

Universal Periodic Submission

*It has probably become more dangerous to be a woman
than a soldier in an armed conflict.*

– Patrick Cammaert (Former Division of the United Nations Organization Mission in the Democratic Republic of Congo).

Presented by:

Human Rights Advocacy Council of the Canadian Tamil Youth Alliance (CTYA)

Introduction

Instances of widespread rape of Tamil women, sexual violence, sex camps and sexual slavery by Sinhalese members of the Sri-Lankan Army have been widely reported and proven through many news and media outlets. As UN Special Rapporteur on Violence Against Women Radhika Coomaraswamy reported, sexual assault in the context of ethnic conflict has community-wide implications. She states: “To rape or mutilate women in ethnic conflict is to raid the inner sanctum, the spiritual core of ethnic identity and to defile it... The female body is a symbol of a community’s honor and its inner sanctum. To rape women with impunity... is to assert domination and to symbolically assault ethnic identity in its most protected space.”ⁱ

The uses of rape as a form of genocide used to destabilize particular ethnic communities have been documented in past world human rights abuses. Hillary Clinton, US Secretary of State, 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.”ⁱⁱ

Evidence of Sexual Abuse and Sexual Assault and Significance

1. In 2008, the Sri-Lankan Government ordered all international aid agencies to leave the North Region, thereby ridding third-party impartial witnesses to crime, including sexual assault. The premeditated move to remove aid agencies in the area indicates a systematic planned nature of crime. Furthermore, without third party NGOs in place, or medical facilities, women who have been sexually assaulted and raped do not receive medical attention. In such instances, access to medicine is non-existent. Furthermore, the long-term psychological effects to the victims include depression, anxiety, post-traumatic stress syndrome, difficulty reestablishing normalcy and intimate relationships, persistent shame and fear.ⁱⁱⁱ
2. Sexual assault is prevalent in the internment camps. Tamil women in camps are being used as sex slaves and are repeatedly sexually assaulted. This is despite the fact that in wartime, rape is explicitly prohibited in Geneva Law, as is rape and any form of indecent assault. Journalist Nick Paton Walsh reported on the camps,

the high prevalence of sexual assault, disappearance of Tamil women, public humiliation of women, including being forced to bathe in public, and the prevalence of abduction and disappearance of Tamil women by Sinhalese soldiers. He also found female bodies in the bathroom area of the camp.^{iv} This presence of widespread rape of Tamil women in the camps may indicate a higher-level authority giving orders of rape. Using rape in armed conflict is nothing new; the first person ever charged with the crime of genocide by the International Tribunal, Mayor Jean-Paul Akayesu, was convicted for his involvement in the mass rape of Tutsi women during the 1994 Genocide in Rwanda (although not charged with rape himself, he was charged with inciting and encouraging others to rape).^v

3. According to records of the SL Government Agent offices of Mullaitheevu and Ki'linochchi districts, the population of Vanni was 429,059 in October 2008. The total number of people who got into SL government control after the war was 282,380, according to UN update as of 10 July 2009. 146,679 people have not been accounted for.^{vi} As disappearances of women in camps are common, we do not know how many of these accounted people are women who have been abducted or suffered rape and sexual violence by the Sri-Lankan Army.
4. Video evidence obtained by Channel 4 News shows the naked corpses of women, who appear to have been raped and sexually assaulted, and then murdered. This includes the gang rape of Tamil non-combatant female cadre, high profile Tamil journalist, Shoba, known commonly as Isaipriya.^{vii} Gang-rape is a common tactic of war crimes and genocide that is introduced by higher level officials to help create social cohesion between combatants (in this case Sri-Lankan Army) by bonding them through their mutually performed socially taboo act.
5. The Sri-Lankan Army have shown a past history of rape; 114 soldiers from the Sri-Lankan Army were sent back to Sri-Lanka during a 2007 peace keeping mission in Haiti on rape and child abuse charges; the victims included girls as young as 7 years old.^{viii}
6. Tamil woman have been the victims of sexual violence by the Sri-Lankan Army for decades in the past, and the incidents in the last four years have only increased; notable high profile cases of sexual assault, rape and murder in the past decade include: Krishanthi Kumaraswamy, Tharmaletchumi Arunmaithurai, Tharsini Illayathambi, Koneswary Murugesapillai, Premini Thanuskodi, the Kumarapuram Massacre and the Vankalai Massacre.^{ix}
7. The survivors endure the impact of sexual violence; recognizing this burden, the UN General Assembly passed a resolution in 2004 that affirms survivors of sexual violence are among those who face the greatest hardship post-conflict. In addition to the possibility for the spreading of sexually transmitted diseases, rape isolates a woman and any future offspring from both her family and her community. Women who are impregnated through rape, often bear children of men who have caused them immense pain and suffering. The women who do bear these children

are stigmatized, and the children born as a result of rape are stigmatized twice, for being born out of wedlock, and for being the children of the perpetrators of genocide. Sometimes, mothers and communities isolate these children, or leave their traditional homes in order to escape the stigmatization. This disperses a population, and creates a group of people who become delinked with their community and destabilizes Tamil communities. The mass rapes conducted in the camps thereby destabilize the function of Tamil women and their society. ^x

8. The systematic sexual abuse and sexual assault of Tamil women is a mechanism of gendercide. In Tamil communities, women are the bearers of their family's honour. The destruction, degradation and defilement of women's body through sexual abuse and sexual assault thereby are a way of terrorization and a way to tarnish the honour of Tamil families and communities. It is a systematic way to undermine the Tamil community. Raping of Tamil women by Sinhalese soldiers undermines the biological reproduction of the targeted population, and thereby stills the reproductive rate of the Tamil population to help prevent repopulation. Secondly, rape is used to intimidate victims further by creating a climate of fear of violence, and silences people who may wish to speak out against atrocities. Rape also shames the Tamil community because a women's honor, linked to her chastity, has been attacked. When women have been raped, they are shamed, and humiliated, making it easier to torture and kill them. It also shames the men, because they are seen as unable to protect their women. Guards and armies have chosen to use rape not only as a physical form of violence, but as an emotional form of violence. Immense emotional suffering and trauma are endured post-rape, by rape victims, their families and their communities. ^{xi}

Recommendations

The inability for the Government of Sri-Lanka to respond to these incidents and occurrences, or rectify the situation further exacerbates the problem and results in continued sexual violence against Tamil women to perpetuate. The long-standing historical nature of the problem, the recent increases in rape and sexual assault, and the ongoing prevalence of rape and sexual assault of Tamil women make this an important concern.

1. Allow for free third party impartial NGOS to enter areas in the North and East Regions of Sri-Lanka.
2. Allow for media personnel to freely enter, investigate and report on the current situation.
3. Introduce a permanent United Nations Special Rapporteur on Violence Against Women in the North and East Region until there's a permanent solution to the ethnic conflict in the island.
4. Allow for third party investigation in to the mass-rape of Tamil women in the

- camps, and convict all perpetrators accordingly.
5. Investigate the current instances of rape and sexual assault, and ensure that perpetrators are convicted in a timely manner.
 6. Disbar members of the Sri-Lankan Army who have participated or encouraged in any form of rape, sexual assault, or sexual violence without prejudice.
 7. Investigate and produce a report on the disappearances of women in camps, and account for how many of the 146,679 people are women who have been abducted and disappeared as a result of sexual violence.
 8. Introduce rehabilitation mechanism and measures that work towards assisting women who have suffered from sexual violence. In addition, extend this assistance of rehabilitation to single mothers and war widows who may suffer from similar physical and psychological trauma.
 9. Sri-Lanka currently is not a signatory to the 2000 UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children despite having a widespread problem existing. We recommend Sri-Lanka become a signatory to this Protocol, and accept the responsibilities therein.

ENDNOTES

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- ⁱ Manoranjan, T. (2010). Beaten but not broken: Tamil women in Sri-Lanka. *Georgetown Journal of International Affairs*. Summer/Fall. pp.139-147.
- ⁱⁱ Clinton, H. R. (2009). *Opening remarks by Secretary of State Hillary Rodham Clinton on the Adoption of a UNSC Resolution to Combat Sexual Violence in Armed Conflict*. New York (NY): Office of the Spokesman. Print.
- ⁱⁱⁱ Manoranjan, T. (2010).
- ^{iv} N.A. (2010, May 05). *Claims of abuse in Sri-Lanka's Tamil refugee camps*. Channel 4 News. Retrieved from, <http://www.channel4.com/news/claims-of-abuse-in-sri-lankas-tamil-refugee-camps>
- ^v Ball, O., & Gready, P. (2006). *No-nonsense guide to human rights*. Toronto (ON): New Internationalist Publications Ltd.
- ^{vi} Rayappu, J., Sosai, V., & Croos, X. (2011). Submission by the Catholic Diocese Mannar to the Lessons Learnt and Reconciliation Commission. Mannar.
- ^{vii} N.A. (2011, June 14). Sri-Lanka's Killing Fields. Channel 4 News. Retrieved from <http://srilanka.channel4.com/>
- ^{viii} N.A. (2008, April 09). UN confirms sex charges against Sri-Lankan troops in Haiti child abuse. *Tamil Guardian*. Retrieved from <http://www.tamilguardian.com/article.asp?articleid=1652>
- ^{ix} N.A. (2008). *The unspeakable truth*. Project Enlighten. Retrieved from <http://www.scribd.com/doc/12755079/Genocide-of-Tamils-in-Sri-Lanka-The-Unspeakable-Truth-BTF-Publication>
- ^x Brouwer, A., & Chu, K. S. (Ed.). (2009). *The men who killed me*. Vancouver (BC): Douglas and McIntyre.
- ^{xi} Jones, A. (2006). *Genocide: A comprehensive introduction*. New York (NY): Routledge.