



**COALITION TO STOP THE USE OF CHILD SOLDIERS**

**SRI LANKA**

**ISSUES CONCERNING PROTECTION OF CHILDREN**

**POST ARMED CONFLICT**

**PRESENTED TO**

**THE SECURITY COUNCIL WORKING GROUP ON CHILDREN AND  
ARMED CONFLICT**

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The Coalition considers a child soldier to be any person under the age of 18 who is a member of or attached to government armed forces or any other regular or irregular armed force or armed political group, whether or not an armed conflict exists. Child soldiers perform a range of tasks including: participation in combat; laying mines and explosives; scouting, spying, acting as decoys, couriers or guards; training, drill or other preparations; logistics and support functions, portering, cooking and domestic labour. Child soldiers may also be subjected to sexual slavery or other forms of sexual exploitation and abuse.

***The Coalition to Stop the Use of Child Soldiers unites national, regional and international organizations in Africa, Asia, Europe, Latin America and the Middle East. Its member organizations are Amnesty International, Defence for Children International, Human Rights Watch, International Federation Terre des Hommes, International Save the Children Alliance, Jesuit Refugee Service, and the Quaker United Nations Office-Geneva.***

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# Sri Lanka: Issues concerning protection of children post armed conflict

## Background

For more than 25 years the Government of Sri Lanka has been involved in an armed conflict against the separatist Liberation Tigers of Tamil Eelam (LTTE). The conflict has been marked by numerous serious human rights abuses by both sides. A ceasefire that began in February 2002 effectively ended with the resumption of military operations against the LTTE in mid-2006. The conflict escalated in the intervening years reaching its final phase between January and 18 May 2009 when the government declared victory over the LTTE. During these last months of fighting according to UN estimates more than 7,000 civilians, including many children, were killed and 14,000 were wounded.<sup>1</sup> There were serious violations of international humanitarian law and human rights law by both the LTTE and government forces.

The intensification of the conflict and its aftermath has taken a serious toll on the entire civilian population living in the conflict-affected areas but most particularly on children. Forced recruitment of under-18s by the LTTE escalated in the final months of hostilities and children were used to perform a range of frontline duties. Children were also among tens of thousands of civilians forced to flee fighting since mid-2008 and sent to military-run, internally displaced persons (IDP) camps in the north of the country.<sup>2</sup> Almost 300,000 people are currently in these camps where they are denied their liberty and freedom of movement. Hundreds of unaccompanied children are among them and also have poor access to food, medicines and other essentials. Former child soldiers are held in centres which are being used to house and support the rehabilitation and reintegration of surrendeers. Children in IDP camps and other children in the east of the country remain at risk of recruitment and abduction by pro-government armed groups.

This briefing paper provides updated information on the current situation of conflict-affected children in Sri Lanka. It also provides a summary of the intensification of LTTE's recruitment and use of child soldiers during the final months of the conflict which is contributing to serious challenges relating to the release and reintegration of underage recruits. It makes detailed recommendations on measures required to ensure the protection of children from ongoing recruitment by pro-government armed groups and from other human rights violations and for the effective release and reintegration of all children associated with armed groups. In particular the Coalition calls for:

- An immediate mission to Sri Lanka by a Special Envoy of the Special Representative of the Secretary-General for Children and Armed Conflict;
- Immediate measures to protect children from recruitment by armed groups and other human rights abuses in IDP camps and other locations in the east of the country;
- Consideration of targeted measures against parties in Sri Lanka that demonstrate insufficient progress towards ending the recruitment of child soldiers;
- Independent investigations into past and on-going reports of recruitment and use of child soldiers and accountability for perpetrators of those and other human rights abuses;

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<sup>1</sup> Nessman, R, "Sri Lankan doctors 'exaggerated' deaths", Associated Press, <http://news.theage.com.au/breaking-news-world/sri-lankan-doctors-exaggerated-deaths-20090709-degd.html>.

<sup>2</sup> The IDP camps are commonly referred to as detention or internment camps because those living within them are not permitted to leave.

- Programs to support the release, rehabilitation and reintegration of former child soldiers that are consistent with international human rights standards and best practices.

### **Increased Child Recruitment by the LTTE, January to April 2009**

The LTTE submitted an action plan to the Office of the Special Representative of the Secretary-General for Children and Armed Conflict on 15 October 2007, in which it committed to raise the minimum age of recruitment to 18 years and to release anyone in its ranks under the age of 18 years by 31 December 2007. The plan also contained 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 supplies and services could reach vulnerable communities. The plan did not, however, meet minimum standards on allowing full access to the UN for verification; time-bound measures for the safe release of children; or measures to ensure accountability and prevention of re-recruitment. Moreover, the LTTE repeatedly violated its own commitments and continued to recruit and use children under 18 years of age.

In the final months of the conflict, the LTTE increasingly forced under-18s and others with no prior military experience to fight or perform supportive functions on the frontlines: a practice which is believed to have led to many casualties. On 17 February 2009, UNICEF issued a statement expressing grave concern for the safety of children in conflict areas, stating that “we have clear indications that the LTTE has intensified forcible recruitment of civilians and that children as young as 14 years old are now being targeted.”<sup>3</sup>

There is reliable information that the LTTE obtained lists of IDPs in the Vanni<sup>4</sup> from a village official (*grama sevaka*) which it used to identify and target families with children for recruitment. There are reports that if a family attempted to conceal their sons and daughters, LTTE cadres would return at night and search the house. While in the past, some families had managed to protect their children against recruitment by paying off the LTTE, this option was no longer effective during the last months of the conflict. The Coalition has been informed that there were many cases where, despite payments, children were recruited by LTTE cadres. After March 2009, the LTTE is reported to have introduced a quota system in which teams of six cadres were instructed to return with 30 conscripts. If they failed they were subject to severe punishment.<sup>5</sup> In one reported case in April 2009, the LTTE is said to have forcibly recruited nearly 600 teenagers who had sought refuge in the Valaignarmadam church, near Mullivaikkal in northern Sri Lanka.<sup>6</sup>

Children recruited by the LTTE in the last months of the conflict were taken to the frontline to dig bunkers and to collect weapons from killed cadres and Sri Lankan Army (SLA) soldiers. From April 2009 they were reported to have been employed as frontline soldiers to protect the senior

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<sup>3</sup> UNICEF, “More Children Victims of the Conflict,” 17 February 2009, [http://www.unicef.org/media/media\\_48044.html](http://www.unicef.org/media/media_48044.html).

<sup>4</sup> An area in northern Sri Lanka previously controlled by the LTTE.

<sup>5</sup> Information provided to the Coalition by confidential source, London, 8 July 2009.

<sup>6</sup> Gunasekaran, R, “For better or worse, Tamils in Lanka back LTTE”, New Indian Express, 3 May 2009, <http://www.expressbuzz.com/edition/story.aspx?Title=For+better+or+worse,+Tamils+in+Lanka++back+LTTE&articleid=Z58ei1lmUrK=>.

leadership. The new recruits received minimal training and many are believed to have been among the casualties during fighting.

The use as combatants of young children by the LTTE and the situation of grave risk in which they were therefore placed was remarked on by senior officers in the SLA. In May 2009, Major-General Jagath Dias, the commander of the SLA's 57th Division, said his men had been fighting girls as young as 11 years old. He noted: "It's very difficult [to shoot at children] but when someone has a weapon and is firing it at you, it doesn't matter what age, you have to shoot." Brigadier Shavendra Silva, the commander of the SLA's 58th division fighting on the frontline, said "most of" the Tiger cadres captured since 23 April 2009 were aged between 11 and 18 and that many of them were young girls aged 13 and 14 years.<sup>7</sup> Despite acknowledging that child soldiers were coming under attack during fighting, the government failed to develop strategies that might have reduced the risk of death or injury to them.

Anger at the LTTE for the forced recruitment and death of children continues to be very high among IDPs who fled LTTE controlled areas during the fighting. Individuals identified as being members of the military wing of the LTTE present in the IDP camps in Vavuniya are reported to have been beaten up and abused by other families who have lost their children to the LTTE.<sup>8</sup>

### **Detention and Possible Enforced Disappearances of Under-18s and Others in IDP Camps**

Protection for the 300,000 people living in IDP camps in Vavuniya is provided by the Sri Lankan military. Nevertheless, pro-government armed groups such as the Eelam People's Democratic Party (EPDP), People's Liberation Organisation of Tamil Eelam (PLOTE) and Tamil People's Liberation Tigers (TMVP) and cadres belonging to the Karuna faction<sup>9</sup> have apparently unhindered access to the camps. Abductions of IDPs, including under-18s, are being reported on a weekly basis with most incidents reportedly occurring at night when scrutiny is minimal. The precise motives for the abductions remains unclear, although some children appear to have been taken because of their alleged links with the LTTE, while others are kidnapped for ransom. The Coalition has also received several reports of pro-government armed groups including EPDP, PLOTE and TMVP attempting to recruit children from IDP camps into the Sri Lankan military on promises that their families will be released from the camps if the children join the armed forces.<sup>10</sup> In addition, under-18s are believed to be among those who have been detained by the security forces in the IDP camps apparently for their alleged links to the LTTE.

In an incident in June 2009, a group of four or five girls and boys were reported to have escaped from one of the IDP camps in Menik Farm<sup>11</sup> by bribing the security forces guarding the camp. The children became lost and accidentally made their way to another campsite under construction to house IDPs. They were reported to have been detained and questioned by

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<sup>7</sup> Wade, M, "Kill or be killed: 11-year-olds forced to fight for Tamil Tigers", Sydney Morning Herald, 5 May 2009, <http://www.smh.com.au/world/kill-or-be-killed-11-year-olds-forced-to-fight-for-tamil-tigers-20090504-asm4.html>.

<sup>8</sup> Confidential interview with Coalition, London, 14 July 2009.

<sup>9</sup> Eastern commander of the LTTE, Vinayagamoorthi Muralidharan, alias Karuna, broke away from the LTTE in March 2004 and formed the Tamil Makkal Viduthala Pulikal (TMVP). In January 2009, Karuna and his armed cadres split from the TMVP and joined the ruling Sri Lanka Freedom Party (SLFP).

<sup>10</sup> Confidential information provided to the Coalition from Vavuniya, July 2009.

<sup>11</sup> Menik Farm is one of the largest camp sites in Vavuniya in northwestern Sri Lanka which houses nearly 250,000 IDPs from the recent phase of fighting between the military and the LTTE.

members of the Sri Lankan military. One of the girls who had very short hair, which is regarded as being a sign of an LTTE conscript, admitted to the military that she had been with the LTTE for two days. All the children were subsequently taken away by the military and there has been no information about them since.<sup>12</sup>

In May and June 2009 it was reported that the Sri Lankan police made loudspeaker announcements in various camps in Vavuniya, calling for all those with connections to the LTTE to identify themselves. Nearly 100 people, including youths some of whom are thought to be under-18, are reported to have presented themselves to the police and admitted to having provided services for the LTTE. Services were not necessarily of a military nature but are said to have included activities such as decorating buildings for official functions. Those that presented themselves were subsequently taken away by the police. There is no information on their current whereabouts. Towards the end of May 2009, security forces together with cadres from the Karuna faction, allegedly came to the Pulmoddai IDP camp which houses 9,000 IDPs and took away about 30 persons, including some under-18s, who Karuna's men identified as being involved with the LTTE.<sup>13</sup> In neither case, were families provided with detention orders or arrest receipts which could provide documentary evidence of the arrest.<sup>14</sup>

The Coalition is concerned that some of these and other reported incidents may represent enforced disappearances and it urges the government to clarify the fate and whereabouts of any child held in any form of state custody without delay.<sup>15</sup>

The Coalition is further concerned by the lack of independent monitoring of the human rights situation within the IDP camps. On several occasions, members of the Sri Lankan military guarding the camps have publicly stated that members of the intelligence unit of the LTTE are mixed with civilians in the IDP camps.<sup>16</sup> This has provided both the justification for preventing the displaced from leaving the camps and also for restricting their interaction with non-military personnel, primarily humanitarian workers and representatives of international agencies. In addition, neither international relief agencies nor local NGOs have access to IDP registration lists or even to the numbers of people present in the camps, making it virtually impossible to identify who should be in the camps and who is missing, including as a result of abduction.<sup>17</sup>

## **Concerns Relating to the Release and Reintegration of Former Child Soldiers**

In September 2006, the Sri Lankan government amended the Emergency (Miscellaneous Provisions and Powers) Regulation No. 1 of 2005 to make provision to address the issue of former combatants of non-state armed groups in general and child combatants in particular. Emergency Regulation 22 provided for the appointment of the Commissioner General of

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<sup>12</sup> Confidential information provided to the Coalition from Vavuniya, July 2009.

<sup>13</sup> "A Marred Victory and a Defeat Pregnant with Foreboding," University Teachers for Human Rights-Jaffna, Special Report No.32, Special Report No. 32, 10 June 2009.

<sup>14</sup> Confidential information provided to the Coalition from Vavuniya, July 2009.

<sup>15</sup> The 2006 International Convention for the protection of all persons from enforced disappearance defines enforced disappearance as "the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law."

<sup>16</sup> Srivananda, S, "No youths have disappeared from IDP camps - Competent Authority", 9 June 2009, Sunday Observer, [http://www.defence.lk/new.asp?fname=20090607\\_06](http://www.defence.lk/new.asp?fname=20090607_06).

<sup>17</sup> Confidential information provided to the Coalition from Vauniya, July 2009.

Rehabilitation with responsibility for the custody of persons who surrender. It also provided for setting up “Protective Accommodation and Rehabilitation Centres” to receive and house surrendees who would also be provided with vocational/technical training while at the centre.<sup>18</sup>

In December 2008, Emergency Regulation 22A was adopted to create a framework for providing care and protection for children leaving armed groups.<sup>19</sup> Under the regulation any child who surrenders must be produced within 24 hours before a magistrate who has the power to decide whether to return the child to the care and custody of his or her parents or guardian or place them in a “Protective Child Accommodation Centre” (accommodation centre) for a period of up to one month. At the end of the month the case is reviewed and the magistrate may order their release or their custody for a period of up to one year in either an accommodation centre, or, “where there is evidence that the child has committed an offence during any period in which he was recruited as a combatant,” in a “Protective Child Rehabilitation Centre” (rehabilitation centre). Provision for review by a magistrate is made under the Regulation: review takes place on a monthly basis in the case of a child held in an accommodation centre and every three months for a child held in a rehabilitation centre.

While the Coalition welcomes the efforts by the Sri Lankan authorities to provide safe and supportive accommodation for children who have been associated with the LTTE or other armed groups and to make provision for their rehabilitation and reintegration, it is concerned that under Emergency Regulation 22A children may be held in custody for up to one year without clear grounds for their detention.

Other concerns about the arrangements for the rehabilitation and reintegration of former child soldiers include: the role of the military in running rehabilitation centres; the presence of pro-government armed groups in the accommodation centres and the subsequent risk of re-recruitment of children being housed in these centres; the incomplete separation of children from adults; and inadequate access of families to children housed in the centres.

According to Emergency Regulation 22A, responsibility for supporting and monitoring children placed in an accommodation centre rests with the Provincial Commissioner of Probation and Child Care. However, the Regulation makes no reference to the authority responsible for the running of and well-being of children in rehabilitation centres. Facilitated by this omission, in practice the military is the sole authority running these facilities. While it may be necessary for the military to provide security to the centres, the Coalition believes that the relevant civilian authorities rather than the military should be responsible for the running of the rehabilitation centres.

Emergency Regulation 22A provides that visits by and contact with the families of children held in accommodation and rehabilitation centres is to be facilitated and encouraged by the officer in charge of the centre (at least once in two weeks for the former and at least once a month for the latter). In practice, facilitation of family contact has so far been poor. Information provided to the Coalition indicates that families are not being informed of where their children are being held.<sup>20</sup> The problem is exacerbated by the lack of transparent lists of children being held in the centres. The Coalition has received reports from several families who are unable to determine the fate of

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<sup>18</sup> Emergency Regulation No. 22, dated 12 September 2006, as published in the Gazette of the Democratic Socialist Republic of Sri Lanka (Extraordinary) No. 1462/8 of 12 September 2006.

<sup>19</sup> Emergency Regulation No. 22A, dated 14 September 2008, as published in the Gazette of the Democratic Socialist Republic of Sri Lanka (Extraordinary) No. 1580/5 of 15 December 2008.

<sup>20</sup> Confidential information to the Coalition, Vavuniya, July 2009.

their children who, the parents claimed, had been removed from the IDP camps because of their alleged association with the LTTE. The families had not been provided with information as to where they were taken and have so far been unable to trace their children's whereabouts.

Local NGOs have also raised concern that the location of the centres, which is ultimately decided by the Commissioner General of Rehabilitation, may be an obstacle to family visits because some are located far from where the families are living. In the case of families living in IDP camps, restrictions on their movement means that they are not in any case able to leave the camp to visit their children in the centres. Concern has also been raised in relation to the whether the centres are located in secure areas. In October 2000, a detention centre in central Sri Lanka in Bindunuweva, housing former LTTE cadres, was attacked by a mob of Sinhalese villagers and 27 young men, including children were killed. The Coalition is concerned that centres should be located in areas secure from the risk of reprisal attacks.

The Regulation further provides that children should be separated from adults. In practice the separation is not complete. The Ambepussa Rehabilitation Centre, for example, which was set up in March 2008 by the Sri Lankan government with the assistance of UNICEF initially to "... rehabilitate children who were freed from the clutches of the TMVP,"<sup>21</sup> and which now also holds children formerly associated with the LTTE, is also reported to house some adult surrendees.<sup>22</sup> In addition children are reported to be living with adults in the two main accommodation centres for surrendees in Vavuniya district: the Pampamadhu Hostel (for females) and the Nellukulam Technical College (for males).

Finally, there are serious concerns relating to the security of children in some accommodation centres<sup>23</sup> to which pro-government armed groups are alleged to have access. According to credible sources, men in civilian clothes suspected of belonging to the EPDP or the TMVP, have been seen mixing with SLA military personnel inside the centres. There are unverified reports in Vavuniya that young boys in the accommodation centres have been forced to join pro-government armed groups including the EPDP and TMVP. Reports from traders in Vavuniya town appear to suggest that some children are now being used by armed groups to collect 'protection' money from shop owners. There is no information on whether the children have been armed.<sup>24</sup>

### **Continuing Abductions and Forced Recruitment by Pro-Government Armed Groups in the East**

In its October 2008 Conclusions on Children and Armed Conflict in Sri Lanka, the Security Council Working Group on Children and Armed Conflict expressed its concern that the TMVP continued to recruit and use children and had failed to release all children present in its ranks. TMVP subsequently adopted on 1 December 2008 an Action Plan in which it agreed to a three month process ending on 1 March 2009, during which time it would stop child recruitment and release any children within its ranks. However, reports of recruitment of children continue, albeit

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<sup>21</sup> Daily Mirror, "From Child Combatants to Symbols of Hope," 8 July 2009,

[http://www.dailymirror.lk/DM\\_BLOG/Sections/frmNewsDetailView.aspx?ARTID=54129](http://www.dailymirror.lk/DM_BLOG/Sections/frmNewsDetailView.aspx?ARTID=54129) , 9 July 2009.

<sup>22</sup> Information shared confidentially with the Coalition, May 2009.

<sup>23</sup> The Coalition has received no reports on abductions or other threats to the security of children in the Ambepussa Rehabilitation Centre.

<sup>24</sup> Confidential information to the Coalition, Vavuniya.



at a reduced level, by both the TMVP and cadres associated with the former TMVP head, Vinayagamoorthi Muralidharan, alias Karuna.

The TMVP registered as a political party on 24 January 2008. On 10 March 2008, TMVP jointly contested and won the district elections in Batticaloa with the ruling United People's Freedom Alliance (UPFA) party. Sivanesanthurai Santhirakanthan, alias "Pillayan", was appointed the Chief Minister of the Eastern Province as a result of the election. On 9 March 2009, Karuna, along with 1,750 former TMVP cadre loyal to him officially joined the ruling Sri Lanka Freedom Party (SLFP), and within hours Karuna was sworn in as Minister of National Integration.<sup>25</sup> Both the TMVP and Karuna still maintain armed groups.

In addition to reports that the TMVP and Karuna faction are abducting and possibly recruiting children from IDP camps and some accommodation centres, the Coalition has received reports of three cases of abduction of under-18s by Karuna's cadres in Batticaloa district in June 2009. The motivation for the abductions is unclear but most are said by local sources to be taking place to reinforce the strength of armed groups which are now competing to fill the vacuum caused by the defeat of the LTTE.<sup>26</sup> There are also unverified reports that both TMVP and Karuna's cadres are also engaging in kidnappings of under-18s for ransom in Batticaloa and Trincomalee district.

Reporting levels of child recruitment and other abuses are at an all-time low due to lack of independent monitoring and heightened levels of fear arising from increasing criminal violence by armed cadres of both Pillayan and Karuna, who are reported to be involved in a range of criminal activity including extortion, murder and robbery.

The Coalition is concerned by the continued recruitment of children by armed groups associated with political parties and the lack of progress by the Sri Lankan government in disarming such groups. To date it has sent mixed signals on disarming the TMVP and has stayed silent on the issue of disarming Karuna cadres. On 11 June 2008, the Sri Lankan Foreign Secretary informed representatives of the European Commission that it was the government's policy that only the Sri Lankan government security forces and the police had the legitimate right to bear arms. He was quoted as saying that that all armed groups including the LTTE must be disarmed.<sup>27</sup> Yet in a public statement a few days later on 16 June 2008, the head of the government's Peace Secretariat stated that the government would not disarm the TMVP, citing as a reason the LTTE murders of disarmed members of the EPDP and other Tamil political parties during the ceasefire period. Instead he indicated that they would be prevented from carrying arms in public or using them offensively.<sup>28</sup> To now, the police appear to have been unable to prevent the TMVP and Karuna's cadres from using their weapons for criminal activities.

## **Complicity of the Sri Lankan Military in Recruitment of Children and Lack of Progress on Accountability**

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<sup>25</sup> Reddy, B.Muralidhar, "Karuna joins Cabinet", The Hindu, 10 March 2009, <http://www.hindu.com/2009/03/10/stories/2009031060261500.htm>

<sup>26</sup> Confidential interview with the Coalition, London, 14 July 2009.

<sup>27</sup> "EC Condemns LTTE Terrorism and Reiterates Support for Sri Lanka's Sovereignty", Ministry of Defence, Public Security, Law and Order, Sri Lanka, 12 June 2008, [www.defence.lk](http://www.defence.lk)

<sup>28</sup> "Letter to the Editor – The Sunday Leader", SCOPP, 16 June 2008, at [www.peaceinsrilanka.org](http://www.peaceinsrilanka.org)

In the past, there have been allegations that government security forces were supporting and sometimes participating in the abduction and forced recruitment of children by the TMVP. Following a ten day mission to Sri Lanka in 2006, the Special Representative of the Secretary-General on Children and Armed Conflict's Special Advisor noted that "strong and credible evidence" had been found of complicity in abductions and forced recruitment of children by "certain elements of the government security forces".<sup>29</sup> Allegations of complicity in the abduction and possible recruitment of children by the Special Task Force (STF), a counter-terror unit of the Sri Lankan police and the SLA, continue to be received from local sources who claim that they are present in plainclothes with the TMVP and Karuna group cadres.

Little progress has been made in establishing accountability for individuals responsible for recruiting and using children and, despite the 2006 directive amended to Sri Lanka's Penal Code under which "engaging/recruiting children for use in armed conflict" is punishable by up to 20 years' imprisonment, no prosecutions are known to have taken place. In response to allegations of complicity by elements of the Sri Lankan security forces in TMVP abductions and forced recruitment of children, the Sri Lankan government did establish an interdisciplinary committee in August 2007 to investigate the claims. However, 23 months later the investigation has yet to be completed and no known action has been taken against any member of the security forces or any armed group for their alleged involvement in child abductions or forced recruitment.

Equally seriously and revealing of the lack of political will on the part of the Sri Lanka government to end impunity for child recruitment and use, the government has ignored serious and credible allegations against Karuna of the recruitment of thousands of children into the LTTE prior to his split from it in 2004 and other subsequent grave abuses committed by the TMVP under his leadership.

## **Recommendations to the Security Council Working Group on Children and Armed Conflict**

The Coalition calls upon the Security Council Working Group to consider the following recommendations:

### **Request an immediate visit to Sri Lanka by a Special Envoy to the Special Representative of the Secretary-General for Children and Armed Conflict**

- The Special Envoy should investigate the situation of children at risk of abduction by armed groups from IDP camps and elsewhere and the situation of children suspected of association with the LTTE, including those held in detention or in custody for rehabilitation. The Envoy should seek clarification on the fate and whereabouts of children reported to have been abducted by armed groups or to have been detained by the Sri Lankan security forces.
- The Special Envoy must be guaranteed full and unhindered access to IDP camps, accommodation and rehabilitation centres, and all official and unofficial places of detention where under-18s with suspected links to the LTTE are held.

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<sup>29</sup> Statement of the Special Advisor on Children and Armed Conflict, Colombo, 13 November 2006.

- The Working Group should review the situation in Sri Lanka immediately after the return of the Special Envoy and make recommendations for action based on his recommendations. The Working Group should request further regular updates at three monthly intervals on progress achieved towards meeting the benchmarks.
- The findings of the Special Envoy should be formally submitted to the Security Council with specific requests for action and clear benchmarks for evaluating progress towards the implementation of protection measures at subsequent three, six, nine and 12 month intervals.
- The Working Group should consider a mission to Sri Lanka to evaluate progress on implementing its recommendations.

**Consider the imposition of targeted measures against parties in Sri Lanka who continue to abduct, recruit and use children for military purposes or commit other grave abuses against them**

- Given evidence of continued human rights abuses against children and a climate of near-total impunity, the Security Council should consider targeted measures such as arms embargoes, travel bans, and asset freezes against individuals and parties which continue to abduct or recruit children or commit other serious human rights abuse against them.

In the meantime the Working Group should:

- Call upon the Government of Sri Lanka to immediately implement protection measures to prevent children from being abducted from IDP camps by armed groups. Such measures should include effective security to prevent such groups from entering the camps; the introduction and maintenance of transparent registration procedures for all persons in the camps including children; and full and impeded access to camps by humanitarian agencies and human rights monitors.
- Call upon the government to ensure that the TMVP upholds its commitment (under the December 2008 Action Plan) to end child recruitment and to release all children from its ranks. In view of TMVP's continued recruitment of children beyond the agreed 1 March 2009 deadline consider the imposition of targeted measures against the group.
- Express concern at reports that other pro-government armed groups including troops loyal to Karuna, EPDP and PLOTE have forcibly recruited children, and about continued government support to these groups despite evidence of their involvement in child recruitment and other human rights abuses. Call upon the government to ensure that the groups develop action plans to bring about an end to recruitment of children and for the release of all under-18s currently in their ranks.

**Call upon the government to ensure that rehabilitation initiatives for children formerly associated with the LTTE and other armed groups adhere to international legal standards, including those relating to juvenile detention; and that release, rehabilitation and reintegration of under-18s is carried out in accordance with best practices for the**

**disarmament, demobilization and reintegration (DDR) of children associated with armed forces and groups.**

At a minimum, the following measures should be immediately implemented to protect children in the custody of the State:

- A central register of all children currently held in any form of custody (whether for “rehabilitation” or other purposes) should be created and maintained at a designated place. The register must be accessible to family members/guardians and legal counsel. Measures should also be taken to disseminate information about how accommodation, rehabilitation or other places in which children are held can be accessed by family members.
- The parents or guardians of every child held in any form of detention or custody (including for rehabilitation purposes) must be provided with official documentation attesting to the location of the child, along with the reasons for custody, the length of time they will be held and the process for judicial review. This documentation should be available to legal counsel.
- Steps should be taken to ensure that children are held separately from adults in any place of detention or other form of custody.

**Take steps to support the bringing to justice members of the Sri Lanka armed forces and armed groups suspected of child soldier recruitment or other grave violations of children’s rights under international humanitarian and human rights law.**

- Request an international, independent investigation into recruitment or use of children for military purposes including by the LTTE and by pro-government armed groups. The investigation should also seek to clarify the fate and whereabouts of children reported missing who may be at risk of enforced disappearance or other serious human rights violations. Individuals suspected of involvement in such abuses should be held to account.
- Request an independent investigation into violations committed by Karuna who is suspected of recruiting thousands of children into the LTTE prior to 2004 and further grave abuses under his leadership of the TMVP.
- Consider referring the case of Sri Lanka to the International Criminal Court for investigation and prosecution of child recruitment and use and other war crimes or grave violations against children in Sri Lanka that fall within its jurisdiction.

**Enhance effective child protection by the UN**

- In light of the lack of domestic mechanisms to promote and protect human rights, including those of children, call upon OCHA, UNHCR, UNICEF and other UN agencies to strengthen human rights monitoring and reporting.

**Call on donors to make funding to Sri Lanka contingent on the accomplishment of basic humanitarian standards**, such as the Sphere Humanitarian Charter and Minimum Standards in Disaster Response.

- Adherence to the standards would include inter alia, the ability of IDPs to exercise freedom of movement; full and unrestricted access of humanitarian organizations to displaced people, especially the most vulnerable, including children; and effective protection for displaced children from abduction, recruitment or use for military purposes or other human rights abuses.