

Child soldiers: What the Government report did not report

24 February 2008

Earlier this week, the media highlighted government's plan to present the report of the Committee to Inquire into Allegations of Abductions and Recruitment of Children for Use in Armed Conflict (CIAARC), at the sessions of the UN Security Council on Thursday. What transpired at the sessions was not known at the time this article was written.

CIAARC was appointed by Human Rights Minister Mahinda Samarasinghe and headed by Justice Ministry Secretary Suhada Gamalath. Among the highlights of the report, written after a fact-finding mission to Batticaloa, was that "there had been no complaints of abductions or forced recruitment recorded by law enforcement authorities in 2008" (Daily Mirror 19/Feb/2008).

In a concise, but comprehensive statement, the Civil Society Working Group on Child Soldiers (CSWGCS), comprising a number of civil society organisations, has demolished the work of CIAARC exposing the lies, omissions and the deliberate attempt to mislead the UN Security Council's Working Group on Children in Armed Conflict by creating a false picture, apparently to exculpate the government.

The CSWGCS statement contradicts bluntly CIAARC's claim there were no abductions reported in 2008 by stating: "Already, 5 cases of underage recruitment by the TMVP (three cases of recruitment and two re-recruitments) have been reported by the UNICEF for January 2008." It has to be noted that the reason for the formation of CIAARC was persistent allegations of abductions and recruitment of children by the TMVP, once headed by Karuna and now by Pillaiyan.

The CSWGCS statement questions the work of the CIAARC fact-finding mission. Calling it a "fly-in, fly-out mission," CSWGCS accuses it of staying only four hours in Batticaloa during the field visit. What is more, it says "this high-profile committee did not talk to the parents of the children abducted, or groups working with parents and child abductees."

The statement goes on to dismiss out of hand the government's pretence of not being complicit in the acts of the TMVP through denial, including Samarasinghe's request for "credible evidence" of this link, by citing the training camps of the TMVP in government-controlled areas.

"There are number of training camps ... established in government-controlled areas and in visibly close proximity to military outposts, army checkpoints and camps ... Theevuchenai, Muttukal in the Welikanda area and Kadiraveli ... Despite persistent denial of any involvement with the TMVP, its cadres have been seen patrolling with soldiers and walking in and out of army camps."

Finally, the statement places the political link between the government and TMVP in perspective declaring, “This armed faction, listed in the annex of the UN Secretary General’s Report on Children and Armed Conflict as a violator of child recruitment, is now openly contesting jointly with the government in the local elections in Batticaloa.”

The CSWGCS statement concludes CIAARC “was intended to be nothing but a face-saving mechanism with no genuine political will.” Having demolished CIAARC, the statement proceeds to debunk claims made by the government to have set up a number of institutions for the protection of children and the efforts made by them to address underage recruitment.

Before dealing with this plethora of institutions, the CSWGCS statement documents the state of mind of civilians. It says, “Civilians live in a climate of fear, suppression and without the capacity to voice out their grievances. Parents, risking threats, intimidation and harassment, have made complaints to the Police, the National Child Protection Authority as well as to the Supreme Court regarding the abduction of their children, but to no avail.”

Speaking of the Police, the statement reports no progress had been made in protecting children or addressing underage recruitment. It dismisses “Samarasinghe’s claim that the Police would immediately investigate reported cases of abductions” by saying no reports had been made available “bringing into question whether investigations even took place.”

On the Human Rights Commission of Sri Lanka’s role, the CSWGCS says that despite complaints to the Commission it had “failed to visit the camps named in the HRW (Human Rights Watch) report where children and youth are being held and/or given arms training.” It adds the Commission made no attempt at even identifying camps where children were being held.

Going on to the National Child Protection Authority (NCPA) under Chairman Jagath Wellawatte, the CSWGCS challenges the organisation’s excuse for inaction by claiming it was not mandated to launch investigations into child recruitment cases without an official complaint. “This statement is completely contradictory to its mandate, which maintains: ‘the authority may, where it has reason to believe that there is child abuse on any premises.... authorize an officer of the Authority to enter and search such premises,’” the CSWGCS points out.

The CSWGCS report reserves its harshest criticism for the one-man Mahanama Tilakaratne Commission on Abductions, Attacks on Civilians and Killings. It says “the investigation was a sham,” buttressing the conclusion by, “to date no results of the investigations have been made public – even though parents, witnesses have been questioned. A number of parents were not even informed that such an investigation was taking place.” The Commission’s visit to Batticaloa was not announced and the three-day visit “was too short to achieve any substantial findings.”

It is on the basis of the shoddy and disingenuous work of these institutions that the government hoped to present its defence on the protection of children in armed conflict in Sri Lanka. The fact that it did not have tangible evidence of such abuses was not because there was no evidence, but because they did not bother to collect it systematically.

It could be that the government believed its customary approach of blaming all child recruitment on the LTTE would enable it to wriggle out of a tight spot. But such an argument might not wash this time judging from the tone of the HRW report released on Thursday claiming the LTTE's recruitment of children had "dropped significantly over the past nine months," though it accuses the Tigers of not keeping to the deadline of releasing all underage recruits already in its ranks.

Or it could be the government believes its reliance on slogans ("zero tolerance of child recruitment"), brazen falsehood ("there is no credible evidence" of TMVP abductions in government-controlled areas), or the appointment of a raft of committees, would protect it from too much damage in the hands of the UNSC Working Group.

The exposure of the machinations of the government and the institutions it has established, should not blind us to the fact that, finally, the UN is a club of states. Whether this club of states is willing to impose strictures on a fellow-member, fighting a counterinsurgency war using child soldiers, is left to be seen.