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Report of the Secretary-General on children and armed conflict in Sri Lanka

Summary

The present report, prepared pursuant to Security Council resolution 1612 (2005), is submitted to the Council as a country update report on the situation of children and armed conflict in Sri Lanka. It covers the period from 1 November 2006 to 14 September 2007 and provides an update on the follow-up by the parties to the conflict to the recommendations and conclusions made by the Working Group of the Security Council on Children and Armed Conflict.

The report provides information on progress in ending the recruitment and use of children by armed groups or armed forces and other grave violations committed against children in Sri Lanka. It notes that, while there has been limited progress in the release of children associated with the Liberation Tigers of Tamil Eelam (LTTE) and Tamil Makkal Viduthali Pulikal (TMVP)/Karuna faction as previously called for, both groups continue to abduct children, direct attacks against civilians and impede the access of humanitarian actors.

The report commends the Government's establishment of a multidisciplinary task force on children and armed conflict and welcomes the agreement of the Liberation Tigers of Tamil Eelam to increase dialogue with the United Nations Children's Fund on the release of children. It calls on LTTE and the TMVP/Karuna faction to cease the abduction, recruitment and use of children, release all children associated with their forces, engage in transparent procedures for release and verification, and finalize action plans with the United Nations country team which meet international standards. It also urges the interdisciplinary committee established by the Government to report in the shortest time possible on allegations that elements of the Government security forces are supporting the forced recruitment of children by the TMVP/Karuna faction.



I Introduction

1. The present report has been prepared at the request of the Security Council Working Group on Children and Armed Conflict and covers the period from 1 November 2006 to 14 September 2007. It provides information on compliance and progress in ending the recruitment and use of children by armed groups or armed forces and other grave violations and abuses being committed against children affected by armed conflict in Sri Lanka. It also provides an update on the follow-up by the parties to the conflict to the recommendations and conclusions made by the Working Group on 10 May 2007 (S/AC.51/2007/9).

2. The report provides information pertaining to trends concerning the six violations being monitored and includes examples of some of the incidents that the task force on monitoring and reporting in Sri Lanka has verified. Efforts are being made to strengthen the monitoring and reporting of grave violations against children in the context of the conflict at both the national and district levels. Support is required to enhance the capacities of national institutions and local civil society networks for advocacy, protection and rehabilitation of children affected by armed conflict to ensure the sustainability and effectiveness of local child-protection initiatives.

II. General political, military and social situation prevailing during the reporting period

3. The security situation in the north and east of Sri Lanka continued to deteriorate with intensified military confrontations. In the north, there were sea and land confrontations between the Sri Lankan security forces and the Liberation Tigers of Tamil Eelam (LTTE) concentrated in the Jaffna peninsula and an intensification of hostilities along the forward defence line, including artillery exchanges near Jaffna city. There were aerial strikes by the Sri Lankan Air Force on Kilinochchi and Mullaitivu districts. Fighting commenced in the vicinity of Vaharai, Batticaloa, in October 2006, with air, sea and land offensives. Almost daily shelling between the Sri Lankan Army and LTTE was experienced in Batticaloa from October 2006 to June 2007, and was particularly serious in March 2007. The Karuna faction also launched attacks on LTTE in Batticaloa.

4. The intensification of the conflict severely affected the local population and led to the large-scale displacement of civilians, the majority of whom are children, during the reporting period, predominantly from Batticaloa, Mullaitivu, Kilinochchi and Jaffna districts. The numbers of people displaced by the recent conflict fluctuated throughout the reporting period. As of August 2007, an estimated 180,000 individuals were displaced in Sri Lanka owing to the escalation of the conflict since April 2006; and 97,923 individuals (30,150 families) returned to their places of origin.

5. In 2007, concerns were raised about the massive recruitment of people, including children, into LTTE through a family quota system, according to which every family is required to contribute a family member to LTTE. LTTE also imposed strict restrictions on the freedom of movement of civilians, prohibiting

people from leaving the Vanni¹ unless they are provided with an authorized pass. Communities in the north and east also faced serious constraints in accessing food, water, education and livelihoods. The contamination of areas with different types of landmines, unexploded ordnance and explosive remnants of war posed a threat to civilian lives in the affected districts.

6. Overall, the operating environment for international monitors and humanitarian workers has become increasingly insecure, with seven humanitarian workers killed since 1 November 2006, including staff from the Sri Lankan Red Cross, the Danish Refugee Council and the Danish Demining Group. This has had a detrimental impact upon the protective environment for the civilian population, in particular for vulnerable groups such as children. In addition, the heightened politicization of humanitarian issues in the media, including issues pertaining to children, negative media and, at times, statements by a few Government officials against the United Nations, non-governmental organizations (NGOs) and humanitarian workers further worsened the working environment for humanitarian workers, compromised their ability to carry out their work and potentially endangered their safety and security. Security concerns were also raised because of threats made to humanitarian workers, including child protection workers and media representatives who covered aspects of humanitarian-related issues, by armed groups, including by the Tamil Makkal Viduthali Pulikal (TMVP)/Karuna faction.

III. Grave violations of children's rights

A. Recruitment and use of children in armed forces and groups

1. Liberation Tigers of Tamil Eelam

7. LTTE was listed in annex II of the Secretary-General's report on children and armed conflict (S/2006/826) and all of the Secretary-General's previous reports on children and armed conflict as a group recruiting and using children as soldiers. From 1 November 2006 to 31 August 2007, the United Nations Children's Fund (UNICEF) received reports of 262 children recruited by LTTE, including 32 who were re-recruited. This represents a significant reduction in the rate of reported recruitment of children by LTTE, as compared to the previous reporting period.²

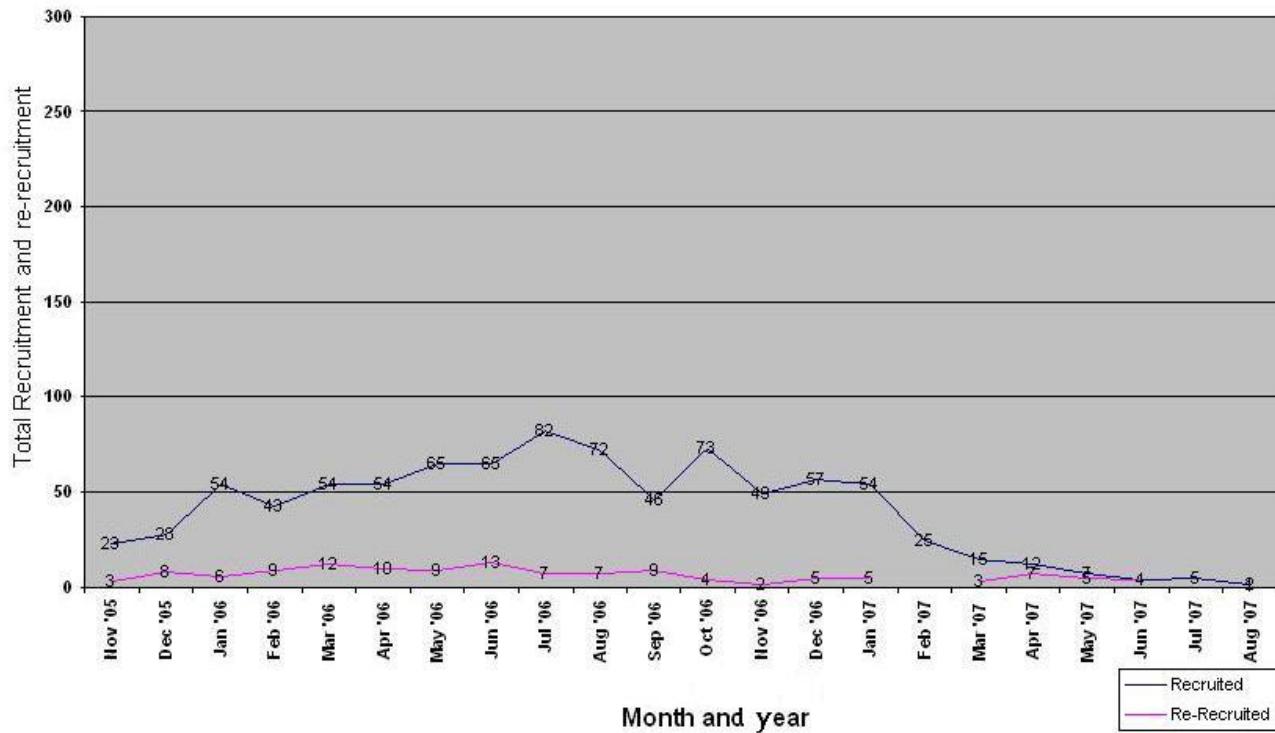
8. As indicated in table 1, during the period between November 2006 and August 2007, the highest number of reports of recruitment received by UNICEF occurred in December 2006, with 62 reports received of children being recruited, including the re-recruitment of five children. Since December 2006, the rate of reported recruitment of children has declined. It should, however, be noted that the resumption of hostilities between the parties may have heightened fear in the communities, impacting the confidence and ability of concerned families to report cases of child recruitment. These tables therefore should be seen as indicative of trends and not the total caseload concerned.

¹ The Vanni refers to Kilinochchi, Mulaitivu and the "uncleared" areas of Mannar and Vavuniya districts.

² During the previous 12-month reporting period, 756 children were reported to have been recruited, including 97 who were re-recruited.

Table 1

Reported recruitment and re-recruitment of children by LTTE from 1 November 2005 to 31 August 2007

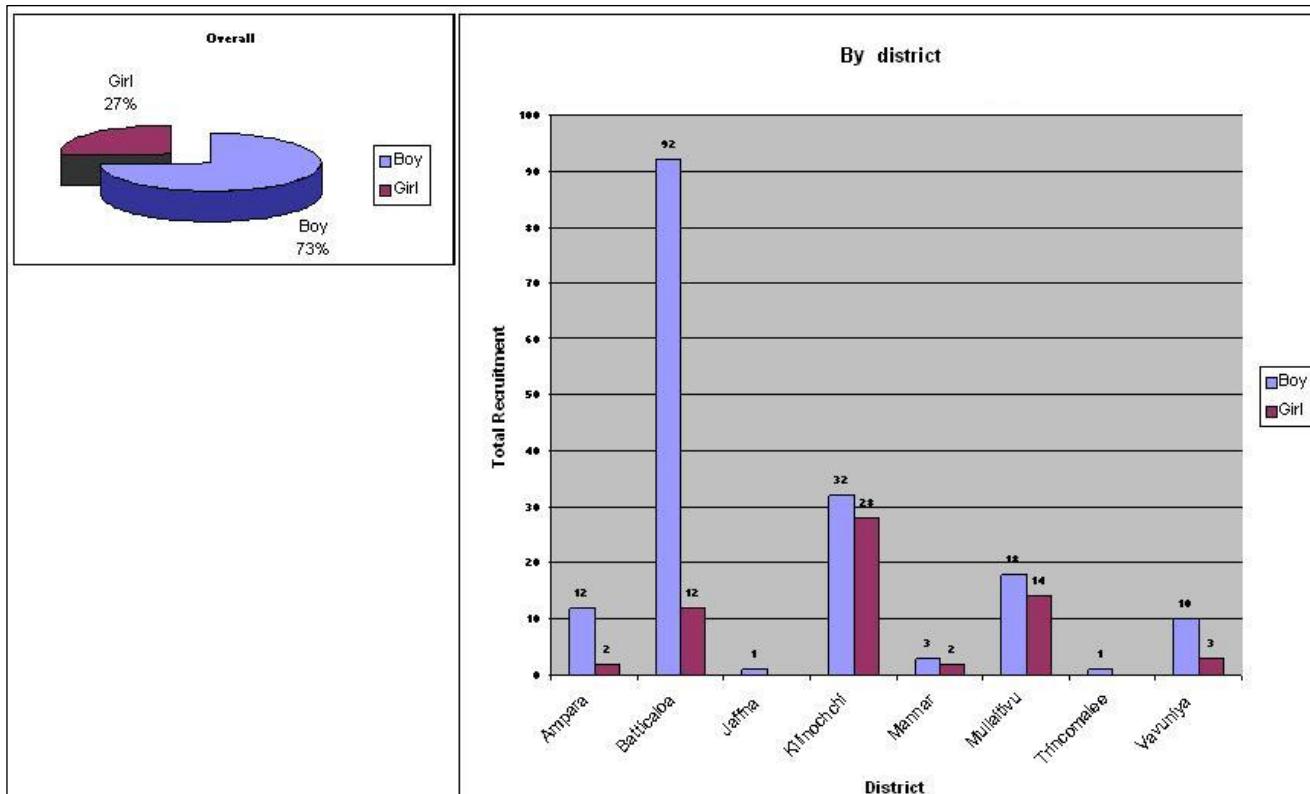


9. From 1 November 2006 to 31 August 2007, 41 per cent of the children reported to have been recruited or re-recruited (109 children) were from Batticaloa district, followed by Kilinochchi, with 27 per cent of reports received of children recruited from the district (71 children). Jaffna experienced the lowest reports of child recruitment among the north and east districts, with one child recruited, one child re-recruited and one child released during the period, which reflects a substantial reduction in the rate of reported recruitment as compared to the previous 12-month reporting period.³ This may reflect a positive aspect of the closure of the forward defence line by the Sri Lankan security forces since 11 August 2006 and the operation of strict curfews in Jaffna during the night.

10. As indicated in table 2, of the total number of children recruited, 169 were boys and 61 were girls.

³ From 1 November 2005 to 31 October 2006, 74 children were reported to have been recruited or re-recruited in Jaffna.

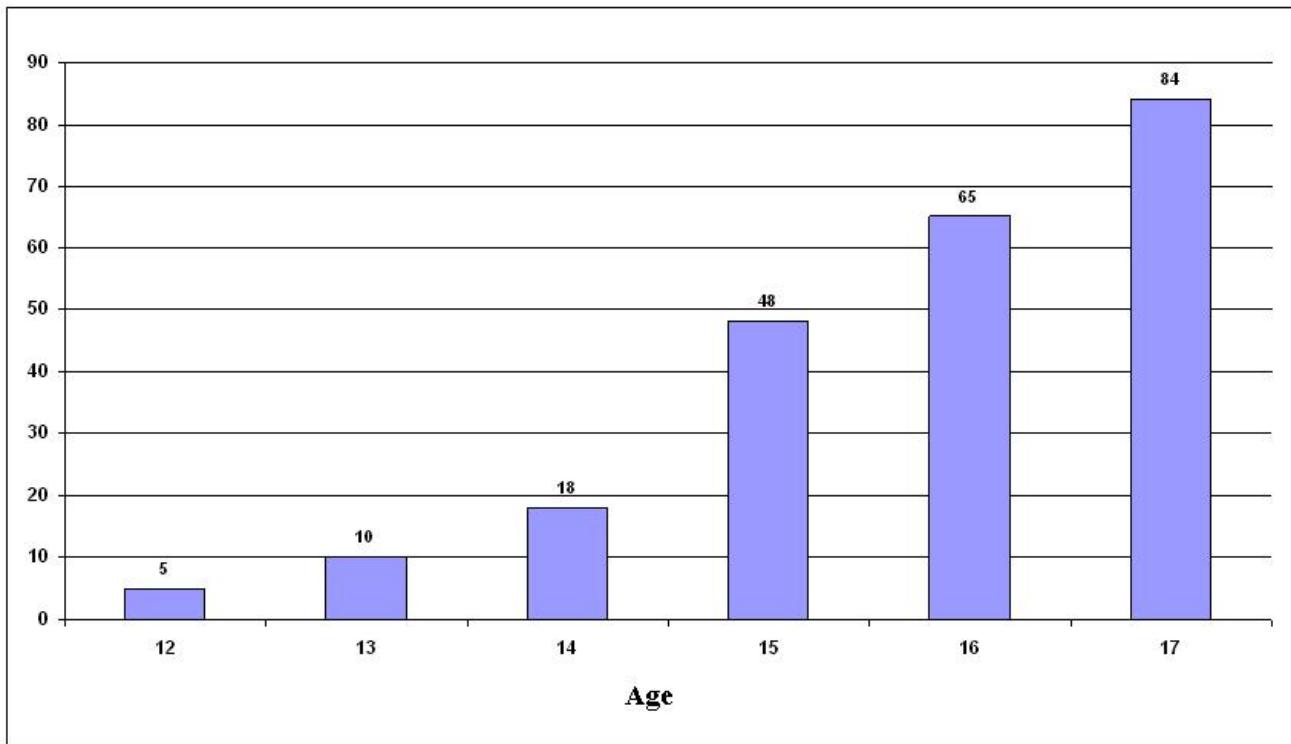
Table 2
Gender analysis of recruitment by district from 1 November 2006 to 31 August 2007



11. LTTE indicated a change in its policy on the minimum age of recruitment on 15 October 2006, establishing 17 years as its minimum age in contravention of applicable international and national legal standards. As a result of continued advocacy and pressure from the international community, LTTE affirmed its commitment to change its current policy and raise its minimum age of recruitment to 18 years on 15 October 2007. As indicated in table 3, the average age of children recruited by LTTE is 15.78 years.⁴

⁴ On the basis of cases reported to UNICEF and with reference to the child's birth certificate, the average age of underage recruits has been 16 years since 2004. The average age of underage recruits was 15 years in 2002 and 2003 and 14 years in 2001.

Table 3
Age analysis of children at the time of recruitment by LTTE from 1 November 2006 to 31 August 2007



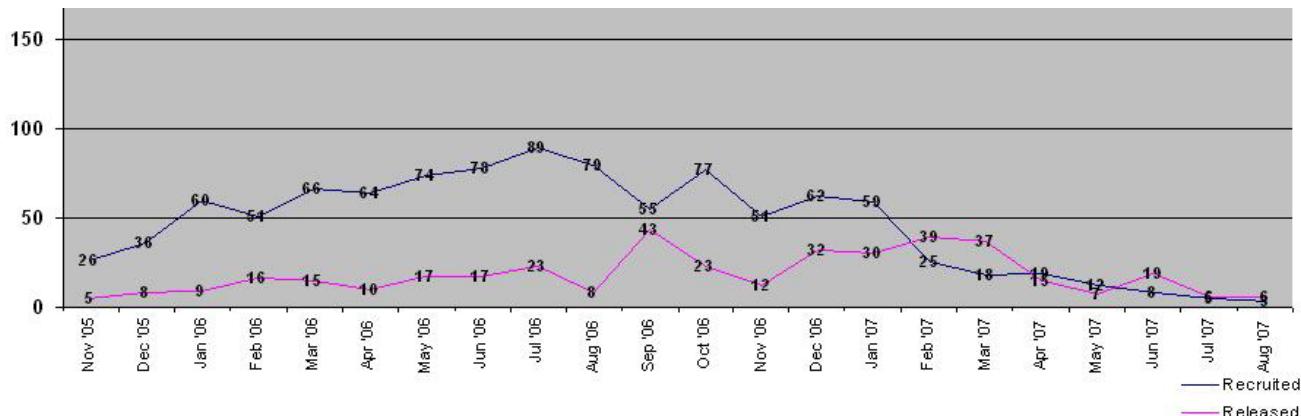
12. From 1 November 2006 to 31 August 2007, 203 children were verified⁵ by UNICEF to have been released by LTTE.⁶ Most of the children were released from Kilinochchi district, followed by Mullaitivu and Batticaloa districts.

⁵ When a child is released, runs away or otherwise returns home from LTTE, UNICEF visits the home of the child to verify that the child is at home.

⁶ 196 children were released in the previous 12-month reporting period.

Table 4

Trends in the reported recruitment and verified releases of children by LTTE from 1 November 2005 to 31 August 2007



13. In February, March, June, July and August 2007, for the first time since the UNICEF underage recruitment database was established in 2002, the monthly figure of children released exceeded that of children reported as recruited in the month, as shown in table 4. Of the 6,221 children registered on the UNICEF database as having been recruited since 2001, 1,469 cases remain outstanding, including 335 children currently under 18 years of age as of 31 August 2007.⁷

14. There has been a marked reduction in the number of children handed over by LTTE to its Educational Skills Development Centre from December 2006 to June 2007, with 31 children handed over. As of 22 August 2007, eight children formerly associated with LTTE remained in the Centre and UNICEF was in the process of arranging the return of these children to their families at the time of reporting.

15. An issue of concern raised during the reporting period is the travel restrictions imposed by LTTE involving the movement of people out of the Vanni, including children aged 13 years and above. In order to be able to leave the Vanni, a local pass must be granted by LTTE, which often proves difficult to obtain. Children released from LTTE, especially those who were in the movement for a substantial period of time, are particularly vulnerable as they are not provided with the necessary documentation to enable their movement outside the Vanni, which has resulted in some instances of children not being able to be reunified with their families. There is an urgent need for LTTE to ensure that necessary documentation is provided so that released children are able to return to their families and homes.

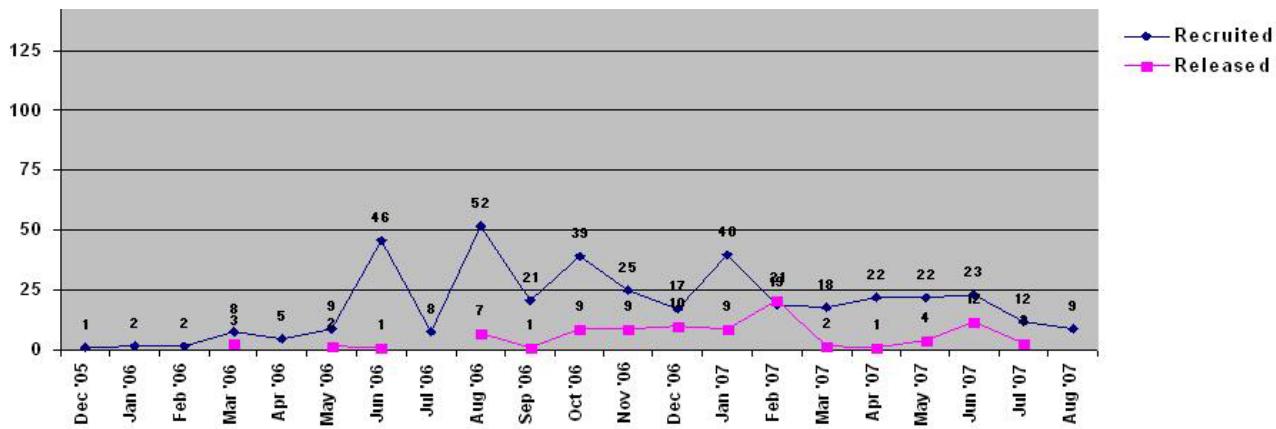
2. Tamil Makkal Viduthali Pulikal (TMVP)/Karuna faction

16. The Karuna faction was also listed in annex II of the Secretary-General's aforementioned report on children and armed conflict. It continued to recruit and re-recruit children throughout the reporting period, in particular in Batticaloa

⁷ The UNICEF child recruitment database includes cases of children who were under 18 years of age at the time of recruitment. Some of these children have since turned 18 years of age. However, as their rights were violated at the time of recruitment, they remain in the database and UNICEF advocates for their release.

district, where UNICEF received 78 per cent of the reports of children being recruited. As shown in table 5, from 1 November 2006 to 31 August 2007, UNICEF received reports of 207 children recruited by the TMVP/Karuna faction, including 45 who were re-recruited. This represents an increase in the rate of reported recruitment by the TMVP/faction, as compared to the previous 12-month reporting period.⁸ The majority of children were abducted and recruited by the TMVP/faction in Batticaloa, followed by Ampara, Trincomalee and Polonnaruwa districts.⁹

Table 5
Trends in the reported recruitment and verified releases of children by the Karuna faction as of 31 August 2007



17. From 1 November 2006 to 31 August 2007, 71 children were verified by UNICEF to have been released by the TMVP/Karuna faction, mainly from Batticaloa district; another 65 are known to have escaped. Although 23 children were released by the TMVP/faction in the current reporting period, which represents an increase in the numbers released, as compared to the previous 12-month reporting period, 10 were re-recruited from 1 November 2006 to 31 August 2007. For example, on 4 February 2007, the TMVP/Karuna faction released eight boys in the presence of UNICEF and by 12 February 2007, three of them had been re-recruited and remain with the TMVP/faction.

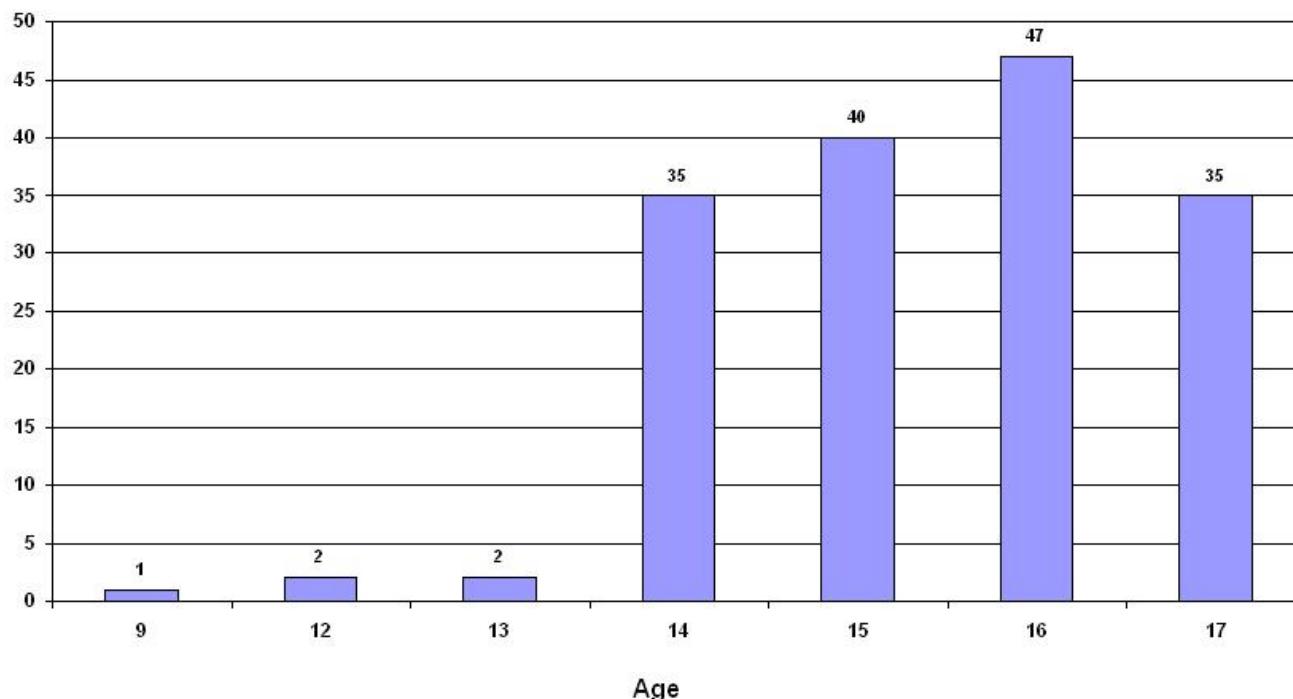
18. Of the 385 children registered on the UNICEF database as having been recruited by the TMVP/Karuna faction, 214 cases, including 160 children currently under 18 years of age, remained outstanding as of 31 August 2007. As shown in table 6, the average age of the children recruited by the TMVP/faction was approximately 16 years during the reporting period. To date, no age verification processes have been instituted by either the political or military wings of the TMVP/faction. All except one of the children recruited were boys.

⁸ 193 children were reported to UNICEF to have been recruited by the Karuna faction, including the re-recruitment of 18 children in the previous 12-month reporting period from 1 November 2005 to 31 October 2006.

⁹ 162 children were recruited in Batticaloa district; 27 were recruited in Ampara district; 11 were recruited in Trincomalee district; and 7 were recruited in Polonnaruwa district.

Table 6

**Age analysis of children at the time of recruitment by the Karuna faction from
1 November 2006 to 31 August 2007**



19. A further disconcerting trend has been the payment of monthly allowances to some of the children recruited upon completion of military training by the TMVP/Karuna faction. This may have the effect of stifling reports by impoverished families, who may actually encourage underage recruitment. Reports have been received that families or recruits are receiving a monthly allowance ranging from SL Rs 6,000 to SL Rs 12,000 (approximately \$60 to \$120). UNICEF has recorded 36 cases of recruited children who are receiving payments in Batticaloa district alone.

20. An additional concern is the targeting of children previously associated with LTTE by the TMVP/Karuna faction in eastern Sri Lanka. Families of children who returned home from LTTE have been requested to report to the TMVP offices with their children. Reports were received that on several occasions, TMVP refused to release these children, claiming that they were holding them for inquiries. In a number of cases, this has resulted in the re-recruitment of children by the TMVP/Karuna faction. This raises concerns for the ongoing care and protection of children released from LTTE and demands increased attention to the security of these children from the Government authorities, who have regained full control of the east.

B. Abduction

21. From 1 January to 30 June 2007, the Human Rights Commission of Sri Lanka received 83 complaints of child abductions,¹⁰ with the majority of reported cases occurring in Batticaloa, followed by Vavuniya, Trincomalee and Kalmunai, Ampara and Jaffna. Thirty-one of the abductions were allegedly perpetrated by the TMVP/Karuna faction, 7 allegedly by LTTE, while the perpetrators for the remaining 45 children are unknown. The ages of the children reported to have been abducted ranged from 8 to 17 years, with the vast majority of children being 17 years of age. At the time of reporting, 68 of the 83 complaints received by the Human Rights Commission remained pending an inquiry or tracing.

22. The majority of the reports of children abducted were in the context of recruitment occurring mainly in Jaffna, Batticaloa and Ampara districts. On 18 December 2006, 22 students, aged 15 and 16 years, were abducted by LTTE for recruitment purposes while attending a tutorial class in Ampara. As a result of advocacy by UNICEF with LTTE, all of the children were released within two days. On 22 December 2006 and 18 March 2007, two boys were reportedly detained by the Government of Sri Lanka security forces in Jaffna and have subsequently been reported missing.

23. Abduction and recruitment of children by the TMVP/Karuna faction continued to take place from the streets, temples, homes and internally displaced persons camps in the east, mainly in Government-controlled areas. Reports were also received that children were recruited and abducted in areas in close proximity to Sri Lankan security forces offices and checkpoints. All of the TMVP/Karuna faction abduction cases involved forced recruitment, in some cases by armed men who identified themselves as members of the faction.

C. Incidents of killing and maiming

24. Since 1 November 2006, there were verified reports of 45 children killed and 77 children maimed owing to the conflict, with more than half of the incidents occurring in Batticaloa, followed by Mannar and Jaffna districts.

25. Eleven of the 45 verified cases (25 per cent) of children killed owing to the conflict were registered in the UNICEF underage recruitment database as children recruited by armed groups.¹¹ Four of the children maimed during the reporting period were also registered in the database as having been recruited by an armed group.¹² Examples include the killing of a 17-year-old boy, who was recruited by the TMVP/Karuna faction, in a claymore mine attack allegedly perpetrated by LTTE in Batticaloa on 29 December 2006. On 11 March 2007, a 15-year-old LTTE-recruited boy was killed in an attack in Batticaloa between the Sri Lankan Army and LTTE. On 12 March 2007, two 17-year-old boys, recruited by LTTE,

¹⁰ It should be noted that some of these cases may have also been reported to UNICEF and included in the underage recruitment database. The abduction and recruitment of a child constitutes two distinct violations. The cases in the UNICEF underage recruitment database and on the list of child abduction cases of the Human Rights Commission have not been cross-referenced; hence, some children may appear on both agencies' registers.

¹¹ Including nine children recruited by LTTE and two recruited by the Karuna faction.

¹² Including two children recruited by LTTE and two recruited by the Karuna faction.

were shot and killed during fighting between the Sri Lankan Army and LTTE in Batticaloa.

26. Seventeen children were verified to have been killed and 52 were verified to have been maimed by aerial bombardments and shelling during the reporting period. On 2 January 2007, a Sri Lankan Air Force aerial bombardment killed seven children (4 boys and 3 girls) and injured eight others (5 boys and 3 girls), in Padahuthurai, an internally displaced persons village near Mannar. All but one of the children were under the age of 10 years. On 11 July 2007, a 16-year-old boy was killed and a 15-year-old boy was maimed by a Sri Lankan Air Force aerial bombing in Mullaitivu. On 29 March 2007, four children (aged 1-16 years) were killed and four children (aged 5-16 years) were maimed during shelling in Batticaloa. The perpetrator remains unknown; the Sri Lankan Army and LTTE have accused each other of perpetrating the violation.

27. Children were also among the casualties of the indiscriminate use of claymore mines and other explosive devices, including the verified killing of 8 children and the maiming of 20 others during the reporting period. A series of mine attacks on buses killed and maimed children. On 2 April 2007, three children (aged 4, 6 and 17 years) were killed and four others (aged 1, 3, 11 and 17 years) were maimed in a bus explosion at a Government of Sri Lanka Special Task Force military checkpoint in Ampara that was attributed to LTTE. On 7 April 2007, a 15-year-old boy was killed and four children were injured by a claymore mine explosion that hit a civilian bus in Vavuniya. The perpetrator remains unknown and the Sri Lankan security forces and LTTE have accused each other of perpetrating the violation.

D. Attacks on schools and hospitals

1. Attacks on schools

28. Attacks on schools by the parties to the conflict have detrimentally affected children's education in multiple ways. Two hundred sixty-one schools have been recorded by education authorities as physically damaged or destroyed during the entire period of the conflict.¹³ Although the extent of the damage varies from minor to total destruction, all physical damage to schools impacts upon children's access to education.

29. During the current reporting period, six reports of attacks on schools were verified, some of which include:

- On 8 November 2006, a Sri Lankan Army artillery bombardment hit an internally displaced persons camp located in Kathiraveli Vickneswara Vidyalayam School in Vaharai, Batticaloa. At least 26 civilians died (including 2 children) and at least 69 civilians were injured (including 21 children under the age of 15 years). The total number of children killed and injured was not possible to determine owing to limited access. The school building suffered extensive damage

¹³ Data collected from zonal Departments of Education, August 2007: Jaffna, Kilinochchi, Mullaitivu, Vavuniya, Mannar, Trincomalee and Batticaloa districts.

- On 7 December 2006, Kallar Somdevi School in Trincomalee was damaged by LTTE shelling, which resulted in the death of a teacher and the injury of 15 persons, including 5 children aged from 6 to 15 years
 - On 19 March, a Sri Lankan Army aerial bombardment injured a teacher and two students (aged 11 and 16 years) in Vadamaradchy East, Jaffna, resulting in the relocation of the Chundikulam Vidyalayam School. Seven hundred and eighty students were affected by the attack, as the school was hosting displaced students from three schools affected by earlier conflict-related incidents. The attack increased parents' fear of sending their children to school and impacted upon the regular attendance and ability of the children to follow the subscribed curriculum
 - On 4 July 2007, Sri Lankan Army shelling damaged Palayavadi School in north Vavuniya, resulting in the temporary closure of the school for two weeks, displacement and loss of education for 42 students for two weeks, damage to the classrooms and the loss of teaching materials
30. In addition, a small but significant number of schools in Jaffna district have been occupied by both civilian and military armed personnel of the Sri Lankan security forces. It has been reported that the principal's office in the Jaffna Central College was occupied as a police post and that two schools in Point Pedro, Jaffna are being occupied by the Sri Lankan Army. Children in Jaffna were also affected by Sri Lankan Army searches in schools, such as on 27 February 2007, when such searches disrupted schooling for a day owing to allegations that two persons associated with LTTE threw a grenade and fired at the Sri Lankan Army before escaping through the school.
31. At the height of the conflict in Batticaloa, in April 2007, 105 schools were temporarily closed for several weeks and sometimes months, impacting more than 30,000 children. The closure was due to the continued shelling, the occupation of schools by displaced families and the proximity of schools to artillery bases. Of these 105 schools, 38 in Batticaloa were temporarily closed owing to the continued occupation by displaced families in January and February 2007 and again in April and May 2007, resulting in the inability of children to attend school and the delayed opening of 29 schools for the 2007 academic year for up to one month. Many schools in Ampara, Mannar, Trincomalee, Kilinochchi and Mullaitivu were also affected by hosting displaced families since November 2006.
32. Regular attendance of children at school was also affected by the multiple displacements of students, teachers and communities in the Vanni and the eastern districts. Children displaced from Trincomalee, Vaharai and Batticaloa, missed up to two terms of the 2006 academic year. Extended absence coupled with disruptions in schools during resettlement resulted in an increased number of children dropping out of school and the inability of many children to perform competitively in exams. Fear of Sri Lankan Air Force aerial attacks further impacted upon the regular attendance of children in the Vanni. Sri Lankan Army shelling into Vaharai in November and December 2006 also hindered teachers' access to schools. For example, in early November 2006, shelling on the main road hit a bus transporting teachers from Batticaloa to Vaharai. Fear of similar attacks prevented the same teachers from returning to Vaharai for several weeks. Safe access and delays at checkpoints in high security areas and uncleared areas in Ampara, Batticaloa, Trincomalee and Jaffna districts have also led to irregular attendance by teachers

and children as well as shortened school hours. In addition, schools that are located near military camps in Jaffna are compelled to provide daily attendance lists of all pupils.

2. Attacks on hospitals

33. During the reporting period, there were three verified reports of attacks on hospitals. A Gramodaya Health Centre in Vaharai, Batticaloa was damaged by Sri Lankan Army shelling on 18 October 2006 and was utilized by the Army from January till the end of July 2007. The Government of Sri Lanka's Special Task Force has also utilized a maternity ward and on-call duty room at a hospital in Batticaloa since July 2007, resulting in limited access for maternal care. On 14 July 2007, Army shelling damaged the maternity section and out-patient department of a hospital in north Vavuniya. The electricity transformer which provided the regular power supply to the hospital was totally damaged during the shelling and has not functioned since. Hospital staff are also afraid to work at the hospital owing to ongoing shelling. As a result, the hospital has been operational at a minimal level since the attack. Additional attacks on hospitals, including physical damage from shelling and the utilization and looting of medical equipment, have been reported, in particular in Batticaloa and Trincomalee; though, these incidents have not been verified to date.

E. Grave sexual violence

34. No cases of rape or other grave sexual violence against children owing to the conflict have been reported.

F. Denial of humanitarian access for children

35. During the reporting period, the actions of all parties to the conflict continued to impact seriously upon the operations of humanitarian agencies and the delivery of humanitarian assistance, in particular to the most vulnerable, including children, across the north and east of Sri Lanka.

36. In Batticaloa and Trincomalee, restrictions on humanitarian access continued to impede the delivery of humanitarian assistance. As a direct consequence of the LTTE restriction on civilian movement, a 13-year-old girl was among six internally displaced persons who died when their boat capsized as they tried to escape from Vaharai, Batticaloa, on 15 December 2006. With the exception of one joint humanitarian convoy, access was denied by the Sri Lankan security forces to humanitarian agencies, including the United Nations, in Vaharai throughout November and December 2006, after intense military operations in LTTE-controlled areas.¹⁴ Severe shortages of food and medical supplies were reported inside Vaharai. In particular, access was extremely limited in Vaharai North and Vallevelly, Paddipalai and Vavunatheevu in south-west Batticaloa.

37. In Jaffna, the continued closure of the forward defence line at Muhamalai since 11 August 2006 continued to impede the flow of essential goods, including food, humanitarian supplies, construction materials and agricultural items, into

¹⁴ The area was officially taken over by the Sri Lankan Army on 29 January 2007.

Jaffna. Access to and from the Jaffna peninsula remained possible only via limited air and boat services, with ships chartered by both the Commissioner General of Essential Services as well as the private sector. Serious shortages of food were reported for several months and young children were particularly at risk from malnutrition. Transportation services improved during the second half of the reporting period, in particular from June 2007, resulting in a significant increase in the availability of both food and non-food commodities. Nevertheless, prices remain high and food production capacities and purchasing power of civilians remain weak, particularly given the limited livelihood opportunities and lack of access to markets. A significant proportion of the population remains dependent on food assistance.

38. Humanitarian assistance in the Vanni continued to be hampered by restrictions on the transportation of supplies, including fuel, shelter materials, generators for the cold chain, medical supplies and construction materials across the forward defence line in Omanthai. Humanitarian agencies continued to report long delays in the granting of Ministry of Defence clearance for the transportation of items. Consequently, they have had insufficient supplies to meet project requirements, particularly in relation to shelter activities. Following the issuance of a Sri Lankan Army directive in mid-April, all vehicles, including United Nations vehicles, have been subject to thorough searches at the forward defence line, involving offloading of all items in vehicles and body searches of international and national staff, which often resulted in delays of several hours at checkpoints.

39. During May 2007, the forward defence line in Omanthai was completely closed for almost two weeks, following intense fighting. Access restrictions contributed to the death of two children (a newborn baby girl who required emergency paediatric services and a 2-year-old girl who died of acute renal failure) in Kilinochchi Hospital on 26 and 30 May 2007, respectively. Permission for transportation of the infants by ambulance across the forward defence line to Vavuniya Hospital for specialist treatment was denied by the Sri Lankan Army.

40. Fear of forced recruitment by LTTE impacted upon the willingness of many national and international NGO staff to work in the Vanni. Attempts were also made by LTTE to recruit United Nations national staff members, but were prevented through United Nations interventions with LTTE.¹⁵ Humanitarian personnel have also been requested to contribute money or "voluntary work" to LTTE. A detailed pass system introduced in January 2007 created additional restrictions on freedom of movement for humanitarian actors, including the United Nations, and national and international NGOs. Permission to leave the Vanni is dependent on the fulfilment of specific conditions, including that one family member remains in the Vanni.

41. The increasing presence of armed groups, particularly the TMVP/Karuna faction, in the internally displaced persons sites in Batticaloa led to serious security concerns for humanitarian actors. A number of international agencies received direct threats from the TMVP/faction, which has also been involved in the looting of internally displaced persons sites and the theft of shelter and other assistance materials from United Nations warehouses, adversely affecting vulnerable children and their families.

¹⁵ For example, on 5 June 2007, LTTE attempted to recruit two United Nations staff members in Mullaitivu; intervention by United Nations security officials prevented their recruitment.

42. A Consultative Committee on Humanitarian Access comprising United Nations agencies, the International Committee of the Red Cross and representatives of the European Union was earlier established under the Ministry of Disaster Management and Human Rights in order to solve problems related to fuel, food supplies, medicine and essential items and to respond to the difficulties faced in carrying out their activities. The Consultative Committee has proven to be a useful mechanism to raise issues and ensure follow-up and commitments by the Government of Sri Lanka. However, it has been observed that there is often a significant time lag between commitments made at the Committee level and implementation of the decisions on the ground.

IV. Dialogue and action plans to redress violations of children's rights

A. Liberation Tigers of Tamil Eelam

43. During the visit of the Special Adviser to my Special Representative for Children and Armed Conflict, Ambassador Rock, in November 2006, LTTE agreed to increase dialogue with UNICEF on the release of children remaining in their ranks. It officially designated the so-called Child Protection Authority of LTTE as the interlocutor on child recruitment issues and Security Council resolution 1612 (2005). Advocacy with LTTE was conducted predominantly through the Authority in Kilinochchi.

44. In December 2006, UNICEF and the Child Protection Authority commenced monthly meetings to discuss policy issues, the continued recruitment of children and the development of procedures for the release of children remaining in LTTE ranks. In addition, UNICEF continued to meet with the Authority on a weekly basis in Kilinochchi to address immediate issues of concern, such as the list of newly recruited children and special protection cases, and to provide feedback on the verification of the LTTE list.

45. The dialogue was particularly challenging owing to LTTE insistence that only children born after 1 January 1990 (17-year-old children) would be released, which contravenes international and national legal standards of 18 years as the minimum age of recruitment. The LTTE minimum age of recruitment of 17 years was previously articulated in a document in October 2006. In May 2007, LTTE illustrated its intention to enforce the minimum age of recruitment at 17 years by issuing an announcement on the Voice of Tiger Radio and the local radio requesting all parents whose children were born after 1 January 1990 and believed to be within the ranks of LTTE to report the cases to the Child Protection Authority. On 15 October 2007, LTTE amended its official position committing LTTE not to recruit anyone under the age of 18 years.

46. Discussions were further challenged by the geographical distinctions that were drawn by LTTE in relation to the process of releasing children in the east, owing to the lack of coordination and communication with the LTTE eastern commanders as the Sri Lankan security forces took greater control over the eastern districts. While appreciating the variance in circumstances throughout the country, UNICEF reiterated the LTTE obligations to release children it had recruited, regardless of the changing security context.

47. Despite the many challenges, the results of the regular dialogue include:

- LTTE provided a list of 227 children that it claimed to have “released” during the reporting period, including 31 children who were reportedly released to the Education Skills Development Centre, and 196 children who were reportedly released to their parents. UNICEF subsequently attempted to verify if the children on the LTTE list had been released. One hundred and sixteen of the 227 children were found to have been released to their parents. From 1 November 2006 to 31 August 2007, the UNICEF database reported that 203 children in total were verified by the Fund to have been released by LTTE
- UNICEF provides a weekly list of newly recruited children to the Child Protection Authority in order to expedite the release of newly recruited children
- In June and July 2007, as agreed with the Child Protection Authority, UNICEF undertook an extensive verification exercise of 515 children who are currently under the age of 18 years, who were listed as “outstanding” or still with LTTE on the UNICEF database in order to authenticate the status of the children. Of the 515 children listed, 305 were confirmed still to be within the ranks of LTTE, 96 were verified to have been at their homes after being released or having run away from LTTE and 9 were verified to have died. The status of an additional 105 children could not be verified owing to security restrictions, displacement or the provision of insufficient contact details

48. The Task Force engaged in dialogue with LTTE to develop an action plan to address the concerns raised by the Secretary-General and the Security Council Working Group on Children and Armed Conflict. LTTE signed an “Action Plan” on 15 October 2007 which raises the minimum age of recruitment to 18 years and commits LTTE to release anyone within its ranks under the age of 18 years by 31 December 2007. The “Action Plan” also details commitments to respect the neutrality and security of schools, hospitals and places of worship as “safe zones” and to ensure open and safe access by humanitarian actors to affected areas so that humanitarian supplies and services reach vulnerable communities. However, the “Action Plan” does not yet meet minimum standards on several fronts, including but not limited to allowing full access to the United Nations country team for verification, formalizing principles and time-bound measures for the safe release of children, accountability and prevention of re-recruitment.

B. Tamil Makkal Viduthalaip Puligal/Karuna faction

49. The Task Force also attempted to engage in dialogue with TMVP in relation to the development of an action plan to address concerns raised by the Secretary-General and the Security Council Working Group on Children and Armed Conflict. Despite continued advocacy, there has been little progress with TMVP. On 27 April 2007, UNICEF issued a press release expressing concern about the non-engagement of the TMVP/Karuna faction on fulfilling the commitments it made to my Special Representative.

50. Engagement with the TMVP/Karuna faction has become less frequent following an internal split in the faction with a separate faction, reportedly led by Commander “Pillayan”, moving with cadres from their base in Batticaloa to

Trincomalee. The split of the group, however, was not acknowledged by the political leader in Trincomalee. Despite these meetings, a lack of consistency was observed in terms of the frequency of meetings and actions taken against commitments made. The TMVP/Karuna faction issued “regulations” for its own military not to recruit children in January 2007. UNICEF was informed that the regulations were disseminated to all military commanders and that they have been informed there will be disciplinary procedures for those who recruit children.

51. UNICEF explored engagement with the TMVP/Karuna faction on child rights training. However, it was initially felt that the faction would first need to demonstrate its commitment to stop recruiting children and to release them. Some initial awareness-raising training on international standards regarding the recruitment of children was conducted by UNICEF for middle-ranking TMVP/Karuna faction cadres in Trincomalee and a second round of training has been scheduled for higher-ranking cadres.

52. Despite initial engagement on an action plan, the TMVP/Karuna faction demonstrated bad faith on a number of occasions, including leading the United Nations to a falsified training camp in Batticaloa and re-recruiting children within days of releasing them in the presence of UNICEF. As of September 2007, the TMVP/Karuna faction has not demonstrated a full commitment to stop recruiting children and has not released all children within their ranks. Indeed, the faction has continued to abduct and recruit children throughout the reporting period.

53. Of additional concern is the opening of at least 15 TMVP political offices in Batticaloa and five offices in Ampara, in which armed children are regularly sighted. The TMVP/Karuna faction has also reportedly conducted meetings in villages with the aim of identifying those associated with LTTE. In other instances, the TMVP/Karuna faction has reportedly rounded up individuals, including children, in villages and “arrested” those whom they suspect to have been with LTTE or supporters of LTTE. UNICEF advocated for the release of children, noting that it is only the Sri Lankan security forces that have the power to arrest. The TMVP/Karuna faction responded that it had “arrested” the people and would either release them or hand any “suspects” to the Sri Lankan Police.

C. Government of Sri Lanka

54. The Government of Sri Lanka established a multidisciplinary task force on children and armed conflict in April 2007. The task force is chaired by the Secretary of the Ministry of Child Development and Women’s Empowerment, and includes representatives from the Ministries of Justice, Education and Defence, the National Child Protection Authority, the Human Rights Commission, the Department of Probation and Child Care Services and UNICEF. The task force has discussed a number of issues, including the harmonization of the national legislation with the United Nations 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 former children 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.

55. The task force is considering formulating a workplan in response to the conclusions and recommendations on Sri Lanka of the Security Council Working Group on Children and Armed Conflict. Proposals have been developed for the expansion of the mandate of the Human Rights Commission to include child rights violations in the work of their offices located in conflict areas and on the rehabilitation and reintegration of former child combatants. Financial resources are being sought for its implementation; however resources have not been forthcoming, as donors are hesitant to support the Commission owing to concerns that have arisen over its independence. Plans are also being developed to strengthen the capacity of the National Child Protection Authority coordinators and district child development committees in conflict-affected areas in order to contribute to the monitoring and reporting of violations and support a response for reducing impunity.

56. There was no further update as at the time of reporting on the Government of Sri Lanka investigation into complaints of child abduction. However, the Government Secretariat for Coordinating the Peace Process recently requested that specific incidents be reported to it in order for investigations to be conducted. UNICEF intervened verbally and in writing with representatives of the Sri Lankan security forces at both the national and district levels regarding the continued presence of children in TMVP political offices and Karuna faction military bases, as well as sightings of armed children within many parts of Batticaloa. A petition was filed with the Presidential Commission and Supreme Court on 11 June 2006 by 40 families concerning the abduction of family members, including 25 children in Batticaloa. A subsequent complaint was filed on behalf of the families to the Human Rights Commission on 19 October 2006. At the time of reporting, there had yet to be an investigation or significant follow-up by the police or the Commission in terms of locating and/or enabling the release of these children, who were recruited by the TMVP/Karuna faction. In addition, the families that filed a complaint have experienced increased intimidation. This is not indicative of a lack of follow-up by individual officers per se, but demonstrative of the need for a systematic improvement in the follow-up and investigation of cases, while ensuring the protection of complainants and witnesses from reprisal by any party in order to enhance the protection of children and restore the rule of law.

57. There has been no evidence to date that any measures have been instituted by the police or the security forces to secure the release of the children abducted, recruited and used by the TMVP/Karuna faction despite clear knowledge of the same by the police or the security forces. There is an urgent need for the Government of Sri Lanka to exercise its primary responsibility of protecting its citizens, actively take steps to secure the release of all children abducted by the TMVP/Karuna faction who are being held in Government-controlled areas and ensure their return to their families. Many families have visited their children in TMVP/Karuna faction military bases in Theevuchenai, Welikanda, Karupalai, Muthukkal camps and Sewanapittiya areas in Polonnaruwa, requiring passing through military checkpoints. Many families reportedly informed the Sri Lankan Army and the police that they were travelling to visit their children in the TMVP/Karuna faction military bases. In addition, a few TMVP political offices are in very close proximity to the police and Sri Lankan Army checkpoints, such as in the Batticaloa Town and Morakaddanchenai TMVP offices.

58. In relation to the allegations that some elements of the Government security forces are supporting the forced recruitment of children by the TMVP/Karuna

faction, on 27 August 2007, the Government of Sri Lanka established an interdisciplinary committee to conduct an investigation. While the recent appointment of the committee is welcomed, there is an urgent need for the Government of Sri Lanka to investigate the allegations and to take active measures to prevent grave violations being perpetrated against children, including the abduction and recruitment of children by the Karuna faction, especially in Government-controlled areas.

59. Further action is also required by the Government to address the situation of children who sought special protection from and surrendered to Government forces. On 12 September 2006, new emergency regulations were promulgated by the President for the appointment of the Secretary of Justice as “commissioner for rehabilitation” to oversee “protective accommodation and rehabilitation centres” for individuals, including children, separated from armed groups, where they would receive rehabilitation and vocational training prior to release. Subsequently, over 200 persons, including children who sought special protection and surrendered to the Sri Lankan security forces, were being held in Jaffna, Kandy and Pallekele Prisons. As at the time of reporting, 34 children remained in those prisons, in the same cells as adults. It is of the utmost importance that specific provisions be put in place for children leaving armed groups to support their safe return to their families and communities.

60. In the absence of any clear procedure, concerns remain for the treatment of formerly recruited children who come into the custody of the Sri Lankan security forces. Many of the boys and girls who were formerly recruited by LTTE have been subjected to visits and intense checks by the Sri Lankan Special Task Forces, with some children being required to report daily to Task Forces camps. In Batticaloa, this was particularly evident during the time of displacement, from February to June 2007, and subsequent to the return process of internally displaced persons to the south and west parts of Batticaloa district, where the Task Forces remain in control. UNICEF received reports of such cases from families, although these families do not report the cases to the authorities for fear of reprisals. UNICEF advocated on this issue through a written intervention to the security forces. It is important that the Government urgently develop, with the support of UNICEF and other child protection agencies, guidelines to safeguard the best interests of the released children for their community reinsertion.

V. Recommendations

61. All relevant parties are called upon, as a matter of priority, to implement the recommendations of my first report on the situation of children and armed conflict in Sri Lanka (S/2006/1006) and the subsequent conclusions of the Working Group on Children and Armed Conflict (S/AC.51/2007/9).

62. Although limited progress has been achieved on the release of children associated with LTTE and the TMVP/Karuna faction, as called for in my previous report, both parties have failed to cease the abduction, recruitment and use of children, release all children associated with their forces and engage in transparent procedures for release and verification, including allowing the United Nations Task Force on monitoring and reporting full access to all military locations under their control, and to finalize action plans with the

United Nations country team which meet international standards, warranting consideration of targeted measures should they continue to fail to come into compliance in the next reporting period.

63. The establishment of the Government of Sri Lanka Committee to inquire into allegations of abduction and recruitment of children for use in armed conflict and to respond to allegations of aiding and abetting the abductions of children by the TMVP/Karuna faction, for use as child soldiers by certain elements of the Sri Lanka Armed Forces is welcomed. The Government is urged to take active steps to prevent the abduction and recruitment of children by armed groups and secure the immediate release of children associated with any armed group in areas it controls.

64. All parties are called upon to provide, with immediate effect, unimpeded and safe access to all areas under their control by relevant humanitarian actors.

65. All parties are urged to refrain from indiscriminate attacks and from directing attacks against civilians and civilian objects, including but not limited to schools and hospitals.

66. The Government of Sri Lanka is encouraged to strengthen the capacity of law enforcement authorities to conduct prompt investigations relating to crimes against children, ensure that due process of the law is carried out and adopt child-sensitive procedures.

67. The United Nations country team reaffirms its willingness to support immediately the Government of Sri Lanka in rapidly devising a child-appropriate release and re-integration programme for children who are separated from armed groups and are in the custody of the Government of Sri Lanka and their immediate relocation from prisons and other detention centres where they are currently being kept, often with adults, in contravention to legal obligations applicable to them.
