Tamil Eelam Child Protection Law and

Developments since

Report by

Child Protection Authority

Child Protection Authority (CPA)

LTTE Peace Secretariat

Kilinochchi, Sri Lanka

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1. Introduction

In August 2006, the Child Protection Authority (CPA) issued a report titled, "Children and Armed Conflict in the Northeastern Part of the Island of Sri Lanka". Since the release of that report several important developments have taken place in the Tamil homeland in relation to child protection. A child protection law has been announced by the Tamil Eelam Justice Division which is to be passed by 1st January 2007. In view of this new law, CPA has been strengthened (See annexure: The Role of the Child Protection Authority in Tamil Eelam) and was given the task of ensuring the implementation of this law. UN special advisor on children and armed conflict in Sri Lanka, Ambassador Allan Rock visited Sri Lanka. This follow-up report by the CPA covers these and other developments in the Tamil homeland since the release of the August 2006 CPA report.

Specifically CPA wants to inform concerned people and groups on the progress made towards releasing underage youths in the LTTE in view of the above developments. This project is in progress and this report describes the steps and goals and the progress to date in reaching the goals.

There has been some cynical comments expressed that the LTTE is always finding excuses for not stopping the practice of underage recruitment. This may indeed seem a valid comment for an outside observer. Internally the issue of transmitting its importance from the top to the field officers has taken time. Lately, human rights organizations and indeed Ambassador Allan Rock have demanded training the LTTE field officers on the importance of stopping underage recruitment. Even disciplinary actions have been suggested. CPA has taken these suggestions on board and has begun to give training and is in discussion about disciplinary action for those who persist in breaking this aspect of the upcoming law. At the same time as the LTTE makes a concerted effort on this issue, the sociological forces that compel young people to seek the LTTE must also be kept in mind.

2. Prevention of underage recruitment

The Tamil Eelam Child Protection Law prohibits the recruitment of those under the age of seventeen. LTTE undertakes to review this aspect of the law each year with the view to raise the minimum age to eighteen. The minimum age of seventeen is justified for the present for the following reasons. Unlike a State's armed forces, LTTE is not just a military outfit. Military is only one branch of the LTTE. LTTE also provides non-corrupt extensive services to the people including, health care, planning and development, children's homes for those who have lost their parents, policing, and courts among

others. LTTE members contribute extensively to all these services. Also, the Tamil homeland faces extreme threat from the occupying Sri Lankan military and any nation facing such threat has the right to lower the age of recruitment to seventeen.

LTTE has also instituted punishment for those who break this aspect of the law. A case in point is the Amparai incident on 18 December 2006 where members of the LTTE abducted 21 underage youths, who were subsequently released, and the disciplinary action was taken against those who were involved in the abduction.

At the same time as the LTTE makes a concerted effort on this issue, the sociological forces that compel young people to seek the LTTE must also be kept in mind.

3. Verification of underage recruitment

CPA has handed over the cases of each and every case of underage recruitment to UNICEF whether or not the case has been given by the UNICEF. We hope this openness will contribute towards building confidence that the LTTE is sincere in its undertakings to release underage youths and not recruit underage youths. Once the release procedures are completed in a couple of weeks CPA will also initiate discussions about a verification process.

4. Status of underage recruitment database

Immediately following the visit by Ambassador Allan Rock, the Child Protection Authority in Kilinochchi began to push for the release of all the youths who will be under the age of 17 on 1 January 2007 from the LTTE movement. This also coincided with the introduction of the Tamil Eelam Child Protection Law.

As noted in the CPA August report, CPA had lodged a request to UNICEF that the LTTE is facing difficulties in tracing the names without addresses. On 3 December 2006, UNICEF handed over to CPA electronic versions with the addresses of cases from Kilinochchi and Mullaithivu in the UNICEF database. This has been very helpful in tracing the cases. Similar lists for the other districts were handed to the CPA on 15 December. The Table below shows the latest status of the underage recruitment database in the hands of the CPA.

The underage recruitment database in possession with the CPA for the northern districts of Kilinochchi, Mullaithivu, Mannar and Vavuniya has complaints received from parents through UNICEF, NESOHR, and ICRC and also directly by the LTTE. The entries for the other districts are those given to the LTTE by UNICEF. This difference between the districts is the result of active efforts in the northern districts mentioned to eliminate underage recruitment. As a result families have felt confident that reporting to the CPA is sufficient to obtain the release of underage recruits. In other districts families mostly seek the assistance of UNICEF.

Database statistics of underage recruitment (less than 17 on 1 Jan 2007)				
Northern regions				
Kilinochchi & Mullaithivu (as of 1 November 2006)	171			
Jaffna (as of 1 November 2006)	31			
Vavuniya (as of 1 November 2006)	42			
Mannar (as of 1 November 2006)	17			
Total	261			
Eastern regions				
Batticaloa (as of 1 November 2006)	82			
Trincomalee (as of 1 November 2006)	32			
Amparai (as of 1 November 2006)	28			
Total	142			

It became obvious to the CPA that the process of tracing the youths and if they are found to be with the LTTE then obtaining their release required a little more time than was anticipated. Obviously, it was much easier to deal with cases of underage recruitment in Kilinochchi and Mullaithivu. Therefore, CPA was able to push for the release of youths in these two districts with substantial success, as the status of cases in the Kilinochchi and Mullaithivu shows as described below.

Progress in the other districts has been slower. CPA regrets this and undertakes to push for the release of the youths in other districts. CPA has already begun to focus on the other three northern districts of Jaffna, Vavuniya and Mannar. CPA intends to follow up cases in the three eastern districts too; however, it faces severe problems due to displacement of people and CPA access to the areas. CPA is confident that all cases will be cleared in a few weeks.

Family or ESDC for released youths

Presently majority of the youths who are identified as underage are returned to their families. There exists many circumstances where returning the youth to the family is not a feasible option. In many cases the youth simply refuses to return home. In some cases the youth's family will be living in GoSL controlled areas and it will not be safe for the youth to join his/her family. More recently, even access to the youth's family has become impossible as in the case of families in Jaffna due the closure of the A9 highway.

Youths who are unable to join their families for the above and many other reasons are placed at the ESDC. A large number of these youths released to the ESDC have joined their families after completing vocational training.

Status of the five northern district cases

Since Ambassador Allan Rock's visit, CPA has handed to UNICEF three lists of names of youths on the following dates with the following number of names of released or traced youths.

Status of the 261 Northern District Cases				
Released to home	54			
Traced as released earlier	13			
Cases reported by UNICEF as re-recruited	6			
At Senthalir children's home	2			
Known to be with the LTTE	3			
To be traced or released	90			
ESDC cases	93			
Total	261			

- On 11 December a list of names of 10 youths.
- On 14 December a list of names of 34 youths.
- On Dec 27 a list of names of 34 youths.
- On Jan 2 2007 a lost of names of 10 youths released

CPA expects a substantial percentage of the 90 cases to be released or traced are in their homes and it expects to confirm this in a few days.

At one instance UNICEF was able to be present when 12 youths were released to the parents. CPA found it difficult to organize more such releases because of the festive season and also because of problems in keeping the youths in a temporary accommodation. Most of the youths in the lists provided to UNICEF were released in the months of October, November and December. Some were released much earlier and were traced back in their home.

All together there are 93 youths who have been released to the ESDC. Their names with some background notes about the youths will be provided to UNICEF and CPA will seek a few meetings with UNICEF after that to discuss and resolve these cases.

To date UNICEF has not accepted release to ESDC as release from the LTTE. CPA is currently discussing with UNICEF procedures that will satisfy UNICEF and facilitate UNICEF to track the cases of youths released to the ESDC.

Annexure

Other violations in the Tamil homeland
referred to in the Security Council Resolution 1612
about children affected by armed conflict.
(since the CPA August report)

Children killed, disappeared and injured in NorthEast since August 2006

Se. No	Affected	Date	Violation type	Offender	Location of incident	District	Gender	Age	Note
2	Nimalan Nilukjan	16-Aug-06		Paramilitary	Mavadivembu	Batti	М	1	gunmen entered home, began shooting, parents injured
3	Thayajothi Thayaparan	13-Sep-06		SLAFs	Valvettithurai	Jaffna	F	2	
4	Sri Ravindrarajah Thineswaran	17-Jun-06		Paramilitary	Muhamalai	Jaffna	М	16	dead body found 14 June after missing for two weeks
1	Dithushini	15-Oct-06		SLAFs	Vaharai	Batti	F	1	patients sent to GoSL area Vaharai hospital were turned back by the SLA
7	Aravinthan	1-Aug-06	Killed	Paramilitary	Mutur	Trinco	М	8	killed in Muttur St.Antony's Church
8	Seevaratnam	4-Aug-06		SLAFs	Koyilkudiyirup pu	Batti	М	12	killed by shell at home
9	Simion Antony Gnanapragasam	28-Jun-06		SLAFs	Kallaru	Mannar	М	17	transporting sand in tractor, hit claymore
10	Kiritharan Thayini	14-Aug-06		SLAFs	Vallipunam	Mullai	F	16	
11	Thambirasa Lakiya	14-Aug-06		SLAFs	Vallipunam	Mullai	F	17	
12	Mini'	11-Aug-06		SLAFs	Pallai	Jaffna		4	
13	Nasim	2-Aug-06	Injury by	Paramilitary	Mutur	Trinco	М	11	shell hit home
14	Navaratnam Sharmila	11-Aug-06	shelling	SLAFs	Pallai	Jaffna		11	
15	Mendis Vimalraj	11-Aug-06		SLAFs	Chempiyanpa tru	Jaffna	М	15	

Children killed, disappeared and injured in NorthEast since August 2006

Se. No	Affected	Date	Violation type	Offender	Location of incident	District	Gender	Age	Note
16	Vijayaratnam Suvaruban	25-Jun-06	Injury by beating	SLAFs	Jaffna town	Jaffna	М	15	Attacked by men with faces covered with black cloth on his way out of MP office
17	one civilian	26-Sep-06	injurea by	Paramilitary	Periyakallaru	Batti	М	15	gunmen came on a white van shooting two boys injured
2	Vijayarasa Antonis	4-Oct-06	shooting	SLAFs	Potpathy	Jaffna	М	13	
19	Anton Reginald	20-Jul-06	Disapp-Abducted	Paramilitary		Mannar	М	14	Boarded bus to Vavuniya on 4 July, never reached destination. Mother has lodged complaint.
20	Sobitha Jeganathan	20-Sep-06		SLAFs	town	Mannar	F	15	He has studying staying at the Karmel sister's hostel. She went out and has gone missing.
21	Thangarasa Thavarubi	11-Aug-06	Disappeared	SLAFs	Alvai	Jaffna	F	16	
22	Velupillai Praveeran	1-Oct-06		Paramilitary	town	Jaffna	М	16	
23	Thevarasa Nitharson	14-Sep-06		Paramilitary	Kondavil	Jaffna	М	17	The two disappeared to gether
24	Thambu Jeyasakeem	14-Sep-06		Paramilitary	Kondavil	Jaffna	М	17	The two disappeared together

Total Killed 09 Injured 08 Disappeared 06

	Children killed in Mavilaru onwards									
1	Anpalakan Malini			Paddalipuaram	Trinco	F	2			
2	Sivakumar Janarthan			Sampur	Trinco	М	4			
3	Arulanantham Subasini			Verukal	Trinco	F	4			
4	Kumaresan Subeskanthan			Eechchilampattu	Trinco	М	7			
5	Sathteeswaran Aravinth			Muttur East	Trinco	М	8			
6	Sutharsini			Kaddaiparichan	Trinco	F	10			
7	Kaththamuthu Kajenthiran	90	Shelling	Palikudiyiruppu	Trinco	М	10			
8	Balasingam Kamalini	d d		Kanesapuram	Trinco	F	11			
9	Kanakarathinam Suvajini	Şe		Muttur	Trinco	F	12			
10	Yoheswary	၂ ဖွ	ဖ်	9	9		Kaddaiparichan	Trinco	F	14
11	Jeyakumar Rathikala				Jeti	Trinco	F	14		
12	Sujenthiran			Kiliveddi	Trinco	М	15			
13	Thankathurai Kethiswari			Pallikudiyiruppu	Trinco	F	16			
14	Pakkiyarasa Rajani			Santhosapuram	Trinco	М	16			
15	Rathinam Jeevitha			Kaddaiparichan	Trinco	F	17			
		Tot	al number of killed 15							

Children casualties in Northeast after October 15, 2006

	Affected	Date	Violation type	Offender	Location of incident	District	Gender	Age
1	Yutechristin Thansika						F	1
2	Sivakumar Thanusiya	90-	Killed by SLA bombing in Mullaittivu, Puthukkudiyiruppu				F	4
3	Thavarasa Thushanthini	16-Oct-06			, 		F	14
4	Veerasingam Nitharson	16-	Injured by bomb	ing in Mullait	tivu, Puthukkudiyir	unnu	М	12
5	Nagarasa Niroji		injured by boilib	ирри	F	13		
6	Gohu	18-Oct-06	Killed by bombing	SLAFs	Karadiyanaru	Batti	М	10
7	Sahayam Ajithkumar	22-Oct-06	Killed by shooting	SLAFs	Pesalai	Mannar	М	16
8	Tharaibalasingam Thamilini	24-Oct-06	Disappeared	SLAFs	Columbuthurai	Jaffna	F	14
9	Yathurson	28-Oct-06	Injured by shooting	Paramilitary	Vantharumoolai	Batti	М	1
10	Inparasa Thashanthini						М	7
11	Ratheeswaran Suthurjan						М	0
12	Sundaralingam Juvanthini						F	10
13	Nanthakumar Thanushalini	0 1		0 1 111 - 1 1			F	3
14	Thiagarasa Tharson	On N	lovember 8, 2000 Kathiray			g ın	М	11
15	Vasanthakumar Thivya		Kathiraveli, Batticaloa					16
16	Vivekanandan Yalini						F	13
17	Rasenthiram Pirapu						М	16
18	Lohitharasa Saharan						М	16

	Affected	Date	Violation type	Offender	Location of incident	District	Gender	Age
19	T. Kumar					Poochchak	kerni	7
20	S. Thilashshika	10.12.2006				Kiliveddi		9
21	K. Nirushanthini				Kiliveddi	3 ,	12	
22	S. Kemalathan	10.	Killed k	Killed by SLA shelling				12
23	T. Dayana	-				Poochchak	kerni	15
24	S. Nanthini	9.12.2006				Poonagar		13
25	K. Jeyanthi	9.12.2000				Eechchilan	npattu	16
26	V. Susukaran	15.12.2006	Killed by draw	Killed by drawning in Valaichenai sea		Batticaloa	•	10
27	V Suthurjini	20-Dec-06	Injur	ed by shellin				2
28	T Suman	20-Dec-00	IIIJui	ed by Silellill	9	Kiran, Batt	icaloa	9

Names of the children killed in Padahuthurai air raids

1	Kukan Thayalan	2-Jan-07	2-Jan-07	2-Jan-07					2years						
2	Sakayarasa Mathusan							1							
3	Tharshini				Killed by Sri Lankan	8									
4	Uthayakumar Tharshika				2-Jan-	2-Jan-	2-Jan-	2-Jan-	2-Jan-	2-Jan-	2-Jan-	2-Jan-	an-	Kfir attack in	1
5	Pavalam Jemson												Padahuthurai fishing village	12	
6	Vijai Vinojan										ŭ	4			
7	Vithusa Alvin			4											
Names of the children maimed in Padahuthurai air raids															
1	Antonykulas Jenistala	2-Jan-07	Children maimed in	11											
2	Vijai Vithushan	2-Jaii-01	the kfir attack	8											

Number of children killed - 28

^{**} The number of children abducted by paramilitaries has not been included

Affected Schools

Schools and hospitals like other people based institutions are disrupted when people displace en mass. This section and the next section give data on schools and hospitals affected by the shelling and displacement. Some of them are made inoperative because they are destroyed by the shelling. Others stop functioning because people have displaced. In the case of schools, some are not functioning because these schools are housing the large number of refugees. Given that school building is the only building large enough to accommodate large number of refugees there is no other option but to let the refugees stay there thus affecting the school's educational functions.

Pachchilapalli Asistant Government Agent Division, near the Muhamalai FDL is one of the worst affected area. Data collected so far on the number of public building destroyed there are.

Churches - 17
Temples - 56
Hospitals - 05
Pre Schools - 26
Public buildings - 41
Commercial buildings - 163
Carpentry workshops - 03
Schools - 13

Schools affected in the Northeast since August 2006 by Sri Lankan artillery shelling

Kilinochchi District

Size

Following schools in Kilinochchi district are not functioning since the children and staff were displaced due to bombing and shelling.

Palai Education Zone

Six schools are not functioning affecting 1955 students

1 Palai Central College (Damaged)

1084





	Ivaldrashahi Cayanmant Tamil Miyad Cahaal	200
2	lyakkachchi Government Tamil Mixed School	288
3	Kilali Roman Catholic Tamil Mixed School	126
4	Mukavil Government Tamil Mixed School	81
5	Palai Roman Catholic Tamil Mixed School	272
6	Tharumakerni Government Tamil Mixed School	104
	Total	1955
	Poonahari Education Zone	
	12 schools are not funtioning due to displacement affecting <u>2672</u> students	
	Students	
1	Poonahari Mahavidhyalayam	830
2	Chellaihthivu Government Tamil Mixed School	212
3	Poonahari Nallur Mahavidhyalayam	353
4	Samipulam Government Tamil Mixed School	55
5	Gnanimadam Government Tamil Mixed School	101
6	Karukkaithivu Mahavidhyalaym	220
7	Koutharimunai Mahavidhyalayam	75
8	Paramankirai Mahavidhyalaym	40
9	Madduvilnadu Government Tamil Mixed School	43
10	Vinasiyodai Government Tamil Mixed School	61
11	Sunnavil Government Tamil Mixed School	137
12	Poonahari Srivigneswara Vidhyalaym	515
13	Thambirai Government Tamil Mixed School	30
	Total	2672
	Jaffna District	
	Following schools in Jaffna district are not functioning since the	
	children were displaced due to bombing and shelling.	
	Maruthankerni Education Zone	
	12 schools are not functioning due to displacement affecting a	
	total of about <u>2457</u> students.	
1	Mamunai Government Tamil Mixed School	96
2	Chempianpatru Roman Catholic Tamil Mixed School	80
3	Maruthankerni Hindu Tamil Mixed School	355
4	Kaddaikadu Roman Catholic Tamil School	246
5	Kevil Government Tamil Mixed School	106
6	Chempianpatru Government Tamil Mixed School	256
7	Vetrilaikerni Government Tamil Mixed School	
8	Parameshwara Vidhyalaym	277
9	Vetrilaikerni Roman Catholic Tamil School	50
9 10	Uduththurai Mahavidhyalayam	425
9 10 11	Uduththurai Mahavidhyalayam Aliyavalai Government Tamil Mixed School	425 420
9 10	Uduththurai Mahavidhyalayam Aliyavalai Government Tamil Mixed School Thalaiyadi Roman Catholic School	425 420 146
9 10 11	Uduththurai Mahavidhyalayam Aliyavalai Government Tamil Mixed School Thalaiyadi Roman Catholic School Total	425 420
9 10 11	Uduththurai Mahavidhyalayam Aliyavalai Government Tamil Mixed School Thalaiyadi Roman Catholic School Total Mullaithivu District	425 420 146
9 10 11	Uduththurai Mahavidhyalayam Aliyavalai Government Tamil Mixed School Thalaiyadi Roman Catholic School Total	425 420 146

function. A total of about 4000 students are affected. In other
schools in the area attendance is down due to fear of aerial
bombing

Mullaithivu Education Zone

- 1 Poothanvayal Government Tamil Mixed School
- 2 Thanimurippu Government Tamil Mixed School
- 3 Kaiveli Ganesha Vidhyalayam
- 4 Kokkilai Government Tamil Mixed School
- 5 Vedduvaikal Government Tamil Mixed School
- 6 Maathalan Roman Catholic School
- 7 Udayarkaddu Mahavidhyalayam
- 8 Kombavil Vigneswaran Vidhyalayam

Thunukkai Education Zone

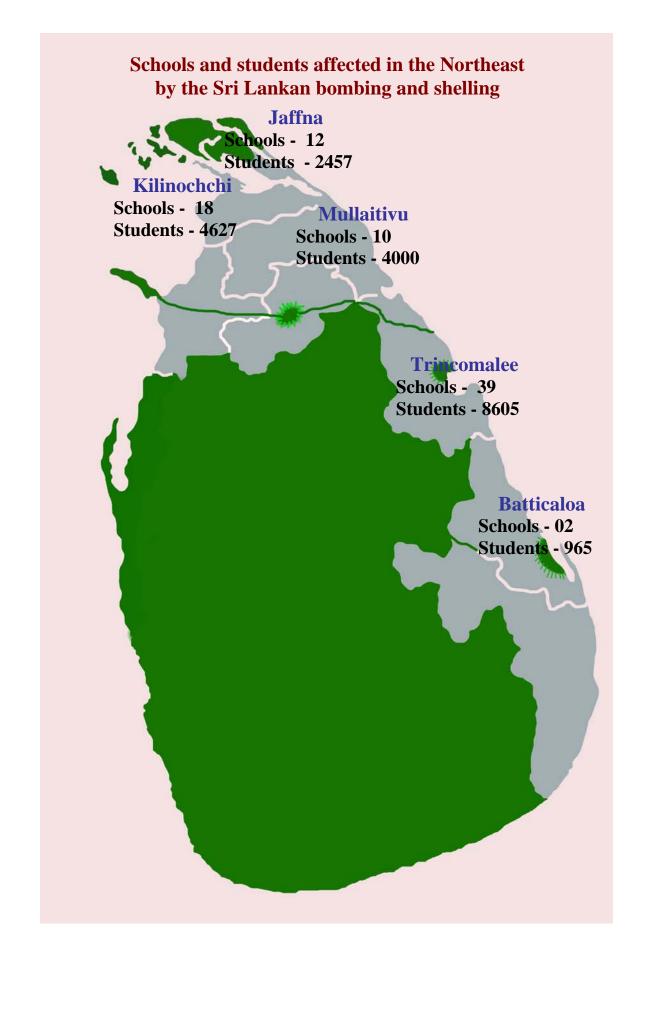
- 1 Mallavi Central College
- 2 Thirumuhandy Hindu Vidhyalayam

Trincomalee District

These schools are located in Muthur east, Veruhal and Eechchilampatru areas. They have all gradually stopped functioning as the artillery shelling by the Sri Lankan military intensified and the people displaced from these areas. A total of about 8274 students are affected. In other schools in the area attendance is down due to fear of aerial bombing.

	Damaged	
1	Cheenanveli Athavan Vidhyalaym	85
2	Chenaiyoor Government Tamil Mixed School	38
3	Eechchilampatru Chanpaka Mahavidhyalaym	650
4	Ilankaithurai Government Tamil Mixed School	188
5	Ilankaithurai Muhaththuvaran Mahavidhyalayam	700
6	Kadatkaraichenai Government Tamil Mixed School	287
7	Kaddaiparichchan Vipulananda Vidhyalaym	353
8	Kanesapuram Maha Viththiyalayam	726
9	Nallur Government Tamil Mixed Schoo	210
10	Neeliyamman Viththiyalayam	160
11	Pallikudiyiruppu Kalaimahal Hindu College	450
12	Poonahar Thiruvalluvar Vidhyalayam	350
13	Sampoor Mahavidhyalayam	753
14	Sampoor Srimurugan Vidhyalaym	136
15	Santhanaveddai lynkaran Vidhyalayam	18
16	Soodaikuda Government Tamil Mixed School	60
	Not functioning due to displacement	
17	Ammannagar Ambal Vidhyalaym	41

18	Chinnakulam Government Tamil Mixed School	136
	Ilakanthai Government Tamil Mixed School	130
19		405
20	Ilankaithurai Alaimakal Viththiyalayam	135
21	Kalaimunthal Malaimunthal	90
22	Kallady Government Tamil Mixed School	
23	Karukkkamunai Government Tamil Mixed School	
24	Koonithivu Navalar Vidhyalayam	
25	Malaimunthal Namahal Vidhyalaym	
26	Maruthanagar Puvaneswari Vidhyalayam	
27	Mavadichenai Government Tamil Mixed School	325
28	Muththichenai Government Tamil Mixed School	120
29	Paddalipuram Government Tamil Mixed School	490
30	Poomarathadichenai Sithi Vinayakar Vithiyalayam	125
31	Poonaithivu Navalar Viththiyalayam	366
32	Punnaiyadi Government Tamil Mixed School	145
33	Santhosapuram Sivasakthi Vidhyalayam	166
34	Senaiyoor Central College	120
35	Thankapuram Ganeshan Vidhyalayam	78
36	Uppural Government Tamil Mixed School	
37	Vaddavan Government Tamil Mixed School	125
38	Valaithoddam Government Tamil Mixed School	98
39	Veruhal Thavaraka Vidhyalayam	550
	Total	8605
	Batticaloa District	
	These achools are not funtioning because the students are	
	displaced due to Sri Lankan military artillery shelling	
1	Vellaveli Kalaimahal Vidhyalayam	820
2	Vavunathivu Government Tamil Mixed School	145
	These schools are not functioning because they are housing refuges.	



2.6 Affected Hospitals

Sri Lankan military shelling since Geneva-I has destroyed 6 hospitals. There were other hospitals that were rendered dysfunctional because the entire people displaced from the area. In other cases the hospitals stopped functioning because the all the medical staff displaced due to fear of shelling.

Adampan hospital in Mannar district is a good example. It was rebuilt since the signing of the CFA. It has good facilities. Yet, the hospital was coming under the artillery shelling of the Sri Lankan military and for reasons of safety it was forced to relocate. It is currently functioning in a community hall in Andalkulam. The hall does not even have the very basic facilities for living let alone for a hospital. The only department that is able to function in this new location is the outpatient clinic. The hospital is not able to accommodate even urgent minor surgeries. The outpatient clinic is seeing around 125 patients daily and these patients are undergoing many difficulties due to the poor facilities. The people, in spite of having a better hospital, have been denied the right to use it by the Sri Lankan military artillery shelling.

Hospitals destroyed in the Northeast by Sri Lankan military artillery shelling and claymore attacks - since August 2006

Kilinochchi district

1 Palai hospital





2 Poonahari hospital

Vannerikulam hospital (not functioning because there are no doctors)

	Jaffna district
4	Maruthankerni hospital
	Vavuniya district
5	Puliyankulam hospital
6	Iranai Iluppai hospital
	Claymore attack on ambulance from Nedunkerni hospital killing a doctor, and 4 hospital employees
	Mannar district
7	Adampan district hospital
8	Periyamadhu hospital (not functioning because there are no doctors)
	Trincomalee district
9	Eachilampattu hospital (Damaged)
10	Sampoor central hospital (Damaged)
	Batticaloa district

In the LTTE administered areas of Batticaloa district and Trincomalee district there are no hospitals functioning. Only medical facility available in these areas is provided by the Tamileelam health services