



Watchlist

# No Safety No Escape:

## Children and the Escalating Armed Conflict in Sri Lanka

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

Both the GoSL and the LTTE have restricted or denied the delivery of vital humanitarian aid to the Jaffna peninsula and the Vanni area in the North, certain areas in the East and GoSL-declared high security zones. Adding to considerable bureaucratic barriers, humanitarian and human rights workers have been increasingly harassed, threatened and even killed while carrying out their life-

saving work. Additionally, restrictions on the movement of civilians have exacerbated the humanitarian crisis by preventing civilians from escaping into safety or seeking assistance. Perpetrators commit violations against children and other civilians with impunity. Today, the establishment of an independent human rights monitoring system is more critical than ever since the recent dissolution of the cease-fire agreement and the subsequent withdrawal of the Nordic-led Sri Lanka Monitoring Mission (SLMM).

Children throughout Sri Lanka face a broad spectrum of violations against their security and rights, perpetrated by various armed forces and groups. In its report, *No Safety No Escape: Children and the Escalating Armed Conflict in Sri Lanka*, Watchlist illustrates this situation and provides practical recommendations for urgent actions needed to protect Sri Lankan children.



UNICEF/HO06-1599/Shehzad Noorani



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## Refugees and Internally Displaced Persons

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

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

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

## Health

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

## HIV/AIDS

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

## Education

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

## Gender-based Violence

There is a dearth of information about conflict-related cases of gender-based violence (GBV) in Sri Lanka, which makes it difficult to assess the nature and scope of the problem. However, anecdotal information suggests that this lack of information does not necessarily reflect the reality of the situation. Rather, it is likely that incidents of GBV have increased due to the armed conflict, yet incidents are not reported or systematically documented due to survivors' fear of stigmatization or retribution and the lack of access to adequate and appropriate legal, medical and social services for them.

This document is a summary of Watchlist's full report *No Safety No Escape: Children and the Escalating Armed Conflict in Sri Lanka*. The full report primarily reflects information drawn from secondary sources available in the public domain. Information is collected through an extensive network of organizations that work with children around the world. Analysis is provided by a multidisciplinary team of people with expertise and/or experience in the particular context. Sources for information printed in this summary and in the full report are listed at the end of the full report in alphabetical order. Some sources are confidential and are not listed to protect their safety. The people represented in the photos in this report are not necessarily themselves victims or survivors of human rights violations and other abuses.



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## Landmines and Explosive Remnants of War

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

## Small Arms

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

## Child Soldiers

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

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

## Other Violations and Vulnerabilities

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

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

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

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

## URGENT RECOMMENDATIONS

*No Safety No Escape* makes urgent recommendations to the Government of Sri Lanka (GoSL), the LTTE, the TMVP/Karuna faction; the United Nations Security Council; the 1612 Taskforce in Sri Lanka; the humanitarian community in Sri Lanka; donors; and other governments. Of primary importance, is the call to all armed forces and groups in Sri Lanka to immediately halt violations against children. Additionally, all actors must take immediate action to protect children in Sri Lanka from further abuse and to find ways to assist and support those who have suffered the consequences of decades of armed conflict.

The following are key recommendations from Watchlist's report:

- » **All parties of the conflict** should strictly comply with all international commitments and uphold international human rights and humanitarian law, with particular attention to the Convention on the Rights of the Child and its Optional Protocols. The GoSL should accept and fully cooperate with an independent human rights monitoring mission under UN auspices responsible for investigating and reporting on all violations of international human rights and humanitarian law.
- » **Authorities of the GoSL** should increase socially-oriented spending in the budget, with a focus on addressing imbalances in the provision of educational, social and health services to children throughout Sri Lanka. The GoSL must also ensure that policies to protect the security and rights of children in Sri Lanka are an integral part of all government institutions.
- » **Authorities of the GoSL** must immediately launch a thorough and credible investigation into the involvement of Sri Lankan security forces in aiding the recruitment and/or abduction of children by the TMVP/Karuna faction and hold those responsible accountable for their crimes.
- » **Authorities of the GoSL and the LTTE** must provide humanitarian actors with unrestricted and secure access to all areas of Sri Lanka, and guarantee all civilians safe, unimpeded and sustained access to humanitarian assistance. This includes ensuring that human rights defenders are protected and that their efforts to bring public attention to human rights violations are supported.
- » **The LTTE** must cease all rights violations connected with the entrapment of civilians, including the extraction of taxes, forced recruitment of civilians, particularly children, and the creation of a local pass system, which prevents civilians from moving in and out of the Vanni area.
- » **The UN Security Council** should set clear benchmarks that the LTTE and the TMVP/Karuna faction must meet within a strict and limited time period to end the recruitment and use of children. If these benchmarks are not met, the Security Council should apply targeted measures, such as weapons bans and travel restrictions.
- » **The UN Security Council** should send a delegation of members of the Security Council Working Group on Children and Armed Conflict to conduct a field mission to Sri Lanka (including partially affected areas) to draw attention to the plight of children affected by armed conflict in all parts of Sri Lanka, to investigate allegations of violations, to review progress by the monitoring and reporting mechanism in Sri Lanka and to follow up by submitting a comprehensive report including recommendations for further action by the Security Council.
- » **Members of the humanitarian community, including donors,** should strengthen and expand programs that protect and assist children in Sri Lanka, particularly former child soldiers, IDPs, unaccompanied and separated children, GBV survivors and others who may face higher risks of violence and exploitation.
- » **Donor countries and agencies** should convene a donor conference to discuss new approaches that take into account widespread human rights abuses and the renewal of armed conflict, including conditionality of aid. The conference should aim to increase the support for civilian protection and humanitarian initiatives and ensure that humanitarian principles are applied. It should also encourage the GoSL to increase and sustain its own funding for social services.
- » **Key trading partners of Sri Lanka,** notably the European Union and the Asia-Pacific Economic Cooperation (APEC) members, should use all available means to ensure that the GoSL upholds its commitments and obligations to protect children under international humanitarian and human rights law.

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