

# Australian Tamil Congress

## A Unified Voice for All Tamils



21 May 2014

### Submission to the inquiry into the human rights issues confronting women and girls in the Indian Ocean – Asia Pacific region

Five years after the end of the civil war, Tamil women in the north and east of Sri Lanka are increasingly marginalised and face chronic insecurity. The United Nations (UN) has raised concerns over incidents of sexual violence during and after the war in Sri Lanka and has raised its concerns with the Sri Lankan Government. The Australian Tamil Congress' Women's Advocacy Team (ATC-WAT) wishes to make a submission to highlight the plight of the Tamil women in Sri Lanka to the Human Rights sub-committee's inquiry into the human rights issues confronting women and girls in the Indian Ocean – Asia Pacific region.

This submission will focus upon the plight of Tamil women and girls in Sri Lanka and presents some practical policy recommendations which we would like the sub-committee to consider.

ATC-WAT commends the sub-committee for seeking to make, via this inquiry, a real contribution to women's empowerment and gender equality. As you will be aware, the theme of the 2014 International Women's Day in March celebrated the idea of *'Equality for women is progress for all'*. This idea should be at the core of a drive towards fairer societies and a better world. However, in many countries in the Indian Ocean – Asia Pacific region the rights of women continue to be denied, ignored and undermined.

Sri Lanka is one such place where female empowerment and gender equality is regressing. In 2006, the World Economic Forum introduced the global gender gap index as a means of *"capturing the magnitude and scope of gender-based disparities and tracking their progress."*<sup>1</sup> Focussing on areas like 'Economic Participation and Opportunity', 'Educational Attainment', 'Health and Survival' and 'Political Empowerment', Sri Lanka ranked as high as 13<sup>th</sup> out of 115 countries in 2006. By 2013, the country had slipped to 55<sup>th</sup> out of 136 and had dropped the furthest of all countries from the Asia-Pacific region between 2012 and 2013.

The attitude of Sri Lanka's male Minister of Child Development and Women's Affairs, Tissa Karaliyadda, in no way assists a drive towards gender equality and the promotion and protection of human rights for all. He has stated in Parliament that the Government would refuse to ratify any international legislation to eliminate discrimination against women, because *"most of these conventions go against our culture"*

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<sup>1</sup> World Economic Forum, 'The Global Gender Gap Report 2013', 2013,  
<http://www.weforum.org/reports/global-gender-gap-report-2013>

and religion”<sup>2</sup> and has said, on public platforms, that women should not be appointed to responsible positions of public office as they ‘constantly fight and slander other women’.<sup>3</sup> However the rights set out in the Convention on the Elimination of all forms of Discrimination against women are violated continuously in Sri Lanka

Tamil women and girls in particular – especially those who reside in the areas of the North and East of the island that were most affected by the country’s armed conflict – often face the harshest human rights conditions as well as increasing marginalisation and insecurity.

### **Sexual violence during and post conflict**

Archbishop Desmond Tutu states in the foreword to **‘An Unfinished War: Torture and Sexual Violence in Sri Lanka, 2009-2014** (www. stop-torture.com) *“the evidence presented in this report gives the lie to the Sri Lankan government’s propaganda that it is reconciling with its former enemies. It shows how anyone remotely connected with the losing side in the civil war is being hunted down, tortured and raped, five years after the guns fell silent. Shockingly, more than half of the abductions in the report took place as recently as 2013-2014.”*<sup>4</sup>

This report from the United Kingdom Bar Human Rights Committee, human rights lawyer Yasmin Sooka and the International Truth & Justice Project, details horrifying details of sexual and physical abuse, including forced oral sex, anal rape and water torture, have been documented in a new report on Sri Lanka’s treatment of Tamils after the end of the 2009 civil war as recently as February 2014. The report says the testimony was gathered from interviews with 40 Tamils who had been detained by Sri Lankan authorities. Almost all had suffered some form of sexual abuse.

The report describes graphic details of physical and sexual assaults. It says one woman was sexually assault with a baton, and endured seven gang rapes.

**Human Rights Watch February 26 2013**<sup>5</sup> report provides detailed accounts of 75 cases of alleged rape and sexual abuse that occurred from 2006-2012 in both official and secret detention centres throughout Sri Lanka. In the cases documented by Human Rights Watch, men and women reported being raped on multiple days, often by several people, with the army, police, and pro-government paramilitary groups frequently participating

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<sup>2</sup> Financial Times – Sri Lanka, ‘Women’s rights against Lankan culture: Women’s Affairs Minister Karaliyadda’, 9<sup>th</sup> December 2013, <http://www.ft.lk/2013/12/09/womens-rights-against-lankan-culture-womens-affairs-minister-karaliyadda/>

<sup>3</sup> Financial Times – Sri Lanka, ‘Women and Media Collective calls for Minister Tissa Karalliyadde’s resignation’, 3<sup>rd</sup> December 2013, <http://www.ft.lk/2013/12/03/women-and-media-collective-calls-for-minister-tissa-karalliyaddes-resignation/>

<sup>4</sup> Yasmin Sooka, The Bar Human Rights Committee of England and Wales (BHRC) and The International Truth & Justice Project, Sri Lanka, ‘An Unfinished War: Torture and Sexual Violence in Sri Lanka 2009—2014’, March 2014, <http://www.stop-torture.com/>

<sup>5</sup> We Will Teach You a Lesson” Sexual Violence against Tamils by Sri Lankan Security Forces - [http://www.hrw.org/sites/default/files/reports/srilanka0213webwcover\\_0.pdf](http://www.hrw.org/sites/default/files/reports/srilanka0213webwcover_0.pdf)

**Women Under Siege Project**<sup>6</sup> reports local activists say that organizations are forced to seek permission from a presidential task force to work on issues of sexualized violence, which means that most organizations are thus prevented from working on the issue at all. The sources say that several researchers are working to interview and organize survivors furtively, without permission from the authorities.

In their joint statement, from February 2014, on the need to prevent sexual violence, US Secretary of State, John Kerry, and UK Foreign Secretary, William Hague, said that not only does this egregious act destroy lives but *“is often perpetrated alongside other human rights abuses, including forced marriage, sexual slavery and human trafficking. It undermines reconciliation and traps survivors in conflict, poverty and insecurity.”*<sup>7</sup> The militarisation of Tamil areas in Sri Lanka since the end of the war in 2009, by state security forces almost entirely ethnically Sinhalese, provides a textbook illustration of this argument.

### **The denial of women’s rights in the North and East of Sri Lanka**

In 2011, the International Crisis Group released a comprehensive report on women’s insecurity, in the North and East, which detailed cases of sexual violence and the trafficking and exploitation of women<sup>8</sup>. By October 2013, levels of insecurity and sexual violence were on the increase, according to Minority Rights Group (MRG). **In March 2014, a report commissioned by the UN Secretary-General reaffirmed grave concerns regarding the on-going incidents of human rights violations committed against Tamil women and girls, as well as the lack of accountability for sexual violence crimes**<sup>9</sup>. Despite the seriousness of these issues and the consequent damage done to the advancement of equality in the North and East, **the Government of Sri Lanka has taken no measures to stop this abuse**. Indeed they are actively engaged in the on-going perpetration of ill-treatment.

A further clampdown on rights and freedoms in the North and East has been underway since March 2014. A number of women have been detained in inhumane conditions, under the draconian Prevention of Terrorism Act, for the alleged illegal actions of their male family members, and have been denied access to medical facilities<sup>10</sup>.

As the Women’s Action Network (WAN) – a collective of 11 women's organisations from the North and the East – has said in response to these cases, *“the war in Sri Lanka and the decisions regarding it were*

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<sup>6</sup> Reports of sexualized violence in Sri Lanka are hard to investigate – [Women Under Siege Project-  
www.womenundersiegeproject.org/conflicts/profile/sri-lanka](http://www.womenundersiegeproject.org/conflicts/profile/sri-lanka)

<sup>7</sup> John Kerry and William Hague – Huffington Post, ‘Preventing sexual violence is a national security imperative’, 24<sup>th</sup> February 2014, [http://www.huffingtonpost.com/johnkerry/preventing-sexual-violenc\\_b\\_4856070.html](http://www.huffingtonpost.com/johnkerry/preventing-sexual-violenc_b_4856070.html)

<sup>8</sup> International Crisis Group, ‘Sri Lanka: Women’s Insecurity in the North and East’, 20<sup>th</sup> December 2011, <http://www.crisisgroup.org/en/regions/asia/south-asia/sri-lanka/217-sri-lanka-womens-insecurity-in-the-north-and-east.aspx>

<sup>9</sup> Report of the UN Secretary-General, ‘Conflict related sexual violence, 13<sup>th</sup> March 2014, <http://reliefweb.int/sites/reliefweb.int/files/resources/N1426364.pdf>

*made by men. The war was concluded by men. However, women have borne the brunt of the effects of the war and continue to do so even five years after the end of the armed conflict.”<sup>11</sup>*

A culture of impunity exists and many women are afraid to report cases of intimidation and abuse to the authorities. Whilst Tamil women are particularly vulnerable, due to underlying ethnic tensions, the issue of gender inequality goes beyond the North and East. **A UN multi-country study on men and violence in Asia and the Pacific found that 97% of rapists in Sri Lanka faced no legal consequences for their actions.**<sup>12</sup> This abysmal attitude to the prevention of abuse is reinforced by the Government of Sri Lanka’s unwillingness to join over 140 other countries in endorsing the UN’s 2013 ‘Declaration of Commitment to End Sexual Violence in Conflict’ and for refusing a visa to the US Ambassador on Women’s Affairs earlier this year.

The denial of women’s rights in the North and East also means that they are often shut out from key decisions made regarding the rehabilitation and reconstruction processes. This is a serious issue for the estimated 89,000 war widows and tens of thousands of female headed households, who live in these areas. Whilst the Government may claim that progress has been made in terms of peace and development, **as MRG notes, “women are not benefiting from the peace dividend, are marginalized from development programmes, and struggle to access basic livelihoods to support their families”.**<sup>13</sup> This should be of genuine concern to the Government of Australia, given that the Department of Foreign Affairs and Trade has said that *“the more involved women are in the peace process as peace-builders, the greater the likelihood of lasting peace and development.”*<sup>14</sup> As a supporter of UN Security Council resolution 1325 on women, peace and security, which calls for women’s full and equal participation in post conflict governance and reconciliation measures, the Australian government, must be willing to challenge the policies of the Sri Lankan authorities in this regard.

### **Tamil women as agents of change**

Despite and because of these terrible conditions, it is important to celebrate the courage and resolve of women in the North and East who seek to act as agents of change in their communities. Through their actions they are seeking to overcome the many barriers and impediments that undermine human rights on the island. The Government of Australia should be unequivocal in its support for these women.

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<sup>11</sup> Women’s Action Network - Groundviews, ‘Continuing Detention of Tamil Women and a Girl Child under the Prevention of Terrorism Act’, 13<sup>th</sup> April 2014, <http://groundviews.org/2014/04/13/continuing-detention-of-tamil-women-and-a-girl-child-under-the-prevention-of-terrorism-act/>

<sup>12</sup> The Republic Square, ‘UN survey on violence against women in Sri Lanka: 97% of rapists face no legal consequences’, 11<sup>th</sup> September 2013, <http://www.therepublicsquare.com/briefs/2013/09/11/un-survey-on-violence-against-women-in-sri-lanka-97-of-rapists-face-no-legal-consequences/>

<sup>13</sup> Minority Rights Group, ‘Minority women in Sri Lanka facing increasing levels of sexual violence and insecurity’, 16<sup>th</sup> October 2013, <http://www.minorityrights.org/?lid=12117#sthash.14gsb0DD.KAZ4KRvz.dpuf>

<sup>14</sup> Australia’s Department of Foreign Affairs and Trade, ‘Human Rights and Gender Equality’ <http://www.dfat.gov.au/un/human-rights-and-gender-equality.html>

The WAN has played a key role in highlighting the abuse suffered by women, particularly Tamils coerced into joining the army<sup>15</sup> and subjected to ill-treatment and even torture<sup>16</sup> once there.

Without any material assistance from the Government, a number of women in the North and East have formed or are a part of co-operative thrift and credit societies, which seek to work around and alleviate the harsh economic realities. Of the 1350 such societies in the North, 75% of the members are women of which an estimated 3000 are war widows.<sup>17</sup>

All these efforts, and those of many other organisations and individuals in the North and East, are about seeking to empower women and trying to transform a dire situation into one in which respect and equality are commonplace. They should be commended for their actions and supported in their attempts to both challenge the culture of impunity and to call for truth, justice and accountability for all human rights violations.

**ATC-WAT requests that the Joint Standing Committee on Foreign Affairs, Defence and Trade recommends the Australian Government take the following steps to help protect women's rights in Sri Lanka:**

1. Remain seized of the situation in Sri Lanka; call for the restoration of complete civil administration to all militarised government departments and national institutions; and ensure that the military desist from involvement in any economic activities which undermine the livelihood opportunities for women, in Tamil areas.
2. Place conditions on aid and investment into Sri Lanka, which call explicitly for the promotion and protection of women's rights. Ensure that Australia's support to women's projects in Sri Lanka, and throughout the Indian Ocean – Asia Pacific region, is delivered directly to local civil society organisations and not routed through government agencies.
3. Both publicly and privately urge
  - the Sri Lankan authorities to promote and protect women's rights; take concrete actions to end gender based violence;

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<sup>15</sup> Asia Human Rights Commission, 'Tamil women coerced into joining the military', 10<sup>th</sup> December 2012, <http://www.humanrights.asia/news/forwarded-news/AHRC-FST-060-2012>

<sup>16</sup> Al-Jazeera, 'Sri Lanka army admits torture of women', 22<sup>nd</sup> March 2014, <http://www.aljazeera.com/news/southasia/2014/03/sri-lanka-army-admits-torture-women-201432212393611436.html>

<sup>17</sup> Rajani Iqbal – Groundviews, 'Co-operatives as a means to uplift war affected women in Sri Lanka', 20<sup>th</sup> November 2013, <http://groundviews.org/2013/11/20/co-operatives-as-a-means-to-uplift-war-affected-women-in-sri-lanka/>

- the Government of Sri Lanka to fulfil its commitments to the 'Convention on the Elimination of All Forms of Discrimination against Women' and support the provisions of Security Council Resolution 1325
- Sri Lanka to sign the UN's 'Declaration of Commitment to End Sexual Violence in Conflict' and to create and publicly promote a strategy to uphold it
- Sri Lankan government to facilitate adequate witness protection and assist with setting up an independent impartial accountability mechanism so that the perpetrators of sexual violations can be reported and be held accountable for their actions.

**Australian Tamil Congress- Women Advocacy Team-** is a network strengthening the voice of Tamil women in Australia and seeks to both raise awareness of the plight of Tamil women in Sri Lanka and assist in empowering them in their daily lives. ATC-WAT is part of the Australian Tamil Congress (ATC), which was established in 2009. This organisation encourages the positive participation of Tamils in Australian society, as well as highlighting the issues of importance to Tamils, upholding core Australian values and engaging other communities, governments and civil society groups in addressing the socio-cultural and political concerns of Tamils in Australia and in Sri Lanka.

Yours sincerely,

Chairman  
Australian Tamil Congress