

December 2006

Child Soldiers in Sri Lanka: Issues and Response

SUKANYA PODDER



Society for the Study of Peace and Conflict
fostering ideas, research and dialogue...

About the Author

SUKANYA PODDER

Sukanya Podder is Research Assistant at the Institute for Defence Studies and Analyses, New Delhi, India

© 2006 Society for the Study of Peace and Conflict. All rights reserved.

No part of this publication may be reproduced or transmitted in any form or by any means without permission in writing from the Society for the Study of Peace and Conflict, New Delhi.

Please direct inquiries to:

Research Coordinator

Society for the Study of Peace and Conflict
Post Box No. 10560, JNU Old Campus, New Delhi
Pin-110067 (INDIA)
Officemail@sspconline.org
www.sspconline.org

This publication can be downloaded for free at: www.sspconline.org

SSPC Paper

SSPC Paper presents research findings by the in-house scholars and colleagues from other institutions and independent analysts. It also aims to include ongoing research and key excerpts from larger works/projects in progress on the core research themes of the Society.

Comments from readers are welcome. Feel free to reply/contact at the mailing address or email above.

Disclaimer

The opinions, conclusions, and recommendations expressed or implied within are those of the authors and do not necessarily reflect the views of the Society for the Study of Peace and Conflict or the Organisation She/He belongs. Portions of this work may be quoted or reprinted with permission and with credit to the Society for the Study of Peace and Conflict, New Delhi. A courtesy copy of any reviews and tear sheets would be appreciated.

One of the alarming trends of recent warfare pertains to the widespread use of children as soldiers. In an oft-quoted estimate children today are said to be participating as active combatants in over seventy five percent of the world's armed conflicts. Child soldiers are generally defined as "persons under the age of eighteen years engaged in organized and politically directed violence as part of an armed group."¹ The problem also increasingly defies gender boundaries.² Girls serve not only as soldier-wives but also as part of *fidayeen* or suicide squads given that they look relatively harmless and less suspicious than men. While this co-option of youth for armed violence is not an entirely new phenomenon, a disturbing trend lies in the fact that, while earlier, child soldiers were recruited only when the supply of adult soldiers ran short, today society's youngest are often recruited as a matter of preference.

International Response

The international community first began a coordinated effort to confront complexities of the relationship between war and children with Graça Machel's groundbreaking 1996 United Nations study entitled *The Impact of Armed Conflict on Children*.³ Since then impressive normative structures have been put in place prohibiting recruitment of children into armed groups and mandating their rehabilitation in post-conflict and transitional societies. Complementing these norms and conventions the United Nations Security Council (UNSC) has, since 1998, adopted a series of resolutions aimed at mainstreaming and prioritizing the children and armed conflict

agenda within its peace and security mandate. These standards and resolutions particularly Resolution 1612 (2005)⁴, which establishes a comprehensive monitoring and reporting mechanism (MRM) seek greater institutionalization and better enforcement of child specific protections.

In this respect, Sri Lanka poses as an ideal test case for examining efficacy of the evolving international response to the problem of child soldiers. The government of Sri Lanka is a signatory to the major legal standards governing the issue of child soldiers⁵, namely the Convention on the Rights of the Child (1989), its Optional Protocol (2000) and the International Labour Organisation (ILO) Convention 182 (1999). There is no compulsory or coerced recruitment into the Government of Sri Lanka's (GoSL) armed forces; recruitment is solely on a voluntary basis, and the minimum age for recruitment into the armed forces is 18 years.⁶ Hence the problem of child soldiers is exclusive to the rebel, separatist armed group of the Liberation Tigers of Tamil Eelam (LTTE) and now also its splinter faction, the Karuna Group. The latest report of the UN Special Representative for Children and Armed Conflict (A/61/529-S/2006/826 of 26 October, 2006) has listed both the LTTE and Karuna faction as offenders of the child soldier norm. A UN Country team for monitoring and reporting on six categories of children's rights violations has also been instituted and a MRM report on the Children and Armed Conflict

⁴ UNSC Resolution 1612. URL <http://www.un.org/Docs/sc/unsc_resolutions/5.htm>

⁵ The most important formal international conventions and protocols related to recruitment of children in armed conflicts are: "Geneva Convention," Additional Protocol I (relating to international armed conflicts), art. 77(2); Additional Protocol II (relating to non-international armed conflicts), art. 4(3) c; "Convention on the Rights of the Child," art. 38; "Rome Statute for an International Criminal Court," art. 8(on war crimes), sec. 2(b) (xxvi); Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, art. 4(1) and (2); and the "African Charter on the Rights and Welfare of the Child".

⁶ *Child Soldiers Global Report*, 2004, http://www.child-soldiers.org/document_get.php?id=966, p. 207.

¹ W. P. Singer, *Children at War*, Pantheon, New York, 2005, p.3; Mary-Jane Fox, "Too Young to Die", *World Today*, Vol.60, No.7, 2004, p.15.

² For a detailed discussion, See, Mary-Jane Fox, "Girl Soldiers: Human Security and Gendered Insecurity", *Security Dialogue*, Vol.35, 2004, pp. 465-479. Also See, Susan R. McKay and Dyan E. Mazurana, "Child Soldiers: What About the Girls?" *Bulletin of the Atomic Scientists*, Vol. 57, 5, September/October 2001, p. 33.

³ Graça Machel, *Impact of Armed Conflict on Children*, Report of the Expert of the Secretary-General, 1996. URL <http://www.unicef.org/graca/a51-306_en.pdf>

Agenda in Sri Lanka has recently been submitted by the Secretary General to the UNSC in December 2006.⁷

Amidst international donor involvement in the now stalled peace process, escalating violence and broader political dynamics the issue of child soldiers has come to be a prominent theme in Sri Lanka. It has received attention from the international community and merited involvement of the United Nations agencies on a proactive basis. This international engagement has in turn spawned important child protection structures. The LTTE case is also pertinent because in nearly every conflict where government forces use child soldiers, opposition forces deploy them as well. But even when governments do not recruit children, the use of child soldiers by opposition groups tends to be routine practice. This is perceived as a more intractable problem than such recruitment by states, given the limited range of pressure points available to the international community when dealing with non-state actors. It here forms part of an emergent discourse on engaging non-state actors in dialogue for securing compliance with human rights norms and in humanitarian action, peace building.

The paper is organised into four parts. The first section provides a background analysis into the history and reasons for child recruitment by the LTTE. Here, it explains the strategies of recruitment, indoctrination and training by the Tamil Tigers. The next section focuses on the international legal obligations of the LTTE, and the efforts by national and international agencies to bring an end to child recruitment. The mainstreaming of the child soldier issue into the 2002-2006 peace process resulted in efforts to rehabilitate released child cadres under an Action Plan signed between the LTTE and the GoSL. These are explained in the third part. The status of implementation of the Action Plan together with current statistics on both recruitment and release compiled by the United Nations Children's Emergency Fund (UNICEF) are reviewed

in the final section. The paper would like to draw conclusions about how far the international response to dealing with the child soldier problem has fared in case of Sri Lanka's two decade old ethnic conflict through analysing all the previous parts of this paper. The study concludes that while impressive normative and institutional enforcement mechanisms have been developed and operationalised, the on going recruitment and slow pace of release by the LTTE calls for a review on the approaches so far pursued.

HISTORY AND REASONS FOR CHILD RECRUITMENT BY LTTE

"Ethnic fissures" surmise best the violent conflict that has animated relations between the two main ethnic groups the Sinhalese, comprising 75% of a nationwide population of 19 million and the Sri Lankan Tamils at 12.5 % comprise a minority in Colombo, as well as up-country Tamils at 5.6% and Muslims at 7.4%⁸ since 1983.⁹ This deep-rooted ethnic struggle was spurred by religious and language differences, as well as imbalances in economic advantages. While Tamils held precedence in terms of employment in the colonial era, the Sinhalese gained power following independence in 1948 resulting in policies that excluded the Tamil-speaking population from educational and public sector employment opportunities. A Sinhala-Only Act 1956 exacerbated this exclusionism by declaring Sinhalese as the official language. Against this backdrop a Tamil youth militant movement in the 1970s paved way for the formation of the Liberation Tigers of Tamil Eelam (LTTE). At the core of its mandate is the formation of separate Tamil homeland or *Eelam* in the North and East of the country. This separatist mission was initiated by cumulative ethno-political tensions throughout the seventies which resulted in violent conflict from 1983

⁸ Marshall Larry, "Sri Lanka: From Ceasefire to Conflict Transformation", *Global Change, Peace and Security*, Vol.16, No.1, February 2004, p. 63.

⁹ For an in depth account on ethnic riots in Sri Lanka, See, S D Muni, "Sri Lanka: The August Outrage", *Strategic Analysis*, Vol. 8, No.6, September, 1984, pp. 500-510. For an analysis on the wider socio-political implications of ethnic strife, see, Kristian Stokke and Kirsti A. Ryntveit, "The Struggle for Tamil Eelam in Sri Lanka", *Growth and Change*, Vol. 31, Spring 2000, pp. 285-286.

⁷ Report of the Secretary-General on children and armed conflict in Sri Lanka, (S/2006/1006), at <http://daccessdds.un.org/doc/UNDOC/GEN/NO6/66/7/18/PDF/NO666718.pdf>

onwards with a brokered peace in 1987,¹⁰ introducing an Indian Peacekeeping Force (IPKF) in Sri Lanka. The IPKF lasted between 1987–90 and was soon drawn into fighting the LTTE.¹¹ Several peace-negotiation attempts have been interrupted by renewal of conflicts and after a prolonged ceasefire, now, the island is back to war.¹²

The Tigers of Lanka

The LTTE is a cutting edge terrorist organization, in many respects a frontrunner in terrorist techniques and also perhaps the first rebel group with underage cadres. In 1998, Sri Lanka's Directorate of Military Intelligence estimated that sixty per cent of LTTE fighters were below eighteen years. Even if the figure is exaggerated, an assessment of the LTTE fighters that have been killed in combat reveal that forty per cent of its fighting force are both males and females between nine and eighteen years of age. Over the years, the combat efficiency, technological innovation, and leadership qualities of the LTTE have been integrated into the young fighting units.

The origin of child cadres in the LTTE can, in fact, be traced back to the ethnic riots in July 1983. Sparked by the LTTE, these riots resulted in mass exodus of civilians to India. Prabhakaran, the LTTE Supremo selected Basheer Kaka from Trincomalee to establish a training base in Pondicherry, India for under-16 years age group recruits. These cadres were given non-military training, mostly primary education and physical exercise. By early 1984, the nucleus of the Baby Brigade or *Bakuts* was thus formed. However, it was only after it declared war against the 100,000 strong IPKF in October 1987 that the LTTE began to seriously recruit children to

its ranks. After the IPKF's withdrawal in March 1990, the LTTE continued to recruit children and women in unprecedented numbers.¹³

Strategies of Recruitment, Indoctrination and Training

Given the structural realities of conflict ridden societies the LTTE seem to have recruited children into its ranks, primarily to keep its supply line of the requisite manpower secure, thereby enabling the struggle for Eelam to continue. Besides, like other militant outfits the LTTE has recruited young children because they consume less, are obedient, fearless, and easily indoctrinated. Children, who have experienced inhumane behavior at the hands of government forces, and those vulnerable to the constant use of aerial bombing and shelling of civilian areas in the northeastern part of the country, leading to loss of lives of their near and dear ones, often seek protection or revenge through joining the LTTE. Some children might have also joined their ranks for the challenge and excitement normally associated with military life and the power and prestige that comes with it.¹⁴

Strategies of Recruitment. The child recruitment system of the Tigers is sophisticated, using prominent places of congregation, schools, health campaigns, immunization sites, and festivals, religious or social gatherings for propaganda or enticement. The cult of martyrdom is emphasized among the children in general and each family is encouraged to contribute one child. Attention is drawn prominently to verses from the ancient Tamil literary collection, *Puranaanooru* (400 poems of war and wisdom) that romanticises mothers pride in anointing their sons and sending them to win glory or honourable death in war.¹⁵ The other means employed to attract child

¹⁰ Robert N. Kearney, "Ethnic Conflict and the Tamil Separatist Movement in Sri Lanka," *Asian Survey*, Vol.25, No. 9, September 1985, pp.898–917.

¹¹ On the Indian intervention in Sri Lanka, See, S. D. Muni, *The Pangs of Proximity*, New Delhi, Sage, 1999.

¹² For an overview on negotiation failures in Sri Lanka, See, Sukanya Podder, "Challenges to Peace Negotiations: The Sri Lankan Experience", *Strategic Analysis*, 30 (3), July-September, 2006, pp. 576–59.

¹³ Rohan Gunaratna, "LTTE Child Combatants," *Jane's Intelligence Review*, July 1998.

¹⁴ Y. K. Surendra, "Child Soldiers of the LTTE", *Indian Defence Review*, Vol. 18, No.3 July – September, 2003, p.32.

¹⁵ N. Manoharan, "Baby Brigades of the LTTE", Article No. 1184, October 21, 2003. URL <www.ipcs.org/South_Asia_articles2.jsp?action_n=showView&kValue=1193&country=1016&status=article>

volunteers include, display of cut outs and poster pictures of dead cadres, distributing cassettes of patriotic songs, organising photo exhibitions on atrocities committed by the Sri Lankan Army, incorporating the LTTE's version of history in school curricula with compulsory tests on them. Even, abduction is resorted to if the families fail to contribute their quota. To save their children many families flee to safer places far away under the control of the government.¹⁶

Training and Techniques. According to Rohan Gunaratna's report cited elsewhere in this paper, a typical unit of children is trained for four months in the jungle. Their day begins early, usually woken at 05:00 AM they assemble, fall in line with their leader raising the LTTE flag. Following this comes two hours of physical training after which the recruits engage in weapons training, battlefield craft and parade drills. They read LTTE literature and perform physical training as well, with lectures on communication, explosive and intelligence techniques continuing well till dusk. There is no communication between the camp and the children's homes during the training period. There have been occasions when parents have been turned away from camps denying them the chance to visit their children. During training, sleep and food are regulated to build endurance. Recruits receive crew-cuts to ensure that deserters may be easily identified.¹⁷ Tamil girls have their usually long hair cropped which later sets them apart and problematises their reintegration into community life.¹⁸ The LTTE code forbids liquor and sex and offenders are punished with death. Homosexuality, which also occurs, is a punishable offence.¹⁹

In terms of role performance the children are initially used as guards, cooks and

helpers and then as messengers and spies. Gradually they are inducted into the fighting forces firstly in battle field support functions and later in active combat. The children are given education in special schools aimed at indoctrinating them. The physical and psychological war training of children as a formidable lethal weapon is an innovation of the LTTE. The high point of LTTE achievement in this direction was the formation of the elite *Sirasu puli*, or *Leopard Brigade*. It is one of the LTTE's most fierce fighting wings. The members of the brigade were children drawn from LTTE-managed orphanages.²⁰ Within the LTTE ranks, this brigade is considered to be its most fierce fighting force.

INTERNATIONAL LEGAL OBLIGATIONS OF THE LTTE

On the issue of child soldier recruitment and its use, the LTTE is bound under certain broad international legal standards. International humanitarian and human rights law as enshrined in the Additional Protocols to the Geneva Convention prohibit the recruitment of children as soldiers and in other combat-related roles. Protocol II to the Geneva Conventions of 1949, in particular is applicable to civil wars or non-international conflicts and prohibits states and non-state armed groups from recruiting children. Another applicable standard is the Rome Statute of the International Criminal Court (ICC), although the Sri Lankan government is not a party to the ICC Statute, LTTE members who are responsible for recruiting children under the age of 15 years may still be criminally responsible for acts amounting to war crimes under international law.²¹ In May 2004, the Appeals Chamber of the Special Court for Sierra Leone ruled that the prohibition on recruiting children below fifteen had crystallized as customary

¹⁶ Nirupama Subramanian, *Sri Lanka: Voices From a War Zone*, Viking, Penguin Group, London, 2005, p.177.

¹⁷ See, Sukanya Podder, "Challenges to Peace Negotiations: The Sri Lankan Experience", *Strategic Analysis*, op.cit, p. (?)

¹⁸ On the role of women in the LTTE, See, Miranda Alison, "Cogs in the Wheel? Women in the Liberation Tigers of Tamil Eelam", *Civil Wars*, Vol.6, No.4, Winter 2003, pp.37-54.

¹⁹ Y. K. Surendra, "Child Soldiers of the LTTE", *Indian Defence Review*, op.cit, pp. 32-33.

²⁰ One ready-made source for child soldiers is said to be the Chencholai (Red-Blossomed Gardens), a chain of orphanages set up by the LTTE. See, Nirupama Subramanian, "The LTTE's Baby Brigade", *Frontline*, Vol.18 (24), November 24-December 07, 2001. URL<http://www.hindoonnet.com/fline/fl1824/1824_0700.htm>

²¹ "Living in Fear: Child Soldiers and the Tamil Tigers in Sri Lanka", *Human Rights Watch Report*, Vol. 16, No. 13 (C), 2004, p.73. URL<<http://www.hrw.org/reports/2004/srilanka1104>>

international law prior to 1996, citing the widespread recognition and acceptance of the norm in international instruments such as the Convention on the Rights of the Child (CRC) and the Additional Protocols to the Geneva Conventions. The Special Court for Sierra Leone also found that the individuals responsible for recruiting children under the age of fifteen bear criminal responsibility for their acts.²²

However, the LTTE has made numerous public commitments to end their recruitment and use of child soldiers. In May 1998, during a visit to Sri Lanka by then Special Representative of the U.N. Secretary-General for Children and Armed Conflict, Olara Otunnu, the LTTE pledged not to use children below eighteen years in combat and not to recruit children below the age of seventeen.²³ The LTTE reiterated this pledge to the UNICEF deputy executive director, Andre Roberfroid, during his visit to northern Sri Lanka in February 2001.²⁴ In January 2003, UNICEF executive director Carol Bellamy visited Sri Lanka, securing yet another agreement from the LTTE to end child recruitment and use.²⁵

Efforts by National and International Agencies

Steps to prevent recruitment of child soldiers have been undertaken since the 1990s by various external and internal agencies. The former include the UNICEF, Amnesty International, Human Rights Watch and the Australian Government. The latter include the Sri Lankan Government, the University Teachers for Human Rights (UTHR), Jaffna and religious leaders.²⁶

The UNICEF has been playing a vital role in preventing child recruitment by the

LTTE, especially since 1998. It is involved in applying diplomatic pressure as well as the holding of one-on-one talks with the LTTE leaders. As a result of a series of such talks, the LTTE finally agreed to allow the UN to systematically monitor compliance with the measures recommended by the UNICEF. These measures included giving wide publicity to the minimum age of recruitment, not recruiting in or near schools and to take appropriate measures when a case of underage recruitment is reported, including the release of children under the ages of 17 years. The UNICEF is also involved in organising district level workshops and child rights training for the members of the LTTE.²⁷ Besides, as part of UN efforts to develop systematic documentation of abuses against children in conflict situations, databases on abduction in Uganda and on recruitment in Sri Lanka, has been developed by UNICEF.²⁸

The London-based Human Rights Watch (HRW) and Amnesty International have also been appealing and trying to pressurise the LTTE to halt the ongoing recruitment of children as war combatants and release all child soldiers, women and farmers abducted from the streets and their homes. Australia is among the few countries, which have been actively campaigning for the release and return of child soldiers. The Australian Government has announced a financial grant of \$400,000 specifically for the rehabilitation of released child soldiers in Sri Lanka. They have requested the LTTE to release all child soldiers and to cooperate fully with all the ongoing efforts to assist former child soldiers in overcoming their traumatic experiences and re-joining their families and communities.

²² Ibid., p. 74.

²³ Office of the Special Representative for Children and Armed Conflict, *Commitments*, <http://www.un.org/special-rep/children-armed-conflict/English/Commitments.html>

²⁴ UNICEF, "Sri Lankan Children in Crisis," Press Release, July 20, 2001. URL<www.unicef.org/newsline/01pr61.htm>

²⁵ UNICEF, *Action Plan for Children Affected by War Progress Report 2003*, January 2004. www.unicef.org/emerg/files/Progress_Report_2003.pdf

²⁶ Y. K. Surendra, "Child Soldiers of the LTTE", op.cit., p.33.

²⁷ UNICEF Action Plan Progress Report, June 2004.

URL<www.unicef.org/media/files/plan_progress_june04.pdf>

²⁸ Children and Armed Conflict, *Report of the Secretary-General, A/59/695-S/2005/72*, 2005. Visit URL<<http://www.un.org/special-rep/children-armed-conflict/Download/S-2005-72-A-59-695e.pdf>, p.15. A task force on monitoring and reporting as stipulated under UNSC resolution 1612 has been established in Sri Lanka. It met for the first time in July 2006, and is essentially concerned with ensuring reliable, accurate data on child recruitment and release by the LTTE.

Even the religious and secular leaders and organisations like the Ramakrishna Mission, the Methodist Church and non-governmental organisations, especially the Batticaloa Peace Committee have, from time to time, been negotiating with the LTTE leaders to persuade them against compulsory child recruitment. Unfortunately, here, also talks failed to fructify due to the LTTE's inflexible stand and complete denial of allegations of forced recruitment. In fact, the LTTE has all through been denying forced recruitment and instead claims that the parents were handing their children voluntarily over to the LTTE.²⁹

The University Teachers for Human Rights (UTHR), Jaffna, too has been campaigning hard against recruitment of child soldiers in Sri Lanka. It was the only human rights organization in Sri Lanka that consistently endeavoured to force the issue of child conscription by the Tigers out into the open. They monitored and documented violations of human rights of Tamil people in the north-east, whether by the armed forces or by the Tigers. In a 2000 report the UTHR described teams of recruiters going to schools and holding 'current affairs' classes. The current affairs topic was the LTTE victory at Elephant Pass in which they projected the beach landing of 1400 LTTE cadres north of Elephant Pass as one of the world's most remarkable military feats.³⁰

The Sri Lankan government has been trying to prevent child recruitment by the LTTE forces. From time to time, the government has been raising its concern over child conscription by the LTTE at various peace talks as well as national and international fora. The government has been persuading the international community to not only take this issue seriously but also pressurise the rebels to stop recruitment.³¹ While the previous

Peoples Alliance (PA) government had addressed the issue of child soldiers, its main focus was on essentially exposing the LTTE on child soldiering rather than ameliorating the problems of the affected children. The later United National Front (UNF) government did constitute a National Child Protection Authority (NCPA) in 1999 chaired by Prof. Harendra de Silva. However, it has not proved very effective. Critics point out that it caters to too broad a mandate, and hence urge the inception of a more specialized body to exclusively address the issue of child soldiers.³²

Both the NCPA and the National Human Rights Commission (NHRC) are independent agencies established by the government. These agencies in different ways have the mandate to investigate and report on the problems of child recruitment but insufficient funding and inadequate government support for their activities act as constraints on their effectiveness.³³

PEACE PROCESS (2002-2006) AND THE ISSUE OF LTTE CHILD SOLDIERS

At the political level in December 2001, the LTTE and the government announced a cease-fire; this was followed by a ceasefire agreement brokered under the aegis of a Norwegian government facilitation team in February 2002. Six rounds of peace talks were held between February 2002 and April 2003; however, the process reached a stalemate in 2003.³⁴ In so far as the explicit linkage between the child soldier issue and the peace process is concerned, it was the fifth round of peace talks between the LTTE and the Sri Lankan government held in Berlin on the 7-8th February, 2003 which brought a ray of hope for demolition of the 'baby brigade' and the end of child recruitments into the LTTE. According to

²⁹ Ibid; Y. K. Surendra, "Child Soldiers of the LTTE", op.cit., p. 34.

³⁰ Nirupama Subramanian, *Sri Lanka: Voices From a War Zone*, Viking, Penguin Group, London, 2005, pp.173-174.

³¹ V. S. Sambandam, "Stop recruiting child soldiers, Chandrika appeals to LTTE", *The Hindu*, February 04, 2003; John Cherian, "A President's Concern", *Frontline*, Vol. 20 (9), 2003. URL <<http://www.flonnet.com/fl2009/stories/20030509001305200.htm>

³² N. Manoharan, "Baby Brigades of the LTTE", op.cit.

³³ For a comprehensive overview on the working of the NCPA, see, *Annual Report, 2002-2003*, <http://www.childprotection.gov.lk/pdfs/200203AnnualRep.pdf>

³⁴ See, Alan Bullion, "A Rocky Path to Peace", *Indian Journal of Asian Affairs*, Vol.16 (1-2), June-December, 2003, pp.137-144.

Norwegian officials facilitating the talks, LTTE senior officials guaranteed that there would be a “complete cessation of recruitment of, and recruitment campaigns aimed at persons under eighteen”.³⁵ This pledge strengthened previous LTTE commitments by establishing eighteen not only as the LTTE’s minimum age for combat, but also for recruitment.³⁶

In March 2003, the LTTE and UNICEF issued a joint press release pledging to develop an action plan on children affected by war. After deliberations in April a ten-point Action Plan for Children Affected by War (Action Plan), an initiative costing over \$ 14 million USD was formally signed in June 2003 by both the LTTE and the government. The LTTE officials pledged again to end child recruitment, and to release child soldiers who were in LTTE custody. The Action Plan was initially a two-year programme, from July 2003 to June, 2005. However, it was extended until July 2006, pending completion of a comprehensive review. It has been implemented by UNICEF, Tamil Rehabilitation Organisation (TRO), Save the Children, the United Nations Development Programme (UNDP) and the International Labour Organisation (ILO).

The main part of the Action Plan involved the establishment of a mechanism for the release and reintegration of LTTE child soldiers through temporary transit centres in Kilinochchi and Batticaloa in the north-east, and Trincomalee in the eastern province. These three transit centres were envisaged as reception points for children released by the LTTE. They would be co-managed by UNICEF and the TRO, which is effectively the humanitarian arm of the LTTE.³⁷ The Action Plan also included other provisions such as child rights training for the LTTE, government armed forces, and communities; a monitoring mechanism administered by UNICEF for children in the North and East; and programs providing micro credit,

vocational training, education, health and nutritional services, and psychosocial care. According to UNICEF the children have been assessed at the transit centres for background information and also to gauge the impact of psychological damage after being in a military environment while with the rebels. This has been followed by efforts to reunite them with their families after a rehabilitation process for both youngsters and relatives monitored by Save the Children social workers.³⁸ Importantly Save the Children was providing social work support and follow up reporting on former child soldiers, which forms an essential part in ensuring their reintegration and rehabilitation with estranged families and communities.

But the plan has drawn criticism from the state-owned National Child Protection Authority (NCPA) and unnamed non-government groups, which have raised doubts about the credibility of these centres that they called virtually run by the Tamil Tiger guerrillas. Particularly problematic has been the involvement of the TRO which is a social service organisation based in Kilinochchi, once widely believed to be run by the rebels. It has repeatedly denied allegations that it has links with the LTTE. However there is sufficient evidence to the contrary.³⁹

PROGRESS ON THE ACTION PLAN

After the LTTE’s initial release of forty-nine children in October 2003, the number of children released to the transit center dropped significantly. In its first year of operation, the center received a total of only 172 children, and for the six weeks between June 14 and July 29, 2004, the center was completely empty.⁴⁰ Importantly the profile of children the LTTE has released to the transit centers also suggests that they are not fully integrated members of the LTTE, or may even be recruited solely for the purpose of being released to the transit center. According to UNICEF, nearly 70 percent of the children released to the transit center have been with the LTTE for less than four months. Some were recruited only weeks or even

³⁵ Asia Human Rights Commission, “Sri Lanka: The Legacy of Child Soldiers in the LTTE,” *Asia Child Rights Weekly Newsletter*, Vol. 2 (7), February 12, 2003. URL<<http://acr.hrschool.org/mainfile.php/0114/>>

³⁶ Living in Fear: Child Soldiers and the Tamil Tigers in Sri Lanka”, *Human Rights Watch Report*, *op.cit.*, p.48.

³⁷ UNICEF, Action Plan for Children Affected by War Progress Report 2003, *op.cit.*, pp.1–10.

³⁸ Ibid.

³⁹ “Living in Fear: Child Soldiers and the Tamil Tigers in Sri Lanka”, *op.cit.*, pp.57–58.

⁴⁰ Ibid, p.50.

days before their release. Both UNICEF and Save the Children believe that at least some of the children released were those that the LTTE no longer wanted, perhaps because of difficulties during training, or medical or disciplinary problems.⁴¹

Recruitment continued during the cease-fire, and actually increased in government controlled areas. At the same time, the number of releases of children – both to the transit centers and directly to families – has fallen far short of the numbers anticipated under the Action Plan. For instance between January 2002 and November 1, 2004, UNICEF documented a total of 4600 cases of under-age recruitment. During the same period, the LTTE released only 1208 children from its forces. Even after the Action Plan came into effect, from June 2003 through September 2004, the number of new cases of recruitment or re-recruitment was more than double the number of children released.⁴²

Table-1
Under-age Recruitment as of 31st
January 2005

| | |
|--|------|
| <i>Total under age recruitment cases known to UNICEF</i> | 4811 |
| Sub-Total: Boys | 2772 |
| Sub-Total: Girls | 2030 |
| Total Released Cases | 1239 |
| <i>Sub-Total: Released Transit</i> | 173 |
| Sub-Total: Released Home | 1055 |
| Total Reunified Cases (From Transit Center) | 171 |
| Ran Away Cases | 580 |
| Returned Cases | 1751 |
| Deceased Cases | 8 |
| Total Outstanding Cases(including | 1452 |

⁴¹ Ibid, pp.50–51.

⁴² Ibid.

| | |
|------------------|-----|
| re-recruitment) | |
| Sub-Total: Boys | 913 |
| Sub-Total: Girls | 530 |

*Source:

http://www.essex.ac.uk/armedcon/story_id/000223.pdf, p.1.

UN Efforts and the Monitoring and Reporting Mechanism

As part of its role as the lead child protection agency, UNICEF has sustained dialogue with the LTTE over the release of child cadres despite setbacks caused due to escalation of violence. Among two meetings held in 2006, in their October deliberations, representatives from UNICEF and the LTTE decided on a “3x3 formula” for designating three persons from each side to regularly meet and discuss technical issues concerning the release of children, together with effective measures to stop recruitment. The rise in child recruitment by the Karuna faction which split from the LTTE Vanni or Northern leadership in March 2004; has spurred UNICEF efforts to engage the groups’ “political wing” the TMVP,(full form) in order to highlight legal prohibitions on child recruitment and to seek the release of underage recruits.⁴³

A task force on monitoring and reporting as stipulated under UNSC resolution 1612 has also been established in Sri Lanka. It met for the first time in July 2006, and was essentially concerned with ensuring collection of reliable, accurate data on child recruitment and release by the LTTE. The major partners in operationalising the MRM mechanism are part of this task force. They include representatives from the United Nations (UNDP, UNICEF, Office of the United Nations High Commissioner for Refugees and ILO and the senior human rights adviser to the United Nations country team); the National Child Protection Authority and the Human Rights Commission of Sri Lanka representatives; civil society participants include a national NGO (Sarvodaya) and an international NGO (Oxfam Great Britain) both having laudable experience in

⁴³ Ibid., *Report of the Secretary-General on children and armed conflict in Sri Lanka*, (S/2006/1006), op.cit.

the protection of rights of children affected by the armed conflict. In addition the International Committee of the Red Cross participates in the task force as an observer, and a representative from SLMM has also assisted the task force with information for the verification of cases.

As far as release of child soldiers is concerned latest estimates by UNICEF under the MRM mechanism suggests that of a total 5,794 total cases of child recruitment since April 2001, 1,598 recruited children are still with LTTE. Of those 649 children are currently under the age of 18, and 949 are individuals who were recruited when they were under the age of 18 years, but are now 18 years of age or older.⁴⁴ Progress has been hampered by a problem of re-recruitment of trained cadres released by the LTTE in the face of renewed fighting on the island. Table 2 below summarizes UN data on re-recruitment by the LTTE.

Table 2
Re-Recruitment Statistics

| No. of Child Soldiers Re-recruited | Year |
|---|-------------|
| 29 | 2002 |
| 67 | 2003 |
| 277 | 2004 |
| 115 | 2005 |
| 55* | 2006 |

* Data as of 31 October 2006.

Source: *Report of the Secretary-General on children and armed conflict in Sri Lanka*, (S/2006/1006)⁴⁵, p.16.

Despite these setbacks, important advances have been made. For instance the LTTE has recently undertaken a clear articulation its child recruitment policies in the “Child Protection Act 2006” (Act No. 03 of 2006), enacted by the Tamil Eelam legislature secretariat, the first published document on child protection which

⁴⁴ Ibid., The overlap between children recorded on the UNICEF database and children who left LTTE (released, ran away or returned home) is approximately 37 per cent, suggesting that the UNICEF figures reflect approximately one third of the total cases of recruitment.

⁴⁵ Ibid, Report has been prepared in accordance with the provisions of United Nations Security Council resolution 1612 (2005) and covers the period 1November 2005 to 31 October 2006.

outlaws enlisting of children under-17 years in Armed Forces and makes participation of children under 18 years of age in armed combat illegal. The truncated Geneva talks in February, 2006 also alluded to the need for bringing an end to child recruitment on the ground.⁴⁶

As far as the recent ground situation is concerned UNICEF, the Sri Lanka Monitoring Mission (SLMM) and the International Committee of the Red Cross (ICRC) in their reports indicate a decreasing trend in recruitment statistics (a total of 65 cases of recruitment were reported between November and January 2006, as compared to 129 cases reported in July 2005). Yet there is general consensus among international and local NGOs that the drop in figures is largely due to a fall in the number of complaints made and is not truly indicative of the ground reality. Anecdotal evidence also suggests that the LTTE has pursued, of late, a policy of paying workers to identify and recruit children from villages and hence imparting greater organization to its recruitment activities. The LTTE has also reportedly tried to recall former under-age recruits recovered by international NGOs. The latter also report alleged LTTE threats demanding that unless parents gave a child to the movement, they would be denied security cover during hostilities.⁴⁷

Conclusion

This study concludes that although the international response with its predominantly legalistic approach has made important advances in problematising, publicizing and lending international visibility to the child soldier issue, nevertheless children continue to slip through the gaps. It is evident that the difficulty in enforcing compliance to human

⁴⁶ Sukanya Podder, “Off to Geneva for Now”, IDSA *Strategic Comments*, February 18, 2006. URL<<http://idsa.in/publications/stratcomments/sukanyapodder170206.htm>>

⁴⁷ Charu Lata Hogg, “Sri Lanka: The LTTE and Child Recruitment”, Coalition to Stop the Use of Child Soldiers, Forum on armed groups and the involvement of children in armed conflict, Chateau de Bossey, Switzerland, 4 – 7 July 2006. URL<http://www.child-soldiers.org/resources/CSC_AG_Forum_case_study_2006-06_Sri_Lanka_LTTE.pdf>. Also See, Charu Lata Hogg, “Child Recruitment in South Asian Conflicts: A Comparative Analysis of Sri Lanka, Nepal and Bangladesh”, Royal Institute of International Affairs, London, 2006.

rights standards on non-state actors is not exclusive to the child soldier issue. It forms part of an emergent discourse on engaging and negotiating with non-state actors for better protection of civilian rights and humanitarian standards. In this context it is also pertinent to acknowledge that armed groups that use children as part of their military strategy are informed by a systematic choice. They are unlikely to stop recruiting child soldiers or demobilize their young fighters unless they perceive that the benefits of doing so outweigh the military advantage the children provide, or that the costs of continuing to use child soldiers are unacceptably high.

The recruitment and use of child soldiers by the LTTE seems to flow from this logic and hence continues despite efforts both at the national and international levels to bring an end to this practice. The LTTE case has also demonstrated that the practice of addressing demobilization and reintegration needs of child soldiers as part of peace processes can in fact complicate the exercise by making the release of child cadres contingent on the whims of rebel groups. Even the use of aid as a lever for compliance to norms and commitments can prove problematic and futile. Hence the disarmament,

demobilization and reintegration (DDR) of child soldiers as envisaged under the Action Plan of 2003 has been disappointing to say the least. It appears that an alternate approach would be welcome at this juncture. Child soldiers need to be compulsorily demobilized from the ranks of rebel and government forces by enforcing legal prohibitions more stringently. And here role of both the national government and international agencies is crucial. There is a widespread belief that the Sri Lankan government has not done enough to protect and uphold the rights of Tamil children in the North and East part of the country. There is need for a comprehensive peace, which is substantive and not a mere rhetorical exercise in public relations. Perhaps most essential aspect here is the willingness and lasting commitment on part of warring parties themselves to stop exploiting the young and provide them a chance to prosper in peace. These efforts need to be facilitated by international support; this makes it an imperative that the international response is more effective at the preventive stage while committing greater resources to the post conflict reintegration needs of child soldiers.

* * * * *

SSPC is an independent, nonprofit research organisation based in New Delhi, dedicated to conduct rigorous and comprehensive research and work towards disseminating information on a broad spectrum of issues relating to security, conflict, peace and human development.

Founded in 2004, SSPC aims to conduct survey, research, documentation and analysis through constant monitoring, reporting and networking on its core research themes. The core objective is to build linkages and networks with national, regional and global think tanks, both Independent and Government organizations that are working towards the greater cause of peace and security.

- To initiate debate and dialogue for the furtherance of comprehensive and impartial research.
- To study India's growing role in Asia and in global politics and suggest policy initiatives for the advancement of its strategic interests in regional and global level.
- To undertake qualitative and quantitative research focused on policy issues on National and International security.
- To conduct in-depth, empirical study on different aspects of peace, conflict and human development for publication of research papers, monographs and books primarily to disseminate information.
- To provide web-based platform (www.sspconline.org) for scholars/writers to air their viewpoints and for a greater participation on the issues related to peace, conflict and human development.
- To advance understanding and cooperation between organizations and societies across the world with common concern.

For more information about the Society and its activities, direct inquiries to:

Research Coordinator

Society for the Study of Peace and Conflict
Post Box No. 10560, JNU Old Campus, New Delhi
Pin-110067 (INDIA)
Officemail@sspconline.org
www.sspconline.org