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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

**Joint written statement* submitted by the Association
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Alliance Creative Community Project, ANAJA (L'Eternel a
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Association Culturelle des Tamouls en France, Association
des étudiants tamouls de France, Association Mauritanienne
pour la promotion du droit, Association pour les Victimes Du
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(SIA), Association Thendral, L'Observatoire Mauritanien des
Droits de l'Homme et de la Démocratie, Society for
Development and Community Empowerment, Tamil
Uzhagam, Tourner la page, non-governmental organizations
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.

[10 August 2017]

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



The military occupation effects on women in Sri Lanka*

The Tamil International Refugee Advocacy Network, I-TRAN welcomes the work of the High Commissioner through resolutions 25/1, 30/1 and 34/1 on the human rights violations and to establish a transitional justice program.

UN Special Rapporteurs who visited Sri Lanka in 2016/2017¹ report the human rights situation in the country's Tamil north and east has deteriorated. Torture is widely practised under a culture of impunity². In March 2017, the ITJP documented 46 cases of torture from survivors at the Joseph army base in Vavuniya³ naming the Commanders and methods used.

The Government failed to set up credible mechanisms to investigate violations of human rights and continued impunity that the members of the armed forces and paramilitary enjoy. Of particular concern is the military occupation effects on women in Sri Lanka, including women who have failed to claim protection from Australia and will be forced to return.

Despite a change in government in January 2015, the government has been unwilling to de-militarise the north and the east used to police and control the lives of the Tamil citizens during the civil conflict. The military still occupies 'high security zones' today, with the President renewing orders for troops to be deployed across the island nation in February 2015⁴. It is estimated that there are at least 70,000 troops stationed in the region. That is one soldier for every 12 civilians, together with 15,000 police⁵. Surveillance '*continues to be a tool of control and intimidation*' due to the heavy militarisation in the north and east⁶.

The military occupation is not about ensuring security but the expansion of non-military activities in '*large-scale property development, construction projects, and business ventures such as travel agencies, farming, holiday resorts, restaurants, and innumerable cafes that dot the highways in the Northern and Eastern Provinces. The army officially runs luxury resorts and golf courses that have been erected on land seized from now-internally displaced peoples. Tourists can book holidays in luxury beach resorts by directly calling reservation numbers at the Ministry of Defence. These resorts and businesses are located on lands that were previously home to the local Tamil population, who were displaced by the war*'.⁷ This raises questions about the safety of women.

The UN Committee for Economic, Social and Cultural Rights calls Sri Lanka to end military involvement in commercial and civilian activities⁸

Observations in 2017 noted Tamil civilians in the former conflict areas continue to '*live under a militarized and securitized system in which surveillance and intimidation constitute every life*'⁹.

1 Report of the UN SR on torture and other cruel, inhuman or degrading treatment or punishment on his mission to Sri Lanka, 22 December 2016; UN SR on the independence of judges and lawyers; UN SR minority issues, 2017; <https://lk.one.un.org/news/full-statement-by-ben-emmeron-un-special-rapporteur-on-human-rights-and-counter-terrorism-at-the-conclusion-of-his-official-visit/>

2 http://www.business-standard.com/article/pti-stories/end-practice-of-impunity-for-crimes-un-official-to-lanka-117072501416_1.html

3 International Truth and Justice Project, March 2017 itjpsl.com

4 AFP Colombo, New Sri Lanka president reneges on vow to demilitarize the island, 5 February 2015.

5 Information Report Sri Lanka October 2016, Suriyakumaran N, Jordan P OP, Ratnakanthan A, Snee C, and Cooke M

6 Report of the SR on torture and other cruel, inhuman or degrading treatment or punishment on his mission to Sri Lanka, 22 December 2016. A/HRC/35/54/Add.2

7 The Oakland Institute, The Long Shadow of War, The Struggle For Justice in Postwar Sri Lanka, 2015

8 <http://www.firstpost.com/world/un-committee-asks-sri-lanka-to-end-military-involvement-in-commercial-civilian-activities-3811541.html>

9 Yasmin Sooka, Security forces in Sri Lanka continue to operate with impunity, The Wire 12 March 2017, <https://thewire.in/115872/sri-lanka-conflict-areas-yasmin-sooka/>

Gender-based violence

INFORM observed in 2015/16, *‘Unemployment, debt, and sexual and gender-based violence is widespread in the former war ravaged areas. The new Government’s economic and development policies are focusing on trade investment and mega development projects, which privilege the rich and marginalise the poor. Pre-war rights issues, such as landlessness, sexual and gender-based violence and discrimination, caste, rights of workers...need to be addressed’*¹⁰.

Gender violence has been documented¹¹, and the government has changed *‘but the torturers remain the same’*¹². Sexual harassment of former LTTE combatants in rehabilitation centres has been reported¹³ as well as reports that the Sri Lankan military forcibly recruited more than 45 Tamil girls and enslaved them to the military¹⁴.

Sri Lanka ranks number 55 on the World Economic Forum Global Gender Gap index. There are **high rates of gender-based violence**. Alarming, women’s rights in Sri Lanka are weakening where over 89,000 female-headed households face rape and sexual violence at the hands of the military forces.¹⁵

Fr. Elil Ranjendram spoke on Enforced Disappearances on 27 October 2015 to commemorate the Day of the Disappeared in Sri Lanka.¹⁶ Mrs Chandra has been searching for her 24 year old son Jasinthan, abducted from their home seven years ago. She believes he is alive as he was sighted in a hospital video and in a photograph of prisoners detained in Welikada prison.

‘Chandra has been forced to run from pillar to post looking for her son – she’s been entirely at the mercy of the security forces and police. She is exhausted from visiting all the military camps and police stations in Mannar. As a Tamil woman she was treated with utter disrespect by this country’s armed forces. A soldier even asked her to sleep with him so that he could help her find her son, and this is not an isolated incident. Young wives who go to military camps looking for their husbands often report sexual violence at the hands of soldiers – compounding their tragedy’.

Case studies

Tamil women and girls are particularly vulnerable and the UNHCR recommends their individual cases be strongly considered¹⁷.

Australia remains a Refugee Convention signatory. However, its domestic legislation has been amended to remove reference to the Convention.

I-TRAN cites two case studies of Tamil women seeking Australia’s protection.

Mrs X was raped by soldiers before she fled Sri Lanka in 2012. Her protection claim has been refused. She does not fit the profile as a female-headed household. She has a husband, although he was away at the time of the rape. There is something fundamentally wrong with a policy that denies a Tamil woman protection because the attack was

¹⁰ <https://www.forum-asia.org/uploads/wp/2016/08/Human-Rights-in-SL-one-year-after-parliamentary-elections-INFORM-18Aug2016.pdf> pg 15

¹¹ <https://srilankatwo.wordpress.com/2015/05/20/the-walk-of-shame/>

¹² <https://srilankatwo.wordpress.com/2016/01/13/governments-change-but-the-torturers-stay-the-same-frances-harrison/>

¹³ UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Sri Lanka, 21 December 2012

¹⁴ <https://www.tamilnet.com/art.html?catid=79&artid=38096> - Tamilnet, 19 January 2016

¹⁵ UK Corporate Report, *Sri Lanka – Country of Concern*, 21 January 2015.

¹⁶ <http://groundviews.org/2015/10/28/enforced-disappearance-a-tamil-perspective/> [accessed 3 November 2015]

¹⁷ UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Sri Lanka, 21 December 2012

opportunistic. Her husband can protect her when they return, as allegations of sexual and other violence committed against women can be addressed through the transitional justice mechanisms.

Mrs Y was raped and burnt with kerosene by soldiers. She was a Sinhalese woman who dared to marry a Tamil man and raise Tamil-speaking children. Adding to her pain, she was diagnosed with breast cancer in Australian detention. Several months later, her claim is not finalised despite cumulative risk factors. This reflects the discriminatory nature of the current ‘fast-track’ policy and the geo-political relationship between Australia and Sri Lanka.

The women suffer Post Traumatic Stress Disorder and significant distress at the prospect of being forcibly returned to Sri Lanka, especially seeing men in army uniform which is highly likely given the military presence in the north and east.

Sri Lanka is the top 5 source country referred for review. 79% of the cases under review are affirmed by the Department of Immigration. This means many Tamils will be re-fouled to Sri Lanka with no post-return of their monitoring.

The Commissioner reminds Member States to “*ensure respect for the principle of non-refoulement in the case of Tamils who have suffered torture and other human rights violations until guarantees of non-recurrence are in place to ensure that they will not be subject to further violations*”¹⁸.

Recommendations

I-TRAN respectfully urges the Human Rights Council to:

- Maintain together with the High Commissioner and its office scrutiny of the human rights situation in Sri Lanka and especially with regard to the situation of the Tamil women
- End military involvement in civilian activities
- Support the establishment of a country office of the High Commissioner in Sri Lanka for increased monitoring and assistance with regard to the human rights situation.

* International Tamil Refugee Advocacy Network (I-TRAN), NGO without consultative status, also shares the views expressed in this statement.

¹⁸ UN Human Rights Council, Report of the Office of the UNHRC on Sri Lanka, 10 February 2016. H/HRC/34/20