

Ongoing Plight of Tamil Women in Sri Lanka

Appeal

On the 8th March, International Women's Day will celebrate the economic, political, and social achievements of women past, present, and future. The day will also provide the chance to reflect on women's continuing struggle for equality, justice, peace and security around the world. These principles are under threat particularly during times of conflict.

Women and children suffer the most during times of war. The civil conflict in Sri Lanka bears no exception. Despite the Government of Sri Lanka's claims that the war is over, 21 months on there is little hope for thousands of women who have been left destitute to fend for themselves and their families, without the necessary systems to overcome the scars of the war, mental trauma, social stigma and drastic changes to their way of life.

Global Tamil Women Forum (GTWF) urgently appeals to international governments, parliamentarians, institutions and human rights defenders to raise your voice, on behalf of the Tamil women who are victims of war crimes and human rights abuses in Sri Lanka.

We hope you will support the calls for:

- An international, independent war crimes investigation to be established.
- The facilitation of adequate witness protection so that the perpetrators of such crimes can be held accountable for their actions.
- The immediate release of those who remain in arbitrary detention.
- Full access to be granted to International Committee of the Red Cross and other international aid agencies to facilitate the rehabilitation process for these women to return to a life of normalcy.

Accountability and justice for the victims will be the first step towards lasting peace in Sri Lanka.

GTWF is a global network working towards raising awareness of the plight of Tamil women in Sri Lanka and seeks means of empowering them. GTWF is part of the Global Tamil Forum, for further details regarding our objectives and activities please visit <http://globaltamilforum.org/gtf/content/gtwf>.

The following report seeks to raise awareness of gender-based violence committed against Tamil women during the final stages of the war and which continue due to the lack of accountability and widely reported impunity that remains for the perpetrators of these crimes.

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Gender based violence in the concluding months of the civil war

The Government of Sri Lanka launched a relentless military campaign to end the civil war at any cost to the Tamils on the island. There are widespread reports and accounts of gender-based violence taking place with impunity, throughout the conflict in Sri Lanka.

US Secretary of State, Hillary Clinton, highlighted the plight of women in Sri Lanka during a session of the U.N. Security Council in 2009 citing that "We've seen rape used as a tactic of war before in Bosnia, Burma, Sri Lanka, and elsewhere. In too many countries and in too many cases, the perpetrators of this violence are not punished, and so this impunity encourages further attacks."¹

"When most of the North Eastern Tamil regions were under the Sri Lankan Army's control, rape, torture and murder were used in a high scale to subjugate the Tamil population. Soldiers in the Sri Lankan army were encouraged to use rape as a war tool by their military leaders not to forget government officials. Consequently, the use of rape is a deeply rooted method of control within the security forces and the impunity that reigned back then facilitated the perception of rape not being a crime. In a war-thorn society this perception is naturally canalized to the civil society. It encourages potential new perpetrators and decriminalizes rape", Asian Human Rights Commission.²

The need for an international independent investigation

Sri Lanka's government declared victory in May 2009 with over 40,000 innocent civilian Tamils dead, over 300,000 incarcerated in camps and many thousands more unaccounted for. Despite international calls for an independent inquiry into war crimes in Sri Lanka, the Government of Sri Lanka continues to resist any credible efforts to investigate what happened.

However emerging evidence is mounting support for the need for an independent probe into war crimes and crimes against humanity in Sri Lanka and the necessity for it to be conducted under international auspice.

In August 2009 UK's Channel 4 News broadcasted excerpts from video purporting Sri Lankan government soldiers executing several undressed, blindfolded, and handcuffed men believed to be captured combatants. A longer video of the same incident was aired in December 2010 revealing the identity of government troops and showing even more dead bodies, this time including those of two unclothed young women.

One of the dead bodies in the video has been identified as that of a 27-year-old Tamil journalist "Isaippiriya". Channel 4's report revealed that Isaipriya was deployed to the media unit of the Liberation Tigers of Tamil Eelam (LTTE) and did not undertake in combat. However, the Sri Lankan Ministry of Defence website lists her one of 31 "[i]dentified LTTE leaders who were killed on 18 May 2009 by 53 Division" during "the Last Battle".³

"This horrific new evidence demonstrates graphically that the Sri Lankan army engaged in summary executions of prisoners during the final days of fighting in May 2009," said Brad Adams, Asia director at Human Rights Watch. "The government's failure to investigate these serious war crimes in the face of overwhelming evidence shows the need for an independent, international investigation."

There are further disturbing reports of pregnant Tamil women being taken from the army-run camps to makeshift hospitals to have forced abortions.

¹ <http://www.state.gov/secretary/rm/2009a/09/130041.htm>

² <http://www.ahrchk.net/statements/mainfile.php/2010statements/2944>

³ <http://www.channel4.com/news/sri-lanka-war-crimes-video-who-are-these-men>



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In December 2009, the UK Guardian interviewed Damilvany Gnanakumar, a 25-year-old British Tamil, who witnessed the horrors of the war whilst helping in a hospital in the conflict zone and was later imprisoned in an internment camp. Damilvany described the conditions in the camps and the vulnerability of women and young girls, "Sexual abuse is something that was a common thing,.. girls usually didn't talk back to them, because they knew that in the camp if they talked anything could happen to them. It was quite open, everyone could see the military officers touching the girls".⁴

Sky News also reported in May 2009, "women are being raped in Sri Lankan camps set up for Tamils who have fled the country's war zone". One Tamil woman who agreed to talk to Sky News on condition of anonymity said "We believe women are being raped and young men are being disappeared."⁵

Channel4 have submitted the video evidence obtained by them to the UN panel appointed by Secretary-General Ban Ki-moon to advise him on the next steps for accountability for laws-of-war violations in Sri Lanka.

"Accountability should be verifiable and any perpetrators of crimes must be held accountable. That's a basic principle of justice. There is often conflict as to how to deal with justice and political power and political stability. I think political stability is sometimes important, but if it is not accompanied by justice, the political stability cannot be sustained." - UN Secretary General, Ban Ki-Moon, Q & A session following the delivery of the Cyril Foster Lecture 2011, 2 February 2011⁶

Amnesty International believes that the prolonged failure of the international community to demand accountability for alleged crimes under international law in Sri Lanka has only encouraged official disregard for international law and UN mechanisms aimed at protecting individuals from harm and providing accountability. In turn, the refusal of Sri Lankan authorities to acknowledge and investigate allegations of such violations and bring perpetrators to justice fuels a growing lawlessness in the country, including by members of the state security forces and their paramilitary affiliates. Since late 2010, reports of abductions and alleged enforced disappearances and of extrajudicial killings of people in northern Sri Lanka have again increased, particularly in the Jaffna peninsula.⁷

Post-War Situation

Nearly two years after the end of the war, minorities face daily repression and marginalisation in politics and development policies, particularly in the country's north and east, as documented in a report by the Minority Rights Group International (MRG) in January 2011. "The situation in the resettlement areas in the north and east is very worrying, particularly as international and national media and NGOs have restricted access. There is a high level of militarisation and state control over freedom of movement and association, with local women vulnerable to sexual abuse and harassment" - Mark Lattimer, Executive Director of MRG⁸.

A media conference was held in Jaffna on 7th November 2010 organised by the 'Women's Movement For Freedom' to explore the pragmatic state of affairs faced by the women who are displaced due to the War.

⁴ <http://www.guardian.co.uk/world/2009/dec/20/tamil-tigers-sri-lanka-refugees>

⁵ <http://news.sky.com/skynews/Home/World-News/Women-Raped-And-Men-Disappeared-In-Sri-Lanka-Refugee-Camps-Sky-News-Told/Article/200905315285938>

⁶ <http://www.un.org/apps/sg/offthecuff.asp?nid=1708>

⁷ <http://www.amnesty.name/en/library/asset/ASA37/002/2011/en/ffc3acc1-81f6-4f56-bca7-ab65ddd20faf/asa370022011en.html>

⁸ <http://www.minorityrights.org/10463/press-releases/rising-ethnic-nationalism-in-sri-lanka-targets-minorities-for-abuse-new-report.html>



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Ms Atigala, the President of the Movement stated that the masses in other parts of the island are not aware that there are thousands of women in war-affected areas and they also have no understanding of the problems faced by the women in these areas.

Even though the authorities and the state media speak of numerous development projects in North East, the real state of affairs is in the negative and one objective of the Women's Movement is to draw the attention of the people in the South, she said.

Ms Paulraj, the National Organiser of the movement, stated that in spite of boasting of a 'Spring in the North' by the authorities, you will realize that it is contradictory when you visit those areas since the people are without even the essential facilities such as shelter and lavatories with a free atmosphere to live in.⁹

Wikileaks Cables, published in the UK Guardian in December 2010, exposed the Sri Lankan government's complicity in human rights abuses, in particular allegations of government complicity in crimes committed by paramilitary groups including extrajudicial killings, abductions, child trafficking, extortion, and prostitution. The report details paramilitary groups operating Tamil prostitution rings out of the IDP camps for Sri Lankan Army soldiers. "The young women's parents are unable to complain to authorities for fear of retribution and because doing so would ruin the girls' reputation, making it impossible for them ever to marry".¹⁰

The impact of war: Female-headed households and altered livelihoods

A survey conducted by the Jaffna-based Center for Women and Development, a non-profit group, revealed that the northern region had approximately 40,000 female-headed households - including more than 20,000 in Jaffna District.

"Three factors have reduced the male-headed households in number: the war, disappearances or being in military custody," - Saroja Sivachandran, Director, Center for Women and Development.

Although up-to-date statistics are hard to come by because many people remain displaced, Sivachandran and government officials say the northern and eastern regions combined are home to some 89,000 war widows.¹¹

"This has drastically altered their livelihood options. Over 50 percent of them [women who head households] are single parents under 30 years of age supporting their own and extended families" - Visaka Dharmadasa, Executive Director, Association for War-Affected Women (AWAW), September 2010



⁹ Women's Movement For Freedom visits North, LankaTruth, 10 November 2010:

http://new.lankatruth.com/index.php?option=com_content&view=article&id=7195:womens-movement-for-freedom-visits-north-&catid=35:local&Itemid=48

¹⁰ <http://www.guardian.co.uk/world/us-embassy-cables-documents/108763>

¹¹ SRI LANKA: Women take over as breadwinners in north, IRIN, 9 September 2010:

<http://www.irinnews.org/Report.aspx?ReportId=90429>



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Decriminalization of rape through impunity for perpetrators – Asian Human Rights Council (AHRC)¹²

While there are countless allegations of rape and sexual abuse of women and young children within the civil society, the high numbers are not reflected in the number of cases reported. The trauma and shame that generally follow sexual abuse prevent most women from ever reporting or speaking out about it. A great fear of retaliation from the perpetrators and their acquaintances also act as a deterrent. The prevailing patriarchal mentality and lack of gender sensitivity in the security and legal system, all the way from officials at the police stations, to the hospital personnel and the judiciary hold back most victims from the process of pursuing legal action, as they rarely expect to find support but rather resistance in the system. As a result impunity for perpetrators of rape thrives in Sri Lanka and promotes the perception of rape not being a crime.

"The unlucky combination of being a female, a minor and a Tamil" - AHRC, November 2010

Denying a victim her right to seek redress together with the extensive court delays entirely undermines any principle, which a rule of law system is based on. It especially breaches the right of the victim to an effective remedy stated in Article 2 of the ICCPR. The incongruous court delays make it nearly impossible for a regular person to stay through a court case without any support legally as well as mentally. Going into hiding means giving up home, family, school, work and sacrificing everything stable in the life of the victim adding the mental stress from fear and traumas and the constant change of lodging.

"The process in court and the impunity enjoyed by the perpetrators illustrate the tremendous gender and minority discrimination prevalent in the society and the reality of seeking justice in the legal system of Sri Lanka today" - AHRC, November 2010

Consequently it promotes a continuing practise of rape as a mean to exercise power and demoralisation as well as encourage corruption and lawlessness. All are contributing factors in the decriminalisation of rape in Sri Lanka, which leave the women with deep emotional and physical scars while depriving them of their sense of justice and any belief in a legal system ruled by law. The Sri Lankan government is responsible for failing to work for a prevention of violence against women amounting to torture and rape, for failing to take measures against the immense court delays and for the impunity enjoyed by the perpetrator. Furthermore they should be hold accountable for their lack of action taken to implement a bill on witness and victim protection.¹³

"The UN Committee on the Elimination of Discrimination against Women urges prompt investigations into acts of sexual violence in Sri Lanka" - 10 February 2011¹⁴



¹² <http://www.ahrchk.net/statements/mainfile.php/2010statements/2944>

¹³ <http://www.ahrchk.net/statements/mainfile.php/2010statements/2944>

¹⁴ http://www.ecchr.eu/gender-based_crimes/articles/the-un-committee-on-the-elimination-of-discrimination-against-women-urges-promptly-investigations-acts-of-sexual-violence.html

