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**Annual report of the United Nations High Commissioner
for Human Rights and reports of the Office of the
High Commissioner and the Secretary-General**

Written statement* submitted by the Pasumai Thaayagam Foundation, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[25 August 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Sexual Violence against Tamils in the Island of Sri Lanka

Introduction:

“Our aim was to liberate our Tamil people from the clutches of the LTTE. Our heroic forces have sacrificed their lives to protect Tamil civilians.” Mahinda Rajapaksa at the ceremonial opening of Parliament, Sri Jayawardhanapura - Kotte, May 19, 2009¹

Yet five years after the end of the Sri Lankan civil war, the situation for Tamils in the North and East has brought nothing but ‘liberation’ and the military’s conduct is far from ‘heroic’. This submission narrates² the brutal reality of the deployment of rape and other forms of sexual violence against Tamil civilians in the post-conflict arena. In doing so the Government of Sri Lanka (GoSL) has successfully managed to perpetuate conflict and instability to Tamil civilians in their own homeland. In order to give a better understanding of certain events, periods that falls outside this time frame has also been considered.

Under-aged children at risks of sexual exploitation

The Sunday Times reported an alarming rise of rape incidences in Tamil areas and raised concerns over children under care ‘guardians’³ being at risk of these assaults. Although a direct correlation between the Sri Lankan civil war and the rise in sexual assaults hasn’t been drawn, it is imperative to note the parallel between the two. One of the direct consequences of the Sri Lankan Civil War is that families are often torn apart, either due to one or both parents moving abroad, or the death of one or both parents. Children left behind with guardians become⁴ a target of sexual exploitation in the hand of familiar faces.⁵ Cases show incidents involving children as young as five being abused by family members, groups of children in care homes and by security forces sexually assaulted or children and young adults being targeted by criminal organisations for trafficking and prostitution.

Statistics obtained by the Sri Lankan police in 2012 show that the figures of rape cases have increased since 2009. In 2009, 1624 cases were reported, whereas in 2012, 1920 cases were reported, an approximate 15% increase. In 2010 and 2011, the numbers of reported rape cases were 1874 and 1854, out of which approximately 78% were under-aged girls.⁶

¹ http://www.president.gov.lk/speech_New.php?Id=74

² This report will focus on:

- Children at risk of sexual exploitation due to absence of one or both parents
- State sponsored use of rape as a weapon to gather information
- How extensive militarization of Tamil dominated regions to exert power has lead to rape and other forms of sexual violence
- The use of rape to cause regional instability and a form of intimidation to control communities, land and resources
- Female-headed household leaving women vulnerable to violence
- Lack of apathy from the Sri Lankan government to seek justice

³ <http://groundviews.org/2014/01/02/child-abuse-at-the-vavuniya-childrens-home-the-governments-inaction/>

In October 2013 Kalyana Tissa Thero of the Seth Sevana Lama Nivasa children’s home of Attambagaskanda, Vavuniya was arrested for sexually abusing a 9 year old child. The Buddhist monk was kept in remand custody and medical evidence confirmed the sexual abuse of the child on 12.10.2013. Subsequently the custody of the remaining 22 children of the children’s home was taken by the National Child Protection Authority (NCPA) on 15.10.2013. Most of the children at this home are victims of war. These children have been placed in this home to ensure their education, safety and care by family members who are unable to provide the same for these children.

⁴ **Guardians: primarily care home staff, friends of family and family members**

⁵ <http://www.ibtimes.com/gang-rape-sri-lanka-will-it-spark-nationwide-outrage-india-1039578>

⁶ **A land like no other: 5 rapes a day, but does anyone care:** <http://www.sundaytimes.lk/130203/news/a-land-like-no-other-5-rapes-a-day-but-does-anyone-care-31545.html>

However, in 2012 the National Child Protection Authority (NCPA) estimated a number of 20,000 child abuse cases just alone in the first half of that same year.⁷

In post-conflict settings, a disturbing increase in rape by either the military or men from the community have been reported to local NGOs or to police stations. The level of insecurity and oppression of Tamil women and children is at its peak, vindicated by the existence of the culture of impunity as both locals and security personals seem to be protected from persecution and conviction.

Systematic use of Rape against Tamils to gather information:

Abduction, arbitrary detention, torture and sexual violence are widespread phenomena and those susceptible to these are LTTE suspects, supporters of the LTTE or other non pro-government organisations.⁸ Extensive investigations conducted by the Human Rights Watch (HRW) with former detainees in Australia, United Kingdom, Germany, and Malaysia show that rape was used as a weapon to extract information about the LTTE⁹. This report published in February 2013 by HRW states that rape is “one of the unlawful tools used by the Sri Lankan military and police to gain intelligence about the Tamil Tigers both during and after the war”. It also states that rape was used as a broader strategy to instill terror in the Tamil community to discourage involvement with the LTTE and shows approval by highest level of government authorities. Jasmine Sooka, co-author of *'An Unfinished War: Torture and Sexual Violence in Sri Lanka 2009—2014'*, cited in an interview with Tamil Guardian on the 10 June 2014 that the ongoing sexual violence committed by the security forces against Tamils is “not random” but “systematic”. Ms Sooka further went on to add that there is a clear ethnic division between the perpetrator, Sinhala military personnel and the victims, who were almost predominantly Tamils.¹⁰

Militarization of North-East Sri Lanka and Sexual Violence:

I have a terrible fear when I hear the word “army”. We always feel under threat. We are afraid even to talk about it. Tamil woman, Mannar Focus Group. According to a report released by the Minority Rights Group, Tamils in post-conflict areas remain living in insecurity. This is primarily due to the heavy military presence and the settlement of other ethnic groups.¹¹ In March 2013, the Secretary General of the UN raised concerns over the military’s role in increased sexual violence, harassment and abuse against Tamils.¹² Cases of sexual violence range from the rape of young children to homicide of a mature woman.

Vulnerability of Women in IDP Camps:

By September 2012, 241,032 IDPs have been returned to different parts of North and East of Sri Lanka out of whom 125,171 were women. The IDPs and returnees are especially vulnerable to sexual and gender based violence, SGBV.¹³ Rape and female child abuse has increased since 2009 in a manner that sends alarming waves to the international community. According to the Association of War Affected Women (AWAW), *the discriminatory policies and practices, breakdown of traditional support network, weak institutional protection mechanism, attitude and behavior of*

⁷ <http://reliefweb.int/report/sri-lanka/child-rape-rise-sri-lanka>

⁸ https://barhumanrights.org.uk/sites/default/files/documents/news/an_unfinihsed_war_torture_and_sexual_violence_in_sri_lanka_2009-2014_0.pdf

⁹ http://www.hrw.org/sites/default/files/reports/srilanka0213webwcover_0.pdf

¹⁰ <http://www.tamilguardian.com/article.asp?articleid=11198>

¹¹ Minority Rights Group International's (MRG) report, Living with insecurity: Marginalization and sexual violence against women in north and east Sri Lanka. <http://www.minorityrights.org/12117/press-releases/minority-women-in-sri-lanka-facing-increasing-levels-of-sexual-violence-and-insecurity.html#sthash.WrsupeB5.dpuf>

¹² <http://groundviews.org/2013/10/31/women-and-children-in-the-north-sexual-harassment-grievances-and-challenges/>

¹³ <http://www.icanpeacework.org/wp-content/uploads/2013/06/Slanka-final.pdf>

power players, and heavy military presence have build the platform for a culture of violence and impunity.¹⁴ Sri Lanka's official crime record shows that five rape incidences are reported every day, and is assumed that unofficial figures might be triple the number.¹⁵

Major hindrance in documenting cases of sexual violence are largely due to governments' idleness when maintaining and collecting SGBV data¹⁶ as well as restrictions imposed on non-governmental organisations that work on this issue.¹⁷ Furthermore, the information flow from Northern Sri Lanka to the Human Rights Council, have been severely disrupted since the proscription of the sixteen Tamil Diaspora organisations.¹⁸

Statistical data indicates that there are more women than men in post conflict areas. Women-headed households are at its peak as many have lost their fathers, husbands or brothers. Desperation for livelihood or income generation has forced women to take on difficult jobs and made them vulnerable to lure of jobs abroad. According to US Department of State, women and girls from the IDP camps become prey for domestic and international trafficking.¹⁹ They are often trafficked to Middle Eastern countries, where they live under unbearable living conditions and subjected to sexual exploitations. Many trafficking agencies withheld their passports until the trafficking victims are able raise enough money to pay for the high recruitment fees as well as their own return ticket. Upon arrival they face further intimidation and harassment by authorities of GoSL.²⁰

In addition to this, local groups working with women in Northern regions told the IRIN news service that an estimated number of 7000 women are reluctantly engaged in sex work²¹ to eke out a living to support their families.²² Many women are also trafficked to brothels around the country, predominantly to the Anuradhapura area – a major transit

¹⁴ http://www.gnwp.org/wp-content/uploads/2010/02/SriLanka_Report.pdf

¹⁵ Gayan Kumara Weerasingha, "Incidents of rape rise drastically in SL".
http://www.lakbimanews.lk/portal/news/index.php?option=com_content&view=article&id=4140%3Aincidents-of-rape-rise-dramatically-in-sl&Itemid=56

¹⁶ "Review of Research Evidence on Gender Based Violence (GBV) in Sri Lanka" Second Edition, Sri Lanka Medical Association Colombo,
2011. <http://whosrilanka.healthrepository.org/bitstream/123456789/434/1/GBV.pdf>

¹⁷ <http://www.womenundersiegeproject.org/conflicts/profile/sri-lanka>

¹⁸ Losing Battles but Winning Wars: How the Sri Lankan Government is Crushing Dissent:
<http://www.internationalpolicydigest.org/wp-content/uploads/2014/08/1407532883544.pdf>

¹⁹ <http://www.icanpeacework.org/wp-content/uploads/2013/06/Slanka-final.pdf> : **Increased Risk of Trafficking for IDPs without ID Papers.** The lack of identification cards is characteristic of IDPs. Although "most Sri Lankans have birth certificates and (after the age of 16) national identity cards, many of the 250,000 to 350,000 internally displaced people do not have these documents," making them harder to track and find once they have been trafficked. -U.S. Department of State "Trafficking in Persons Report," 2010

²⁰ **On short-term shelters provided by Sri Lankan embassy in some destination countries:** There were complaints that the shelters were grossly overcrowded with unhygienic conditions, and that at least one did not permit the residents to leave the premises. There have been some reports of abuse by Sri Lankan embassy officials in shelters abroad, and one official in a Sri Lankan embassy reportedly condoned passport withholding – a sign of human trafficking – by employees in that country, **US Department State – Trafficking in Persons Report 2012:** <http://www.state.gov/documents/organization/192597.pdf>

²¹ IRIN news - Turning to sex work in Sri Lanka's North. <http://www.irinnews.org/report/98919/turning-to-sex-work-in-sri-lanka-s-north>

²² **IRIN News - Turning to sex work in Sri Lanka's North:** <http://www.irinnews.org/report/98919/turning-to-sex-work-in-sri-lanka-s-north>

"I did not want to be a sex worker. I come from a respected Hindu family. My father and husband both died due to the war. I am the eldest in a family of three girls. I have to provide for my mother, two sisters and my only son," said 29-year-old Vasugi Ramalingam*, a Kilinochchi resident, widowed since the age of 20.

point for members of the Sri Lankan security forces.²³ According to the Trafficking in Person Report 2012, police officials accepted bribes to permit trafficking and some recruitment agencies were run by politicians.²⁴

Recommendation:

1. Rape victims are often terrified to report these crimes to the authorities. Although the government of Sri Lanka is engaged in training police personnel, upon training a more rigorous monitoring system should be put in place to ensure that the safety and integrity of victims are maintained at all times.
2. Although child abuse is a countrywide concern, the Sri Lankan community and the government seem to be apathetic in tackling this issue. The UN should take a greater role in working to raise awareness. Communities should be educated on how to look out for signs of abuse, the different types of child abuse, and be reminded that child abuse is a criminal and punishable act. This should be reinforced by a more vigorous approach from the government to prosecute and convict offenders.
3. A system similar to the British Disclosure and Barring Service (DBS) should be introduced in Sri Lanka.
4. Ensure full and proper implementation of anti-trafficking policies. Any politicians and other government officials engaged in trafficking must be identified and prosecuted.
5. To ensure that all employment agencies in Sri Lanka are registered and regulated by law.
6. Many internally displaced people do not possess Identification cards, making them vulnerable to internal and international trafficking. The government should ensure all IDPS and returnees have the necessary Identification documents, as a national priority.
7. Both government officials and members of the local communities seem to be enjoying the culture impunity. Conduct an independent and international investigation into cases of rape and other forms of sexual violence, enabling family members and victims to log their cases in a secure manner and bring to justice the perpetrators.

²³ **US Department of State – Trafficking in Person Report 2010:**
<http://www.state.gov/documents/organization/143188.pdf>

²⁴ **US Department of State – Trafficking in Person Report 2012:**
<http://www.state.gov/documents/organization/192597.pdf>