



Convention on the Rights of the Child

Committee on the Rights of the Child

Fifty-fifth session

13 September–1 October 2010

Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

List of issues concerning additional and updated information related to the initial report of Sri Lanka (CRC/C/OPAC/LKA/1)

The Committee may take up all aspects of children's rights contained in the Optional Protocol during the dialogue with the State party.

The State party is requested to submit in written form additional and updated information, if possible, before 2 August 2010, not exceeding 15 pages.

1. Please indicate the type of military training provided to the students over 16 years who are attending the National Cadet Corps and, in particular, whether they are provided with firearms training and if they are subjected to military discipline. Please also inform the Committee of the training provided on the provisions of the Optional Protocol for teachers at military schools. Do children in military schools have access to complaints mechanisms? Does the Ministry of Education or an independent entity oversee the curricula and administration of such schools?

2. Please indicate the measures taken to establish the whereabouts of the four remaining cases of children associated with the Tamil Makkal Viduthalai Puligal (TMVP), including the two cases signaled in the December 2009 report of the Special Envoy of the Special Representative of the Secretary-General for children and armed conflict. Please inform the Committee of the findings of the multidisciplinary committee whose task is to investigate allegations of State complicity in the recruitment of children by the Karuna group.

3. Please indicate the measures taken to prevent and investigate the reports of re-recruitment of children in the Ampara district in the Eastern Province by a "commander" named Iniya Barrathi.

4. Please comment on the information according to which armed groups which have been working in cooperation with the Government since 1990 and which have been responsible for the recruitment and use of child soldiers, such as the Eelam People's Revolutionary Liberation Front (EPRLF) and the People's Liberation Organization of Tamil Eelam (PLOTE) continue to recruit and use children to assist them. Please also indicate the measures taken to ensure that these armed groups no longer recruit and use children.

5. Please explain the reasons why there has so far been no prosecution under the 2006 amendment to the Penal Code criminalizing the recruitment and use of children in armed conflict. Please update the Committee on the investigations conducted to date into the cases of child abduction and recruitment referred to in the report.

6. Please indicate whether the doctrine of command responsibility has been included into national laws and if not, whether the State party intends to do so.

7. Please update the Committee on the status of the Assistance and Protection to Victims of Crime and Witnesses Bill.

8. In view of the large number of children who have died during the last months of the conflict as a result, notably, of indiscriminately shelling of densely populated areas including hospitals and schools and of denial of access to vital humanitarian assistance, please inform the Committee of the measures taken to assess the number of child casualties during this period and to establish the whereabouts of the hundreds of children missing as a result of the conflict. Please also indicate the measures taken to establish accountability for such acts and provide the Committee with an update on the findings of the Task Force on Monitoring and Reporting.

9. Please indicate whether children recruited and used by the Liberation Tigers of Tamil Eelam (LTTE) are still held for prolonged period of detention within the Terrorist Investigation Department in the High Security Zone in Colombo and how many children have been subjected to such measures.

10. Please indicate the measures taken to follow up on the recommendation made notably by the Special Envoy of the Special Representative for children and armed conflict to establish guidelines on screening of children who may have been associated with

armed groups.

11. Please clarify whether the 2006 Emergency Regulations in relation to “surrendees”, including children, continue to apply to those who were under 18 at the time of recruitment but over 18 at the time of arrest or surrender, and whether their provisions on criminal prosecution could therefore be applied to them. Does the State party envisage issuing a directive for its security forces and judicial authorities clearly stating that no child should be prosecuted for his/her association with any armed groups?

12. Please clarify whether the Emergency Regulation No. 1580 of 2008, which introduces judicial intervention in the child rehabilitation and reintegration process, complies with the international juvenile justice standards.

13. Please provide data, disaggregated by sex, age, region and ethnic group, on children who have been held in rehabilitation centres and information on the duration of their stay before they were handed over to their parents. Please indicate the measures taken to ensure complete separation of children from adults and to protect girls. Are military personnel still involved in the management of the rehabilitation centres?

14. Taking into consideration that most of the children held in rehabilitation centres have been returned to their families, please provide information on the reintegration services which are now available to them in their communities. Please also provide information on the measures taken to reconstruct basic infrastructure, restore essential services such as water and sanitation, hospitals and schools and establish child protection services in the war-affected Northern and Eastern provinces. Have resettlement areas to which children have been returned been cleared of mines and other remnants of war?

15. Please indicate the measures taken to speed up the process of providing children released from rehabilitation centres with birth certificates and regular identity documents to replace the temporary identity card issued by the Terrorist Investigation Unit.

16. Please inform the Committee whether national legislation prohibits the sale of arms when the final destination is a country where children are known to be, or may potentially be, recruited or used in hostilities.