

HUMAN RIGHTS

The Amnesty International issued a report in April 1998 on the status of children in South Asia, entitled *Children in South Asia: Securing their Rights*. The following text is prepared from sections relating to Sri Lanka.

SRI LANKA'S CHILDREN: THE A.I. REPORT

Introduction

In South Asia, children make up over 40 percent of the population—around 539 million of more than 1.2 billion people are under 18 years old—with 13.3 per cent of the total number being under five. Together they constitute a quarter of the children in the world. Their experience is not just an important measure of the human rights situation in South Asian countries, but of the state of children in the world at large. The promotion and protection of their rights is vital to future development in the region—and that of humanity as a whole.

The governments of South Asia have recognized this important responsibility. Each state has ratified or acceded to the UN Convention on the Rights of the Child (CRC), signalling its commitment to the survival, development and protection of children. They have reinforced this commitment collectively, making children a priority area for cooperation and assistance programs through their regional grouping, SAARC (the South Asian Association for Regional Co-operation). SAARC countries have declared the 1990s the Decade of the Girl Child—and from the year 2001 they will begin the SAARC Decade of the Rights of the Child.

Promise and Reality

But in the face of this promise, South Asia's children remain prone to a litany of human rights violations at the hands of state agencies and abuses by armed opposition groups—from arbitrary detention, cruel punishments and torture, to killings and "disappearance" in armed conflict. In the wider community and the privacy of the family, children also suffer systemic abuse of their rights through such practices as bonded labour and trafficking for purposes of prostitution. Although state officials may deny their responsibility for these latter abuses, their complicity, acquiescence and indifference often serve to perpetuate them.

These violations are intrinsically linked to the more general deprivation of children's economic and social rights. According to the UN Children's fund, UNICEF, each year 4.7 million children under the age of five die in South Asia, the majority from preventable and curable illnesses such as diarrhoea and respiratory infections. Two-

thirds of surviving children are malnourished. Urbanization, poverty and the breakdown of family structures have left millions of children displaced or forced to fend for themselves on the streets where they are especially vulnerable to violence and exploitation. Girl children, and those from marginalized or minority groups, face additional discrimination and disadvantage.

Many South Asian governments have taken important legislative initiatives in an effort to safeguard children's rights or eradicate particular abuses. They have set up special commissions and tribunals, and launched ambitious programs for social and economic development. In Bangladesh, the National Children's Council was established by the government in 1995 and a national policy for children adopted. In 1997 Pakistan signed a memorandum of

understanding with the ILO (International Labour Organization) under its International Program for the Elimination of Child Labour (IPEC).

In some cases, including several mentioned in this report, the authorities have taken strong action against those who have perpetrated abuses on children. In Sri Lanka, for instance, a prosecution is continuing against eight soldiers and one police officer allegedly responsible for

the "disappearance" and killing of 16-year-old Prasantha Kumarasamy. Prasantha "disappeared" in September 1996 after he went with his mother and a neighbour to look for his 18-year-old sister Krishanthi Kumarasamy in the north of Sri Lanka. Several weeks later, the bodies of all four were discovered in shallow graves. Medical and other evidence suggested that Krishanthi had been raped and then killed in custody. Prosecutions of this kind send a salutary message to others that they cannot get away with breaking the law and abusing human rights. This landmark case has been an important factor in bringing the level of "disappearances" in Sri Lanka down to a lower, if still unacceptable, level. Sadly, though, cases of this kind tend to be the exception rather than the rule. The usual inaction, and sometimes deliberate exemption from punishment, fosters a climate of impunity throughout South Asia.

Other institutions, such as the judiciary and national human rights commissions, have also taken important initiatives to promote and protect children's rights. In Sri Lanka, for instance, the Supreme Court in 1997 ordered record compensation to be paid to Bathatha Jayatunga Gamage Malsha Kumari, who had been tortured by

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police at Hungama, including by being hung by her wrists from a tree. In India, the Maharashtra High Court in 1986 forced the state government to rescue 484 young girls from the red light areas of Bombay, 238 of whom were from Nepal. With the help of non-governmental organizations (NGOs), 128 of the girls were finally returned to Nepal. Together with other institutions and agencies, such as the National Commission for Women and UNICEF, the National Human Rights Commission in India has been developing strategies for tackling child prostitution.

Arbitrary Detention

In Sri Lanka, Tamil children are routinely picked up by police and army personnel on suspicion of links with the Liberation Tigers of Tamil Eelam (LTTE), an armed opposition group. One such boy was Kumar (pseudonym), aged 12. He had arrived in Colombo with his ailing father from their village in the north of the country in November 1997. His father was admitted to hospital almost immediately for special medical treatment. On 14 November, while at his father's bedside in the hospital, Kumar was arrested by the police and taken to Maradana police station. The police accused him of links with the LTTE, pointed a gun at him and threatened to "break his head on the ground" and "pour water through his eyes and nose". Over the next days, he was stripped and beaten repeatedly with a broken wooden bat. They told him that his father had died. Five days after his arrest, Kumar was admitted to hospital with stomach pains. To his joy, Kumar discovered his father was still alive. A subsequent medical examination showed Kumar had injuries consistent with being assaulted with a blunt weapon while hands had been tied below his knees.

Across South Asia, children are sexually humiliated and abused and, in many cases, raped by law enforcement officials who are supposed to protect them from harm. These violations are often not reported and documented because of the fear and shame for the children involved. Rape and sexual abuse have catastrophic effects on children in any situation, let alone for those in the most difficult and vulnerable circumstances. It is an experience from which they may never recover or be able to receive adequate compensation, rehabilitation and redress.

In conflict situations, children are often the innocent victims of deliberate attacks on the civilian population, which are increasingly used as a tactic of war. They are also killed in indiscriminate or disproportionate attacks by government forces and armed opposition groups. Armed forces on both sides fail to take sufficient care when identifying targets and distinguishing between civilians and combatants.

Children are often targeted simply because of the political, religious or ethnic origin of their family. For example, children belonging to the Sinhalese and Muslim communities in Sri Lanka have been deliberately killed by the LTTE. In May 1995 six children were among 42 civilians killed at Mallarawa, north of Trincomalee,

during an attack by members of the LTTE. Others lost both or one of their parents. In addition, children have been among civilians killed during attacks attributed to the LTTE in Colombo and other parts of the predominantly Sinhalese south.

Amirthalingam Surenthran, a 13 year-old student and his 17-year-old brother, Amirthalingam Jegendram, were among eight civilians deliberately shot at close range by police and home guards at Tampalakamam, Sri Lanka, on 1 February 1998. They had attended a houses warming party the previous evening in a house near the police post at Pokkuruni, a hamlet of Tampalakamam, Trincomalee district, and had decided to stay the night. At about 6.30 a.m around 20 police and home guards who appeared drunk dragged them out of the house and reportedly took them inside the police post and shot them. Although at the time of writing the motive for the killings had not been established, villagers suspected that they may have been in reprisal for the killing of 13 civilians during a bomb attack on the Temple of the Tooth in Kandy.

Children are also the victims of indiscriminate attacks. In Sri Lanka, three members of the LTTE drove a truck loaded with explosives through road-blocks and detonated it in front of the Temple of the Tooth at Kandy just after 6 am on 25 January 1998. The 13 civilians killed were reportedly all pilgrims. Among them were five members of a family from Embilipitiya, Ratnapura district, including two children, one aged two, the other

seven.

Disappearances

In situations of armed conflict, juveniles are sometimes picked up without any charge, merely on the assumption that they participate in, or sympathize with, armed opposition groups. It is frightening for anyone to be held in unacknowledged detention, to be cut off from the outside world, from the support of family members and the advice of a lawyer, at the mercy of the detaining authorities. It is even more so for vulnerable children and juveniles.

Particularly in Sri Lanka, the phenomenon of "disappearances", including of children, has been a long-standing concern. In the late 1980s, dozens of children were among tens of thousands of people who "disappeared" or were killed during counter-insurgency operations in the south against members of the *Janatha Vimukthi Peramuna* (JVP, People's Liberation Front) who attempted to overthrow the government. Among them were 17 students aged between 16 and 18 attending local high schools in the Embilipitiya area. Thanks to an unwavering campaign by their parents together with local and international organizations, those responsible were finally charged in 1994 with abduction with intent to murder and wrongful confinement. Their trial started in January 1997 and was continuing at the time of writing.

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In 1990, soon after fighting between the LTTE and government forces resumed, young children were among large groups of villagers seen being taken away by army personnel in the east of the country. They were never seen again. No less than 68 children were among over 160 villagers from the Saturukondan area in Batticaloa who were taken away by soldiers attached to the Boys Town army camp on 9 September 1990. Their cases have been investigated by a presidential commission of inquiry set up in late 1994. The commission's report including testimony of several people who said they "heard gunshots... children crying out in agony and women crying in pain". Among those giving testimony was a man who had lost 10 members of his family, included his three children, Sulosena, aged seven, Thulasi, aged three, and 18-month-old Subashini.

"Disappearances" have continued to be reported, particularly from Jaffna district, where an estimated 600 people are unaccounted for after they were seen being taken into custody by army personnel in mid-1996. Among them are at least five students. During 1997, four students were among 37 people who were reported to have "disappeared" in Jaffna district. They included Jaganathan Janagan, a 17-year-old student from Jaffna Central College, who was taken from his home at Nallur, Jaffna at around 2 am on 14 July 1986 by soldiers suspected of being attached to the Kailasa Pillayar Kovil army camp. Two days after the arrest, army personnel under the direction of the officer in charge of Nallur army camp searched Jaganathan Janagan's home and told his mother that he would be released once inquiries were over. As of late 1997, his fate or whereabouts remained unknown.

Recruited as Fighters

Fifteen-year-old Raja (pseudonym) went to the Teaching Hospital in Jaffna, Sri Lanka, complaining of insomnia, aggressive outbursts and irrational abnormal behaviour in late 1994. He had joined the LTTE at the age of 11 and underwent extensive training. He told doctors that after one attack where he lost many friends he was shown videos of dead women and children and told that his enemies had done this. Soon afterwards he was involved in attacks on several Muslim villages near Batticaloa. When recounting one attack, he described how he had held a child by the legs and bashed its head against a wall and how he enjoyed hearing the mother's screaming. He said they deserved to die.

An unaccompanied teenager currently seeking asylum in the United Kingdom told Amnesty International how members of the LTTE in Sri Lanka repeatedly tried to recruit him and his sister. They first came in 1993 when he was 14 and living with his family at a camp for internally displaced people at Urumpirai, Jaffna. The LTTE member who entered the family's hut was in civilian clothes, but others waiting outside were in uniform and armed. When he and his sister refused, they allegedly said; "Think about it. If you don't join, we will come and take you." Later, after he and his family were further displaced to Chavakachcheri, the LTTE came again with the same request. His parents then sent him and his sister to Kilinochchi

to stay with relatives, and then later to Colombo. When he and his uncle tried to cross into government-held territory at Vavuniya around May 1996, they were arrested by members of the People's Liberation Organization of Tamil Eelam (PLOTE), a group fighting alongside the army. The juvenile, who was by this time 17 years old, was taken to a room and beaten with sticks and kicked with boots. His uncle was released with the message to come back and hand over Rs. 10,000 (US\$ 160) for his release. After three days, the money was paid and the youth was freed. Amnesty International knows of children as young as 12 who have been recruited against their will by the LTTE. It also knows of other as young as nine who have been seen carrying arms.

PLOTE and other Tamil armed groups fighting alongside the security forces against the LTTE have also been accused of recruiting juveniles. There have also been reports that senior schoolboys are forced to perform civil defence duties normally performed by Home Guards in the Dimbulagala and Welikanda area of Pollonaruwa district, Sri Lanka. Officers of the Welikanda police station have set up a scheme whereby each family has to send an adult male to do Home Guard duty. If for whatever reason they cannot do so, they have to contribute Rs 125 (US\$2) per day to allow someone else to be engaged or they must send a child. Statistics published by various campaigns to ban landmines indicate that throughout the world, 2,000 people—almost all civilians—are killed or wounded by mines each

month. Many companies and countries have profited from the sale of these deadly weapons. Mines are cheap to manufacture, costing only three dollars each, but a thousand dollars to remove. As most affected countries are among the world's poorest, this generates an additional challenge. It is estimated that more than 110 million mines have been laid in at least 68 countries, several of them in South Asia. Afghanistan and Sri Lanka are considered among the worst affected nations in the world, with Kabul alone having more than a million.

Landmines or, specifically, anti-personnel mines, are indiscriminate weapons both because of their inherent characteristics and because of the way they tend to be used. They are planted in large numbers often by different parties, in shifting combat zones, sometimes deliberately aimed at civilians, but almost always with little regard for civilians. No records are kept of where they have been laid, and they remain active long after a conflict has ended, thus inhibiting reconstruction and development. In Jaffna, the northern peninsula of Sri Lanka, several children have been among approximately 30 people killed or injured when they stepped on uncleared mines after they returned to their homes in mid-1996.

The recent UN Study on the impact of armed conflict on children found that landmines pose a particular threat to children. The natural curiosity of young children, combined with lack of awareness, make them likely to pick up unknown objects including landmines.

Mines may also be more difficult to spot for a small child. Mines have been laid in agricultural fields, on roads, in irrigation canals and in residential areas. ■

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