

Chapter 2

Child Rights during the CFA period

2.1. Introduction

Fifty thousand children out of school, one in 100 children in a children's home, one in 300 children without at least one parent, hundreds permanently maimed, close to 100% malnourished. That is not all. Thirty percent of the schools destroyed and very poor medical facility further depress the situation of child rights in the NorthEast. These are the statistics that were used to describe the child rights situation in the NorthEast. This was how it was described by UNICEF in the year 2003.

The agreement on SIHRN, reached in the six rounds of talks, which was intended to improve normalcy for civilians failed to take off due to reluctance from the southern government officials to implement what was agreed upon. This too indirectly affected the child rights situation in the NorthEast.

Thus, the child rights situation in the NorthEast is depressed by two forces which in the end are related. The first and the obvious is the war affect as described above. The second is the on going discrimination by GoSL against children in the NorthEast.

Despite this scenario of child rights situation, the most discussed child rights of NorthEast is the under-age youth joining the LTTE. One agreement, the "Action Plan for War Affected Children" agreed upon by the LTTE, UNICEF, and GoSL, persisted to address this child rights most emphatically. This is also by far the largest CFA violation counted by SLMM.

Has this overall child rights situation improved much during the CFA?

2.2 Education

UNICEF reported in 2003 that 50,000 children in the NorthEast are out of school. What are the efforts made to improve this situation during the CFA period?

Education in Tamil medium schools has been sub-standard to that of Sinhala medium schools. A good example is a comparison of the quality of textbooks in the Tamil and Sinhala language by the National Education Division (NED) of GoSL. NESOHR has issued a report on this discrimination in education during the CFA period.

A 40% teacher shortage in Tamil medium schools persisted for 10 years. Last year new teacher appointments were made. Yet, these new teachers will require a further two years before they are trained in teaching.

During the ceasefire, the Sri Lankan Armed Forces (SLAFs) have disrupted education of Tamil children. Below are specific cases which are not simply single incidents, but more like ongoing disruption and interference that has severely damaged the education access rights for children in the NorthEast.

On 18 April 2003 it was reported that 52 Jaffna schools were still occupied by SLAFs. On 6 June 2003 it was reported that SLAFs personnel in Kommathurai, Batticaloa were still occupying the Vinayagar Vidyalayam School. Staff and students of the school were allowed inside only during school hours and were be subjected to security checks. SLAFs personnel used the area in front of the school for physical and military exercises.

Students and teachers are barred from entering Hartley College and Methodist Girls College after 3:00 pm by the SLAFs. These two leading schools in Jaffna are located inside the SLAFs 524 brigade complex. Students usually enter college premises after school hours to do extra-curricular activities. SLAFs soldiers were seen doing physical exercises in the college playground. Students stated that they spend at least one hour at the SLAFs checkpoint to and from school and undergo severe checking. In 2002 and 2003 students reported that they were ordered not to travel to school after 8:30 am and they could not leave school before 3:00 pm. During this time, parents were restricted in visiting the school and were ordered to inform the army at the checkpoint when they planned to visit the school three days in advance.

Parents protested to re-open the Eluthumadduval North Government Tamil Mixed School in Chavakachcheri, Jaffna that was occupied by the SLAFs. Children from five villages in Eluthumadduval North were studying in the school before it was occupied by the SLAFs in 2000.

On 3 February 2005 SLAFs refused permission to transport building material for the construction of a new building in Ponnalai Varathajaperumal Vidiyalayam in Jaffna. The school is located in the high security zone.

Under the SIHRN plan, the re-building of war-damaged schools was included in overall efforts to restore normalcy in civilian life in the NorthEast. UNICEF reported that thirty percent of schools in the NorthEast are still destroyed, leaving a major lack of proper educational facilities for children.

2.3 Nutrition

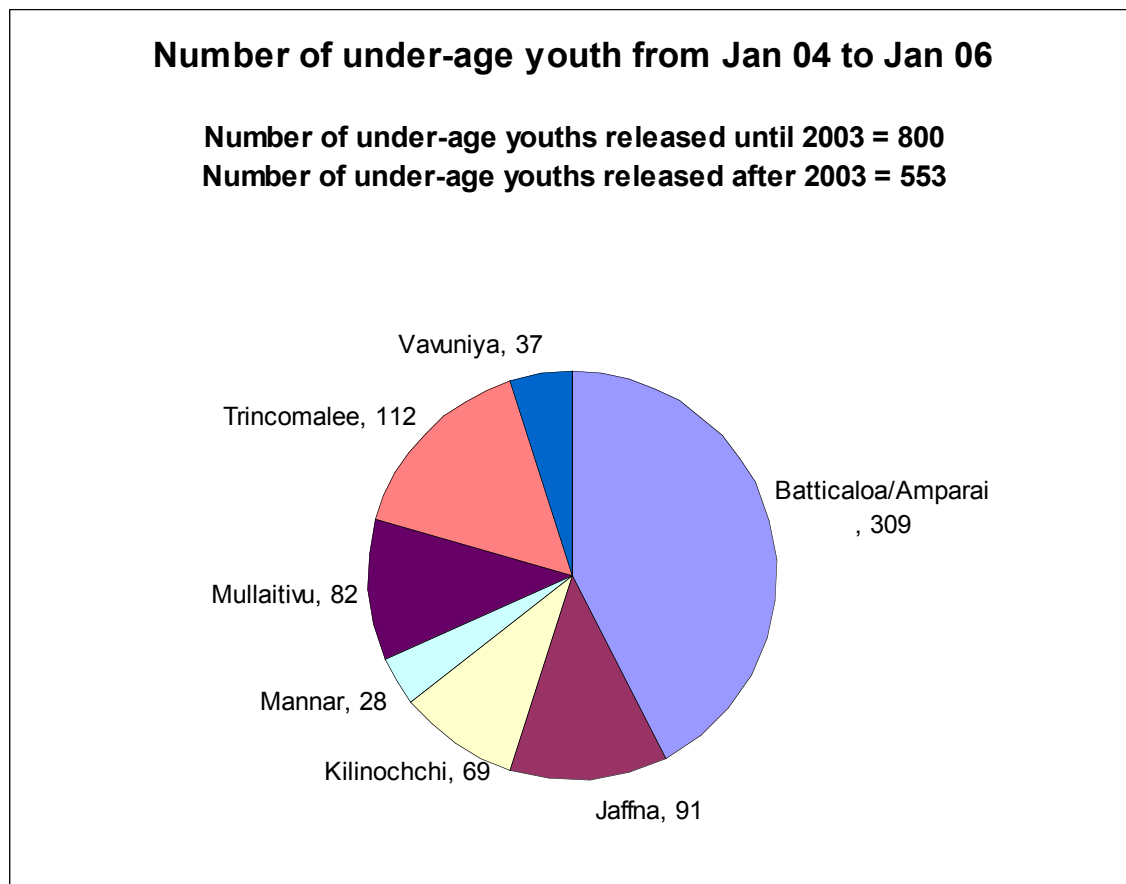
In February 2005, the World Bank's Human Development Unit issued a report in which it stated that child malnutrition is significantly higher in the NorthEast (46 percent) than compared to the rest of the island (29 percent). The regions surveyed revealed that Batticaloa (53 percent) and Vavuniya (51 percent) have the worst levels of child malnutrition within the NorthEast. The next highest levels are in Trincomalee

(45 percent), Ampara (44 percent) Jaffna (43 percent) and Mannar (38 percent). Kilinochchi and Mullaitivu were not surveyed. If child malnutrition statistics from Kilinochchi and Mullaitivu were included, it would increase the survey percentages.

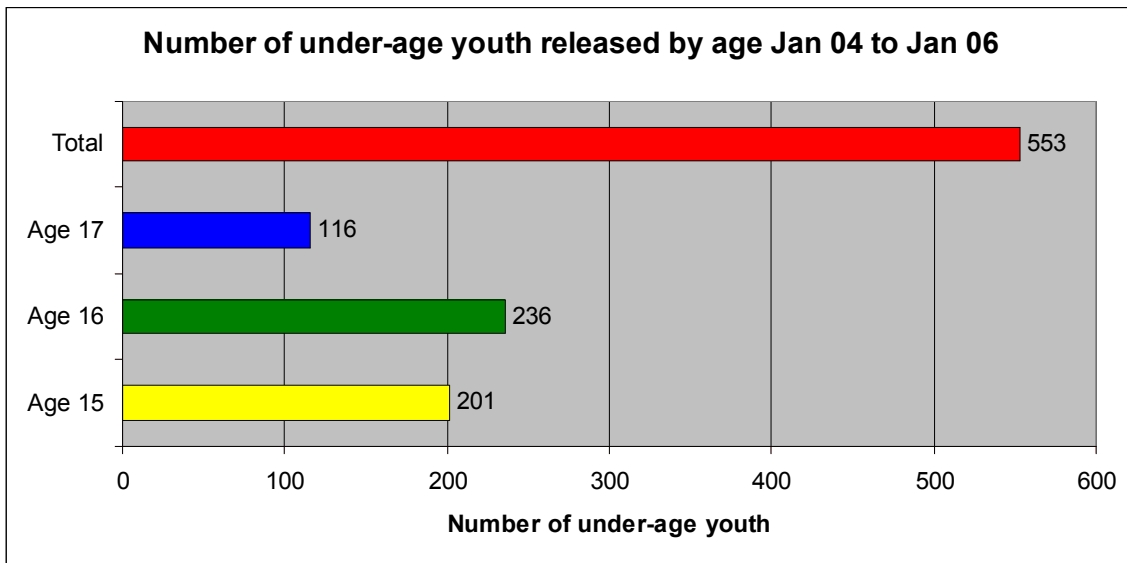
2.4 UNICEF Action Plan

The “Action Plan of the Children of the NorthEast affected by War” is an agreement between the GoSL and LTTE. It was drawn with assistance from UNICEF and had almost ten focus issues. Yet it is most famous for its efforts to return under-age youths in LTTE back into society.

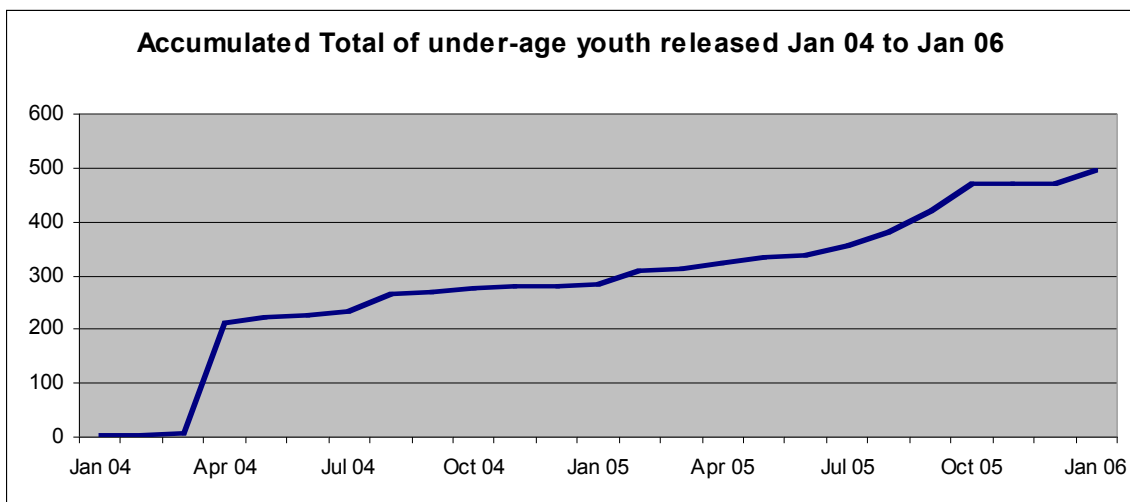
The project hit some snags along the way for several reasons. One of the problems is the perception of the LTTE that the implementation of the Action Plan did not perceive LTTE as a benefactor of the plan. Other problem was the multiple players involved in the re-integration of the released children back into society. Multiple players left the children and their families with no one contact point to refer back when they need advice or assistance. Also the lack of coordination among the multiple players resulted in poor implementation of the Action Plan. For these reasons the Action Plan was not able to achieve all that it promised.



The transit centres built for the transition of under-age youths in LTTE back to society handled about 170 children. Some of these children returned back to the LTTE due to poor follow up. An assessment of the situation of the children released through the UNICEF transit centres in comparison to those released directly to the parents did not show any marked difference in the situation of the children a few months down the track. Based on this observation LTTE decided to stop releasing the children through the transit centres. LTTE also faced critical reports issued by the UNICEF on the recruitment of under-age youths. This was also factor in LTTE's decision to pull out of the UNICEF programme of releasing under-age youths. With the inauguration of North East Secretariat on Human Rights, NESOHR, it took over the role of handing over children back to their family.

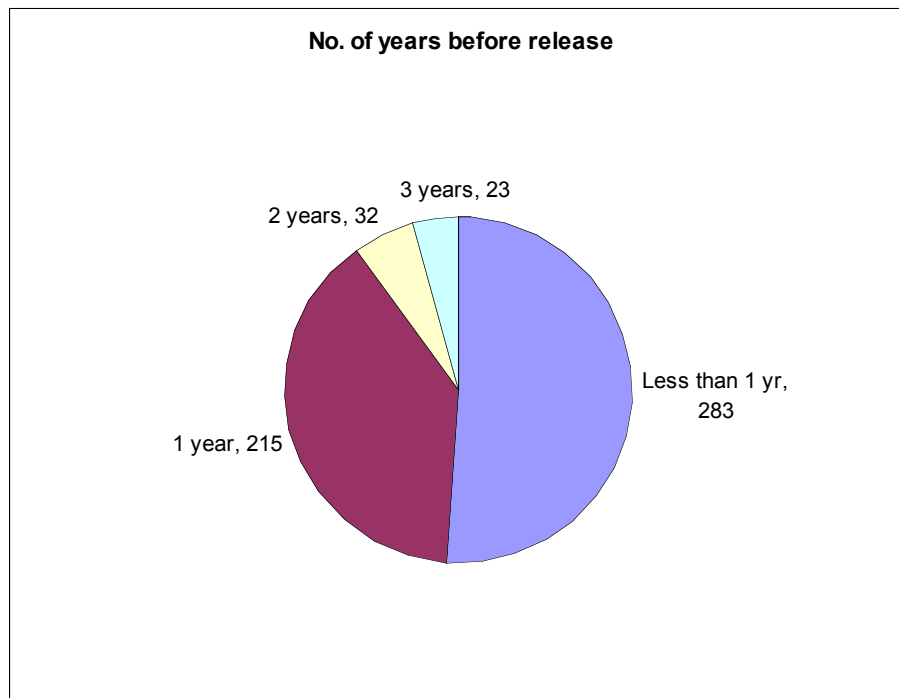


The chart above shows the number of under-age youths released after 2003 from when detailed statistics were being kept. The bar chart below shows the age spread of the under-age youths who were released in the same period.



The graph below shows the timeline for the release of the youths during the period. As can be seen there was a steady rate of under-age youths joining and then being released over this period.

The chart below shows the number of years the youth had been part of LTTE before he/she was released. All most all of them were released within a year of joining. Clearly there are several factors that push the children into joining LTTE and LTTE continues to address this as best as it can.



2.5 Child rights violations by SLAFs

Youth killed by SLAFs

On 23 December 2005, Dilexan (3) was among the four burnt to death by the Sri Lankan Navy in the Pesalai, Mannar incident. When the Assistant Government Agent returned from the damaged site they described the scenes of destruction as unspeakable and horrific, noting that they saw blood and nearby the hand of a small child (see NESOHR report).

On 28 December 2005, Thambirajah Arulajanthan (15) was shot and killed in his home in front of his family in Kodikamam, Jaffna. Constant harassment and searches by the military and EPDP toward Arulajanthan's family lead them to believe that those who killed Arulajanthan were associated with the SLAFs (see NESOHR report).

On 16 January 2006, Gopalakrishnan Suresh (16) was shot and killed while he was going to work on a motorbike with a fellow mason worker in Akkaraipattu, Batticaloa. The incident took place behind a Sri Lankan police station. Residents said that Suresh and the other man with him were LTTE supporters.

Youth injured by SLAFs

On 7 December 2005, a baby of Yogarasa Yogeswari (2) was injured when gunmen entered their home in Batticaloa and killed Yogarasa Yogeswari (24) and Thurairasa Vathany (18). The killing was an act of retaliation against the two sisters' brother, Pohulventhan, who earlier killed members of the paramilitary force, the Karuna Group.

On 7 January 2006 Sivaraja Jesipan (13) was injured by SLAFs gunfire in Navalady, Jaffna. Jesipan was walking on the road when a grenade was thrown at a Sri Lankan Army checkpoint nearby. SLAFs soldiers began firing indiscriminately, hitting Jesipan with bullets.

On 28 January 2006 Thamilchelvan (13) and Sureja (14), brother and sister, were wounded when a grenade was thrown at their home in Vavuniya. The grenade attack was one of many within one week carried out by paramilitaries.

On 12 January 2006 Tharmalingam Rajakumar (16) was injured by SLAFs gunfire following a grenade attack near Parameswara junction in Jaffna.