



**CHILD RECRUITMENT IN
SOUTH ASIAN CONFLICTS**
A Comparative Analysis of
Sri Lanka, Nepal and Bangladesh

Charu Lata Hogg



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COALITION TO STOP THE
USE OF CHILD SOLDIERS

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An Asia Programme Report



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About the author

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Executive Summary

The causes and trajectories of existing conflicts in Sri Lanka and Nepal demonstrate the failure of states to seriously address the underlying causes of social unrest. The idea that the state is prejudiced against a particular ethnic group, as in Sri Lanka, or against a particular class, as in Nepal, is used by non-state actors to justify the continuation of conflict in which children are inevitably targeted. The primary fault line in Bangladesh relates to the notion of Bangladeshi identity and the role of Islam, but although outbreaks of religious terrorism have taken place in Bangladesh, there has been no outbreak of full-scale conflict.

Despite the international focus on protection of children in armed conflict, there remains a disturbing paucity of information about the actual use of and impact of conflict on children in Sri Lanka and Nepal. Attempts at gauging the number of children within the ranks of the Liberation Tigers of Tamil Eelam (LTTE) in Sri Lanka only began in 2001 and there is little information on child soldiers within the Communist Party of Nepal (Maoist) (CPN(M)). In Bangladesh, in the absence of any systematic research into either the use of children by *mastans* or indoctrination by madrassas, assessment of the use of children by armed groups remains largely impressionistic and anecdotal. However, it is possible to put together some sort of composite picture on the use of children in conflicts in Nepal, Sri Lanka and Bangladesh.

The violation of children's rights during conflict has to be viewed in the context of the state's failure to promote child rights in the community. The rights of children in the three states examined are disregarded through practices such as bonded labour and sexual trafficking. In each case the line between 'childhood' and 'adulthood' is usually vague, and responsibilities are acquired as a result of factors beyond chronological age. The failure of the state to provide adequate and neutral education is another issue in understanding conflict and child recruitment. The correlation between child recruitment and child labour in Nepal needs further investigation. For Bangladesh, this report aims to flag up future areas of study to examine linkages between the social and educational marginalization of street and slum children and their vulnerability to use by armed, criminal syndicates.

Children are inevitably among the first to be affected by conflict. Recruitment by armed groups is only one of the ways in which the rights of children are violated during a conflict situation. Children have been killed and maimed during cross-fire and have been arbitrarily detained, tortured and ill-treated by police and other state authorities throughout the conflicts in Nepal and Sri Lanka. The destruction wrought by these conflicts has affected access to food and deprived children of key services such as education and health care. The systematic violation of the fundamental rights of children during conflict creates situations in which children are vulnerable to both forced and voluntary recruitment by non-state armed groups. The breakdown of protection mechanisms makes access to children easier and, in some cases, joining an armed group becomes part of children's survival strategy.

The root causes of conflict in Sri Lanka and Nepal lie in failures by governments to provide broad-based development and social justice. Angry at political marginalization and government unaccountability, many older children in Sri Lanka and Nepal joined the rebel movements voluntarily at first. But as conflict deepened and security conditions deteriorated, younger children became vulnerable to recruitment as a result of hunger, displacement and the desire to protect their communities and for revenge. In Bangladesh a similar set of factors, namely poverty, isolation, lack of choice and a visible absence of real democracy and equal opportunities, could push children into the hands of radical elements and criminal mafias. Lessons learnt from Sri Lanka and Nepal have direct resonance in Bangladesh. The contested

role of education in Nepal and Sri Lanka provides another lesson for Bangladesh. This relates not only to access to standardized education in remote and backward areas but also to the curriculum, medium of instruction, and political involvement in budgetary and operational matters. In Nepal, the school curriculum has been the focus for tensions, and therefore carries the potential to be as much 'part of the problem' as 'part of the solution' in a number of ways. Timely attention to curriculum standardization in Quomi madrassas could open up opportunities for many poorer students and create disincentives for radicalization and recruitment by non-state armed groups.

Engagement on the issue of child recruitment in Sri Lanka and Nepal requires a broad-based approach. In both contexts social and economic inequalities are obvious and democracy has failed to deliver on the basic needs of citizens, creating conditions where protection mechanisms for children break down and allow their recruitment by armed groups. Human rights organizations therefore need to understand the social, economic and political factors and conflict characteristics that lead to child participation, and protection mechanisms should collectively address and prevent violence, abuse and neglect, exploitation and discrimination and forced recruitment into armed groups. Advocacy responses thus need to be both inclusive and strategic, identifying conflict trends on the back of effective monitoring and research.

Project rationale and methodology

Field research for this report was conducted in the first three months of 2006. Interviews were conducted with former child soldiers, staff from NGOs and International NGOs, members of civil society, academics, and representatives of multilateral donor organizations, governments and UN officials. The research for all the unattributable interviews referred to in this report was conducted face to face, under the Chatham House Rule, from April 2005 to March 2006. For this reason, many of the opinions expressed and directly quoted in the text, which are essentially derived from the interviews, are not specifically referenced.

The report is intended to assist in developing a better understanding of the drivers behind the use of children as soldiers in conflicts in South Asia. A more nuanced understanding of the phenomenon will help design advocacy and policy options sensitive not only to the dynamics of conflict but to the root causes of recruitment. The report examines two case studies – Sri Lanka and Nepal. Lessons learnt from these studies will help identify potential vulnerabilities of children in Bangladesh. While Bangladesh does not have a current armed conflict, a culture of political violence, past precedents of the use of children in armed conflict and societal fault lines over the issue of religion and identity indicate that children could be used by armed groups should an outbreak of violence occur. Apart from flagging up key concerns in Bangladesh, the report is intended to contribute to the wider discourse on child protection in situations of armed conflict. It attempts to go beyond existing anecdotal and impressionistic accounts but does not provide a full assessment.

The recruitment of children in Sri Lanka and Nepal and the risks to children in Bangladesh indicate the political, economic and social insecurity of certain sections of society in each of these states. This study highlights the fact that protection of the rights and welfare of children is a governance issue and that recurrent failure by states to provide equitable development and opportunities increases the susceptibility of children to recruitment by non-state actors.

In each case, but to varying degrees, children have been used by non-state actors in conflict situations. The ostensible causes of conflict vary: in Sri Lanka it reflects ethnic tension, Nepal suffers from a Maoist civil war while Bangladesh suffers from religious extremism and a criminal mafia-politician nexus.¹ Structural tension and disparate development in each country

have led to divergent levels of simmering and open conflict. Bangladesh is relatively peaceful, if politically turbulent. The crucial issue for Bangladesh is whether experiences from Nepal and Sri Lanka could provide an early warning system for Bangladesh, whether or not conditions of civil war can usefully be compared to conditions of political violence, however chronic, and whether the pressure on children to become involved in armed conflict might also vary in intensity, demanding different assessment measures.

More than 20 years of civil war between the state and the LTTE in Sri Lanka have destroyed political structures in the north and east, creating conditions where rebel Tamil groups,² most notably the LTTE, have forcibly and sometimes voluntarily recruited children for war. Since 1996, Nepal has been gripped by a conflict between the government and the Communist Party of Nepal (Maoist) or CPN (M), during which the Maoists have abducted tens of thousands of schoolchildren for 'political education' lessons. Many have been used as messengers, porters, cooks and fighters in the Maoist army.

With growing internal tensions involving resources, heightening religious extremism and increasing pockets of poverty (poverty is falling unevenly across the country), Bangladesh represents a case study of a potential pre-conflict setting. Lessons from the other two states – in terms of the failure of both the state and civil society to build sufficient protection networks and disincentives for children to join armed groups – have resonance in Bangladesh.

The future trajectory of Sri Lanka and Nepal currently hangs in the balance. The Maoists and the Seven Party Alliance (SPA) in Nepal have signed an eight-point agreement pledging commitment to multi-party democracy and a UN-monitored arms demobilization process, but existing Maoist cadres have not been demobilized and children continue to be at risk of recruitment should the political process for peace break down. In Sri Lanka, violence has escalated through 2006, claiming around 1,000 lives. There is evidence that recruitment of children is being carried out by both the LTTE and the breakaway 'Karuna faction', which operates in the east of the country.

1 Background: The Context

This chapter provides an outline of the causes and trajectories of the existing conflicts in Sri Lanka and Nepal, and highlights societal fault lines in Bangladesh. The notion that the state is prejudiced against a particular ethnic group, as in Sri Lanka, or broadly against a particular class, as in Nepal, is key to understanding the recruitment of children in both these countries. Non-state actors in both cases have been accused of brain-washing children. In contrast, the strategies of the governments in Sri Lanka and Nepal to treat ethnic and social unrest as a security problem have essentially failed to seriously and visibly address the underlying causes of resentment and social tensions, creating conditions in which children are made vulnerable to recruitment. The primary fault line identified in Bangladesh relates to the role of Islam in society. While outbreaks of religious terrorism have occurred, there has been no eruption of a full-scale conflict here.

Sri Lanka: two decades of ethnic strife

Around 64,000 people have died in more than two decades of ethnic conflict in Sri Lanka in a war characterized by grave human rights abuses, including thousands of 'disappearances', on both sides. Both the army and the LTTE deliberately killed civilians. Government forces have been accused of indiscriminate aerial and artillery bombardment of areas populated by civilians¹ and of killing and torturing Tamils suspected of involvement with the LTTE. The LTTE has engaged in retaliatory killings of Sinhalese and Muslim civilians and killed Tamils suspected of being informers or 'traitors'.²

Various power-sharing schemes have been mooted to lessen tension between successive Sinhala-dominated governments and Tamil representatives but these have not overcome the distrust between the two sides. The LTTE vocalizes and manipulates Tamils' concerns that the government is unable and unwilling to address their grievances. This is matched by Sinhalese fears that the LTTE will not give up arms until it has gained territorial independence.

Under colonial rule, many Sinhalese believed the system worked disproportionately in favour of Tamils, who constitute around 18% of the population. Following independence a number of steps were taken towards defining Ceylon (renamed Sri Lanka in 1972) as a primarily Sinhala state. In 1956 Sinhala became the sole official language, damaging the employment prospects of many Tamil speakers. Tamils launched a non-violent protest campaign which triggered the first of several outbreaks of anti-Tamil violence.³ Further discriminatory policies increased militancy within Tamil politics.⁴ By the mid-1970s, mainstream Tamil politicians advocated the establishment of a separate state ('Tamil Eelam').⁵ The conflict erupted in 1983. By the mid-1980s, the Liberation Tigers of Tamil Eelam (LTTE) was established as the most powerful militant group in the north and east and, by 1989, it ran a *de facto* state in significant portions of north and east Sri Lanka, collecting taxes and administering justice through a system of policing and courts.

The first 'Eelam War' culminated in the signing of the Indo-Lanka Accord in 1987 under which India agreed to ensure that Tamil militants ended hostilities. However, fighting erupted

between the Indian Peace Keeping Force (IPKF) and the LTTE. The IPKF withdrew from Sri Lanka in 1990 and resulting negotiations between the Sri Lankan government and the LTTE quickly collapsed. The Second Eelam War lasted until 1994 but neither side made significant headway. Peace talks were initiated again in August 1994 soon after Chandrika Bandaranaike Kumaratunga's People's Alliance (PA) won the parliamentary election. Its collapse triggered the Third Eelam War, the most destructive phase of the conflict. From 1995 to 2002 Sri Lanka witnessed an intense military confrontation and major attacks by the LTTE on civilian targets outside the north and east.

In the late 1990s, the LTTE brought extensive areas under its control and created a degree of military parity with the government. Both the government and the LTTE declared unilateral ceasefires in late 2001. In the formal Cease Fire Agreement (CFA) of February 2002, facilitated by the Norwegian government, the government and the LTTE agreed to set up a Sri Lanka Monitoring Mission (SLMM) to monitor the agreement and to investigate disputes related to it. Although peace talks took place from September 2002, and other countries offered a large but conditional aid commitment, violations of the CFA started rising. In 2002, the SLMM announced 54 violations by the government including harassing civilians, restricting movement and detaining LTTE cadres. The 502 cases against the LTTE accused it of abduction, forced conscription, recruitment of child soldiers, extortion and murder.

In April 2003 the LTTE withdrew from talks, ostensibly in protest at not being invited to an international forum on aid to Sri Lanka, held in Washington, and against its continuing proscription by the US. It then announced that it would not take part in peace talks until the government agreed to establish an interim administration in the north and east. The LTTE rejected a government proposal and submitted its own draft for an Interim Self-Governing Authority (ISGA).⁶ Since then the LTTE has insisted that talks should focus on its ISGA. The ruling coalition, which took power in April 2004, initially showed some flexibility by supporting the idea of establishing an interim administration over which the LTTE would exercise substantial control but has persistently rejected the ISGA.

Instability in Sri Lanka was exacerbated by a revolt in March 2004 led by the LTTE's chief military commander in the Eastern Province, Karuna, who accused the LTTE leadership of discriminating against Tamils in the east. The confrontation between Karuna's faction and the rump of the LTTE resulted in a high death-toll on both sides, disruption to civilian life in the eastern lowlands and innumerable CFA violations, further jeopardizing the peace efforts. Karuna went into hiding after four days of fighting but the split altered the political and military situation in the east. Remaining elements of his faction have continued to attack the LTTE and its affiliates while the LTTE has sought to regain control of the east through a violent crackdown on any Tamil dissent. The government has denied claims that the Sri Lankan army provided support to Karuna and other Tamil paramilitaries opposed to it.⁷

The December 2004 tsunami further harmed chances of peace. The LTTE accused the government of discriminating against the north and east in aid distribution. In May the government and LTTE agreed a Post Tsunami Operational Management Structure (PTOMS) to jointly manage the distribution of aid, causing the Marxist Janatha Vimukthi Peramuna (JVP) party to withdraw from the ruling coalition. In July the Supreme Court made an interim judgment declaring the PTOMS unconstitutional. The court argued, among other things, that it was unacceptable for the PTOMS headquarters to be located in an LTTE-held area. Although the court's objections were relatively minor, the judgment scuppered PTOMS. Many observers argued that the government had used the judiciary to block PTOMS.⁸

In August the LTTE was blamed for the assassination of the foreign minister, Lakshman Kadirgamar, and violence escalated with killings, ambushes and skirmishes involving the LTTE, the Karuna faction and the army.⁹ The situation deteriorated after the November 2005 presidential election. Largely owing to an LTTE-enforced boycott in the northeast, the more hard-line Mahinda Rajapakse was elected, supported by the JVP and the Buddhist Jatheka Hela Urumuya (JHU) party, on a promise to 'rethink' Norwegian involvement and ruling out any interim settlement with the LTTE.

Since then around 1,000 people have been killed and over 20,000 displaced.¹⁰ In February 2006 the government and the LTTE met in Geneva to look at ways of strengthening the CFA. Both parties agreed to stop attacks and committed themselves to peace talks. No further talks have taken place and violence has escalated rapidly.

Nepal: the roots of Maoist insurgency

Nepal has struggled to overcome a long legacy of under-development. The onset of democracy in 1990 raised popular expectations but the failure of successive governments to meet these expectations created the conditions for widespread discontent. Government was generally viewed as repressive, corrupt and as working against ordinary citizens.¹¹ Citing failed and inadequate development and poor governance, the Communist Party of Nepal (Maoist) launched an armed insurgency in 1996 in the under-developed western districts of Rolpa and Rukum. Around 13,000 people have been killed in the civil war, with 8,000 civilian deaths reported since November 2001.¹²

Under the Ranas, hereditary prime ministers, who ruled from the mid-nineteenth century, Nepal was dominated by a tradition-bound aristocracy with little interest in development. In 1947, the Nepali Congress Party launched a protest movement which grew into an armed movement and led to the fall of the Rana regime in 1951. Elections were held in 1959 but King Mahendra then dissolved the government, banned political parties and introduced the *panchayat*¹³ system of government. The Movement for the Restoration of Democracy (MRD), comprising liberal and communist (though not Maoist) parties, launched a 'People's Movement' in February 1990. After heavily repressing protests King Birendra eventually agreed to become a constitutional monarch, dissolve the *panchayat* system and dismiss the cabinet. Under the new constitution, however, the monarchy maintained substantial power.

The Maoist United Popular Front of Nepal (UPFN), led by Baburam Bhattarai, rejected the 1990 constitution, arguing it provided an inadequate basis for democracy.¹⁴ The UPFN won nine seats in the 1991 election and gained the status of a national party. Its candidates did not take their seats, however. The Nepali Congress (NC) government, led by Girija Prasad Koirala, soon collapsed and a minority CPN (Unified Marxist Leninist or UML) administration took power after the 1994 election, which the UPFN boycotted. Over the next five years a succession of short-lived coalition governments held power.

In 1991 the CPN (Unity Centre) was formed to unite the smaller communist parties including the Maoists. In 1994 it split, apparently over whether or not to initiate an armed rebellion. One faction, led by Pushpa Kamal Dhakal, alias Prachanda, and Baburam Bhattarai, evolved into the CPN (Maoist) which supported violence. In November 1995 police launched an operation, ostensibly to tackle criminal activity in Rolpa. The operation was intended to dislodge Maoists from the area and resulted in human rights violations including arbitrary arrests, rapes, executions and 'disappearances'.¹⁵ This drove a disaffected rural population towards the Maoists and triggered the kind of resentment the Maoists needed.¹⁶ Maoist appeals to ethnic liberation movements and promises to right widespread injustices driven by caste, geography and minority status also touched a sensitive vein.¹⁷ Under the *panchayat* philosophy, the Nepali

language was imposed in schools, to the detriment of other languages. The 'People's Movement' provided a chance for this repressed diversity to come out into the open.²⁰

In February 1996, Baburam Bhattarai presented the government with a list of demands. The government did not respond to these demands and the CPN (Maoist) launched its People's War in five districts in mid-western and western Nepal (Rukum, Rolpa, Jajrkot, Salyan and Gorkha) and in Sindhuli district in central Nepal. From 1998, the conflict intensified. The spread of Maoist activity was facilitated by widespread corruption and unemployment.¹⁹ Large-scale police crackdowns were accompanied by reports of atrocities and proved counter-productive, triggering a more intensive Maoist response and increasing popular support for Maoists.²⁰

The Maoists' early success was a result of widespread sympathy within Nepal with their aims and demands and of general frustration with the failed policies and programmes of the past. Despite their methods, which included torture, execution, extortion and forcible child recruitment, a lack of alternatives and the virtual absence of the state from large swathes of Nepal continued to ensure a degree of compliance. The Maoists' anti-imperial, anti-feudal and anti-monarchical rhetoric appealed to lower caste and rural families who felt neglected by the Kathmandu elite. Their arguments against corruption and political deadlock resonated with many Nepalese and their strong ideological stand was a stark contrast to the constant compromise of values that seemed rife within the parliamentary system.²¹

In June 2001, Crown Prince Dipendra killed ten members of the royal family, including the king, queen and his brother, before killing himself, plunging Nepal into yet another crisis. Prime Minister Sher Bahadur Deuba took office in July 2001 amid hopes that engagement with the Maoists might produce peace. Initial signs were encouraging. The government and the Maoists agreed to negotiations and a ceasefire. But after three rounds of talks the Maoists unilaterally withdrew and launched attacks on police and army posts. Political uncertainty within Nepal increased in 2002. Deuba asked King Gyanendra to dissolve the lower house of parliament and call elections, which were subsequently scheduled for November 2002. Local councils were dissolved and replaced by appointed officials. In October 2002, the King sacked Deuba, postponed elections indefinitely, assumed executive authority and appointed his own prime minister and cabinet.

King Gyanendra then began plans to start a dialogue with the Maoists. A ceasefire was announced in January 2003 but the two sides were split, particularly over the formation of a constituent assembly to draft a new constitution. Ceasefire violations were widespread²² and, following a massacre in Doramaba, which came to symbolize human rights abuses by the government, the Maoists withdrew from the talks and violence erupted across Nepal.

Following a quick succession of prime ministers, in February 2005 King Gyanendra declared a state of emergency and took direct power. Hundreds of people were arrested. Clashes between Maoists and security forces increased, the Maoists imposed blockades on major cities and continued abductions and extortion. Press censorship was severe and monitoring efforts by the National Human Rights Commission (NHRC) were restricted. Increasing activity by state-sponsored vigilantes triggered brutal Maoist retribution.²³

The mainstream parties and the Maoists, in talks backed by India since May 2005, agreed to pursue a joint strategy against what they called 'the autocratic monarchy' and a plan for constitutional reform. The Maoists declared a four-month unilateral ceasefire in September 2005, which the government did not reciprocate. In November 2005, the parties, known as the Seven Party Alliance (SPA), and the Maoists signed a 12-point agreement which formalized the Maoist offer to enter a multi-party political system and specified an elected constituent

assembly to be the forum in which a new constitution would be debated. Both sides called for UN-led assistance to supervise elections and oversee state and Maoist forces.

The Maoists' ceasefire ended in January 2006. King Gyanendra announced that municipal elections would take place in February 2006 but these were boycotted by the mainstream parties. A four-day strike called by the SPA on 7 April swelled into a nation-wide protest, culminating in protests by hundreds of thousands of Nepalis. The scale of popular participation surprised both the alliance of parties and the Maoists. While they had instigated the movement they were not solely responsible for its sudden growth nor fully in control of it.²⁴ On 24 April King Gyanendra agreed to reinstate parliament to protect multi-party democracy and restore peace. The SPA eventually accepted the offer and called off the strike. On 4 May, Maoist rebels welcomed a government ceasefire offer and said they were ready to enter peace talks.

Bangladesh: growing Islamic radicalism and political violence

Since it split from West Pakistan in 1971, Bangladesh has been beset by a number of security concerns. Poor governance, military coups, economic weakness, a population explosion and frequent natural disasters have blighted development. A patronage-based social system has assisted organized crime to capture many aspects of the state and governance, law enforcement and justice, through criminal syndicates or *mastans* who run protection rackets via a complex system of payment and collection.²⁵ Dissident groups remain active in the Chittagong Hill Tracts (CHT). The slow implementation of the 1997 Chittagong Hill Tracts Peace Treaty threatens the return of organized violence. Religious extremism in Bangladesh is the result both of its turbulent history and of the conflict between Bengali and Islamic identities. Since 2001, Islamist groups such as Jagrata Muslim Janata Bangladesh (JMJB) and Jamaatul Mujahideen Bangladesh (JMB), banned in 2005, have targeted religious minorities and symbols of Bengali identity in their attempt to 'Talibanize' Bangladesh.

Between the ending of British rule in 1947 and 1971 what is now Bangladesh was East Pakistan, though it remained linguistically and culturally distinct from West Pakistan (now Pakistan) and felt itself inequitably treated by the politically dominant west. Ineffective integration led the distinctive character of East Pakistan to become a more potent concept than the Muslim identity which had resulted in the creation of Pakistan. These feelings came to the fore in November 1970, when a cyclone claimed nearly half a million lives. The apathetic response of West Pakistan increased support for the Bengali nationalist Awami League (AL) in the December election. Sheikh Mujib-ur Rahman, leader of the AL, campaigned on a 'Six Point Programme' calling for greater autonomy. The AL won 167 of 169 seats in the east, giving Rahman's party a majority in the Constituent Assembly.

Talks on constitutional questions proved unsuccessful. In March 1971 Pakistan's President, Yahya Khan, indefinitely postponed the pending national assembly session, precipitating civil disobedience in East Pakistan. Mujib-ur Rahman was arrested, his party was banned and most of his aides fled to India. On 26 March Bengali nationalists declared an independent People's Republic of Bangladesh. As fighting grew between the army and the Bengali *mukti bahini* ('freedom fighters'), an estimated 10 million Bengalis, including many Hindus, sought refuge in India. The war was short-lived after India joined, on the side of the Bengalis, in December 1971 and Mujib-ur Rahman was sworn in as Bangladesh's first prime minister. The AL won a huge majority in the March 1973 general election and aid poured in both to tackle poverty and to repair damage suffered during the War of Independence.

In August 1975 army officers killed Sheikh Mujib and most of his family. The Army Chief of Staff General Zia-ur Rahman (Zia) became 'Chief Martial Law Administrator' and banned

political parties. Zia firmed up the idea of Bangladeshi nationalism to shore up his own legitimacy. In April 1977 he changed the constitutional identity of Bangladeshi citizens from 'Bangalee' to 'Bangladeshi'. The identity of the nation was linked to Bangladesh's borders to isolate it from the so-called 'Bangalee sub-culture' of India.²⁶ In 1977 the constitution was changed so that the state policy of nationalism, secularism, socialism and democracy included 'absolute trust and faith in the Almighty Allah, nationalism, democracy, and socialism', referring to economic and social justice.²⁷

In the 1978 election Zia won a five-year term, and in November he removed the remaining restrictions on political parties. The 1979 parliamentary elections were contested by more than 30 parties. The AL and the Bangladesh Nationalist Party (BNP) emerged as the two major parties. Zia created the BNP primarily as a vehicle to mobilize grassroots support. Since then it has followed a policy of Islamicization, making religious education equivalent to secular education in 1978 and establishing a new Ministry of Religious Affairs to coordinate religious activities.²⁸ Army Chief of Staff Lt Gen. H.M. Ershad assumed power in a bloodless coup in March 1982. Like his predecessors, Ershad suspended the constitution, citing pervasive corruption, ineffectual government and economic mismanagement, and declared martial law. Faced with a legitimacy crisis and discontent among students, Ershad turned to Islam, declaring in late 1982 that it would be the basis of the new social system and given its place in the constitution.

Following several unsuccessful attempts to encourage opposition parties to participate in elections under martial law, Ershad held parliamentary elections in May 1986 with the participation of the AL, the Jamaat-e-Islami and several minor parties, but without the BNP. The Jatiya Party, formed to back Ershad, won 153 seats in the 330-seat parliament, while the AL and its allies won 104 seats. In June 1988 Ershad amended the constitution and declared Islam the state religion.²⁹ Secularists saw the move as regressive and insisted it would make non-Muslims, and women, second-class citizens. Islamists argued it was taken to avoid a 'genuine' Islamic movement. The leader of the Jaamat-e-Islami, for example, insisted that people wanted an Islamic state, not a declaration of Islam as the state religion.³⁰ Ershad was deposed in December 1990 following anti-government protests.

Military rule ensured religion gained primacy over secularism and encouraged short-termism among politicians, contributing to corruption. Zia's widow, Khaleda Zia, became prime minister after the 1991 election, forming a coalition government with the Jaamat-e-Islami Bangladesh (JIB). Islamic parties won 6% of the vote in this election, a slow but steady gain over their 1979 performance.³¹ The JIB grew out of the Jamaat-e-Islami of Pakistan, which advocated the union of all Muslim-dominated areas of former British India and the creation of Pakistan. Following the lifting of the 1972 ban on religion-based political parties, the JIB, along with the Islamic Okye Jote (IOJ), gained in strength despite previously arguing that nationalism was un-Islamic and the secession from Pakistan was unwarranted.³²

Sheikh Mujib's daughter, Sheikh Hasina, became prime minister in June 1996, forming a politically expedient coalition government with the Jatiya Party. The election campaign was marked by fierce bickering between Sheikh Hasina and Khaleda Zia. Khaleda Zia continued to lead anti-government protests against alleged government repression of the opposition and the opposition held a series of *hartals* (strikes). The BNP, supported by Islamic groups, organized further disruptive strikes in 1997 in protest at rising taxes and fuel prices. The Jatiya Party left the coalition in 1998 and the following year a group of opposition parties, led by the BNP and including the Jatiya Party and the JIB, held protests against the government's decision to allow India to move goods and personnel across Bangladeshi territory. The opposition boycotted parliament and demanded early elections. In a repetition of the sequence of events

which eventually brought down the BNP administration in 1996, the AL refused to back down and announced that elections would be held at the end of its term.

Islamic militants were blamed for a series of bomb explosions in March 1999. Two explosions at a music and culture festival in Jessore killed eight people and injured some 150. Political violence continued during 2000 with violent clashes between supporters of the main parties. In July 2001 Sheikh Hasina's government stepped down having completed a five-year term. A violent election campaign ended in a relatively peaceful election in October in which the BNP and its allies, including the IOJ and the JIB, won two-thirds of the seats.

The AL launched a civil disobedience campaign in 2001 in protest at the election results, and in early 2004, Khaleda came under mounting opposition pressure to call early elections, amid a background of *hartals* and protests. In early 2006 the AL launched another series of protests and strikes. Although there is no evidence that the JIB is directly involved in violent activity, many argue that its inclusion in the government legitimizes religious extremism and has allowed Islamist groups to act with impunity. The increase in attacks on religious minorities, secular intellectuals, opposition activists and journalists after the 2001 election appeared to confirm claims that the government was soft-peddling on Islamic militancy.³³

Pockets of unrest have continued to plague the rest of the country. Following independence, tribal people living in the Chittagong Hill Tracts began to lose the privileges they had enjoyed under British rule. Tensions intensified when their demands for constitutional safeguards and recognition as a separate community were rejected. The tribal population created the Parbatya Chittagram Jana Samhati or Chittagong Hill Tracts People's Solidarity Association (PCJSS) in 1972. Its armed wing, the Shanti Bahini, was formed in 1973. Bangladeshi nationalism incorporated Islamic ideals and excluded the cultural identities of the CHT.³⁴ In 1976 the Shanti Bahini started an armed insurgency. From 1979 to 1983 the conflict escalated. The government offered incentives to encourage more than 400,000 poor and landless Bengalis to move from the plains into the CHT as a counter-insurgency strategy.³⁵ At the height of the conflict, almost one-third of the Bangladesh army was deployed in the region and Bengali settlers were mobilized against the tribal population. Official figures indicate that more than 8,500 people, including 2,500 civilians, were killed during the insurgency.³⁶

Much of the violence in Chittagong and Cox's Bazaar has been blamed on the Rohingyas, a refugee community of Muslims from Myanmar. In 1991, over 250,000 Rohingyas fled to Bangladesh, claiming they faced religious persecution in Myanmar. They were sheltered in more than 20 camps near the border, south and east of Cox's Bazaar. The UN High Commission for Refugees (UNHCR) managed to repatriate most of them, but an estimated 20,000 refugees remain in two camps between Cox's Bazaar and the border, which is heavily mined in some areas on the Myanmar side to prevent smuggling and cross-border guerrilla activities. An undisclosed number of Rohingyas live in villages outside the UNHCR-supervised camps.³⁷ Local Rohingya leaders deny that they are connected with extreme Islamist groups in and outside Bangladesh and blame local Bangladeshi gangs with high-level connections for the violence, smuggling and lawlessness in the area. The paramilitary Bangladesh Rifles have also been accused of involvement in smuggling around Cox's Bazaar. Extremist groups have undoubtedly taken advantage of the disenfranchised Rohingyas, some of whom have been recruited to fight in Afghanistan. The Rohingya Solidarity Organization (RSO), the most radical Rohingya militant outfit, has the support of the JIB and reportedly has received training from the Afghan Hizb-i-Islami.³⁸

The rise of radicalism and pockets of social unrest can be traced to problems in governance which hamper development. Despite achieving a level of macroeconomic stability, almost half

the population is below the poverty line and over half is functionally illiterate. In absolute terms the same number of people live in absolute poverty now as fifteen years ago. Wealth is inequitably spread geographically. Economic gains have been concentrated in Dhaka division. Weak law and order and widespread corruption have fed insecurity. Migration from rural to urban areas has contributed to the growth of slums in cities such as Dhaka and Chittagong where armed criminal gangs, enjoying protection from police and politicians, operate with impunity.

2 The Use of Children in Armed Conflicts

There remains a disturbing lack of information about the involvement and impact of conflict on children in both Sri Lanka and Nepal. No studies have been conducted to ascertain the actual number of children within the ranks of the LTTE in Sri Lanka¹ or in the CPN (Maoist) in Nepal. While the issue has received sufficient international and domestic attention, efforts to establish monitoring mechanisms have not been successful. Despite this absence of a scientific study, however, it is possible to compile a composite picture of the use of children by non-state armed actors in Sri Lanka and Nepal.

The Baby Brigade: child soldiers in Sri Lanka

The Sri Lankan government estimates that at least 60% of LTTE fighters are under 18.² The average age of children at the time of recruitment into the LTTE is 15,³ though some recruits have been as young as nine.⁴ The UN Children's Fund (UNICEF) estimates that at least 1,440 children remained in the LTTE as of 30 April 2006. Of these, 859 children were under age⁵ at the time of recruitment but are now 18 or older.⁶ Children were reportedly used for frontal assaults in major battles during the Eelam Wars.⁷ Estimates of LTTE cadres killed in combat suggest that during the height of the Eelam Wars at least 40% of the fighting force consisted of children aged between nine and 18. The nucleus of the 'Baby Brigade' was first formed in early 1984 and deployed heavily during the IPKF intervention.⁸ The Sirasu Puli ('Leopard Brigade'), one of LTTE's fiercest fighting forces, was composed entirely of children.⁹

The LTTE has in the past used propaganda to encourage every family to give a son or daughter to the cause¹⁰ and has militarized Tamil schools, sometimes for use as military training grounds.¹¹ Most teachers reportedly comply with LTTE directives or are forced out of the classroom during recruitment sessions; those who fail to comply face harassment. Local NGOs report that LTTE activists visit schools and deliver speeches about the brutality of the Sinhalese army to inspire children to join the movement and become 'heroes'. Opposition to recruitment has led the LTTE to promise children that their education will not be interrupted if they join, since classes will be held in the camps.¹²

Public displays of war paraphernalia, posters of heroes, speeches, videos and heroic songs are used to invoke patriotic feelings in children and create a cult of martyrdom¹³ to encourage children to consider dying for the LTTE.¹⁴ They are taught verses from the ancient Tamil literary collection, *Puranaanooru* (400 poems of war and wisdom), that romanticize mothers' pride in anointing their sons and sending them to win an honourable death in war.¹⁵ The LTTE confers special status on the families of child combatants, called 'Great Hero families', exempting them from the levies it imposes and gaining preferential access to services it provides.¹⁶ For the orphaned, displaced and poor, joining the LTTE becomes an attractive option in which financial packages are offered both to the enrollers and to their families.¹⁷ In a society which is often violent and abusive to children and where caste is a determinant of social mobility, joining the LTTE also becomes a means of attaining social status and respectability.

Initially, children are used in roles such as guards or cooks and then as messengers and spies. They are gradually inducted into fighting forces, first in battlefield support functions and then in active combat.¹⁸ A typical unit of children is trained for four months in the jungle. All links

between the children and their families are broken and discipline is strict. In April 1999, compulsory self-defence training was reportedly instituted for civilians between the ages of 16 and 45 in LTTE-controlled areas.¹⁹ This pattern has been reported again since October 2005. Reports from the eastern districts, particularly Batticaloa and Trincomalee, indicate that the LTTE has undertaken large-scale training of entire villages for three to ten days. Some local NGOs indicate that this could help the LTTE identify cadres for future recruitment. There is evidence to suggest that the LTTE also provides self-defence training for students from the Northern and Eastern University.²⁰

I was forced to join because of the 'handing over' on November 3, 2002. I have five siblings – one elder brother and sister and two younger brothers. My older brother and sister are married. At Murugan Temple in Kulathumadu, my mother took me and handed me over when I was 14. They came and asked for one person per home. I felt happy, everybody was doing training and I also did.²¹

Children have reported ill-treatment and those who have said they miss home have been beaten. Conditions within the camps are severe and harsh punishments common. However, cadres are provided with sufficient food and encouraged to study and play sport.²² Some children have been killed during live firing exercises and their bodies summarily buried.²³ In March 2003, a child soldier died from gunshot wounds received during training at a camp in northwest Sri Lanka.²⁴

The pattern of LTTE recruitment appears to depend on the level of international scrutiny. The LTTE has resorted to abduction if families fail to contribute their quota, and many families have fled to safer places prevent this.²⁵ Families have become less willing to contribute their children voluntarily to the LTTE since the February 2002 Ceasefire Agreement (CFA) between the government and the LTTE. In March 2003 the University Teachers for Human Rights (UTHR) documented several cases of child abduction, indicating that most kidnappings occurred while the victims, many under 15, were returning from school in both government and LTTE-controlled territories. Some children are taken from their homes but since 2003 Batticaloa residents have also said that they have been picked up on the street or on their way home from school.²⁶ The recruitment of children using the 'one family, one child' formula has intensified since September 2001, particularly in Batticaloa district. In December 2002, in a speech to Tamil expatriates in Switzerland, Commander Karuna said: 'The Batticaloa people are giving their children, you must give your money!'²⁷ In May 2002 Yogan of the LTTE's political wing called parents for a meeting at the Vantharumoolai Krishnan Temple near Batticaloa and demanded a child from each family. Later 12 children were forcibly removed.²⁸

Figures compiled by UNICEF, the SLMM and the International Committee of the Red Cross (ICRC) roughly tally and indicate a recent slowdown in recruitment: 65 cases were reported between November 2005 and January 2006, compared with 129 cases in July 2005 alone. These statistics should be viewed in the light of the increased fear in communities in the north and east. There is general consensus among international and local NGOs that the decline stems from a fall in complaints by parents and is not indicative of the actual position.

There are reasons to believe that the LTTE continues to recruit children in territory it controls. Anecdotal evidence suggests that it is paying workers to identify and recruit children from villages and is now recruiting in a more targeted and organized fashion. Some international NGOs have received reports that the LTTE has threatened parents that they would not be provided with security when war broke out unless they provided a child. The movement of villagers from cleared areas (government-controlled territory) of Jaffna and parts of Batticaloa district to uncleared areas (in LTTE control) in late 2005 indicated a greater degree of

compliance on the part of parents to seek LTTE protection and may also explain the fall in reported recruitment figures.

Young Tamil girls, often orphans, have also been systematically recruited by the LTTE since the mid-1980s. A UNICEF gender analysis of children recruited since 2002 showed that 41% were girls.²⁹ The Sri Lankan government estimates that one-third of all LTTE recruits are female. Over the past few years, nearly all suicide bombers engaged by the LTTE have been girls or young women.³⁰ Government sources have claimed females are deliberately chosen for this role since they are less likely to undergo as invasive a body search as men at checkpoints.³¹ Girl trainees have separate living quarters from the boys, although they are allowed to talk to each other. There is no evidence of sexual exploitation of minors.

Cultural troops or combatants? Nepal's hidden tragedy

With no systematic monitoring, there are no exact figures of how many children are recruited by Maoists. According to a local NGO, a total of 29,244 children along with their teachers have been 'abducted' by the CPN (M) in the 10 years of conflict for 'political education'.³² Reports of large-scale abductions increased from early 2003. National human rights organizations reported over 8,000 abductions between 3 September and 2 December 2005, including more than 5,000 from Rolpa district and large numbers from Rukum and Taplejung districts.

Typically, CPN (M) cadres enter a high school and force students and teachers to move to a remote location where hundreds of children from across the area are gathered to participate in political indoctrination programmes.³³ Most children are released after short periods but the Office of the High Commissioner for Human Rights (OHCHR) Nepal has received information that some are recruited to take part in combat, become informants or serve in roles such as cooks or porters.³⁴

It remains unclear whether the CPN (M) has a centralized policy towards recruitment and use of under-18s. Independent monitoring is hampered by restricted access to Maoist-controlled areas and the Maoists have made conflicting statements about their recruitment policy. In August 2000 Maoist leader Prachanda denied using children as soldiers: 'We want to make it clear that no child soldier has been recruited in any unit of the People's Army.' These claims were reiterated in November 2002 and April 2003 when Maoist representatives denied recruiting children or training them to use guns.³⁵ The CPN (M) was even reported to have refused to accept children who volunteered.³⁶ Some Maoist commanders reportedly said it was official policy to discourage children from joining, but that some did so if they had compelling circumstances, for example if their parents had been recruited.³⁷

However, earlier, the Maoists had declared that:

the increasing participation of women in the People's War has [been] another bonanza for the revolutionary cause. That is the drawing of children into the process of war and their politicisation. A large number of children in the rural areas are now contributing substantially in the guerrilla war by way of collection and exchange information, etc. Indeed, these little 'red devils' hold immense potentials for the future of the revolutionary People's War.

They further stated that 'large scale rebellion of young girls, mostly high school and college girls, from their patrimonial households to join the People's War have been a common occurrence ...'.³⁸

And in 2002, in some areas under Maoist control, the recruitment policy was reported to be 'one family, one member'.³⁹ Boys and girls were deployed in combat zones, often to assist with caring for the wounded or carrying ammunition.⁴⁰

*I fought in seven battles. At 16, I was a platoon commander and in charge of 45 young people, some older than me. I was trained in operating SLR, LMG and 303 rifles. Twelve people, including me, were injured in the fighting.*⁴¹

While some children volunteer to join the CPN (M), inspired by its political ideology and for personal reasons,⁴² most are coerced into joining. Those who volunteer often have specific reasons: experience of harassment by the Royal Nepalese Army (RNA), loss of home or family members, displacement or revenge for rape or similar atrocities perpetrated against a family member.

Apart from forcibly abducting children from schools, the Maoists use other strategies to gain recruits, conducting door-to-door campaigns to motivate people and organizing cultural programmes in villages to encourage children to join. They have also established different committees in schools and formed special groups where students are placed in a hierarchy and made responsible for tasks such as pamphlet distribution and membership expansion. Once schoolchildren are identified as part of the Maoists' political committees, it becomes difficult for them to avoid being identified as Maoist cadres. Similar protection issues persist for children who want to leave and return to their home villages. In some cases, children who escape or surrender to security forces have been in turn used as spies by the RNA. Many younger children have been heavily brainwashed and maintain the impression that the Maoists are their saviours after leaving.

In the absence of definitive research, the actual number of children in the ranks of the CPN (M) or the People's Liberation Army (PLA) is unclear. The Asian Human Rights Commission estimated in 2003 that about 30% of Maoist forces were aged between 14 and 18.⁴³ Interviews with former child recruits suggest that the ratio of girls to boys is 40:60.⁴⁴

Estimates of the number of troops in the PLA vary widely. There are thought to be seven divisions, each made up of 2,500 soldiers.⁴⁵ Most recruits tend to spend an average of a year in the political wing, after which they may be moved to 'fighting units' if considered physically and psychologically fit. Former recruits described the military training as intense, with classes in physical fitness, explosives training, shooting practice and grenade-handling.⁴⁶

Life for children with the CPN (Maoist) appears harsh, though most children reported that they had been treated fairly with little or no gender discrimination. Some girls have reported sexual abuse⁴⁷ but few complaints are made openly for fear of social ostracism.⁴⁸ Some cases of beatings and harsh punishments, including hard labour, have been reported.⁴⁹ Children who try to escape are beaten for hours.⁵⁰ Most children procure basic food from households in villages where they camp but those being prepared for battles are provided a non-vegetarian diet by their commanders.⁵¹

3 Children in the Community: A Life of Discrimination and Disadvantage

Children under 18 years make up over 40% of South Asia's population but their rights are often disregarded. The basic failure on the part of the state in Sri Lanka, Nepal and Bangladesh to promote the rights of the child results in their systematic abuse in the wider community through practices such as bonded labour and sexual trafficking. While poverty is the most obvious cause of child labour, the reasons why children work are complex, diverse and context specific. Similarly, children in different sections of society in Bangladesh and Nepal are vulnerable to being used by armed groups for a variety of reasons. Social concepts and practices which identify children as a section of the population distinct from adults are imagined differently in each context.¹

Yet common threads emerge in all three contexts: the line between 'childhood' and 'adulthood' is usually vague, responsibilities and entitlements are acquired at various stages and in accordance with factors that go beyond simple chronological age such as gender, economic status and birth order. The failure of the state to provide adequate and neutral education is another common issue. In northeast Sri Lanka, the state's failure to address Tamil demands for education and employment has been used by the LTTE to justify child recruitment.

Faced with a breakdown in access to education and a lack of opportunities, some children in Nepal have voluntarily joined the CPN (M) as life within the rigid, militarized structure of an armed group appears to be not dissimilar to life in the community and could bring added privileges for protection and security. Whether child recruitment in Nepal has a direct correlation with child labour and sexual exploitation needs further investigation.

Child labour

Poverty in Nepal, Sri Lanka and Bangladesh pressures the young to work, often at the expense of education. This harms their future potential and perpetuates marginalization, increasing their vulnerability to exploitation by armed groups. Child labour primarily results from household insecurity. Households that supply child labour are those with low and insecure incomes, limited access to land, education and social protection and which tend to be marginalized by geography, ethnicity and caste.² Children in bonded or exploitative employment are extremely susceptible to ill-treatment and abuse. Some are shackled to their machines to prevent escape. Others are beaten or even raped by their employers. If they turn to the police and other officials, they are often let down. Thus the state's failure to protect children makes them more vulnerable in conflict situations.

There are no simple, universal solutions to prevent child labour which stems from vulnerable and marginalized families, inadequate education, government failure and acceptance by society of a social wrong.³ While poverty is one of the main causes, social differentiation on the basis of gender, class, ethnicity and caste also influence which children are most vulnerable to

exploitation. Family structures, cultural values that impose economic responsibilities on children, and access to education are also critical. For non-state armed actors the social acceptability of child labour justifies its use and lessens resistance by parents to forcible recruitment.

According to the International Labour Organization (ILO), there are 21.6 million working children (aged between five and 14 years) in South Asia, out of the 300 million in this age group.⁴ In Bangladesh, the estimated number of working children⁵ is 7.9 million out of 35 million in the 5–14 age group, of whom almost 60% are male.⁶ In Nepal, 1.6 million children out of the 6.2 million in this age group are working.⁷ In Sri Lanka there are 475,000 working children out of 3.18 million.⁸

Even though all these countries have signed up to international conventions on child labour, the problem persists in all of them.⁹ Bonded labour affects millions of the poorest and most vulnerable workers in the region. Children are often forced into bonded labour to repay loans taken by parents: in Nepal's mid- and far-western Terai districts large numbers of the Tharu population have worked for decades in the exploitative labour arrangements of the Kamaiya system.¹⁰ Kamaiya children enter the labour force in early childhood and continue until they join the adult and/or migrant workforce, often working for more than 12 hours a day and only receiving food at work as compensation.¹¹ In rural areas of Sri Lanka too, some children have reportedly served in debt bondage.¹²

Forced labour, primarily in the form of debt bondage, is found among low castes, minorities and migrants, who suffer additionally from discrimination and social exclusion. Although most prevalent in traditional agricultural production systems based on sharecropping and casual wage labour, bonded labour in South Asia also occurs elsewhere, including in mining, brick kilns, rice mills, carpet-weaving, commercial sexual exploitation, match factories, stone-cutting, and quarries.¹³

The security situation in Nepal has created a continuous supply of child labour through displacement, loss of parents or household income, and the closure of schools. In Bangladesh, a variety of factors including rapid population growth, adult unemployment, lack of minimum wages, exploitation of workers, low standard of living and poor quality of education contribute to child labour. Absence of legal provisions and enforcement, low institutional capacity, gender discrimination and absence of conceptual thinking about childhood have also contributed to the large number of children working under exploitative or hazardous conditions.

Most child labourers in Bangladesh, Nepal and Sri Lanka are exploited despite government commitment to international standards. Gender discrimination plays a role: girls are more likely than boys not to complete their primary education and to become involved in child labour at a significantly younger age. While linkages between child labour and child recruitment to armed groups need further investigation, there is sufficient anecdotal evidence to indicate that the latter is seen as a way to escape the harsh conditions of life outside. However, recruits then often find conditions within the group severe and heavy labour expected of them.¹⁴

In Nepal, claims that the RNA used children as porters legitimized the use of children by the Maoists. In 2001, the ILO International Programme on the Elimination of Child Labour (IPEC) estimated that over 46,000 children worked as porters in Nepal, with the vast majority carrying loads over long distances.¹⁵ It was therefore unsurprising that throughout the conflict the Maoists have recruited children for various functions including portering. According to estimates by the Nepal NGO Child Workers in Nepal (CWIN), 127,000 children in the country are trapped in the 'worst forms of child labour'. In 2005, CWIN reported that child labour is

widespread in agriculture, manual work such as carpet-weaving or basket-making, and industrial sectors such as iron and steel production, brick-making and stone-quarrying. It added that most children are exploited during employment as domestic helpers, hotel servants, porters or when picking over rubbish looking for items to sell. An ILO study on hazardous child labour in Bangladesh found that more than 40 types of economic activities carried out by children were hazardous.¹⁶

In Sri Lanka, anecdotal evidence consistently suggests that children in the north and east have become an increasingly important economic resource for their families as the continuation of the conflict has created new economic pressures.¹⁷ Provisional findings from one study undertaken in the eastern districts in 2000/01 indicate that considerable numbers of children are engaged in a wide range of occupations including agricultural, domestic, construction and service industry work.¹⁸

Child-trafficking and sexual slavery

Children in South Asia are trafficked both internally and across national borders (from Bangladesh and Nepal to Pakistan and India, and from South Asia to Southeast Asia and the Middle East). In the past few years, overwhelming attention has been paid to cross-border trafficking and trafficking for sexual exploitation, but internal child-trafficking, from rural to urban areas, is more prevalent than cross-border child-trafficking, and trafficking for labour exploitation more prevalent than that for sexual exploitation. In the worst-affected areas the practice is internalized as a strategy to cope with poverty.¹⁹ Particularly among displaced families, such as the Rohingya in Bangladesh, the trafficking of children, especially girls, is a growing concern.

No studies have established that children in Sri Lanka and Nepal join armed groups to escape this practice. Nonetheless, the exploitation of children indicates the social and economic violation of children's rights. It also mirrors apathetic governance by all three states in failing to enforce laws, curb unsafe migration and reduce the financial vulnerabilities of certain sections. The inability of society to build safeguards against the trafficking of children implies there are limits on protection to prevent recruitment of children in times of conflict.

Although it is extremely difficult to obtain data on trafficking, Oxfam estimates that over 200,000 Nepalese girls work as prostitutes in India. Similarly, sources indicate that 'between 7,000 and 10,000 Nepalese girls, between the ages of 9–16, are trafficked each year from Nepal to India'.²⁰ In Sri Lanka, there are concerns that children are being systematically trafficked from areas of great deprivation, such as the Vavuniya welfare centres, for domestic and sex work.²¹ While there are no studies to indicate the extent of this problem, the issue of Sri Lankan maids being mistreated and abused by employers in Gulf countries has been widely publicized.²²

In Bangladesh, internal trafficking in male children has also been reported as a problem, especially from areas bordering the northern and eastern provinces. Protecting Environment and Children Everywhere, a domestic NGO, estimated that 6,000 male children between the ages of 8 and 15 years were used as sex workers at beach resorts in Bangladesh. Some of them were forced into prostitution by their parents or by organized crime.²³ Children from Bangladesh have also been smuggled to the United Arab Emirates to work as camel jockeys.

Unemployment and under-employment

It is widely accepted that uneven and inequitable development contributes to conflict.²⁴ Similarly, conflict marginalizes those already economically vulnerable through the loss or reduction of access to capital, income and employment. Physical destruction of agriculture and

industry, reduced investment and displacement contribute to a decline in employment opportunities.

In Sri Lanka, the two primary economic activities in the northeast – farming and fishing – have been paralysed by economic embargoes, transport difficulties, security restrictions, the breakdown of marketing systems and rent-seeking by armed forces. This has led to a collapse of the rural economy in many areas of the northeast. Unemployment rates in the north and east, at 13% and 15.9% respectively, are higher than the 8% in the rest of the country.²⁵ While no similar figures are available for Nepal's under-developed mountainous and hilly regions, the total number of unemployed and under-employed stands at 47%²⁶ indicating a severe lack of opportunity. The official unemployment rate in Bangladesh is just 4.3% but a large number of people are considered to be out of the labour force and under-employment is widespread. Unemployment, particularly among young men under 30, is thought to be higher.²⁷

For a majority of rural Nepalis, livelihoods are uncertain and highly dependent on a nexus of social relationships in their immediate locality and beyond. Opportunities to gain control and access to resources depend on social variations such as caste, class, ethnicity and gender. A semi-feudal economy, based on subsistence agriculture with low productivity levels, has kept rural districts under-developed. The conflict has further destroyed access to employment, with the livelihoods of as many as five million people being affected during the Maoist insurgency.²⁸

The lack of opportunities for income generation has emerged as a key grievance for under-18s in Nepal and Sri Lanka. Interviews with former child soldiers in both countries show that for those who fail to migrate to either urban areas within the country or abroad to the Middle East or West, options for jobs are limited.²⁹ This insecurity makes children susceptible to recruitment.

Most of the impact of conflict on unemployment stems from physical damage caused by military conflict coupled with population shifts. However, the lack of education and vocational training in conflict-affected areas also causes unemployment. Although there is a dense network of vocational training centres in much of Sri Lanka, coverage in the northeast is limited. Moreover, skills training providers generally offer courses of one year or more, which are unsuitable for the rapid recovery of livelihoods. Many courses are not geared towards immediate income generation in local economies.³⁰ In Nepal, the scope and reach of vocational and technical education programmes are limited and the rate of unemployment is higher among the educated.³¹

Education

Access to education is often limited in South Asia, home to one-third of those children out of school.³² In Bangladesh, one-fifth³³ of primary-age children, 3.8 million, do not attend school.³⁴ Government spending on education in Bangladesh is the lowest in South Asia, at just 2.2% of GDP, compared with 3.1% in Sri Lanka and 3.4% in Nepal.³⁵ Geographic problems such as the lack of roads and transport facilities in mountainous regions of Nepal have always hindered children's access to education.

The right to education is further undermined in situations of conflict. Once conflict has begun, and often before, defence and security spending becomes a higher priority than education. In Nepal, education has suffered disproportionately in the already backward districts of Rolpa and Rukum, and children often have to pass security checkpoints to reach school. Fewer books and other teaching materials are available, and the condition of schools has often declined significantly.³⁶ There are no accurate figures for the number of children leaving school because of the conflict. Even under normal circumstances, about 70% of Nepalese schoolchildren

between six and ten years of age drop out owing to poverty, a lack of teachers and poorly managed schools.³⁷

Similar trends are visible in LTTE-controlled areas in Batticaloa district where access to nearly half of schools involves expensive, irregular and insecure bus journeys. Many children, especially in Vanni, spend several hours travelling to and from school each day. Conflict also creates a lack of teachers. Increased teacher absenteeism arises from a similar set of infrastructure hurdles, discontent over salaries and political interference. Rates of teacher absenteeism stood at 80% in the Divisional Secretariat of Koralepattu in northeast Sri Lanka, largely because of poor transport facilities.

The Sri Lankan government's commitment to reaching the UN's Millennium Development Goals for the Tamil population in northeastern Sri Lanka appears ambiguous.³⁸ In this region, one-third of school-age children have dropped out or have never attended school.³⁹ At 15% the rate of children dropping out from school is four times the national average. The reduced range of employment options for these children increases their vulnerability to recruitment by the LTTE.

Schools themselves are often directly involved in the conflict. The tendency to build schools in prominent locations in Nepal makes them strategically useful for both government and Maoists. In Sri Lanka the army often positions checkpoints and military installations close to education and health facilities, increasing the risk of injury to the young. In Jaffna in March 2001, 31 schools were located close to checkpoints and two schools were occupied by army forces.⁴⁰

Education, or lack of it, has emerged as a critical area in research on child conscription. Most former child recruits from the LTTE and the Maoists cited 'going to school' as the single issue which would make a difference to their lives. Providing access to education is critical to the process of disarmament, demobilization and reintegration (DDR). In the case of Nepal, for instance, the process of educational reconstruction needs fundamental reform to aid reconciliation and address the legacy of conflict.

However, in each case the role of education is contested. Education policy is best understood not as a solution to a clearly specified problem, but as contested political, economic and cultural issues both within the state and between the state and civil society. Both the Maoists and the LTTE argue that education is used by the government as a tool for political and ideological indoctrination, necessitating, in their view, a response. Numerous studies, such as the 2003 research by the UK's Department for International Development (DFID) on Education, Conflict and International Development,⁴¹ suggest that increasing access to education may not decrease the likelihood of conflict. Aspects of education with the potential to fuel conflict may be deeply embedded in state-provided education and taken for granted. Tribal groups in the Chittagong Hill Tracts perceive education as a cultural tool used to repress them, while Maoists in Nepal claim that the government manipulates history textbooks for political purposes to define the national story.

While the concept of a 'right to education' is a useful tool, there remains a problem about the priority or sequencing of different rights.⁴² Those engaged in a 'liberation struggle', as in Sri Lanka for instance, might place the long-term attainment of nationhood above concerns about education and even human life. Maoists in Nepal have targeted private schools (and teachers) because they are seen to represent an unjust social order. In October 2005, for example, over 600 students were reportedly forced to leave private schools in Arghakhanchi district following intervention by the Maoist-affiliated All Nepal National Independent Students' Union (Revolutionary). In large parts of Nepal schools are one of the few visible signs of the state. As

the conflict developed, the Maoists directed their attention to all schools. Education was frequently disrupted by mass abductions of thousands of children along with their teachers for political indoctrination.⁴³ It is widely believed that the Maoists target brighter children, using the existing education network to identify those who can not only most effectively campaign for their political ideology but also provide future leadership. Children from relatively deprived backgrounds and those of lower intellectual acumen are used for menial tasks such as portering. A campaign to make 'Children as Zones of Peace'⁴⁴ has yet to have a substantial impact on the use of schools by both sides.

In Sri Lanka the poor provision of state education and government interference in matters such as education appointments, deployment of teachers and the curriculum have created an impression among Tamils that the state views education as a means of social control, not empowerment. As in Nepal, anecdotal evidence suggests that some child recruits have risen to positions of leadership while others have been used as cannon-fodder. In Bangladesh a pattern seems to be emerging whereby *mastans* target out-of-school, street children while Islamist groups target madrassa-educated children.

Food insecurity

Food insecurity is one of most crucial components and results of poverty and vulnerability. A high proportion of children in South Asia are malnourished.⁴⁵ The proportion of underweight children in South Asia stands at 46%, while 44% of under-fives are stunted and 15% wasted or severely malnourished. Bangladesh, despite a fall in the prevalence of underweight children between 1990 and 2004, still has the second highest proportion of children underweight in South Asia, after Nepal.⁴⁶ Out of a population of over 135 million people, about 28 million (more than six million households) are considered 'ultra poor', suffering from chronic food insecurity and severe malnutrition. Women and children have even lower nutritional intake and the vicious circle of malnourished mothers, low-birth-weight babies and prolonged malnourishment has resulted in serious stunting and wasting.⁴⁷ Bangladesh's poor equate poverty with food insecurity. A number of participatory poverty and livelihood assessments have found that poverty is routinely defined in terms of how long the household's home-produced food supply lasts.⁴⁸

In conditions of extreme poverty, the prospect of regular access to food can encourage children to join armed groups voluntarily. The converse is also true: parents are more likely to resist forcible recruitment by non-state actors if they can provide food for their children. Conflict also affects access to food. The loss of breadwinners as the result of death, injury, disappearance or imprisonment in Sri Lanka and Nepal has made dependants vulnerable to recruitment to gain regular access to food. Displacement and wide-ranging security restrictions on access to fishing in northeast Sri Lanka have a direct impact on food availability, while food production in Nepal has been affected by the conflict through the displacement of small landowners and the impact of this on agricultural production.⁴⁹

More than half of Nepal's population live on less than a dollar a day. Approximately half of children experience stunted growth due to malnutrition, while 30,000 children under five die each year from diarrhoea.⁵⁰ The destruction of vital infrastructure, widespread insecurity and frequent CPN (M) blockades have damaged vital services and severely impeded access to food and healthcare for children in many areas. During the conflict, both the CPN (M) and the government of Nepal have restricted supplies of food and other essential goods to particular areas as part of their military strategies, in contravention of the Geneva Convention. The CPN (Maoist) blockaded highways and towns, including Kathmandu. The security forces reportedly stored food and medicines in district headquarters and prevented people from carrying more

than one day's supply to prevent supplies falling into the hands of the Maoists. Similarly, the security forces did not allow pack animal trains to carry food supplies into the hills.⁵¹

No studies have examined the impact of conflict on food vulnerability in affected districts and its correlation to child conscription. Some studies have suggested that nutritional status has deteriorated, at least in those cases where there has been significant emigration and an associated decline in investment in farming.⁵² But there is enough anecdotal evidence to suggest that conflict-affected children from extremely poor single-parent households are more vulnerable to recruitment by Maoists on account of food insecurity.

Some children join out of their own volition, others join because they are influenced by the Maoists. For some, it is an easy choice because food is easily available. Human beings will do anything for roti, kapda aur makaan (food, clothing and shelter).⁵³

Although no systematic, nationwide data collection has been conducted since the mid-1970s in Sri Lanka, local studies provide some insight into the effects of such problems on the nutritional status of children. In 1975–6 only 3.7% of under-fives in Jaffna were found to be suffering from acute malnutrition, against a national average of 6.6%. A comparable study by Médecins sans Frontières (MSF) in 1999 suggested that this figure had risen to 18.9%. Data for 2005 cited by UNICEF suggest a figure of 14% as a national average.⁵⁴

The involvement of children with the LTTE and other Tamil militia groups in Sri Lanka and with the Maoists in Nepal has economic implications and could be viewed as a form of commoditization of the young. Even though children may not receive a proper wage for assisting these groups,⁵⁵ they are given food, which reduces their burden on household budgets. In Sri Lanka, their role and their death in the line of duty bring economic benefits to their families in the shape of assured access to (increased) rations.⁵⁶

4 Living in Fear: The Impact of Conflict on the Lives of Children

Once conflict starts, children are inevitably among the first to be affected. Recruitment by armed groups is only one of the ways in which the rights of children are violated during conflict. Children have been summarily executed, or killed and maimed during cross-fire between both forces. Children have also been arbitrarily detained, tortured and ill-treated by police and other state authorities in lockups, prisons and army camps throughout the conflicts in Nepal and Sri Lanka. Children have been orphaned, forced to flee their homes, witness atrocities and even perpetrate war crimes. In Bangladesh, which does not suffer from a civil war, an estimated 1,200 children are languishing in jails.¹

The destruction wrought by conflict in Nepal and Sri Lanka has similarly affected access to food and deprived children of key services such as education and health care. The systematic violation of children's key rights during conflict creates situations in which children are vulnerable to both forced and voluntary recruitment by non-state armed groups. The breakdown of protection mechanisms makes access to children easier and in some cases, joining an armed group becomes part of children's survival strategy in situations of conflict.

Although Bangladesh and Sri Lanka have signed and ratified the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, and Nepal has signed it but not ratified it, the rights of children during conflict continue to be violated in all three contexts.

Children in custody: victims of arbitrary detention, torture and ill-treatment

Arbitrary detention, torture and ill-treatment by police and other state authorities are common in South Asia. Far from giving them special protection, their status as children makes them vulnerable to abuse.² In Nepal, despite legal provisions prohibiting the arrest of anyone under 10 years and the requirement for any child aged between 10 and 16 who has been arrested to be held in a juvenile detention centre, police continue to hold children suspected of petty crimes for long periods of time.³ In considering the second periodic report on Sri Lanka, the Committee against Torture expressed its concern about continued allegations of sexual violence and abuse of women and children in custody, including by law enforcement officials, and the lack of prompt and impartial investigations of these allegations.⁴

In Bangladesh, the human rights organization Odhikar found nearly 1,200 children incarcerated in jails, correction centres or shelter homes for indefinite periods, without any follow-up process. The police often claim these children are over 18 to sidestep obstructive legal procedures.⁵ In October 2003 the UN Committee on the Rights of the Child expressed concern about 'the various legal minimum ages ... particularly ... the very low age of criminal responsibility (seven years)', and 'the lack of a functional birth registration system' in Bangladesh.

Although Bangladesh and Sri Lanka have signed and ratified the Optional Protocol to the Convention on the Rights of the Child (CRC) on the involvement of children in armed conflict, and Nepal has signed but not ratified it, the rights of children continue to be violated. During Bangladesh's 'Operation Clean Heart'⁶ approximately 11,000 people were detained, many of whom fit the definition of a child as defined by the CRC.⁷ In Nepal, the rights of children under 18, including rights to life, physical integrity, health and education, were repeatedly violated by both sides to the conflict. There were reports of killings, beatings, illegal detention, recruitment or other use for military purposes. In 2005, there were at least 100 reported cases of children being detained under the Terrorist and Disruptive Activities (Control and Punishment) Ordinance (TADO), some for longer than the legal limit.⁸ A quarter of these were instances of children below the age of 16 (the Nepalese legal definition of a child). In Nepal, an estimated 306 children were killed between the start of the conflict and February 2005. Of these, 168 were reportedly killed by the state and 138 by the Maoists.⁹

Children, particularly from poor and disadvantaged backgrounds, are easy targets for custodial violence, rape and sexual abuse at the hands of either state authorities or adult criminals, with whom they are often held. Frequently this treatment is meted out on account of ethnic or caste identity. In Sri Lanka, Tamil children have been targeted by security forces in checking, cordon and search operations, and are often detained for interrogation, where they can face torture, rape, or even execution.¹⁰ In Bangladesh, Odhikar found that 'the large majority of persons arrested under section 54 ... are from very poor economic backgrounds', and that many of the arrests occurred for illegitimate reasons – to extract bribes, to fulfil informal arrest quotas or to settle political scores.¹¹

The state has a responsibility to protect children in custody. However, several provisions of the law in Bangladesh, Sri Lanka and Nepal facilitate abuse by law-enforcement authorities. In Nepal, out of 6,315 cases of violations of the rights of the child recorded by CWIN during 2004, a total of 324 were found to be of torture by security forces. In Bangladesh, Odhikar investigated section 54 arrests in four police stations in three districts over a period of nine months. It found in 2001 that 'women and children are picked off the streets at random, charged under section 54 and sent to various shelter homes and jails in the country, as being under "safe custody"'. In many legal systems, arrest without warrant is only allowed when a crime is in progress or is about to occur. Section 54 gives broad latitude for arrest without a warrant or magistrate's order, paving the way for abuse of the power to arrest.¹² Similarly, Bangladesh's Prevention of the Suppression of the Women and Children Act, 2000 allows the authorities to take women and children into 'safe custody' for their own protection. This can expose them to violence, especially sexual violence, at the hands of police.¹³

In June 2004, the Committee on the Rights of the Child expressed its concern at reports of children in Nepal being held in detention under TADO, which allows for preventive detention for up to one year.¹⁴ In Sri Lanka, the age for criminal responsibility under the Prevention of Terrorism Act (PTA) is 16, thereby making children over the age of 15 responsible for alleged activities with the LTTE, which the government considers a terrorist group. Human rights lawyers have reported that children arrested under the PTA on suspicion of involvement with the LTTE can face years in detention.¹⁵

NGOs and activists working in Sri Lanka, Bangladesh and Nepal claim that children are often failed by judicial supervision systems and left in overcrowded juvenile homes or adult prisons. Few are granted bail – their families may not have been or cannot be informed of their detention, lack the money to meet bail conditions or have disowned them. This creates a sense of fear, frustration, hopelessness and general discontent. Interviews with former child soldiers in Nepal and Sri Lanka suggest that joining rebels is seen as a means to rectify such concerns.¹⁶

Gender and conflict

The correlation between conflict and its impact on gender is well documented. The conflict in Nepal has displaced many girls from their families and home support systems. Without a 'safety net', there is evidence that many girls who have been displaced to urban areas are in a situation of personal vulnerability and are at risk of being trafficked or falling into situations of abuse, debt bondage or the worst forms of child labour. Tens of thousands of internally displaced girls are still not being educated and will miss years of schooling.¹⁷

Human rights abuses by security forces and armed groups affect women and girls in rural areas of both Sri Lanka and Nepal. Security forces in Nepal have tortured, raped or killed women suspected of supporting the Maoists.¹⁸ Human rights violations against women are further fuelled by the impunity of the security forces and rape has been frequently used as a tool for subjugation.¹⁹

The workload of women has increased dramatically as male family members leave villages to find work or to escape from armed groups. In some cases, entire villages are populated by women, who have to perform men's work and conduct rituals previously carried out by men. The changing gender balance in rural communities resulting from the economic migration of men from villages makes children more vulnerable to recruitment by armed groups trying to build an army. While the positive impact of conflict on gender relations has been discussed, research has indicated that despite the Maoists' ideological commitment to gender equality, there is a clear gap between rhetoric and practice. The position of the male leadership on women's issues remains largely unstated, and their commitment to improving women's position is unclear.²⁰

Although sexual exploitation of girls is already a serious problem in Nepal, poverty, displacement and instability created by the conflict have exacerbated the situation and produced new forms of sexual violence. Since 2001, there is evidence that the exploitation of girls has increased. As the conflict displaces more children from rural to urban areas, the problem of child labour worsens. The conflict leaves girls vulnerable to being trafficked, or entering the sex trade, particularly if they lack alternative means to support themselves.²¹

In Sri Lanka, human rights activists believe that rape and sexual harassment of girls and, to a lesser extent, boys by military personnel is commonplace. In response to several reports of rape by security forces, Amnesty International appealed to the president of Sri Lanka in April 2001 to take action to prevent this and to bring the perpetrators of such crimes to justice. In addition to cases of rape, many young women are believed to endure minor sexual harassment from security personnel on a fairly regular basis. This is often of a verbal nature and particularly hard to avoid given the close proximity of military installations to school and health facilities. In Vavuniya such abuse was widely reported by residents of the town's welfare centres who are obliged to pass through numerous military checkpoints every day.²² Since the early days of the conflict sexual assault of women by security forces in Sri Lanka has triggered solidarity with the LTTE, on numerous instances encouraging voluntary recruitment of victims and their families.

Despite laws against the practice, child marriage is common throughout South Asia, and it ends the educational progress of many girls. In Nepal, an estimated 40% of girls are married by the time they reach the age of 15; having a husband is seen as more important than being educated.²³ In western Nepal, it has been reported that child marriage is rising to protect girls from being kidnapped. According to Amnesty International, 'there have been reports of girls being married very young as parents fear that if their daughter is taken away by the Maoists for some time she will no longer be marriageable'.²⁴ In Sri Lanka, the general perception that the LTTE do not recruit married people has led to a rise in early marriages.

Children in Sri Lanka, Bangladesh and Nepal often face abuse. Children have limited protection from violence and abuse under provisions in the Children's Act in Bangladesh and Nepal and corporal punishment is widespread. The idea that the use of force, physical punishment and threat is an essential component of proper child-raising is central to concepts of parenting and childhood in Sri Lanka, Nepal and Bangladesh.

Joining militant groups can become a way to attain social status and respectability in societies which are often violent and abusive to children and where caste determines social mobility. Lack of opportunities for education and vocational training create a sense of vulnerability for young people and can heighten the attraction of engaging in illegal activities. Children who move out of households to live on the street in Bangladesh become vulnerable to criminal gangs not just because of economic poverty but because of domestic violence and the breakdown of trust in the adult members of their household (and community). In Nepal, joining a rebel group brings an enhanced sense of group identity and collective activity among children and confers some privileges by way of free food in households in villages.²⁵

Widowed women attract social stigma in many Tamil communities. For young girls, joining armed groups may provide a means to directly contest gendered social practices. Although some girls get married younger to avoid recruitment, for others recruitment offers a way to escape child marriage. One young female cadre with the Maoists in Nepal noted:

The choice was between getting married off at 14, washing dishes in somebody's house or joining Maoji (Maoists). My father and brother were very angry but I wanted to rebel and show them even I could fight. ²⁶

Displacement and disruption

Children are often most at risk when they and their families are displaced by conflict or natural disaster. In conflict settings, displaced children become easy targets for recruitment by government militias or rebel groups. Insecurity generated by conflict has displaced thousands of people in all three cases. The tsunami of December 2004 displaced one million people, adding to the existing displacement crisis caused by the civil war. As of mid-2005, some 800,000 people remained displaced, 450,000 from natural disaster and 350,000 from the human conflict.²⁷ The creation of high-security zones, a lack of land for resettlement and landmines combined to prevent Internally Displaced Persons (IDPs) from returning home.²⁸ Estimates of the number of IDPs in the Chittagong Hill Tracts in Bangladesh vary between 60,000²⁹ and 500,000.³⁰ One estimate suggests that 100,000 people were displaced, between 30,000 and 50,000 of whom took shelter in reserve forests.³¹ Their access to education is limited. Out of 1,000 children in the hill village of Baghaihat, only 40 children attend the government school. The IDPs have established some self-supported schools for their children but do not receive government funding as schools in the reserve forests are deemed illegal.

Around 21,000 Rohingya refugees from Myanmar live in two government-run camps in Cox's Bazaar. Sanitation is poor, and the refugees suffer ill-treatment from local authorities. Children make up 65% of the camp population, but the government allows only partial primary education in the camps, conducted in the Myanmar language, which is not the children's mother tongue. The authorities discourage education in Bangla, since this could be a first step towards integration in their host country. The literacy rate in the camps is 12%.³²

Although no accurate figures are available for IDPs in Nepal, most estimates place the number between 100,000 and 200,000, many of them children.³³ Many displaced children are malnourished, unable to access health facilities or attend school, and at greater risk of child labour or sexual exploitation and trafficking.³⁴ Those children who flee alone or who become separated from their families are at greatest risk.³⁵

In Sri Lanka civilians are continually caught up in violence, and displacement is fluid as front lines change. Many people have experienced multiple displacements during the conflict. Psychosocial trauma is widespread among displaced children in Sri Lanka. Many have suffered prolonged homelessness or been orphaned, they have received little or no education, lack health facilities and have experienced violence-induced trauma. Many are deprived of the basic conditions for growth and development in their formative years and need to recover lost formal education.³⁶

Displaced persons face legal handicaps in each of the three countries. A UNHCR report on property issues affecting IDPs states that a number of Sri Lankan laws relating to property rights must be amended to assist returning IDPs and refugees.³⁷ Prescription laws provide for ownership of property if an occupier can establish uninterrupted possession for a period of ten years. Thus a returning IDP may be unable to reclaim his or her land if another person has occupied it for ten years. Even those who occupy property as tenants or lessees may be able to claim ownership by prescription.

IDPs are recognized under the 1990 Constitution of Nepal and the 1995 Civil Acts Law, but these provisions apply only to those displaced as a result of developmental projects, economic opportunities and natural or man-made calamities. The constitution is silent on the legal rights of those displaced as the result of conflict. To some extent, the government has recognized IDPs if they have been displaced as a result of Maoist activities. To date, those displaced by government military action have not been recognized by the government, and this makes them unable to access rehabilitation programmes.³⁸ The proximity of camps for refugees or internally displaced persons to conflict zones exposes children to the risk of forced recruitment.

5 Lessons for Bangladesh

Children have historically been involved in armed conflict in Bangladesh. Although there are some indications that children are currently susceptible to being used by *mastans* or that they face indoctrination by madrassas, in the absence of any systematic research into the issue the assessment of use of children by armed groups in Bangladesh remains largely impressionistic and anecdotal. The relationship between Madrassa education and the concept of Bangladeshi identity remains unresolved. Similarly, linkages between social and educational marginalization of street and slum children in Bangladesh and their vulnerability to use by armed, criminal syndicates remain opaque. The link between food insecurity, increasing incidence of child labour and vulnerability of street children to recruitment to armed groups has been highlighted by civil society groups in the country. Poverty, isolation, lack of choice and an absence of equal opportunities could push children into the hands of radical elements and criminal mafias, and it is therefore important to establish monitoring mechanisms to make accurate assessments and interventions.

Past legacies

Children played a prominent role in the 1971 independence war. Anecdotal evidence indicates substantial child involvement in support roles for the Mukti Bahini (Liberation Force) – running errands, hiding or transporting arms and ammunition, providing shelter and food and nursing the sick and the wounded. Some were more directly involved as combatants.

In 1971, I was just 16 years old and an active part of the leftist party of Barisal. My first weapon was the 3-knot-3 rifle. We didn't have many arms but later I carried a light machine gun (LMG), the pistol and hand grenades. At first I was scared about joining the war.

There has been little effort to rehabilitate the 1,947 child soldiers who are reported to have taken part in the three-decades-long conflict in the Chittagong Hill Tracts which border India and Burma.¹ Violence threatens to return to the region because of the slow implementation of the 1997 Chittagong Hill Tracts Peace Treaty, and child rights NGOs fear that this would involve children.²

In northern Bangladesh, the Maoist Purbo Banglar Communist Party (PBCP)³ has a similar agenda to the Maoists in Nepal. It targets local political leaders, police informants and members of rival groups, particularly Islamist movements. In southwest Bangladesh groups such as the Janajuddha and Marxist-Leninist (M-L) factions of the PBCP have recruited children aged between 13 and 16 from slums to make bombs and plant them at, for instance, political rallies.⁴

Charges that Quomi madrassas have served as recruiting ground for various Islamic groups such as the Harkat-ul-Jihad al-Islami (HuJI), which figures on the US State Department's Terrorist Exclusion List,⁵ have gained momentum since October 2001 when attacks on religious minorities and secular intellectuals by Islamists rose sharply. In Khulna and Rajshahi districts

some Quomi madrassa teachers have been accused of providing underage activists to the JMB to unleash the country-wide bombings in August 2005. The JMB, which calls for the Talibanization of Bangladesh, claimed responsibility for 400-odd, near-simultaneous explosions on 17 August 2005 which left two dead and hundreds injured.

Local activists say that 12–15-year-olds work for the JMJB, mainly as couriers but also carrying and setting off bombs. Evidence is mostly anecdotal: only one case of attempted child recruitment has been reported⁶ but NGO workers believe the figures are far higher. Members of the IOJ have been quoted as wanting to bring about an Islamic revolution in the country through the Quomi madrassas it controls.⁷

Local media has claimed that another militant outfit, Hizbul Tawhid, which believes in a jihad to establish Islamic rule globally, has said that groups of 6–11 ‘skilled mujahids’ currently operate in almost every district in the country to persuade children to join in preparation for an armed *jihad*. Financial incentives are offered in some cases while others receive a mobile phone. Most children who join are believed to be acting against their parents’ wishes.⁸ As ethnicity and class were used by non-state actors to ferment dissent in Sri Lanka and Nepal, there is a danger that religion may be similarly deployed in Bangladesh.

Slum and street children: exposed to mastans

While children in rural Bangladesh may be susceptible to radical Islamist forces, children in towns face a different threat. Bangladesh’s urban population has increased fourfold over the last two decades; more than 60% of the increase is due to migration from rural areas,⁹ and a matching rise in the number of slum communities has made children in urban slums vulnerable to recruitment by armed gangs commonly known as *mastans*.¹⁰ Primary research on recruitment of children by *mastans* is scarce but some child rights NGOs claim that poor children are used in drug-trafficking and arms-carrying in slum areas of Dhaka.

Severe unemployment, patronage from political parties, along with inadequate, inefficient and corrupt law-enforcement agencies have all contributed to the growing culture of *mastanocracy*. The proliferation and use of illegal small arms are among the most important factors that have contributed to empowerment of *mastans* in the last decade.¹¹ The increasing availability of small arms has made under-age slum and street children increasingly vulnerable to recruitment. The rising power of *mastans* in Bangladesh’s urban landscape coupled with the rapid growth in the number of street children¹² have established an informal system of rights and hierarchy in which children fulfil an important economic role. In a 2003 baseline survey of street children by the Bangladesh Bureau of Statistics (BBS) and ILO, some children admitting to being involved in theft and in drug businesses. There has been no rigorous research into the recruitment of street and slum children for use in armed robberies and bomb-making by criminal gangs, but there is sufficient evidence to suggest that more effective monitoring is required.

Uneven regional development and massive rural–urban migration in Bangladesh have contributed to the growth in urban poverty. Urbanization is currently growing in Bangladesh at well over double the annual rate of population growth and Bangladesh’s cities have been unable to support the massive influx of people, so slum communities have risen in number and size. It is estimated that only 9.4% of slums have primary schools within their reach. In some cases the enrolment rate for the urban poor is lower than that for rural populations. Anecdotal evidence shows that children from slums in Dhaka and Chittagong have become easy targets for local *mastans* recruiting for illegal activities. *Mastans’* connections to political parties make

it possible for them to engage in crime and extortion with impunity. An absence of protection mechanisms for children and an inability to implement policy, as was the case in Nepal and Sri Lanka, could expose street children to use by non-state armed groups in Bangladesh.

Political affiliation of *mastans* arrested during Operation Clean Heart, October 2002–January 2003

Party	Number	Percentage
BNP	24	32
Awami League	16	22
Others	30	41
Unknown	4	5

Source: Bhorer Kagoj, Manab Jamin and Prothom Alo, *Daily Star*, February 2003.

Children of brothel-based sex workers are particularly vulnerable. Some are unable to register in local schools because they cannot name their fathers. While some sex workers manage to educate their children by sending them away from the brothel, most are unable to do so.¹³ If the sex worker is unable to pay her fees to the *mastans* – in addition to that paid to the police, room rent and a fee to a *sardani* or madam – she has to often allow her children to work for the *mastans* in lieu of fees.

The madrassa debate

There is clearly a potential for education to become contested in Bangladesh, particularly as the role of Islam within the national identity remains unresolved. At the same time, the expansion of madrassa education¹⁴ is likely to increase demands for Islam to play a greater role in society. Opinions within Bangladeshi civil society are starkly divided. Some believe that madrassa education is inferior to secular education in terms of quality and content and that the creation of a group which sees its role as protecting Islam is incompatible with a secular democracy.¹⁵ It is also widely recognized that education in Quomi madrassas does not produce employable graduates for modern-day vocations.¹⁶

Madrassas in Bangladesh, as in India and Pakistan, represent the legacy of the resurgence of Islamic religious education in the late nineteenth century. Since then, madrassas have played an important role in preserving Islamic traditions by training Islamic scholars and by reawakening Islamic solidarity among Muslims of South Asia.¹⁷ Madrassas generally provide free religious education and often provide board and lodging to students. Although they are generally patronized by low-income families, some middle-class families send their children to madrassas for Qur’anic lessons.

Since the government increased funding for religious education in 1973,¹⁸ the position of madrassas has moved from fulfilling a social role to a more political one.¹⁹ In 1978, the government established a separate directorate within the education ministry and set up the ‘Madrassa Education Board’ to oversee madrassa education. The board was responsible for standardizing the madrassa curriculum and making it equivalent to that in secular education. Although the state had taken an interest in madrassa education on previous occasions, this was

the first time the government created opportunities for madrassa-educated students to enter university. The Zia administration also introduced a mandatory course on Islamic studies, 'Islamiyat', in grades 1 to 8, for all Muslim students.

Madrassas have come under increasing scrutiny in recent years because of their perceived linkage to militancy, though there is scant research to demonstrate connections between radical Islamic education and militant behaviour. Madrassas have been described as a 'cheaper, more accessible and more Islamic alternative to education'²⁰ and as the means of 'education of the holy warrior'.²¹ The 9/11 Commission described madrassas as 'incubators of violent extremism'.²²

There are two types of Islamic schools in Bangladesh. In the government-monitored and -funded Aliya madrassas the curriculum is generally on a par with that of secular schools, including science, social science, maths, geography, history and Bangla. A large number have made English compulsory at primary level and some now provide facilities for English education at higher levels as well. International donor agencies are attempting to increase capacity within these madrassas. In Barisal district, for instance, an international child rights organization has succeeded in drawing children from madrassas to their drop-in centres which provide information on HIV-AIDS. Demands for education relevant to employment are creating new linkages between tradition and modernity, and Islamic education is adapting to changing social, economic and political conditions.²³

There is, however, more concern about the 20,000²⁴ Quomi madrassas which are privately owned and free of government control.²⁵ Teaching in these schools focuses on religious studies in Arabic. They seldom teach secular subjects, nor do they keep enrolment records.²⁶ Quomi madrassas often use languages other than Bangla, frequently Arabic, but the teachers may lack a good command of these languages. Children do not acquire sufficient literacy or proficiency in any language including their mother tongue.²⁷ These schools are a power base for Islamic parties such as the IOJ and their financial autonomy has enabled them to resist the state's efforts to introduce reforms and bridge the gap between the traditional system of Islamic education and modern secular education.²⁸

Though the tenets of *jihad*²⁹ are taught as part of Islamic curriculum in Bangladesh,³⁰ its political applicability in contemporary contexts is rarely taught in madrassas. Such commentary is provided in sermons at adjoining mosques where contemporary issues are discussed. Some Quomi madrassa teachers are said to have shown videos involving fighting in Afghanistan and Iraq to students, with a view to inciting support for *jihad*. Since madrassa students attend prayers five times a day, they are likely to be exposed to this political commentary. The concept is interpreted both as a domestic *jihad* to pressure the state to implement Islamic law, evidence of which emerged in the recovery of leaflets calling for Sharia law to be introduced at the sites of the August 2005 bombings, and as a pan-Islamist *jihad*, to help fellow Muslims elsewhere. The latter is said to be growing in importance among madrassa students.

There is an absence of research into linkages between madrassas and groups such as HuJI, JMB and Hizbul Tawhid. There has been no published psychological study of children in madrassas in Bangladesh to assess the impact of ideological and sensory triggers on developing militancy in children, despite widespread research into the phenomenon elsewhere.³¹

A variety of factors, including a lack of equitable development, poverty, weak law and order, and erosion of the credibility of successive governments, have contributed to the growing

appeal of radical elements in Bangladesh. Pushed by poverty and unemployment, children in Bangladesh could become vulnerable to recruitment by militant elements, as has happened in Sri Lanka and Nepal. An overwhelming majority of Quomi madrassa students come from poor families in rural areas and small towns, where access to government schools is limited. In some cases, the free food provided by madrassas becomes an important incentive.³² After finishing their education, madrassa students are often incapable of finding mainstream employment: mosques and madrassas can become their main sources of employment.³³ Anecdotal evidence suggests that extremist influence triggered by pan-Islamic anti-Americanism is spreading especially among the rural poor, where poverty and limited access to opportunity have already bred discontent and where the Ulema often provide the only interpretation of global events.

Children have played a role in previous conflicts in Bangladesh. The spread of madrassa education may make children more susceptible to recruitment by militant Islamic groups while socially and economically excluded children from streets, slums and brothels in Bangladesh have been targeted for recruitment by armed, politically connected, criminal groups. Comparisons with the other case studies highlight key vulnerabilities that emerge in pre-conflict situations. The challenge is to build a protection framework which guarantees the basic rights of the child and addresses issues vital for conflict prevention in the long run.

6 Conclusions and Recommendations

Governance

States which fail to assure the basic security of citizens from human-rights abuse, crime and physical violence lose their legitimacy. In each case failures of development and governance have contributed to continuing poverty, inequality, social discrimination and lack of social justice, creating the preconditions for widespread discontent. Neither Sri Lanka nor Nepal attempted to engage with underlying sources of grievance, instead treating conflict solely as a security threat.

In Nepal the government has been ineffective in providing for the needs of the poor. It is generally seen as corrupt and as working against the interests of ordinary people.¹ In Sri Lanka, as much as the functioning of the public sector was a key grievance behind the emergence and radicalization of Tamil nationalism,² the current lack of government services is seen as a reminder of the biased distribution of state resources,³ and is used to induce both voluntary and forced child conscription by the LTTE.

The government is not going to do anything for us. It is only up to the 'boys' now to get us some independence in deciding the affairs of the Tamil people.⁴

The political and social environment in Nepal and Sri Lanka fails to provide security and support to the poor and disadvantaged. The state is often inaccessible to large swathes of the population in each country. When government agencies reach the vulnerable, it is often through coercion and control. Conflict has eroded the quality of the civil service. The government's capacity to deliver essential services is further constrained by centralized political and administrative systems.

Although governments in all three states have ratified at least some of the major instruments of international human rights and humanitarian law, all show low levels of political accountability. Steps to punish those responsible for unlawful killings have been consistently inadequate and a culture of impunity has developed. Despite evidence implicating Bangla Bhai, the leader of the JMJB, in attacks on secular individuals, the Bangladesh government took more than four years to ban his group and start hunting its leader. The ability of governments to act with impunity is enhanced by the introduction of emergency measures at the onset of conflict. Security forces have increasingly acted as a 'state within a state' only loosely controlled by democratic institutions. Human rights abuses by often poorly trained police deployed in local communities, involving extortion, harassment, physical and sexual abuse, have directly fuelled support for the LTTE and the Maoists.

In Sri Lanka's eastern district of Trincomalee, in January 2005 the military was accused of the extra-judicial killing of five young Tamil students. Ceasefire monitors claim they were shot through the head. The killings panicked the Tamil community and some mothers expressed a willingness to send their children to the LTTE. Since 2003, no campaigns against child conscription in northeast Sri Lanka have been organized by mothers, and rising levels of violence and human rights abuses on both sides have weakened resistance to the LTTE.

Corruption

Political pressure sustains corruption in all three countries. Increasing evidence of an underlying war economy in both Sri Lanka and Nepal has given strength to the argument that the state has a vested interest in resolving conflict by military means. For the past seven years, the Transparency International survey of perceptions of corruption has ranked Bangladesh the most corrupt country in the world. The two main political parties, the AL and the BNP, have suffered a crisis of legitimacy on account of corruption allegations. While they alternate in power, support for the JIB, which is perceived to be cleaner, has slowly but steadily increased.

Corruption and the inability of Nepal's elites to foster broader economic and social development are almost universally cited as core public grievances.⁵ The notion that corrupt officials would finally receive their comeuppance underpinned support for the Maoists at the beginning of the conflict.⁶ The vision of improved lives and livelihoods in the long run, if not immediately, has sustained both passive and active support for the Maoist movement:⁷

The government attitude is not good; there is corruption. They beat up innocent people. I got picked up by the army and beaten up on suspicion of being a Maoist. They threatened to frame charges against me for being a Maoist if I did not pay them a bribe. After that incident when Maoist came to my school, I decided that joining them was the best course for me.⁸

Corruption is not the privilege of states. In war-torn areas of Sri Lanka, the LTTE and other militant groups intimidate the population, practise extortion and have established a taxation system. Allegations of LTTE corruption have been reinforced by charges that the group has siphoned off 10–20% of government infrastructure and development assistance to maintain readiness for war.⁹ Traders with close networks to political and military power holders have created oligopolies to the disadvantage of agricultural farmers, further reducing the opportunities for equal access to work and livelihood.¹⁰

Real and perceived grievances

Grievances about uneven development, inequality and corruption contribute to conflict, particularly when these grievances are shared along ethnic, regional, religious or class lines. The primacy of economic, social or political factors as drivers of conflict is less important in relation to the issue of child recruitment than the use of genuine grievances about economic inequality, impunity and lack of political power to generate emotionalized ideologies. In Sri Lanka the LTTE has exploited grievances to trigger a virulent loyalty among some Tamils to their own communal group and strong feelings of antipathy towards other groups, notably the Sinhalese.

Similarly in Nepal the Maoists have exploited long-standing grievances, widespread injustices driven by caste prejudice, geographic disparities and the status of minorities¹¹ and have promised self-rule and autonomy to various ethnic groups. In February 1996, the Maoists distributed a pamphlet declaring that:

To maintain the hegemony of one religion (i.e. Hinduism), language (i.e. Nepali), and nationality (i.e. Khas), this state has for centuries exercised discrimination, exploitation and oppression against other religions, languages and nationalities and has comprised [*sic*] to fragment the forces of national unity that is vital for proper development and security of the country.¹²

As the conflict in Sri Lanka has developed, the breakdown of state and civic institutions has made ethnicity an increasingly important mechanism through which civilians can access the resources available largely through arbitrary power.¹³ The LTTE turned to the Tamil diaspora as the source of political and economic support for its agenda and built up a sophisticated and integrated international support network built on expatriate groups, basing its political ideology on the belief that the majority Sinhala community will not recognize the Tamil people's national identity and their claim to political power. Consequently, they argue that armed struggle to fulfil this objective is both necessary and desirable.

Since 1971 the primacy of Bengali or Muslim has been contested in the struggle for Bangladeshi identity. The development of two sets of consciousness, one religious and the other linguistic and cultural, has given rise to two competing sets of nationalism. Since 2001, Islamists have been pushing for a stronger assertion of the Muslim identity.

Although Bangladesh came into being in opposition to the notion that all Muslim areas of former British India should unite in one country, thirty years later an election brought a coalition to power with two Islamist parties as partners. The more prominent JIB openly calls for an 'Islamic revolution' and the creation of an 'Islamic state' in Bangladesh.¹⁴ The smaller IOJ is more radical, having previously expressed solidarity with the Taliban regime in Afghanistan.¹⁵ The leading partner of the alliance, the Bangladesh National Party (BNP), views religion as an integral part of the socio-cultural life of Bangladesh.

The inclusion of the JIB and IOJ in the ruling coalition appears to have bolstered the power of Islamist groups, including the JIB's student wing, Islami Chhatra Shibir (ICS), whose activists have been implicated in the murder of opposition AL members, secular intellectuals and religious minorities.¹⁶ Security during the Durga puja festivities in October 2005 was tightened as Islamic fundamentalists threatened to disrupt the festival, which has been the cornerstone of Bengali cultural identity.¹⁷ Yet while Bangladesh is a deeply religious society, most Bangladeshis practise a moderate form of Islam. However, the challenges that lead to extremism exist in the form of poverty, illiteracy, corruption and lack of faith in government.

The role of education

Although no education system is completely neutral, the debate over education provision in Sri Lanka, Nepal and Bangladesh is particularly contentious. Given that the structure of an education system has a bearing on the extent to which it promotes assimilation, separate development or social exclusion, its correlation with conflict cannot be ignored. Disruption of education in both Sri Lanka and Nepal has contributed to voluntary recruitment to armed groups. The issue is equally relevant in Bangladesh where anecdotal evidence indicates that militant Islamic groups have targeted some madrassas.

Lessons learnt from the conflicts in Sri Lanka and Nepal have a direct resonance in Bangladesh. These relate not only to issues of access to standardized education in remote and backward areas but also to curriculum, medium of instruction, and political involvement in budgetary and operational matters. The school curriculum, the main instrument for the organization of teaching, has been the focus for tensions in Nepal. It therefore carries the potential to be 'part of the problem' and 'part of the solution' in a number of ways. Timely attention to the issue of standardization of the curriculum in Quomi madrassas could open up opportunities for many poorer students and create disincentives for radicalization.

The role and status of languages within the curriculum also have the potential to create tensions. In Nepal, Maoists banned the teaching of Sanskrit from grade 6 to grade 8 and criticized the way history is taught, especially in respect of the status of ethnic minorities. Tamil teachers in Sri Lanka are concerned about cultural bias in Sinhalese textbooks translated into Tamil. In Bangladesh, the use of languages other than Bangla by Quomi madrassas is potentially divisive. The major threat is that an economic underclass will share a similar religious ideological outlook, through which they will express dissent.

Education not only shapes value systems within society but also reflects the way in which societies manage diversity. The Sri Lankan state's failure to address grievances over education in the northeast fed perceptions that the state was uninterested in Tamils' welfare. Continued neglect of the CHT and the marginalization of street children in Bangladesh could fuel future armed dissent in which children will be involved.

A holistic approach

Engagement on the issue of child recruitment by non-state groups in Sri Lanka and Nepal requires a broad-based approach. Socio-economic and regional inequalities are striking in both, social discrimination (by gender, caste and ethnicity) is deep-seated and oppressive, and multi-party democracy has failed to undermine the fundamentally conservative power structures at national and local levels. A large majority of people, children included, have had to find livelihood and even survival strategies based on available resources that adapt to long-term deteriorating economic trends and cope with sudden political shocks, such as the escalation of violence.¹⁸

Protection, which embraces both the material conditions of children's lives and their psychological and emotional well-being, may be seen as a cross-cutting objective of humanitarian action. Child protection efforts should address and prevent violence, abuse and neglect, exploitation and discrimination and forced recruitment in armed groups. Education is an essential stabilizing force in all phases of emergencies. In each case it needs further recognition as a means of protecting and rehabilitating children recruited in armed conflicts.

Child rights advocates should go beyond traditional approaches to make the issue of child conscription more relevant to human security analysis. They need to examine the social, economic and political factors and conflict characteristics that lead to child participation. Advocacy responses need to be both inclusive and strategic, identifying conflict trends on the back of effective monitoring and research. Although there are no studies which show that child recruitment is yet an issue in Bangladesh, there are indications of vulnerabilities which warrant monitoring. Anecdotal evidence suggests that children are likely to be the first victims if violence breaks out again in the CHT region of Bangladesh.

Advocacy or service delivery

When agencies engage in advocacy the potential for confrontation with the combatants increases, threatening access to vulnerable groups. More often than not, the responsibility for advocacy and more confrontational politics is pushed over to other organizations: local NGOs state that foreign NGOs are in a better position to play an advocacy role on child recruitment, and foreign NGOs maintain that the UN is in a better position to play an advocacy role than they are. It has also been argued that humanitarian aid is in crisis and that agencies need to rethink their responses and strategies. One argument maintains that humanitarian agencies and human rights organizations should remain strictly humanitarian, and the key concern of the

agencies should be the needs of the recipients. According to this view of 'humanitarian minimalism', NGOs should develop standards and codes of conduct for their work in conflict situations in order to deal with problems of neutrality and impartiality.

It is often argued that advocacy work is incompatible with neutrality. We are arguing that neutral service delivery work should be complemented by lobbying and advocacy work. Advocacy work requires a clear cognitive frame within which an issue can be defined and explained to a target audience. This serves to show that a given state of affairs can be changed through identifying the responsible parties and suggesting credible solutions. As long as neutrality in service delivery and transparency *vis-à-vis* non-state actors is maintained, a fine balance between humanitarian assistance and advocacy can be maintained. In Sri Lanka, MSF believes advocacy is an integral part of service delivery. It keeps the LTTE combatants informed about their work while publicizing violations of humanitarian law committed by the combatants.

In Bangladesh, the absence of open conflict has let the issue of child protection slip from the agenda and meant that service delivery has become the main focus of child rights organizations. Political sensitivity to rights-based advocacy and governmental interference have combined to ensure that even basic research for the purposes of advocacy is rendered difficult.

Notes

Executive Summary

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Chapter 1

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Chapter 5

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2005, <http://www.thedailystar.net/2005/08/21/d5082101044.htm>: '... Ruling coalition partner Islami Oikya Jote Chairman Fazlul Haq Amini on March 8, 1999 told a public meeting, "We are for Osama [bin Laden], we are for the Taliban and we will be in government in 2000 through an Islamic revolution." "An Islamic revolution will take place by Quomi madrasas," Amini said at an Islamic conference in Comilla on March 1 this year. "By terming us gunrunners and terrorists, Quomi madrasa movement cannot be stopped," he added.'

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