

report

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rights
group
international

Living with insecurity: Marginalization and sexual violence against women in north and east Sri Lanka





Tearful protesters block a street in Jaffna, Sri Lanka.

Dushiyanthini Kanagasabapathipillai / www.PassionParade.blogspot.com

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Minority Rights Group International

MRG is an NGO working to secure the rights of ethnic, religious and linguistic minorities and indigenous peoples worldwide, and to promote cooperation and understanding between communities. Our activities are focused on international advocacy, training, publishing and outreach. We are guided by the needs expressed by our worldwide partner network of organizations, which represent minority and indigenous peoples.

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Key findings

Box 1: Key findings

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| <ul style="list-style-type: none">• Four years after the end of the armed conflict, the situation for minority women in the north and east of Sri Lanka remains deeply insecure. Thousands of women have lost husbands and other family members to death or disappearance, while human rights abuses and violations ranging from sexual violence to land grabbing continue. | <ul style="list-style-type: none">• The government is actively contributing to insecurity and rights violations through the pervasive militarization of the north and east, with negative consequences for the safety and freedom of minority women. Poorly managed resettlement and competing land claims among the increasingly heterogeneous population are also raising tensions between different communities. |
| <ul style="list-style-type: none">• Many minority women in the north and east are now the primary income earners for their households, yet these responsibilities have not been accompanied by improved rights or status. Besides the struggle to secure land rights or access local resources, they also face limited livelihood opportunities in the post-armed conflict context and have not been properly included in official development programmes. | <ul style="list-style-type: none">• Women's activists continue to advocate, often at great personal risk, for truth, justice, accountability and an end to the climate of impunity that enables ongoing rights violations. However, until a clear protection framework is in place for minority women and other marginalized groups, the prospects of a lasting peace and reconciliation process will remain elusive. |

Executive Summary

Four years since the end of the armed conflict, the situation of minority women in the north and east of Sri Lanka has changed dramatically – and for many it is getting worse. In the latter stages of the conflict and its aftermath, military forces were responsible for a variety of human rights abuses against the civilian population, including extrajudicial killings, disappearance, rape, sexual harassment and other violations. In the current climate of impunity, sustained by insecurity and the lack of military accountability, these abuses continue.

Thousands have lost their husbands and other family members during the armed conflict. Others, such as those whose husbands and relatives surrendered to the army after the government's announcement of an amnesty for former Liberation Tigers of Tamil Eelam (LTTE) personnel, still do not know their whereabouts and face an ongoing struggle for truth, justice and accountability. For many women, this has brought new responsibilities: 40,000 households in the north and east are now female headed.

Yet Sri Lanka's social and political environment remains heavily patriarchal, exposing women to multiple levels of discrimination. Many now have added responsibilities as primary earners for their families: they face limited livelihood opportunities in the post-armed conflict context, and are typically excluded from official development programmes. Furthermore, against a backdrop of competing claims and mass resettlement, they are especially vulnerable to land grabs and other rights violations.

The militarization of the north and east from 2009 has contributed to continued insecurity for minority women. Many, especially widows and the wives of disappeared or 'surrendered', are vulnerable to sexual harassment, exploitation or assault by army personnel or other militias. The military presence in the area, together with the increasing chauvinism of Sri Lanka's political and religious hierarchy, has also reduced their cultural and religious freedoms – including their right to mourn their dead.

Resettlement in the north and east, not only by those displaced during the armed conflict but also through government-sponsored relocation of Sinhalese workers and households, has raised tensions between communities in the current divisive environment. This is the result not only of disputes over land and resources but also differing social and cultural norms. The increasing prevalence of sexual exploitation and relationships, coerced or otherwise, has put women on the frontline of these conflicts.

So far the government's response to these ongoing rights violations has been inadequate. In fact, state and military policies are actively contributing to insecurity and the marginalization of women in the north and east. By contrast, women activists continue to advocate, often at great personal risk, for truth, justice and accountability for themselves and other survivors of the armed conflict. However, until a clear framework of protection is created for minority women and other marginalized groups, including physical security, freedom of expression and land rights, the possibility of lasting peace and reconciliation in the north and east remains elusive.

Introduction

Four years since the Sri Lankan military defeated the Liberation Tigers of Tamil Eelam (LTTE, generally known as Tamil Tigers) and ended the country's three-decades-long armed conflict, the situation for minority women¹ in the north and east has dramatically changed.² However, despite the government's official rhetoric of national reconciliation, for many the situation is getting worse.

Women in Sri Lanka's north and east, home to ethnic Tamils and Muslims, have faced conflict-related violence for decades, perpetrated by all parties to the conflict.³ Over 100,000 women were caught up in the last stages of the fighting in northern Sri Lanka from 2008 to 2009.⁴ Thousands were killed, several hundred injured and several thousand more physically and emotionally scarred.⁵ In the immediate aftermath of the war, as many as 280,000 people were put into internment camps, where families were divided and there was no freedom of movement or expression.⁶ Though some were eventually permitted to return to their homes, many of these were damaged or uninhabitable.⁷ Others were not allowed to return because of military occupation and were forcibly resettled in unfamiliar areas elsewhere.⁸

Many women are now single mothers, having lost their men to the last stages of the fighting or as they were disappeared, arrested or held in detention without charge. According to the latest figures there are an estimated 89,000 widows in Sri Lanka's north and east alone.⁹ Many more do not know the whereabouts of the men in their families.¹⁰ Because the government of Sri Lanka refuses to acknowledge civilian deaths in the last stages of the conflict,¹¹ many of these women have been denied certificates to prove the deaths of their loved ones and are not even allowed to mourn them in public. The result is that thousands of households are now female headed: according to available statistics, 40,000 in the northern province alone.¹² These women are now compelled to take on the role of primary income earners in a post-war economy where income opportunities are minimal. They also, more than ever before, have to take on unfamiliar roles in the public space – a space that is now heavily militarized.¹³

The social context in former conflict areas, in northern Sri Lanka in particular, has shifted significantly. In addition to the climate of fear, mainly precipitated by human rights violations and militarization, the area is also becoming more

heterogeneous, with displaced Muslims and Sinhalese returning and new settlers moving into the area.¹⁴ In the post-armed conflict context, with its legacy of ethnic persecution, this has resulted in heightened conflict between and within different communities, particularly against a backdrop of competing claims to land and resources. The government has done little to alleviate these tensions, and in many cases is contributing to them through rights violations that range from forcible occupation of civilian lands to sexual abuse. It is this unique and challenging context that is captured in this report.

Through the course of MRG's work in Sri Lanka, information has become available about a host of abuses faced by women because of their ethnicity, religion, class, minority status and gender, especially as they are now lead income earners in a post-armed conflict situation. These occur in an environment of impunity where truth and justice are routinely denied to victims.¹⁵ As a result, extrajudicial killings, rape and sexual harassment continue to this day.¹⁶ For example, in 2012 the Judicial Medical Officer of the Jaffna Hospital reported that there had been 56 cases of rape and severe violence against women and girl children presented to his hospital in February and March alone that year, compared to a total of 102 incidents in 2010 and 182 incidents in 2011.¹⁷ Community based organizations have also received numerous reports of gender based violence, according to a submission made to the UN Commission on the Status of Women in 2011 by the Women's Action Network.¹⁸ The increased militarization of the north and east has been an important contributing factor to this, including a large number of documented instances of sexual violence against the local population.¹⁹

Importantly, though, the message that comes from minority women in the conflict-affected area is not purely one of difficulty and despair: it is also one of courage and hope. Many of the women interviewed here were firm about not being seen as 'victims', but active agents of change. This report will show how, despite the harsh and threatening circumstances, women in Sri Lanka's north and east have also become champions of human rights. In some cases they are the sole voice in Sri Lanka that challenges the government on human rights violations and stands up for issues of truth, justice and accountability. This report is a celebration of that strength and courage.

Methodology

In addition to a desk review of recent publications, this report draws extensively on interviews with individuals and focus groups. In early 2013, MRG and partners conducted two focus groups covering four of the five districts in the northern province, one in the north-western province and all three districts of the eastern province. Twenty-four women from Jaffna, Mannar, Puttalam, Mulaitivu, Killinochchi and Vavuniya attended the Mannar workshop, while sixteen women from Trincomalee, Batticaloa and Ampara participated in the workshop in Trincomalee, in the eastern province. A meeting was also conducted with lead activists from each province in Colombo.

In addition to the focus group discussions, the author selected a number of people to interview in greater depth. Five women activists based in the north and east who have been working closely with MRG over the past year were also interviewed in Tamil, and translated into English. These interviews were focused specifically on the challenges faced by minority women human rights defenders in present-day Sri Lanka. The author has also drawn from a number of recent publications and press statements that have been issued by international organizations, national human rights non-governmental

organizations (NGOs) and community-based women's groups that highlight specific problems affecting women in the former conflict zone.

MRG has been implementing projects promoting and protecting minority rights in Sri Lanka since 2009. Many field visits to the north and east of Sri Lanka have been conducted to gather evidence on the situation, including a large number of interviews with Tamil and Muslim women. As this report will explain, the security threat to women working on minority rights and to minority women in general is significant. There were specific security measures that had to be taken, both during the research and writing of this report. For example, focus group participants benefitted from anonymity. Following standard practice, participants were informed that the gathered information would be used for an international report and advocacy thereafter, but MRG was not identified.

Although not all interviewees requested anonymity, the Sri Lankan security context entails considerable risk to human rights defenders exposing state violations, particularly individuals working with international organizations. MRG has therefore refrained from naming any individual quoted in this report.

Political context: Patriarchy in Sri Lanka

To understand the dynamics of the rights violations in the north and east of the country, it is important to understand the specific social and political context of Sri Lanka, in particular the relative position of women. Sri Lanka is one of Asia's oldest democracies, and in 1931 introduced the universal franchise: women, though poorly represented in parliament and in political decision-making, have been actively involved in politics for decades.²⁰ Sri Lanka was also the first country in the world to elect a female head of government, when Sirimavo Bandaranaike took office as prime minister of the country in 1960.²¹ Her daughter, Chandrika Bandaranaike Kumaratunga, subsequently became the country's first female executive president in 1994 after winning a landslide 62 per cent of votes in national elections. She held the office of presidency until 2005.²²

Nevertheless, it would be inaccurate to conclude that these milestones mean that the situation for women in the country has been progressive, either within politics or in daily life. This is not the case, though they did challenge the patriarchy of the state to some extent. Since 2005, however, the trend has been reversed. The most influential positions in government are held by President Mahinda Rajapakshe and his three brothers: Basil Rajapakshe is Minister for Economic Affairs, Gotabhaya Rajapakshe is the Secretary to the Ministry of Defence and Chamal Rajapakshe is the speaker of Parliament.²³ All of the country's political power is centred around 'the four brothers', as they are popularly known.

This imbalance is reflected more generally in the relative position of women in national political decision-making. In Sri Lanka's 66-member cabinet, for example, there are only two women.²⁴ The country's legislature has only 13 women (5.8%) among its 225 members.²⁵ Furthermore, female politicians face harassment and sexist comments when carrying out their work and in parliament.²⁶ Until 2012 the judiciary was the only arm of governance that was led by a woman, Chief Justice Shirani Bandaranaike. In December 2012, however, Bandaranaike was controversially impeached by parliament, despite the country's highest court ruling that the move was unconstitutional and illegal.²⁷ Importantly, the political and public discourse around the entire impeachment process was tainted by sexist language.²⁸

Next to the Rajapakshe brothers, the two other powerful groups that characterize Sri Lanka today are the military and political elements within the Buddhist clergy – both are heavily male dominated. The end of the armed conflict in 2009 was marked by triumphalism that was defined in nationalistic and religious terms:²⁹ the military victory was framed in terms of the defeat and elimination of the 'other', which at one end of the spectrum has meant the Tamil Tigers and at the other Tamil civilians. Since then, the role of the Sri Lankan military has broadened. This is especially the case in the minority-populated former conflict areas. More generally, there has been a structural shift in the country in areas of governance that favour the military.³⁰

The male-dominated *sangha* or clergy from the majority Buddhist population have always played an influential role in Sri Lankan politics. Since the end of the armed conflict, Buddhist extremism has come increasingly to the fore, resulting in a significant rise in the targeting of minorities.³¹ This extremism is supported by senior members of the government.³² Evangelical Christian groups have long been the focus of extremist campaigns and attacks, but in the last year Muslims have also become targets.³³ These campaigns frequently focus on women: criticism of the Muslim face veil, for example, or claims that Muslim doctors are using medical procedures to prevent Sinhalese women from giving birth to affect population figures.³⁴ As one Sri Lankan women's rights activist explains, 'Many of these attacks are based on the notion that the Muslim population is increasing in Sri Lanka and thus it is all about either controlling Muslim women's reproductive function or demanding Sinhala women to produce more.'³⁵

There has also been a significant rise in gender-based violence across Sri Lanka. This practice is systemic and entrenched, sustained by a culture of impunity.³⁶ While women in the north and east have historically faced sexual attacks and harassment, including domestic violence, the onset of armed conflict in the region and its aftermath undoubtedly contributed to a rise in its incidence. It is in this political and security context that minority women, some as heads of households, have to rebuild their lives and those of their families. The following section outlines some of the major problems facing Tamil and Muslim women in northern and eastern Sri Lanka today.

Insecurity and protection gaps for women

The most serious problem facing women in the north and east of Sri Lanka is the pervasive lack of security. The respondents in our research perceived that levels of insecurity for women were in fact higher since the end of the conflict. There are two main reasons for this. First, the area has been heavily militarized by a primarily Sinhalese force – an unwelcome presence for many Tamils, given its responsibility for numerous human rights abuses against local communities.³⁷ Second, with the settlement and relocation of other ethnic and religious communities to the north, there has been a profound societal shift from the exclusively Tamil society during the war to a more diverse and heterogeneous population.

The Sri Lankan military, despite their heroic and popular reputation among the majority community in southern Sri Lanka, is generally feared in northern Sri Lanka. In the former LTTE-controlled areas in particular, people still see the Sri Lankan military forces as the ‘enemy’. This fear is vindicated by credible allegations of human rights violations, including rape and the sexual and emotional abuse of women.³⁸

‘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

The Sri Lankan military have a large and disproportionate presence in the former conflict areas³⁹ that extends beyond security and pervades every area of civilian life. The military builds houses, operates agricultural farms, restaurants and tourist hotels, provides jobs and sells vegetables.⁴⁰ They also have a significant role in its civil administration: the centrally appointed governors of the North and Eastern province are former military commanders, for example, and key areas of governance such as the Urban Development Authority fall under the Ministry of Defence.⁴¹

Women interviewed for this report denied claims by the government of Sri Lanka that the military presence in the north and east is decreasing. Large areas of land, including in the Jaffna peninsula, are currently under military occupation:⁴² in Valigamam, for example, after forcible acquisition by the military in the early 1990s, more than 1,000 people have petitioned the Supreme

Court of Sri Lanka for the return of their land.⁴³ In addition, since the end of the war, a number of new army and naval camps have developed in parts of the north and east, such as Silavathurai, Mullikulam and Mannar Island, permanently displacing many war-affected families. According to activists interviewed for this report, many thousands of acres of farming land in the eastern districts of Trincomalee (Sampoor) and Ampara (Ashraf Nagar) have been taken over by the military, displacing a number of female-headed households. In both areas, women are in the process of seeking legal remedies but the military continues to consolidate its hold over these civilian lands.

The military has also been directly implicated in other rights abuses, including rape, torture, assault and harassment. Sexual violence and rape were commonplace during and soon after the war.⁴⁴ Since then, photographic and video imagery has appeared of the bodies of LTTE women cadres brutalized and sexually attacked by the Sri Lankan military forces.⁴⁵ The footage shot by soldiers themselves of the military victory included pictures of rows of women’s semi-naked corpses. Furthermore, these abuses are ongoing. In February 2013, Human Rights Watch published a report documenting cases of sexual violence by the military forces against Tamil men and women between 2006 and 2013. It records 75 cases of rape and sexual violence, in most cases committed along with other forms of torture and degrading treatment. The report argues that sexual violence was used punitively by the military against suspected LTTE cadres and to extract information about the militants.⁴⁶ In addition to this report, the UN and other national and international human rights organizations have, since the end of the armed conflict, raised the issue of sexual violence by the military, including rape.⁴⁷

Activists interviewed for this report said they were aware of cases of rape, sexual abuse and harassment of Tamil women by members of the armed forces; however, in almost all cases the women were too scared to report this to the police. Focus group participants also reported that there was a marked increase in sexual activity between soldiers and women in the community. Even when such relationships were voluntary, the long-term cost to the women could be considerable: some women, for example, having become pregnant, found themselves rejected by the men involved and ostracized by their own community.⁴⁸

The invasive presence of the military impacts on women in other ways as well. According to respondents, soldiers regularly visit civilian homes for a range of reasons: to obtain information on the whereabouts of male family members, to monitor the movement of villagers, even for social reasons or a cup of tea. Many women reported that they abhorred maintaining such close ties with military personnel, but had little choice in the matter. The Women's Action Network (WAN), a network of 11 women's organizations in the north and east of Sri Lanka, has reported that on occasion the military has conducted spot checks on households in the night and even photographed women in their homes: in some cases, they were not permitted to change out of their night clothes.⁴⁹ Women interviewed for this report confirmed this, adding that they had come across cases where young girls were also asked to pose for photographs at checkpoints. Sometimes their phone numbers were taken down by military personnel, who then harassed the women with telephone calls at night, in some cases making sexual overtures.

'Any public event, any social event the military is there, even a wedding, a funeral. Mothers are not happy to send their girls to school alone because they are stopped at checkpoints. The army guys show young girls videos on their phones, and then they take their photos.'

Tamil woman, Mannarfocus group

Many women described the psychological burden of having to associate with military men and the constant invasion into their everyday life. For many women, this was an obstacle to being free and realizing an independent life.

'When the military visits a young single woman's house all the time, people wonder why do they keep coming. The community thinks they are coming for sex and even if the woman is involved or not, she gets stigmatized.'

Tamil woman, Mannar focus group

Besides the Sri Lankan military, there are also a number of armed actors in the north and east who are ex-members of the LTTE or part of other paramilitary groups. Some work together with the military and provide them with intelligence. Though in some cases they operate unarmed among civilians, they are easily identifiable to villagers who know who they are and what they are doing. In other instances, they carry arms and are actively involved in human rights violations and criminal activity. These individuals and groups pose a particular risk to

women.⁵⁰ In one prominent case, in early 2012, a member of a paramilitary group was allegedly responsible for the rape and murder of a 13-year-old girl in Delft Island, north of Jaffna.⁵¹

Women interviewed for this report attributed the change in social landscape as another major source of tension. During the course of the conflict, particularly in Tamil Tiger-held areas, the population was almost entirely Tamil in ethnic origin. In the last two years, people displaced in the early stages of the conflict – mostly Muslims together with some Tamils – have begun returning to their homes. Sinhalese have also been settling in the north, some of them reportedly at the government's instigation, for business or to work on infrastructure projects, such as building roads. There are also large numbers of domestic tourists.⁵² While the women interviewed for this research understood and accepted the demographic changes in terms of returning populations, such as Muslim communities, they were less accepting of government-sponsored Sinhalese settlers and other visitors from the south. Their hostility to these groups was expressed not necessarily on ethnic lines, but on the basis that interviewees felt that this movement had been contrived in some cases by the government and was 'exploitative' of the post-war situation, bringing little benefit to the local community while providing 'outsiders' with the opportunity to make money.⁵³

In particular, they reported that there was a considerable amount of 'sexual activity' between local women and 'outside' men. It is important to note here that many of those interviewed respected the right of a woman to choose how to lead her sexual life. The context in which they raised these problems was on the grounds of security, both physical and economic: for example, if relationships led to abuse or abandonment, in some cases when the women had become pregnant. Besides their perceived lack of knowledge or cultural sensitivity, there was concern that these men were sexually exploiting the situation of single, economically deprived women.⁵⁴ According to respondents, women who head their households are often financially desperate due to the lack of income and some may as a result engage in sex work or sexual relationships for favours. This may be with military personnel or men with money and influence, from their own or other communities.

'After the conflict the situation has got a lot worse. People are less disciplined. There are outsiders who have come from other areas. There are a lot of army people; they are in the buses, everywhere. Previously women didn't have to go out much, but they do and things have got worse.'

Tamil woman, Mannar focus group

Women are especially affected by the tensions between different communities in the area and often find themselves on the frontline of these divisions. For example, one commonly reported situation was of returning Muslim male IDPs (internally displaced people) entering short-term relationships with widowed Tamil women.⁵⁵ This was of serious consequence to women from both communities as, in many cases, the men had Muslim wives in their host area, particularly Puttalam. In some instances, despite promising to marry them, the men would leave the Tamil women after a temporary sexual relationship and return to their wives. In other cases, the men took the Tamil woman as a second wife and stopped providing for the first wife. Muslim women who try to seek legal support for compensation or divorce face many difficulties because they fall under the jurisdiction of Muslim personal law, where rulings are generally unfavourable for women.⁵⁶

In addition to these relationships, the sex trade is another area where potential friction arose between different communities. There has reportedly been a rise in

the sex trade and trafficking of women for sex since the end of the armed conflict, particularly following resettlement. According to focus group participants, while Tamil, Muslim and Sinhala men participated in the practice, it had led to tensions that were undermining attempts at reconciliation within communities.

These are relatively recent developments that have emerged in the last four years. During the armed conflict, the LTTE maintained a very strict code of conduct in the areas that they controlled.⁵⁷ Sexual relations were very strictly governed and limited to people in marital relationships. While women do not necessarily approve of what the LTTE did, nor want any similar regulation of their personal lives, the current context has left many feeling disoriented and insecure. They struggle to make sense of the situation and often frame it as military or 'other' men taking advantage of poor and vulnerable women. While most of the anxiety over the societal changes was explained in terms of security concerns, their fears were partly based on the perceived threat to cultural and religious gender norms and the status of women.

Socio-economic difficulties

The socio-economic situation for most single women, in the north in particular and to some extent in the east, is dire. Many women were returned or resettled in areas that were deeply scarred by the conflict.⁵⁸ Houses were partly demolished during the fighting, and there was often no proper infrastructure, including sanitation facilities. Frequently the methods used to provide new homes or services were arbitrary. In some cases women struggled to provide documentation of previous house ownership, for instance, because it had been lost during the war.⁵⁹

'We were resettled not in our home town but in a distant area. There is no electricity there. Most of the women are widows. We close all the doors and window and go to sleep by six o'clock. Our lives are very difficult. Children have to walk three kilometres to get to the school. There are no livelihood opportunities for women. We have to walk long distances before we get to a place where there may be some labour, but usually there is work only two or three times a week. We were expecting a lot when we were resettled in new areas, but we are totally disappointed and very worried.'

Tamil woman, Mannar focus group

Land rights

Land rights are a critical area of concern for minority women. Many women have been displaced from their lands through conflict or the creation of high-security areas and economic zones in places such as Jaffna, Mullikulam, Silavithurai, Ashraf Nagar and Sampoor.⁶⁰ Land grabbing and acquisitions occurred throughout the conflict and were committed by all ethnic groups. The LTTE was also responsible for redistribution of lands that they had forcibly acquired from other communities. Now, in the aftermath of the war, as families return and resettle, land ownership has become a highly divisive issue. The government of Sri Lanka, however, has not taken any concrete steps to address this constructively.⁶¹

Women are also disadvantaged by a lack of documentary evidence: many have either lost their documentation or the deeds are in the name of male family members. Women's groups, in a submission to the UN Human Rights Council (HRC) for the Universal

Periodic Review on Sri Lanka in 2012, also explained that women are sidelined and marginalized in negotiations with state actors on land issues.⁶² In addition, return and resettlement was speedily undertaken by the government of Sri Lanka over three years, leaving many families in less than acceptable living conditions.

Some groups, such as Muslim IDPs forcibly evicted by the LTTE in 1990, were allowed to return to their original places of residence in northern Sri Lanka but not properly included in government programmes: four years on, there is still no clear government policy on reintegrating Muslim returnees in the north. As Muslims faced long-term displacement, their families had doubled or trebled in size by the time they returned, and the homes they returned to were not only occupied by Tamil families but were also too small for their increased numbers.⁶³ There are cases where Muslims have sold their lands to Tamils, but members of their family now want to return to their homes. Women have had to pay a heavy price in this flawed return process, with some families split between the host area Puttalam and the area of origin. Women have had to incur significant financial expenses commuting between them to support family structures in both areas.⁶⁴

Livelihoods and income generation

Another major challenge for women in the post-armed conflict context is the lack of income generation: there is hardly any scope for livelihood and very little support available.⁶⁵ In particular, where they have been resettled, women are unable to engage in traditional forms of livelihood because the new area is either unsafe or has fewer natural resources, especially when the alternative land plot given to them is too small or infertile.⁶⁶ Some women are employed as labourers on farms, but wages are low and work is irregular. Women are also economically exploited, typically receiving lower wages than men for the same type of labour work.⁶⁷

The lack of security and the militarization also impacts negatively on women's economic situation. For instance, those who had formerly earned an income through growing vegetables in their gardens are now often unable or unwilling to compete with the army, who have also become involved in selling vegetables in parts of the

north.⁶⁸ They are reluctant to engage in livelihood activities such as gathering firewood as well, due to the danger of venturing into the forest alone.⁶⁹ There have also been reports of women being fined for gathering firewood in militarized areas, even though they are often not clearly demarcated.⁷⁰

'We were displaced from Sampur, where they are trying to build a power plant. There were 1,350 families that were displaced, only 53 have been resettled and the others are still in camps. Sampur has a lot of natural resources like fish and coconuts. Now the military is engaged in cultivation and making money: before it used to be women who used to do it and earn a living. We don't want to resettle in another area, we want to go back to our homes where there were so many resources.'

Muslim woman, Trincomalee focus group

The government of Sri Lanka has been championing economic development in the former conflict areas as their main effort towards reconciliation, in place of transitional justice. In particular, it has pumped in funds for infrastructure development and encouraged industries such as banking, real estate and tourism.⁷¹ Many of the women interviewed for this report explained that female-headed households are typically located in the interiors of the villages, where roads and transport conditions are poor: most do not benefit from these development plans or even witness them first-hand.

In general, government support for women's livelihood development has been limited and of low quality. The government and aid agencies have been criticized by local groups for providing only specific types of skill development for women, such as sewing and chicken farming. They have also been accused of treating women as secondary income earners and constraining them with 'one-size-fits-all' livelihood programmes.⁷²

The few recruitment initiatives by the government of Sri Lanka have had military involvement and been marred by controversy. Some young women have enrolled for opportunities as pre-school teachers and workers on government-run farms, only to find the recruitment was conducted by the military with the appointment letters provided by the Civil Defence Force.⁷³ Women in the focus groups expressed concern over the involvement of the military in such recruitment, and also regarding the types of risks women were taking in their desperation to find employment. In addition, Tamil women have been directly recruited into the military. In 2012, a number were signed up without being properly informed what the recruitment was for. Twelve of these women became ill under inexplicable circumstances and had to be

hospitalized, yet the family members of these women were not given access to them. Two who fled the training were hunted down and threatened with punishment for desertion if they did not return.⁷⁴

Cultural, social and religious restrictions

In addition to their economic problems, women in the north and east also face a number of socio-cultural issues as a result of the changing context. Widows in the focus groups believed they were in a very vulnerable situation and in some cases treated with indifference by their own community and family members. Tamil and Muslim culture can be conservative on marriage norms and virgins are often privileged, making it very difficult for young widows to remarry. Elderly widows can be cast away and face economic deprivation as their earning potential is limited. They are also often inhibited by community and cultural norms in accessing jobs that are 'unconventional' for women, while their contact with men in the community, even for economic or professional reasons, is scrutinized and critiqued. Some face untrue accusations of engaging in sexual relationships to secure benefits or support for their family.

Women in the focus groups also reported that, after the armed conflict, they faced several unusual cultural restrictions that varied in different areas and communities. Muslim respondents returning to the north said they faced increased pressure to wear their head scarves from their own communities - yet at the same time Muslim women have also been attacked by Buddhist extremists for their religious dress. Besides instances where their head scarves or veils have been pulled off, there have been campaigns where groups have called for the banning of the hijab on security grounds.⁷⁵ Tamil women also said they were coming under pressure to maintain stricter dress codes: for example, to avoid wearing short skirts.

The pervasive presence of military personnel in social and cultural life was also highlighted as a problem. Women have lost access to places of religious worship, either because they are cordoned off for security reasons or because there is a military presence near the temple which women avoid. In addition, in areas such as Ashraf Nagar in eastern Sri Lanka, the military has been responsible for broadcasting Buddhist prayers on high volume in a Muslim neighbourhood. This is believed to be in retaliation for a case filed by women in the area on a land issue against the military. In the last two years the military has also disallowed the celebration of Karthigai Theepam, an important Hindu religious festival, because it coincides with the commemoration of the end of the war. Many women, particularly in the Trincomalee focus group,

expressed deep disappointment at not being able to mark this important sacred event.⁷⁶

The two other major problems highlighted by women in the focus groups were the institutional constraints, even mistreatment, they regularly faced from the male-dominated administration and the additional challenge of language barriers. Participants explained that as there were a large number of female-headed households, women now had to emerge more often into the public space and negotiate with different administrative bodies. Unfortunately, this expansion of their responsibilities has not been accompanied by an improvement in their perceived status or rights. They claimed that, at all levels, from the local government (*Pradeshiya Sabha*) authorities and village administrative (*Grama sevaka niladhari*) units to the judiciary and police, they were constantly harassed by male officials who did not treat them with respect nor

provide the necessary support. They also said there were cases where women were asked for sexual favours in return for services. The participants complained there were no female officers in the police stations and that women were often treated badly when making complaints to the police, particularly on domestic violence cases.

This exclusion is compounded by the language problem. Much of the administration in Sri Lanka, even in Tamil areas, functions in Sinhalese. Police complaints are reportedly taken in Sinhalese and there have been many cases where women were unable to check the content of the complaint because they did not understand the language. Administrative forms in government departments are not always translated into Tamil. Women also complained that medical personnel, such as doctors in hospitals, were not Tamil speaking; this seriously affected the diagnosis of their health problems.

Truth, justice and accountability

Truth seeking is of paramount importance to minority women in the north and east. Focus group participants, as well as others interviewed in previous research trips to these areas, had faced or witnessed incidents of conflict-related violence, often including violations of human rights or international humanitarian law. In many cases, the search to uncover how and why their family members died or disappeared is still ongoing.

During interviews for this report, several women shared stories of watching their family members being killed in the north of Sri Lanka during the last stages of the armed conflict. Some continued to bear the signs of trauma: shaking, shuddering and fighting to control their tears as they spoke. Several spoke of their absolute helplessness as the shells fell on members of their family while they could only flee for protection, unable to help the injured and the dead. Many women were particularly distressed at not being able to conduct burial rites according to their religious and cultural beliefs.

'There are a lot of women traumatised, they are suffering but they can't show it in the open. I also lost my mother in the war, today it is four years. It is difficult to talk ... We wanted to bury her body but we couldn't do the burial because of the shelling. I feel very bad, I had to just leave her body and go. I couldn't do the respectful thing.'

Tamil woman, Mannar focus group

'Whenever we talk to women they hide their sorrow inside. There were people killed by the army and the LTTE, they were killed by both sides. My brother also died. My mother still cries that she never got a chance to see his body.'

Tamil woman, Mannar focus group

Tens of thousands of widows in the north and east of Sri Lanka cannot even acknowledge the deaths of their husbands and family members. The government of Sri Lanka initially maintained that there were no civilian casualties during the last stages of the conflict, then later admitted to some casualties. However, as a consequence of the discrepancy in numbers, the process of issuing death certificates has been slow and limited.⁷⁷ These certificates are essential for women to claim certain

benefits and in some cases for procedural matters, such as entering children into state schools.

Funeral rituals and commemorations of the dead are extremely important in Hindu and Tamil culture.⁷⁸ A large number of women lost their loved ones in the weeks preceding the end of the armed conflict, yet the military refuses to permit them to mourn their anniversaries during this period. Every year, in fact, the military has banned women from attending religious commemorative events for their family members while large-scale celebrations, such as military parades, are organized in the capital Colombo to mark the end of the war.⁷⁹

'I lost my husband and three sons. I really can't bear it and don't want to talk. I want to mourn their death, it will make us women feel good if we can mourn, but we are not allowed to do that.'

Tamil woman, Mannar focus group

In some instances the military has entered individual homes and sat through the day to ensure that families do not commemorate the dead.⁸⁰

'During commemorative days they come home and stay there the full day. My sister can't go out, she is afraid to go out – she has two small girls. They threaten if he comes back they will arrest, abduct or shoot her husband. She is living with the pressure.'

Tamil woman, sister of a former LTTE female combatant, Trincomalee focus group

The quest for truth is especially pressing for the thousands of women whose family members have been disappeared. As the fighting ended, the military asked people who had any involvement at all with the LTTE, even for a day, to surrender as part of an amnesty agreement. Many women went to the military checkpoints and surrendered their husbands, even those who had no significant role in the militant group beyond constructing bunkers or who were forcibly recruited into the movement in the latter stages of the war. Hundreds were subsequently held in custody, without access to their families or the International Committee of the Red Cross (ICRC).⁸¹ many are still missing today.⁸² Men were also disappeared from IDP camps and in Jaffna and the east of the country

throughout the conflict because of their suspected involvement with the LTTE. The following testimony by a woman from Vanni explains the many difficulties that women have to undergo in these situations:

My husband and son disappeared in 2008 while they were staying in a rented room in Kotahena [on the outskirts of Colombo]. They were to get a visa for our son to study in the UK when police came and took them in. We lodged a police complaint. After three months I was told by someone that they can find them and I paid nine lakhs to that person but there was no success. In 2010, the CID told me that they had got their passports and ID cards from the Navy. One of them said they will find him for 25 lakhs. I said I didn't have that kind of money, so they eventually reduced it to five lakhs but came up with nothing. Now they say they will return it and have asked me to go to file a case, but I don't want to go to the courts.

The whole responsibility of searching for my husband and son is on me. I have to also feed my other children, it is a real worry for me. I have one boy and two girls left, and one of the girls is at marriageable age. Sometimes I feel like committing suicide but then I realize that my children will not have a father and mother.'

Tamil woman, Mannar focus group.

However, the government of Sri Lanka is now offering some of these women death certificates and compensation

payments.⁸³ Women find themselves in a predicament: some feel they have to move on and need the financial support that comes with the death certificate, but lack the certainty to make the decision. There are also cases where some women have entered another relationship and find themselves torn between their present status and their unresolved past.⁸⁴

The psycho-social trauma of women affected by the conflict, especially widows and family members of the disappeared, is considerable. MRG interviewed a psychiatrist with experience of working with some of the conflict-affected women, who explained that one of the biggest problems these women face is the absence of any opportunity to grieve:

*Many women have emotions of anger, fear and guilt. Some have a sense of deep hopelessness. They have had to give up their pride and self-worth. These traumas are deep inside but when they have to meet more physiological needs, like the lack of food, clothing and shelter, there is no space for the trauma to come up. If there is no space or avenue for this trauma to be expressed and to come out, then it can be very damaging and lead to other serious problems for the individual and for society in the future.'*⁸⁵

The quest for truth, justice and accountability at the community level is primarily led by women, in a way that is relatively unusual in the rest of Sri Lanka. Individually or in small groups, women have taken part in a number of protests with the aim of finding information about their

Living in uncertainty: one women's story of the search for the disappeared

'In 1988, I was six years old, my father was a village leader in Peruwali. He went to Trincomalee one day and never returned. My mother is still waiting. In 2007, my husband went to fish in an area controlled by the Navy and to this day I don't know where he is. I have gone everywhere in search of him and there is no sign of him. I have no idea if he is alive or dead.

'In 2012, they said they will offer a death certificate. They asked me to change the police entry saying he is dead. I was offered 100,000 rupees by a government official to say he is dead. They came about three or four times and asked me, saying they will resolve it.

'I couldn't afford to look after all my children at home so I sent my oldest daughter to a hostel in Haputale. My daughter cries and asks me why I sent her away, she lost her father and her mother. I wanted to go and see her and one day I spent 6,000 rupees and went with a male cousin to see. My own brother accused me of going off with

another man. I used to believe in my family but when my brother speaks like this, what can I expect from others?

'I have gone to every organization, ICRC [International Committee of the Red Cross], detention camps, prisons in search of my husband. Once two men told me and another woman they can find our husbands if we came with them. They took us to a hotel and locked us in a room. In the middle of the night a Muslim man came and unlocked the door and asked us to run away, he said we were in grave danger as he had heard the men planning to hurt us. It was late at night but we managed to flee.

'I am still hopeful, I still think he is alive. In my village alone there are four other women in this similar plight. If your husband is dead you are entitled to compensation and other funds. We get nothing in our situation but imagine the amount of hardship we have to incur.'

Tamil woman, Trincomalee focus group

loved ones. In March 2013, to coincide with the UN HRC session in Geneva, family members of disappeared and 'surrendered' planned a protest in the Sri Lankan capital Colombo. The military detained hundreds of women for hours in the northern town of Vavuniya as they were on their way to the protest and went on to obstruct the entire event.⁸⁶ Women relatives of disappeared and surrendered have told the author that they will stop at nothing to find out the whereabouts of their relatives. Some have been willing – at considerable personal risk – to attend meetings at the UN in a desperate bid to petition the international community to intervene to help find their family members. 'They feel they have lost everything and there is nothing more to lose, this is why they are willing to take risks and challenge the government,' according to a woman activist working on the issue of disappearances.⁸⁷

Women in the north of Sri Lanka also galvanized and made submissions to the Lessons Learnt and Reconciliation Commission (LLRC) in their attempt to find truth and accountability.⁸⁸ Though the LLRC has been dismissed by many civil society actors, internationally and in Sri Lanka – many in the north, in particular, were disappointed with the eventual outcome, both in terms of the content and the failure to implement the stronger recommendations⁸⁹ – the women who made submissions felt they needed to use every available mechanism to find justice and accountability.

The following cases filed in local courts highlight the efforts of women in the north and east to secure justice for some of the violations they have suffered.

Case one: In 2010, women activists filed a case against five soldiers in Killinochchi over the rape of two female IDPs. Though the five men were arrested, the initial stage of the

case was drawn out over a considerable period. During this time, women's organizations provided the necessary protection for the victims. Tamil and Muslim women also went in large numbers to the courts and sat through the hearing, to show support to the victim and send out a clear message to the perpetrators that these violations would not be tolerated. On 16 July 2011 the case was transferred to the Jaffna courts. Women's groups claim the Attorney General's Department is intentionally dragging out the case.⁹⁰

Case two: In 2012 a group of women in Ashraf Nagar, Ampara district, filed a fundamental rights case in the Supreme Court over land requisitioned by the military for a base, seeking restoration or adequate compensation. The case is still being heard. In the meantime the military has blocked off water supplies to the petitioners, prevented relatives from visiting them and blasted Buddhist prayers through a loudspeaker all day in front of the home of a Muslim petitioner.⁹¹

Case three: Five women have filed Habeas Corpus applications in the Vavuniya court, requesting that the military provide them with more information about the disappearance of relatives who surrendered at the end of the war. These families entered government territory on 17 May 2009, along with many others. When public announcements were made by the military, calling on LTTE cadres to surrender with the promise of an amnesty, the men from these five families and several thousand others surrendered themselves to Sri Lankan security. Their whereabouts since then is unknown. The respondents cited in the application are General Officer Commanding, Mullaithivu Sri Lankan Army and the Commander of the Sri Lankan Army.⁹²

Former women combatants

Former women combatants of the Tamil Tigers are facing exceptional difficulties with the end of the conflict. Women combatants had a prominent role in the LTTE. Many of them took on active military roles and were also part of the rebel group's Black Tiger suicide squad. At the end of the war, female combatants who survived were put in camps and underwent rigorous rehabilitation. These camps were not open to the public and only select family members and social workers had access to them. The military or government also never revealed the location of the camps or the form of rehabilitation that took place. The military continues to monitor former female combatants' whereabouts, and their freedom of movement and association is significantly curtailed.

Since returning, women combatants have not been welcomed by their communities. They are not accorded the same respect they were given when they were combatants, and instead have had to adjust to an inferior social role. They are also stigmatized and less likely to access employment opportunities.

'I was forcibly conscripted to the LTTE in 2008. I worked in the computer unit and then doing medicine coordination at their medical treatment units. In the last stages of the fighting, I wanted to escape. Together with a friend we tried to escape. The LTTE shot at us, my friend was critically injured. She lives in India now. I was rescued by the army. I was taken to Pambamadu camp where there were 1,200 women combatants. I was there for a year and half. I did my A-levels there, I was treated fine. There were no issues of sexual abuse or rape in that camp.

When I came out of the camp, it was very difficult to get back to normal life. If I didn't get counselling support, I would have committed suicide. I had such an important role in the LTTE and when we were part of the movement people treated us well with respect. As soon as I returned people were visiting me as if I was a sick patient. We want to get back into normal life but it is very difficult, people don't let us. There is a major stigma on former combatants.'

Former LTTE female combatant, Mannar focus group

Women's rights defenders

Women's activism has always been strong in Sri Lanka, across the country, but in the north and east the conflict has had a significant and repressive effect. In LTTE-controlled territory there was no room for dissent or freedom of expression, and civil society suffered as a result. There has always been an extreme level of threat to both male and female women's rights defenders in these areas, throughout the conflict and in its aftermath, and they have been targeted continuously by multiple perpetrators, including the military, security agents, paramilitary groups and the LTTE.

Despite this, women's groups and activists continued to make a stand for human rights. Since the end of the armed conflict, these women – alone or in some instances with limited support – have taken up the large number of human rights violations occurring in their areas. At great risk to themselves, they have challenged the state in different ways and continue to do so with determination and courage. Through grassroots engagement, they gather information that is then compiled into reports and publicized through networks such as WAN and other national and international NGOs. They remain the primary witnesses to ongoing human rights abuses in the area, documenting and reporting on violations that would otherwise have little chance of reaching international decision-makers. They work anonymously and seek no publicity or appreciation for their work. Yet their information has contributed to strong recommendations by UN bodies and the two most recent UN HRC resolutions on Sri Lanka.⁹³

In addition to research, reporting, campaigning and legal cases, a significant number of these women are supporting other women in community-level activism. They invest much of their time and effort in training women to understand and identify their rights so they can demand the correct recourse in the event of a violation. What distinguishes the current trend of women's activism in the north and east is its efforts to transcend deeply entrenched divisions of caste, class, religion and ethnicity. Activists have been successful not just in ensuring that women's issues are part of the national and international agenda but also,

importantly, in defining the debate and discourse on their own terms. Their persistence and determination has brought them some success. One example is the placing of the issue of 'surrendered' – those who were surrendered by family members at the end of the war – on the agenda of national and international organizations.

Despite the strength of this movement, however, the threat to many of them is very real. As the military and state actors often lack the evidence to implicate activists or take specific action against them, surveillance and monitoring of women's groups and campaigners is commonplace. Their offices are visited routinely by military personnel and members of the Criminal Information Department (CID) and Terrorist Investigation Department (TID). For example, following the first UN HRC resolution on Sri Lanka in 2012, Promoting Reconciliation and Accountability in Sri Lanka (A/HRC/19/ L.2), many of the offices of these activists were subjected to military inspections. When identifiably associated with a particular case, activists are followed, harassed, questioned and intimidated. There have been instances where some women's groups have had to shift their local offices to different areas. These threats not only originate from the military directly, but also from other armed groups and local politicians who use thuggery and violence against them.

The concern for most of these women is that, while they face a real and continuous danger from military personnel and other actors, they have little or no protection because they are not prominent public figures. While often recognized within their community, they may be relatively unknown at the national or international level among other women activists and NGOs. In addition to the threat from state actors, they also face considerable personal difficulties. Many lack a proper income and come under criticism from their own relatives for the nature of their work and the risk they bring to the extended family. They may also face problems from wider society and patriarchal figures in the community who disapprove of their promotion of women's rights as a challenge to cultural and religious gender norms.⁹⁴

Conclusion

The problems faced by minority women in post-war Sri Lanka are numerous and profound. It is not possible to explain all of them within the limited space of this publication. What this report shows is that women have paid a huge price during the war and continue to do so, four years on. They have suffered grave human rights violations, including violence and displacement, and are still fighting for justice and recognition of the crimes committed against them.

However, as this report argues, insecurity and economic deprivation remain a daily reality in the current climate of impunity in the north and east. Since the war ended in 2009, the government of Sri Lanka has developed no coherent policy that acknowledges or addresses the specific situation of minority women in the north and east, in particular the overwhelming number of widows and female-headed households. Apart from the limited references in the LLRC report and some ad hoc employment-generation measures, there has been no proper effort by the state to identify their concerns and problems, nor any concrete programmes to adequately address them. The useful information and input the government of Sri Lanka received in terms of the submissions made to the LLRC have not been acted on.⁹⁵ There is no meaningful recognition by the government of Sri Lanka of the security concerns of women as a result of the heavy militarization, and as a consequence no effective measures have been taken to ensure their protection. This is enabled by the culture of impunity that the government is actively facilitating through its assault on dissent. Human rights defenders and activists who highlight abuses are accused of ‘treason’ by the government or attacked, harassed and threatened.⁹⁶

There is also widespread denial of many violations of international human rights law during the conflict by the government of Sri Lanka, as well as ongoing abuses. As a result, efforts to achieve truth, justice, accountability and reconciliation have been insufficient.⁹⁷ While it is understandable that some of these steps can take time, some – such as setting up a database of disappeared persons or issuing death certificates – could easily have been taken in the last four years had there been the

political will to do so. While some measures have been put in place to address the economic difficulties faced by women, they are problematic and far from adequate, as this report shows.

On the contrary, while little is being done to help or support women in the north and east, the government of Sri Lanka appears to be actively working to make the situation for minority women more difficult and dangerous. The impunity of the military, the land grabs sanctioned by the government, the lack of justice and accountability, are all examples of this. In particular, there has been a systematic denial of justice for victims of sexual violence, attacks, rapes and other violations committed since the end of the armed conflict by members of the armed forces in the country’s north and east. Women who work on minority and human rights are targeted with threats and violence, routinely harassed and prevented from doing their work.

This situation puts the government of Sri Lanka in contravention of many of its international commitments, including the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD). There is also continued official failure to respond adequately to allegations by the UN and other international organizations of war crimes committed in the last stages of the conflict.

The information in this report provides a bleak picture of the situation for minority women in the north and east of Sri Lanka, one which cannot continue to be ignored by the government of Sri Lanka and sidelined by international actors. Women from all walks of life in these areas want an end to human rights violations, as well as truth, justice and accountability for atrocities committed by all parties to the conflict during the war. They need safety and security in their homes and villages, better economic opportunities and a lasting peace – only then can they start the process of rebuilding their lives. Until this happens, insecurity and the pervasive climate of impunity will continue to undermine any efforts towards lasting peace and reconciliation in Sri Lanka.

Recommendations

To the government of Sri Lanka

- 1 Fully and effectively implement the recommendations of the Lessons Learnt and Reconciliation Commission (LLRC) within a specified time period.
- 2 Take specific and immediate steps to reduce militarization in the north and east of Sri Lanka. This should include the transfer of civilian administration to non-military persons and law enforcement to the police, as well as the return to civilians of lands taken by the military and/or adequate compensation where this is not possible.
- 3 Release all people who remain in detention for long periods without charge. Make public lists of those in detention under emergency laws and the Prevention of Terrorism Act to ensure their cases are processed according to international human rights standards. Ensure that all national legal provisions that enable prolonged detention without charge are abolished.
- 4 Conduct an independent and impartial investigation into cases of enforced disappearance, enabling family members of disappeared persons, including 'surrenderees', to lodge their cases in a secure manner and bring to justice the perpetrators. Make public the reports of all previous commissions that were created to investigate disappearances and take measures to implement the recommendations of these commissions. Invite the UN Working Group on Enforced or Involuntary Disappearances to visit Sri Lanka and implement all previous recommendations of the Working Group.
- 5 Discontinue the practice of denying Tamils and Muslims access to religious sites and the obstruction of mourning rituals for the dead in the north and east. Bring to justice anyone responsible for attacks based on religious hatred.
- 6 Seek technical assistance and support from the UN Office of the High Commissioner for Human Rights to set up an independent and impartial truth-seeking mechanism with investigative powers that covers the entire period of the conflict and meets international standards.
- 7 Prosecute and bring to justice, under national law and in line with international standards, those responsible for sexual violence and other forms of violence and abuse against women.

- 8 Provide a free and secure environment for civil society activism. Immediately halt attacks and all forms of harassment of human rights defenders, and take action to bring to justice the perpetrators.
- 9 Create Tamil-speaking women's desks in all police stations and increase female representation among government officials in the north and east.
- 10 Expedite the process of providing death certificates to families that have lost members in the war. In case of disappearances, ensure that the issue of death certificates follows an impartial investigation into the whereabouts of the disappeared and does not compromise families' right to truth, justice and reparation.
- 11 Set up an impartial community-led mechanism to look into and resolve land rights issues in the former conflict areas.
- 12 Design and implement, following wide-ranging community consultation with women and civil society in the north and east, socio-economic programmes that prioritize female-headed households and enable these programmes to be run and managed by the women themselves.
- 13 Pass a witness protection bill that meets international standards.
- 14 Implement relevant recommendations on Sri Lanka by the Committee for the Elimination of Discrimination against Women (CEDAW) and other UN mechanisms, and ensure that UN Special Procedures have access to the country.

To the United National Human Rights Council

- 1 Set up an independent, international mechanism to investigate violations of human rights and international humanitarian law during the Sri Lankan conflict, including a specific focus on violations against women. Work with the government of Sri Lanka to ensure the mechanism has access within Sri Lanka to investigate and make recommendations leading to justice and accountability for victims of the conflict.

Notes

- 1 Sri Lanka's two main ethnic minority communities are Ceylon Tamils and Muslims. In addition the country has other groups, such as Tamils of Indian origin and Burghers. Christians are a religious minority who are ethnically Sinhalese, Tamil or Burgher. The 2001 census was not conducted in Sri Lanka's north and east, and a recent census conducted only in the north is questionable as it does not properly account for conflict-related deaths, so there are no up-to-date statistics on the ethnic breakdown of the population. Based on the 1981 census, Ceylon Tamils are estimated to be around 12.7 per cent of the population and Muslims around 7.4 per cent. In the east of Sri Lanka Sinhalese are in fact a minority, but this report focuses specifically on the situation of the two national minorities in the north and east, where many have lived for generations. For general information on minorities in Sri Lanka, see Minority Rights Group International (MRG), 'Sri Lanka overview', *World Directory of Minorities and Indigenous Peoples*, <http://www.minorityrights.org/3998/sri-lanka/sri-lanka-overview.html>
- 2 The LTTE fought Sri Lankan government forces for around 30 years, demanding a separate state for ethnic Tamils in the country's north and east. During the course of the conflict the successive Sri Lankan governments were alleged to have committed numerous violations of international human rights laws and norms, including extrajudicial killings, torture, enforced disappearances, and arbitrary arrest and detention under the country's draconian Prevention of Terrorism Act. The LTTE was also responsible for serious human rights abuses, including extrajudicial killings, abductions, extortions and child conscription. For a general timeline of the Sri Lankan conflict, see the UN Office for the Coordination of Humanitarian Affairs (OCHA), 'Sri Lanka: Conflict timeline', 28 April 2009,
- 3 International Crisis Group (ICG), 'Women's insecurity in the north and east', 20 December 2011.
- 4 For more details, see UN Secretary-General (UNSG), *Report of the Secretary-General's Panel of Experts on Accountability in Sri Lanka*, 2011; University Teachers for Human Rights (Jaffna), *Let Them Speak: Truth about Sri Lanka's Victims of War*, Jaffna, 2009.
- 5 For more details on the last stages of fighting in the armed conflict, see ICG, *War Crimes in Sri Lanka*, Brussels, 2010; MRG, *No War, No Peace: The Denial of Minority Rights and Justice in Sri Lanka*, London, MRG, 2011.
- 6 According to the UN OCHA, 284,400 people were displaced in the last stages of the conflict and were in temporary accommodation as of May 2009. See OCHA, *Sri Lanka – Vanni Emergency Situation Report #17*, Colombo, 2009. For the situation in the camps, see Colman, P., 'Sri Lanka: concentration camps or welfare centres?', *Le Monde Diplomatique*, August 2009; Bhalla, N., 'UN welcomes closure of controversial Sri Lankan "war" camp', *Reuters*, 26 September 2012.
- 7 Fonseka, B., *Commentary on Returns, Resettlement and Land Issues in the North of Sri Lanka*, Colombo, Centre for Policy Alternatives, 2010.; MRG, 2011, *op. cit.*
- 8 For some examples of ongoing displacement of households by the military from land, see Women's Action Network (WAN), *Militarized North-East Sri Lanka: Muslim and Tamil Women Systematically Crushed by Lawlessness and Expropriation*, 2013; ICG, *Sri Lanka's North II: Rebuilding under the Military*, Brussels, 2012.
- 9 Colombo Page, 'Sri Lankan government says some 89,000 war widows in the North and East', 29 September 2010.
- 10 Focus group interviews, north and east Sri Lanka, early 2013. See also MRG, 2011, *op. cit.*
- 11 For example, see Srinyananda, S., 'Forces maintained zero civilian casualty rate at all times', *Sunday Observer*, 12 September 2010.
- 12 IRIN, 'Sri Lanka: Women take over as breadwinners in the north', 9 September 2010.
- 13 Sri Lanka Campaign, 'Five infographics about Sri Lanka: Sri Lanka's North is under military occupation', 20 March 2013.
- 14 In 1990 over 60,000 Muslims were forcibly evicted from the north by the LTTE. After the armed conflict ended they were allowed to return to their homes, but were not included in any government return and resettlement programmes. Many families, now almost tripled in size, have returned to their homes. Some Sinhalese families that were displaced in the conflict have also returned to the east. In addition a number of Sinhalese families from the south of Sri Lanka, including families of the armed forces, are being resettled in the north and east under government programmes.
- 15 Amnesty International, 'Impunity persists for crimes under international law as Sri Lanka escalates attacks on critics: Written statement to UN Human Rights Council', 12 February 2013; ICG, *Sri Lanka's Authoritarian Turn: The Need for International Action*, Brussels, 2013.
- 16 For information on current human rights violations in Sri Lanka, see Sri Lanka Campaign, <http://www.srilankacampaign.org>; Amnesty International, *State of the World's Human Rights*, London, 2013; Human Rights Watch (HRW), *World Report 2013*, New York, 2013a.
- 17 BBC, '"Alarming rise" of sexual abuse in Jaffna', 9 March 2012.
- 18 WAN submission to the UN Commission on the Status of Women, 2011.
- 19 HRW, *"We Will Teach You a Lesson": Sexual Violence against Tamils by Sri Lankan Security Forces*, New York, 2013b.
- 20 Kodikara, C., *The Struggle for Equal Political Representation of Women in Sri Lanka*, Ministry of Child Development and Women's Empowerment and the United Nations Development Programme (UNDP), 2009.
- 21 The Economist, 'Sirimavo Bandaranaike', 19 October 2000.
- 22 Presidential Research Information Unit, 'President Kumaratunga', retrieved 25 September 2013, <http://www.priu.gov.lk/execpres/cbk.html>
- 23 Sri Lanka Campaign, 'Five infographics about Sri Lanka: Nepotism in Sri Lanka', 20 March 2013.
- 24 Asian Tribune, 'Sri Lanka president appoints 37 cabinet ministers and 39 deputies', 23 April 2010.
- 25 Inter-Parliamentary Union, 'Sri Lanka – Parliament', retrieved 25 September 2013, <http://www.ipu.org/parline/reports/2295.htm>
- 26 Groundviews, 'Poll: The sexism in Sri Lanka's parliament', 11 July 2013.
- 27 Weliamuna, J.C., 'Impeachment of Sri Lanka's chief justice: An unconstitutional witch hunt', *Groundviews*, 3 November 2013.

- 28 See Colombo Telegraph, “‘Pissu Geni’ ‘Baby Nona’: This Eve of course has many many Adams – Weerawansa and Dilan’, 7 December 2012; letter of complaint written to the Speaker of Parliament by the lawyers of the former Chief Justice, 14 December 2012.
- 29 See MRG, 2011, *op. cit.*
- 30 Sakunanadha, A., ‘Militarisation as a panacea: Development and reconciliation in post war Sri Lanka’, Open Democracy, 19 March 2013.
- 31 Beech, H., ‘Straying from the Middle Way: Extremist Buddhist monks target religious minorities’, *Time*, 20 June 2013; MRG, ‘Islamophobia and attacks on Muslims in Sri Lanka’, 18 March 2013.
- 32 For example, see Marin, N., ‘Violence in the name of Buddhism’, *Deutsche Welle*, 4 July 2013.
- 33 For a comprehensive list of attacks on Muslims in the first six months of 2013, see the Secretariat for Muslims, ‘Hate incidents against Muslims: January–July 2013’, 2013.
- 34 *Groundviews*, ‘Civil society organizations condemn anti-Muslim rhetoric and attacks in Sri Lanka’, 15 February 2013; interviews with activists, Colombo, early 2013; Focus group interviews, north and east Sri Lanka, early 2013.
- 35 Personal communication with activist, August 2013, Colombo.
- 36 See ‘Escalating violence against women and girl children: An open letter to President’, 2012; CARE and Partners for Prevention, *Broadening Gender: Why Masculinity Matters*, Colombo, 2013.
- 37 Abuses by the Sri Lankan military against Tamils, women in particular, have been documented by several international human rights organizations including Amnesty International, HRW and MRG.
- 38 See UNSG, *op. cit.*
- 39 Sri Lanka Campaign, ‘Five infographics about Sri Lanka: Sri Lanka’s North is under military occupation’, *op. cit.*
- 40 For example, see *The Economist*, ‘Military muscling’, 23 May 2013; WAN, ‘Militarized North-East Sri Lanka: Muslim and Tamil women systematically crushed by lawless expropriation’, 2013; Sri Lanka campaign, <http://www.srilankacampaign.org>.
- 41 MRG, 2012, *op. cit.*; Perera, J., ‘Loosened reins’, 1 September, 2013; Ministry of Defence and Urban Development.
- 42 Haviland, C., ‘Tensions over army “seizure” of Jaffna lands’, *BBC News*, 24 May 2013.
- 43 Sunday Times (Sri Lanka), ‘Jaffna land owners file more than 1000 cases against military “land grab”’, 5 May 2013.
- 44 HRW, 2013b, *op. cit.*
- 45 Channel 4, ‘Killing fields video evidence builds case for war crimes’, 15 June 2011, War Without Witness in Sri Lanka, ‘Sri Lankan army war crime evidence photo and video’, 2009.
- 46 HRW, 2013b, *op. cit.*
- 47 For example, see HRW, 2013b, *op. cit.* and European Centre for Constitutional and Human Rights (ECCHR), Women and Armed Conflict, Alternative report on the implementation of the UN Convention on the Elimination of Discrimination Against Women (CEDAW) – Sri Lanka, Berlin/Geneva, January 2010.
- 48 Interviews with activists, Colombo, early 2013; Focus group interviews, north and east Sri Lanka, early 2013.
- 49 WAN and the Centre for Human Rights and Development (CHRD), *The Situation of Internally Displaced, Resettled and Relocated Women in the North of Sri Lanka*, 2012.
- 50 Focus group interviews, north and east Sri Lanka, early 2013.
- 51 De Silva, M., ‘The rape of a 13-year-old and paramilitary presence in Jaffna’, *Groundviews*, 2 April 2012.
- 52 Focus group interviews, north and east Sri Lanka, early 2013; interviews with activists, Colombo, early 2013.
- 53 Focus group interviews, north and east Sri Lanka, early 2013.
- 54 *Ibid.* It is important to note that there is no clear identification of who the perpetrators of sexual abuse and violence are. According to activists, there is a high level of domestic violence and abuse, with Tamil men also responsible for violations. However, based on the discussions, it appeared that women in these areas perceived men from outside the community as a more significant threat.
- 55 *Ibid.*
- 56 *Ibid.*
- 57 *Ibid.*
- 58 Focus group interviews, north and east Sri Lanka, early 2013; WAN and the Centre for Human Rights and Development, *op. cit.*
- 59 WAN and CHRD, 2012, *op. cit.*
- 60 Focus group interviews, north and east Sri Lanka, early 2013. See also *Colombo Telegraph*, ‘1474 Jaffna Tamils’ writ case against land grab by Rajapaksa regime to be supported on next Monday’, 20 May 2013; *Groundviews*, ‘State facilitated colonization of northern Sri Lanka – 2013’, 19 September, 2013.
- 61 In 2011 the government of Sri Lanka introduced a ‘land circular’ calling on people to register their lands in the north and east. There was no public campaign to inform communities and the timeframe provided was limited. The circular was challenged in the Supreme Court of Sri Lanka and subsequently withdrawn by the government of Sri Lanka. For information on the circular, see Fonseka, B. and Raheem, M., ‘Land in the north and East of Sri Lanka: Concern and confusion over government circular’, *Groundviews*, 24 September 2011. See also *Transcurrents*, ‘Government to withdraw controversial circular and introduce new one’, 19 January 2012. There have been attempts to reintroduce the circular, but there is no evidence that the government has constructively changed it. The government of Sri Lanka is also yet to implement the recommendations on land made in the Lessons Learnt and Reconciliation Commission Report.
- 62 WAN and CHRD, *op. cit.*
- 63 MRG, 2011, *op. cit.*
- 64 Focus group interviews, north and east Sri Lanka, early 2013.
- 65 *Ibid.*
- 66 *Ibid.*
- 67 The Graduate Institute Geneva, *Everyday Resistance: Female Headed Households in Northern Sri Lanka*, Geneva, 2013.
- 68 Focus group interviews, north and east Sri Lanka, early 2013.
- 69 *Ibid.*
- 70 Interviews with activists, Colombo, early 2013.
- 71 Perera, A., ‘War or peace, Sri Lankan women struggle to survive’, *Inter Press Service*, 10 July 2013.
- 72 WAN and CHRD, 2012.
- 73 WAN, 2013.
- 74 *Ibid.*
- 75 Ellis, E. and Bronstein, P., ‘The monks army’, *The Global Mail*, August 2013.
- 76 Focus group interviews, north and east Sri Lanka, early 2013.
- 77 Interview with activists, Colombo, early 2013; Focus group interviews, north and east Sri Lanka, early 2013.
- 78 Focus group interviews, north and east Sri Lanka, early 2013.
- 79 *Groundviews*, ‘Celebrating war victory and banning commemoration of dead civilians’, 18 June 2010; *Groundviews*, ‘Three years after the war in Sri Lanka: To celebrate or mourn?’, 19 May 2012.
- 80 Focus group interviews, north and east Sri Lanka, early 2013.
- 81 MRG, 2011, *op. cit.*; UNSG, 2011, *op. cit.*
- 82 Focus group interviews, north and east Sri Lanka, early 2013. See also MRG, 2011, *op. cit.*
- 83 Focus group interviews, north and east Sri Lanka, early 2013.
- 84 *Ibid.*
- 85 Interview with psychiatrist, early 2013.
- 86 Reuters, ‘Sri Lanka military blocks protest over missing relatives’, 6 March 2013.

- 87 Interview with activists, Colombo, early 2013.
- 88 See Presidential Secretariat, *Report of the Commission of Inquiry on Lessons Learnt and Reconciliation Commission*; WAN and CHRD, *op. cit.*
- 89 Focus group interviews, north and east Sri Lanka, early 2013; WAN and CHRD, *op. cit.*
- 90 WAN, 2013, *op. cit.*
- 91 WAN, 'Ashraf Nagar: The courageous struggle of peasants against the forcible land acquisition in Ampara District', *Groundviews*, 19 January 2013.
- 92 Veerasingham, R., 'Sri Lanka's traumatised families of disappeared seek justice in court', *Journalists for Democracy in Sri Lanka*, 1 April 2013.
- 93 See BBC, 'UN passes resolution against Sri Lanka rights record', 21 March 2013.
- 94 Focus group interviews, north and east Sri Lanka, early 2013. Muslim activists have particularly come under criticism from community leaders for challenging Muslim personal law and supporting women to act against religious and cultural norms.
- 95 While on paper the government of Sri Lanka has taken steps to implement some LLRC recommendations, in practice – according to those interviewed for this report and reports by local NGOs – significant gaps in implementation are evident. For example, see Fonseka et al., 2012, *op. cit.*
- 96 Amnesty International, *Sri Lanka's Assault on Dissent*, London, 2013; Amnesty International, 'Still no human rights accountability in Sri Lanka: Still no end to serious human rights violations', Written statement to the 24th session of the UN Human Rights Council (27 September 2013); Keenan, A., 'Pillay incur's Sri Lanka's wrath', *IOL News*, 12 September 2013.
- 97 From the conclusion of the war up until now, the Sri Lankan government has continuously rejected allegations of international legal violations, including war crimes. In addition, the government has conducted a propaganda campaign, attacking national and international activists and UN officials who make these claims, labeling them LTTE agents and supporters. For example, see *Global Times*, 'Sri Lanka military denies fresh war crimes allegations', 19 February 2013.

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working to secure the rights of minorities and indigenous peoples

Living with insecurity: Marginalization and sexual violence against women in north and east Sri Lanka

Sri Lanka is one of Asia's oldest democracies. While around three-quarters of Sri Lankans are Sinhalese, based primarily in the south of the country, Tamils and Muslims also comprise a significant portion of the population. These minority groups in fact constitute the majority in the north and east, where many have been based for generations, though the demography of these areas is now rapidly changing.

From the 1980s, Sri Lanka experienced several decades of civil war between the government and the Liberation Tigers of Tamil Eelam (LTTE), resulting in thousands of deaths and large-scale displacement as the country was divided along ethnic lines. In 2009, following the defeat of the LTTE, the armed conflict formally ended. Since then, these areas have been heavily militarized, with profound consequences for the local civilian population.

This report, drawing on an extensive desk review of documented human rights abuses in the country as well as first-hand interviews and focus groups with rights activists, provides a detailed profile of the situation of Tamil and Muslim women in the north and east four years after the end of the armed conflict. It shows how, in a climate of widespread impunity, local communities have been exposed to a variety of human rights abuses, including rape, intimidation and land grabbing - often with the active involvement of military forces. Women also face marginalization, poverty and limited livelihood opportunities. Until it is resolved, this chronic insecurity will continue to undermine any attempts at national reconciliation in Sri Lanka.