack of reporting is likely due to inadequate access to legal, medical and social services and referral systems for survivors, which discourages survivors from reporting crimes against them. Moreover, many survivors, afraid of stigmatization and potential socio-economic repercussions, choose to remain silent. Long and cumbersome judicial procedures and widespread impunity also dissuade children and their parents from making formal complaints (see above: GBV).

Sri Lankan children are recruited and used as child soldiers

by the LTTE and the TMVP/Karuna faction (see above: Child Soldiers). Flaunting international commitments and repeated pledges, the LTTE has reportedly continued to recruit and re-recruit children into its ranks. The UN Secretary-General has named the LTTE as a party that recruits or uses children in four annual reports on children and armed conflict to the UN Security Council (S/2002/1299, S/2003/1053, S/2005/72, S/2006/826). There were 6,248 cases of child recruitment by the LTTE, including 2,469 cases of girls, between January 2002 and December 2007. The LTTE has released a total of 2,042 registered cases of child recruits, while others have escaped or died. There were a reported 1,429 outstanding cases, including 205 cases concerning children under age 18 as of December 2007.

In total, there were 453 cases of child recruitment by the TMVP/Karuna faction, including one girl, between April 2004 and December 2007. The TMVP/Karuna faction has released a total of 122 registered cases of child recruits while others have escaped or died. There were 229 reported cases of recruitment or re-recruitment by the TMVP/Karuna faction, including 160 cases concerning children under age 18 by the end of December 2007. The GoSL, for its part, has failed to end the recruitment of children by the TMVP/Karuna faction even in the government-controlled areas in the East. Further, it has not conducted appropriate investigations of the alleged complicity of certain elements of government security forces with the TMVP/Karuna faction.

The GoSL also put more than 200 children surrendering or escaping from armed groups and seeking the government's protection into prison together with adult ex-combatants (S/2007/758). While many of them have been released, some children have been detained for more than six months without a clearly identified mechanism for their release. This defies international standards relating to the special protection required for children recruited and used in armed conflict.

Attacks on schools and hospitals injure and kill Sri Lankan children and deprive them of their rights to education and to health.

In 2006 and 2007, both the government's security forces and the LTTE attacked schools, mainly in the Jaffna, Trincomalee, Vavuniya and Batticaloa districts. For example, in July 2007, 291 primary and secondary schools were forced to close due to conflict/security reasons, preventing more than 107,000 children from attending school, according to the *Joint UN North East Situation Monitoring Report of September 2007* (see above: Education). Additionally, the proximity of many military checkpoints and TMVP/Karuna faction political party offices to civilian sites such as schools and hospitals exposes civilians to military attacks as well as harassment and arbitrary and illegal arrests by the government's security forces.

The GoSL and the LTTE do not provide people living in crisis areas with adequate assistance and at times have obstructed and denied the delivery of vital humanitarian assistance by other groups.

The government closed the A9 highway, the only land route to Jaffna from LTTE-controlled areas in August 2006, and the LTTE, in turn, put up a sea blockade, cutting off 600,000 people in Jaffna from aid supplies. Since that time, the situation has continued to deteriorate. In December 2007, the LTTE demanded that international agencies operating in the LTTE-controlled Mullaithivu and parts of Kilinochchi cease their operations and move their staff out of these areas. This denial of access to humanitarian aid exacerbates malnutrition, preventable diseases and other problems among Sri Lankan children.

Adding to considerable bureaucratic barriers imposed by the government and the LTTE, humanitarian and human rights workers are increasingly harassed, threatened and even killed while carrying out their lifesaving work. Frequent and unfounded attacks in the media against UN agencies and international NGOs endanger the security of humanitarian and human rights workers and obstruct their work. From January 2006 to November 2007, at least 28 humanitarian aid workers were killed in violent attacks.

ENDNOTES

1. For the Supreme Court's ruling on the so-called "Singarasa case," see ALRC, "Special Case: Supreme Court on Nallaratanam Singarasa," June 18, 2007. For other reports on the case, see Press Statement by High Commissioner for Human Rights on Conclusions of Her Visit to Sri Lanka, October 13, 2007; European Commission, Sri Lanka Strategy Paper, 2007 – 2013; *BBC Sinhala*, "Ignoring UN Treaty 'Unprecedented,'" September 24, 2006; AI Report 2007.
2. There are some disputes regarding the ethnic composition on Sri Lanka as the last full census dates back to 1981. According to this census, the Sinhala or Sinhalese constitute 74 percent of the population, Sri Lankan Tamils living in the North and East 12.7 percent, Tamil of Indian descent 5.5 percent, Muslims 7.3 percent and 0.5 percent other minorities. Most Sinhalese are Buddhist, most Tamils are Hindu and most of the Muslims practice Sunni Islam. Generally, Sinhalese speak Sinhala and Tamils and Muslims Tamil.
3. Chapter IV of the Constitution of 1978 of Sri Lanka made both Sinhala and Tamil national languages of Sri Lanka, and made provisions for a administration to take place in both languages.
4. In addition to the secessionist conflict in the North, two insurgencies led by the Janatha Vimukthi Peramuna (JVP) party in the 1970s and 1980s in the South killed tens of thousands of people, increased levels of violence in the South and led to a further erosion of the rule of law.
5. The Vanni area comprises the districts of Killinochchi, Mullativu, Mannar and Vavuniya.
6. In contrast to the sizeable Muslim and Sinhalese populations among the Tamils in the East, the North is more ethnically homogeneous. In the 1990s, the LTTE expelled tens of thousands of Muslims from the Northern Province in its quest for an independent Tamil state, according to ICG, *Sri Lanka's Muslims: Caught in the Crossfire*, May 29, 2007.
7. The United States and the Sri Lankan Government banned the TRO in November 2007, which is expected to have severe implications for the civilian population in the Vanni that the TRO has been assisting. For further information, see "The U.S. Ban on Funding for the TRO" (November 15, 2007), www.treasury.gov, *Reuters*, "Sri Lanka Bans Charity for Funding Rebels," November 22, 2007.
8. The claymore mine is an explosive device that uses a heavy metal sheet backing to project the blast in a certain direction. Claymore mines are notorious for their indiscriminate and lethal effects on civilians.
9. Colonel Karuna founded the TMVP as a political component of the Karuna faction with the intention that the TMVP would be able to participate in elections. In reality, the structures of the Karuna faction (the military wing) and the TMVP (the political wing) were closely interlinked. After Karuna left the TMVP/Karuna faction on October 9, 2007, the TMVP's military wing split into factions. This report will use "TMVP/Karuna faction" to refer to the TMVP's military wing as most violations covered in this report occurred under Karuna's leadership.
10. The SLMM's size was reduced significantly in May 2006 after all EU staff left the SLMM. The LTTE had refused to accept any EU monitors after the EU declared it a terrorist organization.
11. The United States has limited funding to the Sri Lankan Government. For further information, see Child Soldier Prevention Act of 2007 and the Child Soldier Accountability Act (S. 2135), www.child-soldiers.org Freedom House, *MCC Should Withhold Funding from Sri Lankan Government*, April 6, 2007.

ENDNOTES

12. After her visit to Sri Lanka in October 2007, High Commissioner for Human Rights, Louise Arbour, drew attention to the need for “reliable and authoritative information on the credible allegations of human rights abuses.” The UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Mr. Manfred Nowak, reiterated the need for a UN presence for monitoring human rights abuses after his mission to Sri Lanka.
13. For further information, see Memo submitted by Sri Lankan Human Rights Organizations to the UN High Commissioner for Human Rights on September 17, 2007 and Letter from Human Rights Watch and Amnesty International to the UN Human Rights Council, December 7, 2007
14. The Independent Group of Eminent Persons (IGEP) was established to monitor and report on the Col’s work in investigating some pre-identified cases of alleged serious human rights violations.
15. The UN leads a monitoring and reporting mechanism on violations against the rights of children, which the Government participates in (see below: UN Security Council Actions).
16. In May 2007, for example, lists of people to be killed due to their alleged affiliation with the LTTE were placed at Jaffna University, according to *The New York Times*, “Sri Lanka’s Scars Trace Lines of War Without End,” June 15, 2007.
17. Several human rights organizations monitoring the media, including the Committee to Protect Journalists, the International Press Institute, Reporters Sans Frontières (RSF) and the International Federation of Journalists considered Sri Lanka “deadly” for journalists according to *IPS News*, “Sri Lanka: ‘Deadly’ Climate for Reporters and Aid Workers”, August, 28, 2007.
18. For further information, see CPA, Statement on the Introduction of the Emergency (Prevention and Prohibition of Terrorism) Regulations 2006
19. For example, groups like “night time IDPs” who leave their villages every night to escape potential attacks and abductions and return each morning are excluded from these figures and do not receive any official assistance. Schoolchildren living under these conditions miss out on educational opportunities according to a humanitarian organization working on education in Sri Lanka.
20. As some of the newly displaced people had been displaced previously, there may be some overlap between the “new” and “old” refugee and IDP populations, making it difficult to obtain precise numbers according to IDMC.
21. CPA filed a petition with the Supreme Court on the issue of the Muttur East HSZ. For more information see www.cpalanka.org
22. There are currently few psychosocial support services to assist victims of GBV to cope with the trauma and social repercussions, according to the UN.
23. The first comprehensive survey on the availability and impact of small arms in Sri Lanka was conducted by Saferworld UK and NCAPISA in 2007 and is expected to be released in 2008.
24. The UN PoA is a voluntary process that commits states to meeting international standards in record-keeping, import and export regulations, marking and tracing, controlling brokers, collecting and destroying arms and minimizing their effect on civilians.
25. In July 2007, the government also passed a new regulation, the Emergency (Restriction on the Procurement of Certain Items) Regulation no. 5 2007, prohibiting all Sri Lankan nationals from any involvement in procurement of military equipment to stop the diversion of weapons to criminal networks.
26. Under the Action Plan, the LTTE also commits to respect the neutrality and security of schools, hospitals and places of worship and to ensure free and safe humanitarian access.
27. These penalties are, however, extremely lenient and include cooking in the camp or farming for at least three months, according to HRW, *Complicit in Crime*, January 2007. In contrast, violations such as smoking, consuming liquor or abuse of women result in expulsion from the group. It is also important to note that Sri Lankan law punishes forcible or compulsory recruitment of children with up to 20 years imprisonment.
28. Sri Lanka’s National Child Protection Authority (NCPA) and the National Human Rights Commission can conduct investigations and reports on child abduction and recruitment. However, the government’s involvement in child recruitment compromises the independence of these national mechanisms (see above Context).
29. The database includes all children associated with armed forces and groups as defined by the Cape Town Principles of 1997 and the Paris Principles of 2007. It also includes those individuals who were recruited as children but have grown into adults.
30. Article 2.1 of the CFA stipulates that “the parties shall in accordance with international law abstain from hostile acts against the civilian population, including such acts as torture, intimidation, abduction, extortion and harassment.”
31. The following trends on child recruitment in Sri Lanka are based on the UNICEF child recruitment database, which mainly relies on families reporting potential cases of child recruitment. However, the actual number of children recruited into armed groups is likely to be much higher as many families are not able or willing to file reports.
32. As UNICEF counts cases of child recruitment rather than the number of children recruited, one child may account for two or more cases in the case of re-recruitment.
33. Of all cases reported to UNICEF, 1,268 children recruited by the TMVP/Karuna faction escaped and 74 died.
34. Of all cases reported to UNICEF, 114 children recruited by the TMVP/Karuna faction escaped and 5 died.
35. In June 2003, the government, the LTTE, donors, NGOs and UN agencies agreed to a comprehensive Action Plan to improve the security and well-being of children affected by armed conflict in the North and East. A major component of the Action Plan was the LTTE’s commitment to cease all recruitment of children and release all children recruited in its ranks. The Action Plan specifically urges the LTTE to cease all recruitment of children and release all child soldiers.
36. Many national and international NGOs are reluctant to deal with former child soldiers due to the political sensitivity according to a report shared with Watchlist.
37. For further information, see CPA, Supreme Court Grants Leave to Proceed to Case Filed by CPA on the Eviction of Tamils from Colombo, July 26, 2007; Statement by Human Rights Organizations on the Expulsion of Tamils from Lodges in Colombo, June 7, 2007; HRW, Sri Lanka: End Expulsion of Tamils from Colombo, June 8, 2007.
38. Also see: AHRC: Sri Lanka: Torture of a Boy by the Thelikada Police, June 8, 2006; AHRC: Sri Lanka: Torture of a 15-year-old Boy from Batuwatte by Members of the Police, November 16, 2006; AHRC: Sri Lanka: Vavuniya Police Allegedly Attacked a Family Member of Torture Victim, November 30, 2007.

ENDNOTES

39. Since April 2007, representatives from various governmental ministries and UNICEF have met to address a range of issues relating to improving child protection in armed conflict, including the harmonization of the national legislation with the UN Convention on the Rights of the Child and its Optional Protocol on children and armed conflict; education as a preventive tool against child recruitment; the promotion of birth registration; the protection, rehabilitation and reintegration of children formerly associated with armed groups; the development of an effective response to allegations against the security forces; and the improvement of law enforcement in relation to child rights violations (S/2007/758, para. 54)

40. Unlike other 1612 Taskforces around the world, government agencies are represented on the 1612 Taskforce in Sri Lanka. Many respondents in a 2008 study conducted by Watchlist noted that neither the NCPA nor the HRC are seen as politically neutral or impartial institutions and both lack the resources and capacity to document rights violations and provide adequate follow up to the cases which are reported to them.

41. Between July and December 2007, Watchlist undertook a global study on monitoring and reporting and the implementation of the MRM. This study documents and analyzes lessons learned, challenges and successes in monitoring and reporting and provides practicable and action-oriented recommendations to key stakeholders and decision-makers to advance and improve monitoring and reporting on children's rights. The findings and recommendations of this study are presented in five reports: one global study on the implementation of the MRM and four country-specific reports on monitoring and reporting in Colombia, the Democratic Republic of Congo, Sri Lanka and Uganda. While these reports identify challenges encountered in implementing the MRM, it is important to note that the purpose of this study is to highlight opportunities to strengthen the implementation of the mechanism and to build upon the successes to date. See www.watchlist.org for more information.

42. A Consultative Committee for Humanitarian Assistance (CCHA), consisting of representatives from the United States, UK, EU, UN and the Consortium of Humanitarian Agencies (CHA) has recently been established to serve as a forum for raising humanitarian concerns with high-level Sri Lankan Government officials.

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The Watchlist on Children and Armed Conflict is a network of non-governmental organizations working to monitor and report on violations against children in situations of armed conflict.

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