



COALITION TO STOP THE USE OF CHILD SOLDIERS

Sri Lanka

**Report to the Committee on the Rights of the Child
on the
Optional Protocol to the Convention on the Rights of the Child
on the involvement of children in armed conflict**

April 2010

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Who are child soldiers?

The Coalition considers the term child soldier to be equivalent to the following description of children associated with armed forces or groups:

A child associated with an armed force or armed group refers to any person below 18 years of age who is or who has been recruited or used by an armed force or armed group in any capacity, including but not limited to children, boys and girls, used as fighters, cooks, porters, spies or for sexual purposes. It does not only refer to a child who is taking, or has taken, a direct part in hostilities.

Source: Paris Principles and guidelines on children associated with armed forces or armed groups, UNICEF, February 2007

The Coalition to Stop the Use of Child Soldiers is an independent human rights organization. It undertakes research and analysis to inform and promote effective action nationally and internationally to end and prevent child soldiering. It contributes to policy debates and works with and supports national NGOs to achieve common goals and objectives. The Coalition's member organizations are Amnesty International, Human Rights Watch, International Federation Terre des Hommes, International Save the Children Alliance and the Jesuit Refugee Service.

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1. Summary of concerns

The opposition group, Liberation Tigers of Tamil Eelam (LTTE) systematically recruited and used child soldiers throughout the 25-year armed conflict with Sri Lankan government forces which began in the early 1980s and ended in May 2009. Boys and girls were forcibly recruited and deployed into armed combat as well as being subjected to harsh conditions and military discipline. Children also “voluntarily” enlisted into the LTTE ranks. Despite a protracted peace process, ceasefire agreements and commitments to ending the use of child soldiers, LTTE child recruitment continued until the conflict ended in May 2009. Thousands of child soldiers were believed to have been recruited and used by the LTTE during the last intense phase of the conflict.

From 2004, hundreds of child soldiers were also forcibly recruited and used by the Karuna group and its political wing the Tamil Peoples Liberation Tigers (Tamil Makkal Viduthalai Pulikal –TMVP). The Karuna group/TMVP broke away from the LTTE in March 2004 and was led by Vinayagamoorthy Muralitharan, (known as Karuna). By late 2007 the TMVP and Karuna had effectively separated but both groups continued to engage in armed activity in support of government security forces, and to recruit and use child soldiers. Several other armed political groups with links to the security groups which have operated in Sri Lanka since the 1990s, have recruited and used children although to a much lesser extent. By December 2009 the TMVP had released almost all the children believed to be in its ranks. Sporadic cases of child recruitment by armed groups with links to the security forces continued to be reported as of February 2010.

While recognizing the difficulty of preventing the LTTE in particular from militarily exploiting children, the Coalition believes that the government of Sri Lanka did not take sufficient measures to protect children against such practices during the years of armed conflict. In relation to the recruitment of under-18s by the Karuna group, TMVP and other armed groups, government inaction, and in some cases complicity of government security forces, contributed to the problem. The Coalition is also concerned that insufficient measures have been taken to prevent current or future recruitment or use of children in hostilities.

In practice there is effective impunity for child soldier recruitment and use in Sri Lanka as well as for other grave abuses of human rights against children. Although child recruitment was criminalized under national legislation in 2006, there are not known to have been any investigations or prosecutions for recruitment or use of under-18s under relevant provisions of the Penal Code. Investigations into the complicity of security

forces in forced recruitment of children by the Karuna group have not progressed satisfactorily and several leaders of the group now hold senior government positions.

The government now faces another significant challenge in reintegrating potentially thousands of children and young adults recruited as child soldiers by the LTTE and other armed groups. A legal framework was put in place in 2008 to provide care and protection for children leaving armed groups, whereby centres were established in which approximately 365 children formerly associated with armed groups remain pending reintegration. While welcoming efforts by the Government of Sri Lanka to provide safe and supportive accommodation to children associated with the LTTE and other armed groups, the Coalition is concerned that the legal framework for demobilization does not fully comply with international standards and that its implementation has not been always been consistent with widely accepted best practices.

Many children and young adults who were associated with armed groups have already returned to civilian life and more will do so in the months to come. Creating safe communities to which children can return does not merely entail the achievement of physical security. Equally important is the reestablishment of the rule of law in these communities, tangible demonstrations of respect for minority communities by the government and moves toward reconciliation in Sri Lanka. Without these broader changes it will be impossible to ensure that communities can provide the best futures for war-affected children.

2. Introduction

Sri Lanka has experienced decades of internal conflict between government forces and armed groups – the most militarily significant of which was the LTTE – which finally ended with the government’s military defeat of the LTTE in May 2009. In the context of this civil war, thousands of children were recruited and forced to serve as soldiers. Many died and thousands more are scarred by their experiences and need rehabilitation and care within their communities.

As a state party to the Optional Protocol on the Convention of the Rights of the Child on the involvement of children in armed conflict (Optional Protocol), the Sri Lankan authorities have a responsibility to ensure that children are not recruited or used by their own armed forces, or by non-state armed groups. They also have the responsibility to ensure that children who are forcibly recruited or used by such groups are afforded protection and assistance in the aftermath of conflict, and are not subject to discrimination because of their previous association with an opposition armed group.

Much remains to be done in Sri Lanka to respond to the rights and needs of former child soldiers including ensuring the availability of options for reintegration and the full range of reparations and remedies. Steps must also be taken to prevent recruitment now and in the future. The end of the conflict has not brought an end to the problem, and the appearance of Sri Lanka before the Committee on the Rights of the Child (CRC) provides a much-needed opportunity to clarify outstanding areas of concern.

This report focuses on the current situation in Sri Lanka with a view to assisting the Committee to make recommendations that will protect Sri Lanka's children and prevent their future recruitment. It focuses on the responsibilities of the government of Sri Lanka and does not review the roles played by others, including international actors. However it is the view of the Coalition that such a review is required to ensure that future interventions can contribute more positively to protecting children against grave violations of human rights in conflict settings.

Information contained in this report is based on the Coalition's own research, both desk and field-based, on the situation of children in armed conflict in Sri Lanka and on data contained in reports and other materials from other credible sources.

3. Prevention of the recruitment and use of children

3.1 Article 3: Voluntary recruitment by the armed forces

Enlistment of soldiers to the armed forces is voluntary and governed by the Soldiers Enlistment Regulations of 1955. Enlistments are conducted as either "recruits" or "directly enlisted soldiers" at a minimum age of 18. All those who qualify for enlistment are required to produce an authentic birth certificate.

According to the 1985 Mobilization and Supplementary Forces Act, the National Cadet Corps was open to those over 16. It provides pre-military and civil training to students, but cadets could not be called to active service and are not members of the armed forces.

3.2 Article 4: Actions of armed groups distinct from the armed forces of the state

LTTE

There have been several armed groups with forces fighting against the state's armed forces, the largest and most well-known of these was the LTTE. This group grew from the 1970s onwards and at times, either through military victories or through negotiated agreements with the government of Sri Lanka, supported by international actors, controlled geographical areas of the north and east of Sri Lanka. LTTE recruitment practices relied on the use of children to fill the ranks of its army. During the 1990s, it was estimated that as many as 75 per cent of the group's armed forces were under-18s. Elite units of child fighters were formed. Child fighters were killed and detained in large numbers and also involved in significant attacks on Sri Lankan military and civilian targets.

Successive commitments were made by the LTTE to halt underage recruitment and to release children from its ranks. However, the structure of the group relied upon the supply of children for the functioning of its military wing in view of which it is

questionable whether LTTE leaders genuinely intended to follow through on these commitments. The following are among the commitments made:

- Commitment by the LTTE in 1998 to the Special Representative of the UN Secretary-General (SRSG) for Children and Armed Conflict, Olara Otunnu, that the LTTE would not use children under 18 in combat, and would not recruit anyone below 17 years of age.
 - In May 1999 the University Teachers for Human Rights (Jaffna) (UTHR(J)) documented the forced training of children through a systematic policy of physical and weapons training for those 13 years and over in schools in the north.¹
 - The LTTE's policy of one child serving in the LTTE from every family was forcibly implemented from August 2001 by Karuna, then the LTTE's commander in the East.²
- The February 2002 Ceasefire Agreement prohibited "hostile acts against the civilian population, including such acts as: abduction, harassment and intimidation of civilians" which, while not explicitly referring to the recruitment of child soldiers, can be viewed as prohibiting recruitment of children.³
 - By early May 2002, the UTHR(J) estimated new child recruits to total 1,000 for Trincomalee town alone and over 5,000 for the East.⁴
 - By August 2002, the Sri Lanka Monitoring Mission (SLMM)⁵ had begun ruling under-aged recruitment as a ceasefire violation and had received 180 such complaints.⁶
- An Action Plan for Children Affected by War, was signed by the Sri Lanka government and the LTTE, with the support of UNICEF in June 2003. It called for the release of all child recruits and significant improvements in socioeconomic conditions in war-torn areas and established temporary transit centres for release and reintegration.⁷
 - By June 2004, 133 children had been released through the transit centre in Kilinochchi, the administrative headquarters of the LTTE, established under the Action Plan. Additional children were officially released from

¹ UTHR(J), "The tragedy of Vanni civilians and total militarisation", May 1999.

² UTHR(J), "In the Name of 'Peace': Terror stalks the North-East", February 2002.

³ Agreement on a Ceasefire between the Government of the Democratic Social Republic of Sri Lanka and the Liberation Tigers of Tamil Eelam, 22 February 2002, art. 2.1.

⁴ UTHR(J), "Toward a totalitarian peace: A human rights dilemma", May 2002.

⁵ The Sri Lanka Monitoring Mission was established by Ceasefire Agreement to monitor the agreement. The SLMM was an independent organisation comprised of staff from five Nordic countries.

⁶ SLMM statement, "Complaints and Violations of the Ceasefire Agreement as of 31st of July", August 2002.

⁷ UNICEF, "Factsheet on Action Plan for War Affected Children" <http://origin-www.unicef.org/media/media_14893.html> and UNICEF, "In Action", <www.unicef.org/srilanka/activities_1107.htm>.

the LTTE but did not go through the Kilinochchi Centre.⁸ Documentation by local human rights groups suggested that some of those released were recruited specifically for the purpose of later releasing them and that some children were re-recruited after their release.⁹ UNICEF noted the cyclical nature of child recruitment and the dramatic increase in recruitment in May and June 2004.¹⁰

- In October 2007 the LTTE submitted an action plan to the Office of the SRSG for Children and Armed Conflict 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 the prevention of re-recruitment.¹¹

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”.¹²

There is reliable information that in early 2009 the LTTE obtained lists of internally displaced persons (IDPs) in the Vanni¹³ from a village official (*grama sevaka*) which it used to identify and target families with children for recruitment. While in the past, some families had been able to protect their children against recruitment by paying off the LTTE, this option was reportedly no longer effective during the last phase of the conflict. The Coalition was informed that there were many cases where, despite payments, children were recruited by LTTE cadres.

After March 2009, the LTTE was reported to have introduced a quota system in which teams of cadres were instructed to return with 30 conscripts. If they failed they were subject to severe punishment.¹⁴ In one reported case in April 2009, the LTTE is said to

⁸ UNICEF reported 449 released in January to June 2004. In the same period UNICEF reported 488 recruitments and stated that the actual number of recruitments is likely to be higher. UNICEF, “Action Plan for Children Affected by War: Progress Report January – June 2004”.

⁹ UTHR(J), “Rituals of Words without Substance”, December 2003.

¹⁰ UNICEF, “Action Plan for Children Affected by War: Progress Report January – June 2004”.

¹¹ Coalition to Stop the Use of Child Soldiers, “Sri Lanka: Issues Concerning Protection of Children Post Armed Conflict”, July 2009.

¹² UNICEF, “More Children Victims of the Conflict,” 17 February 2009, http://www.unicef.org/media/media_48044.html.

¹³ An area in northern Sri Lanka previously controlled by the LTTE.

¹⁴ Information provided to the Coalition by confidential source, London, 8 July 2009.

have forcibly recruited nearly 600 teenagers who had sought refuge in the Valaignarmadam church near Mullivaikkal in northern Sri Lanka.¹⁵

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 soldiers. From April 2009 they were reported to have been employed as frontline soldiers and to protect the senior leadership.¹⁶

Karuna group and TMVP

In March 2004, Karuna, then leader of the LTTE's eastern command, split from the LTTE. The LTTE responded with a public statement indicating its intention to kill Karuna and his supporters including children "entrusted" to the LTTE by their parents who "arm in favour of Karuna".¹⁷ During subsequent attacks by the LTTE in April 2004, children associated with Karuna were reported to have been among those captured and executed.¹⁸ Karuna subsequently withdrew and disbanded most of his forces including hundreds of child soldiers under his command.¹⁹ Many of these children were subsequently forcibly re-recruited by the LTTE.

By 2006, Karuna had regrouped and was working in cooperation with government security forces.²⁰ In 2004 Karuna established a political party, the TMVP, which was formerly registered in 2007. In late 2007, Karuna split from the TMVP. In early 2009 he and some 1,750 cadres loyal to him joined the ruling Sri Lanka Freedom Party (SLFP) and Karuna was sworn in as Minister of National Integration, a position which he continues to hold. Both the Karuna group and the TMVP (headed by Sivanesthurai Chandrakanthan (known as Pillayan)) continued to utilize armed cadres, including under-18s.²¹

Although the illegal recruitment of under-18s by the Karuna group and later by the TMVP was well documented from 2006 onwards, no effective action was taken by the authorities to halt the practice or to release children from their ranks for several years. Concerns about the complicity of elements of the security forces in such practices have yet to be adequately responded to.

¹⁵ Gunasekaran, R, "For better or worse, Tamils in Lanka back LTTE", New Indian Express, 3 May 2009, <http://www.expressbuzz.com>.

¹⁶ See for example statement by Brigadier Shavendra Silva, the commander of the Army's 58th division fighting on the frontline; cited in 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>.

¹⁷ Statement of the LTTE, carried in TamilNet on 25 March 2005; cited in UTHR(J), "Averting a Blood Spill in Batticaloa", 30 March 2004.

¹⁸ See Human Rights Watch, "Living in Fear: Child Soldiers and the Tamil Tigers in Sri Lanka", November 2004, for more details on the numbers killed and the fighting between those loyal to Karuna and the LTTE.

¹⁹ International Crisis Group, "Sri Lanka: The Failure of the Peace Process", November 2006.

²⁰ International Crisis Group, "Sri Lanka: The Failure of the Peace Process", November 2006.

²¹ Pillayan was a member of the LTTE but supported Karuna when Karuna split from the LTTE in 2004.

In response to increasing numbers of abductions of children by the Karuna group and their verification of 30 cases in Batticaloa district in one week alone, UNICEF issued a statement in June 2006 calling on the Karuna group to halt the abduction and forced recruitment of boys under the age of 18.²²

During a visit to Sri Lanka in November 2006 by a Special Adviser of the SRSG on Children and Armed Conflict it was found that the Karuna group continued to abduct children. The Special Advisor noted in a public statement that he had "...found strong and credible evidence that certain elements of the government security forces are supporting and sometimes participating in the abductions and forced recruitment of children by the Karuna faction".²³

Similar information was documented by NGOs. A report issued by Human Rights Watch in January 2007 documented in detail cases of abduction by the Karuna group. The report also highlighted inaction by the authorities in response to reports of abductions of children by the Karuna group and raised further concerns about the complicity in recruitment of children by the group.²⁴

Although either the Karuna group or the TMVP had been listed in the annexes of three subsequent reports of the UN Secretary-General on children and armed conflict since 2006,²⁵ it was not until 1 December 2008 that the TMVP signed an Action Plan with the government and UNICEF. Under the Action Plan the TMVP committed to halt the recruitment of children and release all children in its ranks within a three month period.²⁶ The majority of child soldiers had been released from the Karuna group and the TMVP by the time of the visit to Sri Lanka of a Special Envoy to the SRSG on children and armed conflict, 12 months after the Action Plan was signed. Two children remained unaccounted for as of December 2009.

There are currently no reports of recruitment of children by the TMVP. However, concerns about cases of child recruitment in Ampara district, Eastern Province by Iniya Barrathi, the "commander" of a breakaway faction of the TMVP under Karuna's control, were raised in the February 2010 report of the Special Envoy of the SRSG on Children and Armed Conflict following his visit to Sri Lanka in December 2009. According to the report, senior government officials had committed to "follow up" on this issue.²⁷

²² UNICEF, "UNICEF condemns abduction and recruitment of Sri Lankan children by the Karuna group", June 2006.

²³ Statement "Allan Rock, the Special Advisor to the United Nations Special Representative for Children and Armed Conflict on Sri Lanka, has concluded his 10 day mission to the country", November 2006.

²⁴ Human Rights Watch, *State Collusion in Abductions and Child Recruitment by the Karuna Group*, January 2007.

²⁵ The Karuna faction was listed in 2006 and 2007; and the TMVP (referred to as the former Karuna faction) was listed in 2009.

²⁶ UN Security Council 1539 (2004) calls on parties named in the Secretary General's report to prepare, within three months, concrete time-bound action plans to halt recruitment and use of children in collaboration with the UN.

²⁷ Report of the visit of Major General (ret.) Patrick Cammaert, Special Envoy of the Special Representative for Children and Armed Conflict, February 2010.

Questions to the Government of Sri Lanka

- What steps has the government taken to investigate allegations of recruitment of children by Iniya Barrathi and what measures have been put in place to ensure that children are protected against such practices?

Other armed groups

Several other armed groups have been responsible for the recruitment and use of children in Sri Lanka. There were reports in the past of the Eelam People's Revolutionary Liberation Front (EPRLF), the People's Liberation Organisation of Tamil Eelam (PLOTE), Tamil Eelam Liberation Organisation (TELO) and the Eelam People's Democratic Party (EPDP) recruiting and using children, although not in large numbers.²⁸ These groups were originally set up in the 1980s in opposition to the government. However, since 1990 they have worked in cooperation with the government against the LTTE.²⁹

Current information indicates that EPDP and PLOTE are continuing to recruit and use children for task-specific purposes. For example, in the lead up to the presidential election in January 2010, children were reportedly recruited to assist these groups with tasks including guarding their offices and distributing campaign material.³⁰

Questions to the Government of Sri Lanka

- What measures have been taken by the Government of Sri Lanka to ensure that EPDP and PLOTE do not recruit and use children and that any children associated with them are released and provided with all necessary support for their rehabilitation and reintegration?

4 Prohibition and related matters

4.1 Criminalization and related matters

The recruitment or use of children in armed conflict was criminalized by an amendment to the Penal Code in 2006. Article 358A(1)(d) of the Penal Code (Amendment) Act, No.16 of 2006 provides that “any person who...engages or recruits a child for use in armed conflict, shall be guilty of an offence” and Article 358A(2) stipulates that a person who is guilty of engaging or recruiting a child will “be liable to imprisonment of either

²⁸ Coalition to Stop the Use of Child Soldiers, “CRC Country Briefs, Pre-sessional working group, 33rd session”, September 2002.

²⁹ EPDP is part of the United People's Freedom Alliance (UPFA), the ruling coalition government. While these groups are political parties some of their cadre are armed.

³⁰ Interview with representative of international organisation.

description for a term not exceeding thirty years and to a fine”. The Penal Code defines a child as anyone under the age of 18 years old.

Although the offence of child recruitment and use has been criminalized in Sri Lanka, the effective application of the law is limited by other factors including the non-incorporation of the doctrine of command responsibility into Sri Lankan law. Command responsibility refers to a senior officer’s effective authority, command or control of officers junior to him or her. To address this shortcoming, criminal law reform is needed to ensure that military commanders and other senior officers in armed groups or forces can be prosecuted for the recruitment for use in hostilities of children by forces under their effective authority, command or control. Sri Lanka’s Supreme Court has affirmed the doctrine of “vicarious responsibility” - which refers to the responsibility of one party for the acts of another party (often an employer’s responsibility for the acts of an employee). However the potential for applying the principle of ‘vicarious responsibility’, to command responsibility in a situation of armed conflict has not yet been tested in the courts.³¹

A further obstacle to the criminal prosecution of child soldier recruitment and use in Sri Lanka is the lack of adequate protections for adult and child witnesses. Witnesses of human rights abuses have been killed, physically attacked and harassed. Children or others called to testify in child recruitment cases, including those involving security force complicity, may therefore be at risk.

Legislation to establish a witness protection program has been drafted but not yet adopted and there is currently no provision for witness protection in Sri Lanka. The Assistance and Protection to Victims of Crime and Witnesses Bill was first drafted in 2001 and was tabled as an “urgent bill” in Parliament in June 2008 but has yet to be adopted as law. The current version of the bill is much improved from previous drafts. However it contains significant shortcomings on witness definition, the structure, composition and administration of the program, admission criteria, threat assessment, and the range of protection measures available to witnesses qualifying for the program.³²

Children formerly associated with armed groups may at a future date be required to provide information in criminal prosecutions, civil proceedings, inquests or commissions of inquiry. Therefore it is important that witness protection measures contained in a future law take into account the special needs of children.

The draft law contains a number of welcome provisions. It defines a child as anyone under the age of 18³³ and provides for “the adoption of special measures to protect the rights of children and to ensure the best interests of child victims of crime and child

³¹ International Commission of Jurists, “Post-War Justice in Sri Lanka: Rule of Law, the Criminal Justice System, and Commissions of Inquiry”, January 2010, 15.

³² For further analysis see: International Commission of Jurists, “Witness Protection in Sri Lanka”, Forthcoming.

³³ Assistance and Protection to Victims of Crime and Witnesses Bill, Part VIII, Article 36.

witnesses”.³⁴ It additionally extends protection to the parent or guardian of a child witness.³⁵ The Coalition understands that the bill also includes provision for the “sensitization of public officers” involved in the enforcement of the future law on the special needs of victims and witnesses arising from among other things their age.³⁶

In addition to these provisions, a future law should also ensure the following:

- Staff within the protection division of the witness protection program include staff who are specifically trained and are experienced in working with children;
- Criteria for assessing threats to witnesses take into account the particular vulnerabilities of children and young people;
- Available protection measures should take into account the particular needs of children and young people, especially in relation to courtroom procedures and inclusion in an identity change program.

Questions to the Government of Sri Lanka

- What steps has the government taken to ensure that individuals with command responsibility for the recruitment and use in hostilities of children can be held to account, including through the incorporation of the concept of command responsibility into legislation?
- What is the status of the Assistance and Protection to Victims of Crime and Witnesses of Crime Bill; when is it expected to be adopted?

4.2 Investigations and prosecutions

There is a general lack of accountability in Sri Lanka and few cases of human rights abuses by either state or non-state parties have ever been satisfactorily investigated or prosecuted. The Coalition is not aware of any prosecutions under the 2006 amendment to the Penal Code criminalizing the recruitment and use of children.

The government indicated in 2009 that two individuals associated with the LTTE had been arrested in relation to their involvement in child recruitment.³⁷ In October 2009, in response to the investigation report of the European Commission (EC) into Sri Lanka’s compliance with core human rights treaties, the government of Sri Lanka noted that their investigations into allegations of child recruitment had become more productive since the completion of military operations against the LTTE. The government’s formal written

³⁴ Assistance and Protection to Victims of Crime and Witnesses Bill, Part VI, Article 23(3(a)).

³⁵ Assistance and Protection to Victims of Crime and Witnesses Bill, Part VIII, Article 36.

³⁶ Assistance and Protection to Victims of Crime and Witnesses Bill, Part IV, Article 13(j).

³⁷ This was stated in the government’s response to the General System of Preferences (GSP+) report of the European Union. The European Commission launched an investigation on 14 October 2008 to assess whether the national legislation of Sri Lanka incorporating three UN human rights conventions, the International Covenant on Civil and Political Rights (ICCPR), the Convention against Torture (CAT) and the Convention on the Rights of the Child (CRC), was effectively implemented. These three conventions are among the 27 international conventions that form part of the substantive qualifying criteria for GSP+ which Sri Lanka was granted in 2005 in the aftermath of the tsunami.

response to the EC's inquiry stated that two persons have been arrested, "enabling the commencement of judicial proceedings against them".³⁸

Many LTTE members, including the senior leadership, who were responsible for massive recruitment and use of children during the decades of armed conflict were killed in the final phase of the armed conflict. While individual accountability for the LTTE may in many cases not be possible, this does not diminish the rights of those who were recruited and used as children or subjected to other human rights abuses by the LTTE to remedy and reparations. Other LTTE members responsible for underage recruitment and use and other serious human rights abuses may be among those in detention [see Section 5.2 below]. Any criminal investigations against such individuals should address their participation in crimes relating to child recruitment and use as well as other crimes.

There have been no known investigations into serious and credible allegations against members of the Karuna group or TMVP of forced recruitment of children. In particular, no action has been taken against the former leader of the group, Karuna, who is widely believed to have been responsible for the forced recruitment of thousands of children both as an LTTE commander and subsequently as leader of the breakaway Karuna group. Karuna currently holds a ministerial position in the current government.

The President of Sri Lanka committed to investigating the allegations made in 2006 by the Special Advisor to the SRSG for Children and Armed Conflict, on the complicity of elements of the armed forces in the forced recruitment of children by the Karuna group. According to a statement by the Special Advisor at the time, the President provided assurances that he "...will order an immediate and thorough investigation to determine whether such things have occurred and, should the evidence support that conclusion, he will take action to hold accountable those responsible". These assurances were reiterated by the Permanent Representative of Sri Lanka to the Security Council Working Group on Children and Armed Conflict in 2007.³⁹

A committee was reported to have been set up on 27 August 2007 to investigate the allegations.⁴⁰ However, during the December 2009 visit to Sri Lanka of the Special Envoy of the SRSG on Children and Armed Conflict the Minister for Disaster Management and Human Rights claimed that he was "neither able to recall or to produce any report or material concerning this investigation". At the time of publication of the Envoy's report in February 2010, he had not received any further information from the government in this regard.⁴¹ Despite documentation by the UN, and NGO reports, the government has continued to maintain a public position that the allegations of complicity

³⁸ Government of Sri Lanka, "Observations of the Government of Sri Lanka in respect of the "Report on the findings of the investigation with respect to the effective implementation of certain human rights conventions in Sri Lanka", document no. C (2009) 7999, dated 19 October 2009".

³⁹ Report of the Secretary-General on children in armed conflict, UN Doc. A/62/609 S/2007/757, 21 December 2007.

⁴⁰ Report of the Secretary-General on children in armed conflict UN Doc. A/62/609 S/2007/757, 21 December 2007.

⁴¹ Report of the visit of Major General (ret.) Patrick Cammaert, Special Envoy of the Special Representative for Children and Armed Conflict, February 2010.

by the security forces are “uncorroborated and unsubstantiated” and do not provide sufficient details to facilitate an investigation.⁴²

The possibility of accountability mechanisms for human rights violations being established are referred to in the National Framework Proposal for Reintegration of Ex-Combatants into Civilian Life in Sri Lanka, prepared by the Ministry of Disaster Management and Human Rights and the International Labour Organization in July 2009. The Framework states that “[t]he reintegration programme along with its transitional justice mechanism to be designed contemplates granting amnesty to ex-combatants whose degree of participation in the conflict-related crimes does not rise to the gravity of war crimes or crimes against humanity”. This implies that amnesties will not be granted for war crimes, which would include “conscripting or enlisting children under the age of fifteen years into armed forces or groups or using them to participate actively in hostilities”.⁴³

The Attorney General is tasked with preparing “a suitable mechanism for transitional justice and amnesty”. However, no indication is given about what transitional justice mechanisms are being considered and whether they will include prosecutions. The Framework specifically states that child combatants are to be granted amnesty.

As of February 2010, the Action Plan for the implementation of the National Framework had not been approved by either the Cabinet or the President.

Questions to the Government of Sri Lanka

- What progress has been made in the investigations into child recruitment by members of the LTTE referred to in the government’s response to the GSP+ report?
- Did an investigation into the complicity or active support of elements of the Sri Lankan security forces in the recruitment of children by the Karuna group take place and, if so, what were the findings of that investigation? What other measures have been taken to hold to account any individuals within the security forces who are suspected of involvement in such practices?
- What progress has been made in investigating allegations of the recruitment and use of children by the Karuna group and the TMVP and what measures have been taken to hold to account individuals responsible for such practices?
- What other measures has the government taken or will it take in the future to ensure that all individuals who were the victim of recruitment and use in hostilities by the LTTE, the Karuna group, TMVP or other armed groups as children are afforded their rights to remedy and reparation?

⁴² Most recently the GoSL has said this in its response to the EU’s GSP+ report, 19 October 2009, [55].

⁴³ Rome Statute of the International Criminal Court, Article 8 (2(e)(vii)).

5. Protection, recovery and reintegration

Thousands of children were recruited and used by armed groups throughout the more than two decades of armed conflict in Sri Lanka, very few of whom have benefited from any formal demobilization process either currently or in the past.⁴⁴ Since the government militarily defeated the LTTE in May 2009, around 600 children have been held in Rehabilitation Centres. However, the fate and whereabouts of most of the children associated with the LTTE during the final months of conflict is not known.

5.1 Legal framework for demobilization and reintegration⁴⁵

The legal framework and procedures for the “rehabilitation” of “surrendees” and children victims of abuse, are set out in two regulations adopted respectively in September 2006 and December 2008.⁴⁶

The 2006 Regulations apply to individuals who voluntarily surrender to the armed and security forces or any other public officer “in connection with any offence” under several pieces of legislation criminalizing a wide range of “terrorism”-related activities.⁴⁷ They also apply to individuals who voluntarily surrender to the armed and security forces or any other public officer “through fear of terrorist activities”.⁴⁸

In 2008, a new set of Regulations created a specific regime for persons under 18 years of age who surrender to, or are arrested by, national authorities, having been subjected to: debt bondage, forced or compulsory labour, or slavery; forcible recruitment “as a combatant in an armed conflict”; or child trafficking. Additionally, the 2008 Regulations apply to children who surrender to national authorities because of “fear of being subjected to” abuses; or because of fear of threats or reprisals by any party to the armed conflict.⁴⁹

⁴⁴ In October 2003 a transit centre run by the Tamil Rehabilitation Organisation (TRO), an NGO closely linked to the LTTE, was opened in Kilinochchi. Two others, in Trincomalee and Batticaloa, were constructed but never opened due to the low numbers of children released by the LTTE. By June 2004 only 78 children had been released through the Kilinochchi Transit Centre.

⁴⁵ A detailed analysis of the legal framework is provided in Annex I.

⁴⁶ Regulations made by the President under Section 5 of the Public Security Ordinance (Chapter 40), *The Gazette of the Democratic Socialist Republic of Sri Lanka - Extraordinary*, No. 1462/8, 12 September 2006 (hereinafter ‘2006 Regulations’); and Regulations made by the President under Section 5 of the Public Security Ordinance (Chapter 40), *The Gazette of the Democratic Socialist Republic of Sri Lanka - Extraordinary*, No. 1580/5, 15 December 2008 (hereinafter ‘2008 Regulations’). Both Regulations amended the Emergency (Miscellaneous Provisions and Powers) Regulations, No. 1 of 2005, *Gazette Extraordinary*, No. 1405/14 of 13 August 2005.

⁴⁷ These pieces of legislation are: the Explosives Act; the Offensive Weapons Act, No. 18 of 1966; the Firearms Ordinance; the Prevention of Terrorism (Temporary Provisions) Act, No. 48 of 1979; Chapter VI, Chapter VII or Chapter VIII of the Penal Code; and any other emergency regulation. They criminalize activities ranging from possessing guns without a licence to ‘exciting feelings of disaffection’ to the President to ‘being a member of an unlawful assembly’.

⁴⁸ 2006 Regulations, section 22 (2).

⁴⁹ 2008 Regulations, section 22A (3).

The Coalition is concerned about the decision to apply the same legal framework to individuals potentially involved in the armed conflict and to those trying to flee it; to former child soldiers and to children who suffered other abuses, such as child trafficking or forced labour; to children who actually suffered abuses and those who did not. The best interest of the children affected would require the establishment of mechanisms and procedures tailored to the needs of each category of children and responding to the specificities of the type of abuse they suffered, if any.

More importantly, the Coalition is concerned that the application of the legal regime specific to children (that of the 2008 Regulations) is dependant upon the age of the individual at the time of arrest or surrender, rather than at the time of recruitment or at the time of the commission of any alleged offence.

2006 Regulations

The 2006 Regulations apply only to individuals who voluntarily surrender to the Sri Lankan authorities. At the time of the surrender, the “surrendee” must state in writing that he/she is surrendering voluntarily.⁵⁰ It is unclear whether such a declaration of voluntary surrender should mention the offences allegedly committed by the “surrendee” and whether it can be used in later judicial proceedings as a confession. In practice, the situation within the IDP camps after the end of the conflict made it extremely difficult to distinguish between arrest and voluntary surrender (see section 5.22).

While the 2008 Regulations apply to those are under 18 at the time of arrest or surrender, the 2006 Regulations are applicable to those who were under 18 at the time of recruitment but are over 18 at the time of arrest or surrender. Those recruited when under 18 who were over 18 at the time of surrender or arrest should be provided with appropriate rehabilitation and reintegration. Following his December 2009 visit to Sri Lanka, the Special Envoy to the SRSG on Children and Armed Conflict, recommended that the cases of individuals who were recruited when under 18 and who are now aged between 18 and 21 are reviewed. The government indicated to the Special Envoy an openness to dialogue on this issue.

The Coalition is concerned that individuals detained under the 2006 Regulations are deprived of their liberty and that their contact with the outside world is restricted. They are allowed to meet their parents, relations or guardians only once every two weeks and only upon permission of the officer in charge of the Centre.⁵¹ At no point are “surrendees” permitted the assistance of a legal counsel, in violation of the right of any person arrested or detained to the assistance of legal counsel. No procedure exists to review the grounds for the deprivation of liberty before a judicial body.

The Coalition is also concerned that a police investigation is delayed under the Regulations for three months after the initial detention, thus effectively imposing a three

⁵⁰ 2006 Regulations, section 22 (2).

⁵¹ Ibid., section 22 (8).

month delay on bringing charges against a “surrendee”.⁵² The ‘Protective Accommodation and Rehabilitation Centres’ system as a result becomes a system of prolonged pre-trial detention without charge.

2008 Regulations

Arrest or surrender

Under the 2008 Regulations, after arrest or surrender the child is brought to a police station where police authorities contact his or her parents or guardians, the Probation Officer and the Coordinator of the National Child Protection Authority. Within 24 hours, the child is brought before a magistrate.⁵³ Having heard the child, the magistrate decides whether to return the child to the care of his or her parents or guardians, or place him or her in a “Protective Child Accommodation Centre”, intended to provide accommodation and support.⁵⁴

These provisions partially implement the child’s right to inform the family of his/her detention and whereabouts, to be brought promptly before a judge or other judicial officer and to be heard.⁵⁵ However, the child is not allowed the assistance of a legal counsel and cannot challenge the lawfulness of the detention, in violation of international law.

Magistrates review procedure

According to the 2008 Regulation, a month after the first hearing, the magistrate reviews the status of children accommodated in a “Protective Child Accommodation Centre”, with the assistance of the police. Such a review includes: an interview with the child, a medical examination, and a social inquiry report, setting out the “immediate and long term needs of the child”.⁵⁶ With respect to former child soldiers, the magistrate’s review includes an evaluation of the evidence of any offence that the child may have committed during the time of his or her recruitment.⁵⁷

The magistrate’s review can have three outcomes:

- the child is returned to the care of his or her parents or guardians;⁵⁸

⁵² 2006 Regulations, section 22 (12).

⁵³ 2008 Regulations, section 22A (6).

⁵⁴ *Ibid.*, section 22A (7).

⁵⁵ Article 12(2) of the Convention on the Rights of the Child states: “the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.”

⁵⁶ 2008 Regulations, section 22A (7) and (8). The social inquiry report is prepared by the Probation Officer, in consultation with the Child Rights Promotion Officer and the Co-ordinator of the National Child Protection Authority for the area.

⁵⁷ *Ibid.*, section 22A (8).

⁵⁸ Children who return to their families enter reintegration programmes at the district level: *ibid.*, section 22A (11).

- the child remains in a *Protective Child Accommodation Centre*, for a period not exceeding one year;
- where there is evidence that the child has committed an offence during any period in which he or she was recruited “as a combatant”, he or she is placed in a *Protective Child Rehabilitation Centre*, for a period not exceeding one year.⁵⁹ Such Centres are intended to provide “care, psychosocial support, and vocational and other training” to facilitate re-integration.⁶⁰

The inclusion of the need to ensure the protection and the best interest of the child, as well as of the need to ensure family reunification, among the criteria that the magistrate should take into account during the review of the child’s status are positive steps;⁶¹ as is the provision imposing the adoption of child-friendly procedures.⁶² However, these limited openings to international law and standards governing juvenile justice do not allow the serious shortcomings of other aspects of the process to be ignored.

Although the magistrate’s review procedure does not result in a formal determination of guilt or innocence, it includes an evaluation of any evidence available that the child has committed criminal offences. Moreover, it can result in the deprivation of the child’s liberty for a prolonged period of time. On this basis, the Coalition believes that the magistrate’s review procedure should conform to international law and standards governing juvenile justice and is concerned about its serious shortcomings.

No procedure is established to ensure that only children meeting the Regulations’ requirements (i.e. former child soldiers who allegedly committed offences during their recruitment) are kept in the “Protective Child Rehabilitation Centres”. The outcome of the magistrate’s review cannot be challenged before a higher authority and former child soldiers are not allowed the assistance of a legal counsel during the review. Although they have a right to be heard, they have no right to be provided with a copy of the social inquiry report or informed about the evidence examined by the magistrate. They are not allowed to submit additional evidence in their favour.

5.2 Demobilization, rehabilitation and reintegration in practice

Protective Child Accommodation and Rehabilitation Centres

The Emergency Regulations establish two types of centres: Protective Child Accommodation Centres and Protective Child Rehabilitation Centres. However, in practice, the distinction between the two is blurred such that the treatment of children, against whom there is evidence of having committed an offence as a child soldier, differs little from those against whom there is no evidence.

⁵⁹ Ibid., section 22A (8).

⁶⁰ Ibid., section 22A (1).

⁶¹ Ibid., section 22A (9).

⁶² Ibid., section 22A (10).

According to the Sri Lankan Commissioner-General of Rehabilitation, over 600 former child soldiers below 18 years of age were in the “rehabilitation programme” in November 2009.⁶³ As of February 2010 around 365 children remained in the rehabilitation centres following the release of some 400 individuals including 185 children in January 2010.⁶⁴

Children detained between May and July 2009 were not brought before a magistrate until August and the Social Inquiry Reports associated with the assessment of each child by the magistrate were not produced as quickly as necessary.⁶⁵ This situation had improved later in the year.

There have also been concerns in relation to the running of rehabilitation centres, including the involvement of the military in their management; incomplete separation of children from adults; and security including from re-recruitment. Vulnerability is increased because access to rehabilitation centres has been irregular for child protection agencies such as UNICEF.

Like the “Protective Accommodation and Rehabilitation Centres” for adult “surrendees”, the Protective Child Accommodation and Rehabilitation Centres for children are managed by the office of the Commissioner-General of Rehabilitation.⁶⁶ The military remains involved in running these facilities. Both the former and current Commissioners-General are senior members of the Sri Lankan military. The Coalition was informed in November 2009 that the Punthottam Technical College in Puttalam, near Vavuniya, which then housed 293 former child soldiers, had a heavy presence of Sri Lankan military. The presence of state security forces at the Hindu College in Ratmalana was less conspicuous as security was provided by police officers in civilian clothes at the gates.

Initially the separation of adult and child detainees was not complete and both male and female children were present in adult detention sites in Vavuniya. Information suggests that this has improved and while some children may still remain in adult sites this is not a deliberate policy of the government.⁶⁷

The report of the SRSB’s Special Envoy emphasizes that the best option for children is to live with their family and community to assist in recovering from traumatic events. To this end he recommends community-centred rehabilitation for children and calls for advance planning to enable this.

⁶³ ‘Getting used to feeling free’, *The Sunday Times*, Sri Lanka, 15 November 2009, http://www.sundaytimes.lk/091115/News/nws_12.html.

⁶⁴ Interview with UNICEF, February 2010.

⁶⁵ Interview with UNICEF, February 2010.

⁶⁶ While responsibility for supporting and monitoring children placed in a ‘Protective Child Accommodation Centre’ rests with the Provincial Commissioner of Probation and Child Care Services, the 2008 Regulations make no reference to the authority responsible for the running of and well-being of children in ‘Protective Child Rehabilitation Centres’. *Ibid.*, section 22A (8).

⁶⁷ Interview with UNICEF, February 2010.

Arbitrary detention of children from IDP camps and transit centres

Children formerly associated with the LTTE were among the 300,000 people detained in IDP camps during and after the final months of the war. All IDPs were denied their liberty and freedom of movement and had poor access to food, medicines and other essentials. As of February 2010, around 100,000 people remained in IDP camps. Since December there has been some improvement in camp conditions and freedom of movement has increased although it is not fully assured. Another 11,000 people, believed to be mostly adults, are detained in separate locations on suspicion of association with the LTTE.

In the weeks immediately following the end of the conflict, individuals suspected of association with the LTTE were reported to be being removed from IDP camps and from “closed transit camps” by members of the Sri Lankan security forces, reportedly with support from members of armed groups.⁶⁸ Boys and girls under the age of 18 were among those believed to have been taken at this time. The following cases are illustrative of this practice:

- 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. In one case, 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. The Coalition received no further information on their whereabouts.⁶⁹
- At the end of May 2009, members of the security forces together with cadres from the Karuna group were reported to have taken approximately 30 people, including some under the age of 18, identified as being associated with the LTTE from the Pulmoddai IDP camp which then housed 9,000 displaced persons.⁷⁰ As with the cases in Vavuniya, families were not provided with detention orders or arrest receipts or other documentary evidence of arrest.⁷¹
- In November 2009, ten males, including two under-18s, were reported to have been taken away by members of security forces in plainclothes from the Kadirgamar IDP camp in Chettikulam, Vavuniya. According to eye-witnesses, names of those removed were called out by security forces, but no reason given for their removal. One elderly man who was among those taken away had

⁶⁸ “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.

⁶⁹ Coalition to Stop the Use of Child Soldiers, *Sri Lanka: Issues Concerning Protection of Children Post Armed Conflict*, July 2009.

⁷⁰ “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.

⁷¹ Confidential information provided to the Coalition from Vavuniya, July 2009.

allegedly worked as a driver with the LTTE which generated concern among other IDPs that those taken were also suspected of links to the organization.

- In November 2009, nearly 30 females, including several girls under the age of 18 and a young heavily pregnant woman, were taken away by plain-clothed members of the security forces from Menik Farm displaced persons camp, in Vavuniya. Eyewitnesses also claimed that their names were called out by the officials and that they were taken away in a military vehicle.

Levels of vulnerability, particularly among children, were extremely high at the time because of restrictions on access by national and international humanitarian agencies and human rights monitors to IDP camps and other locations in which displaced persons were being held. In some cases families were not informed of where their children, who had been removed from IDP camps because of their alleged association with the LTTE, were being held.⁷²

Questions to the Sri Lankan government

- Has the government given any consideration to reviewing the 2008 Emergency Regulation to ensure that it is consistent with international standards in light of concerns raised by the Special Envoy?
- What measures are being taken to review cases of individuals recruited by armed groups as children but who are now over the age of 18 to ensure that they benefit from all necessary support for their rehabilitation and reintegration?
- What steps are being taken to minimize the length of time that children are held in protective or rehabilitative custody, and what measures are in place to allow children to appeal their continued detention with the assistance of a lawyer?
- What efforts have been made to ensure that parents, guardians and legal counsel are provided with official documentation attesting to the location of the child, the reasons for their custody, the length of time they will be held and the process of review by magistrates?
- What measures have been taken to ensure that rehabilitation centres are managed and operated in compliance with the Paris Principles and Guidelines on Children Associated with Armed Forces or Armed Groups?
- What measures have been taken to ensure that children against whom there is evidence of involvement in a criminal offence are detained separately from other children?
- What measures have been taken to ensure independent monitoring of the conditions and well-being of children in rehabilitation centres and any other places where children formerly associated with armed groups are held?
- Which organizations have regular access to all places of detention where under-18s are held including accommodation and rehabilitation centres, IDP camps, and all official and unofficial places of detention? Does UNICEF have regular access to the centres?

⁷² Information shared confidentially with the Coalition, November 2009.

Sexual violence

Between May and November 2009 the Coalition received reports of sexual violence against women and girls and young boys, including those formerly associated with the LTTE, from various IDP camps and other sites in north Sri Lanka that had taken place during and following the final months of the conflict. Numerous aspects of conditions in the camps contributed to an environment in which sexual violence took place. These included: high numbers of separated and unaccompanied conflict-affected children; severe overcrowding in IDP camps and other sites; lack of physical barriers between girls and boys in some rehabilitation centres;⁷³ disproportionate numbers of male to female officers in others;⁷⁴ and restrictions on access to IDP camps and other places of detention.

While it is extremely difficult to obtain specific details on individual cases, reports received by the Coalition indicated a range of perpetrators including members of the security forces, individuals in positions of authority in IDP camps, rehabilitation centres or other locations such as hospitals, and men within the Tamil community or relatives of victims.

Reports and first-hand testimony indicated that during the months of May and June 2009, the sexual assault of women, girls and boys was committed by junior officials from the Sri Lanka military. The Coalition has also received reports, which it has not been able to verify, of sexual abuse and exploitation of under-18s by members of the military and police Criminal Investigation Department (CID) in IDP camps during the months of May and June 2009.

Questions to the Sri Lankan government

- What measures have been taken to protect children from rape and other forms of sexual violence in IDP camps and other places where children, including those formerly associated with the LTTE are held? In particular, has the recommendation of the Special Envoy of the SRSR on Children and Armed Conflict for the establishment of protection focal points and support services in all IDP camps and “surrendee” facilities been acted upon?
- What measures have been taken to investigate allegations of rape and sexual violence of girls, including those formerly associated with the LTTE?

Releases and long-term reintegration prospects

An estimated 600 children have been, or are in the processes of being, demobilized through government rehabilitation and reintegration programs. While the precise numbers

⁷³ Concerns were raised about the physical layout of Poonthottam technical College Rehabilitation Centre in Vavuniya because of the lack of physical barriers between boys’ and girls’ accommodation and because military responsible for the security of the Centre had easy access to the area where the girls were located. Confidential Interview by the Coalition, November 2009.

⁷⁴ It was reported to the Coalition in a confidential interview in November 2009 that male officers heavily outnumbered female officers at the Pampaimadhu “surrendee” centre in Vavuniya district which housed approximately 900 women and girls.

are not known, it may be assumed that there are significant numbers of other children formerly associated with the LTTE and other armed groups who have not had access to formal rehabilitation and reintegration support.

Despite the end of the war, the current environment in Sri Lanka is not conducive to the promotion and protection of the rights of children, including those affected by armed conflict who now face many challenges in returning and reintegrating into their families and communities. In particular, tightening restrictions on freedom of expression, manifested in threats, harassment, physical attacks and arrests of members of the media, human rights actors and others, has contributed to an environment in which independent monitoring of human rights is obstructed. The independence of official institutions for the protection of human rights, notably the national Human Rights Commission and Police Commission, has been compromised in recent years because of the irregular appointment of their Commissioners.

Moreover, there are concerns around the physical security in some of the areas to which children have returned or will do so: many areas have yet to be demined⁷⁵ and, at least in Ampara district, there remains a threat of re-recruitment.

Questions to the Sri Lankan government

- What measures are being taken to bring about the speedy reunification of children formerly associated with armed groups with their families and to ensure that the environments to which these children and their families are returning are safe?
- What measures have been taken to assess the long-term reintegration needs of children formerly associated with armed groups and other conflict-affected children and what programs are being developed and implemented to support these needs including in the areas of schooling, skills training and job creation?
- What steps have been taken to identify the psycho-social needs of former child soldiers and other conflict-affected children and what programs have been or will be established to respond to these needs?
- To what extent has the design of reintegration programs and psycho-social support taken into account the special needs of girls formerly associated with armed groups and other girls who have been victims of conflict-related gender-based crimes?

⁷⁵ Interview with international security expert in Sri Lanka, February 2010; Report of the visit of Major General (ret.) Patrick Cammaert, Special Envoy of the Special Representative for Children and Armed Conflict, February 2010.



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