

HUMAN RIGHTS AND HUMANITARIAN CONCERNS OF WOMEN

Submitted to the Co-Chairs by Groups Concerned with Women's Issues in Sri Lanka- Meeting of Co-Chairs, Brussels, 12 September 2006

We the **undersigned** request the co-chairs to recognise that women are one of the largest groups affected by the conflict in Sri Lanka. The increasing levels of violence have adversely affected women's security and rights. We wish to bring to your attention that the CFA, which exists in name only, is itself inadequate with regard to human rights and humanitarian protections. This lacuna is most felt by affected groups such as women. We therefore call on the Co-Chairs to ensure that special measures are devised, such as the establishment of an international fact finding mission mandated by the Secretary General of the United Nations and supported by the Office of the High Commissioner for Human Rights. We also request that both the Government of Sri Lanka (GOSL) and the Liberation Tigers of Tamil Eelam (LTTE) are urged to respect fundamental human rights and humanitarian norms. We request that:

1. In the current context the concerns and needs of women are given importance and factored into any plan or process that deals with the humanitarian crisis at hand. We also ask the Co-Chairs to impress upon both parties that violence against women during armed conflict is a violation of the Geneva Conventions.
2. Women are included in all aspects of any process the parties might engage in the future with the aim of seeking a negotiated settlement to the conflict. The inclusion should be within the main processes and should not be 'pigeon-holed' as 'women's space' and separated from the main processes.
3. The Co-Chairs impress upon both parties the imperative to respect and abide by principles of humanitarian law and respect human rights.

ISSUES

General Issues

- Action by both parties to blur the distinction between combatants and non-combatants has resulted in the use of civilians as pawns in the conflict. The training of civilians in 'self-defence' by the LTTE and the distribution of arms to border villages by the GOSL are cases in point. These acts which are calculated to create ambiguity in the application of humanitarian law are attempts by both parties to justify their actions which breach fundamental principles of humanitarian law.
- Increasing violence has led to increased militarization of society and thereby created an environment that is more conducive to committing acts of violence against women. It is now accepted within the human rights discourse that high levels of domestic violence, rape, and sexual harassment are directly linked to a climate of impunity encouraged by war and militarization.
- The failure of the GOSL to investigate acts of violence, particularly when allegedly committed by the armed forces, such as the murder of a family on 8th June 2006 in Mannar where the mother and daughter were subjected to torture, contributes to worsening the prevailing culture of impunity.

- Statements and action by various groups and individuals which are anti-minority in nature are contributing to increased insecurity amongst minorities. At this juncture the state has failed to counter the incitement of hatred or attempts to create fears about a particular community/group. This failure creates an environment that is conducive for commission of acts against minorities, whether by those in positions of power, such as harassment by police, or by ordinary citizens in the form of random acts of violence.
- The situation in Kantalai in the past few weeks raises issues of the level of disaster preparedness that prevails in a District such as Trincomalee, in spite of its many prior experiences of displacement related to the conflict and to the Tsunami.
- Women experience displacement in gendered ways in which other members of their communities do not. Their needs are diverse and different and there has to be an awareness of these needs including the provision of basic needs, special sanitary and sanitation requirements, allocation of space for cooking, washing, etc. with respect for privacy need to be taken into consideration.

Issues with regard to Process

- Throughout the peace process both parties have engaged in methods of negotiations that supposedly advanced the peace process but in actual fact violated the spirit and letter of the agreements signed.
- At the same time the lack of respect both parties showed the process itself is evident in the rhetoric they engaged in and their ensuing actions. We contend this devalued the process itself and robbed it of any moral authority.
- The lack of ‘spaces’ outside the formal processes that could be used to build confidence amongst the parties or for informal, constructive dialogue during difficult times also exacerbated mistrust between the GOSL and LTTE.
- Minimal civil society participation, particularly of women’s groups, in the peace process and associated sub-processes was also a factor that contributed to the human rights and humanitarian concerns of civilians not being given due importance.

REQUESTED ACTION

Action Regarding General Issues

We request the Co-Chairs to:

- Impress upon both the GOSL and the LTTE the sacrosanct nature of fundamental principles of humanitarian law and obtain guarantees from both parties that they will respect humanitarian law.
- Bring to the notice of the GOSL and the LTTE that Article 2 Common to the Geneva Conventions is universally accepted as customary law and therefore applicable to all conflicts and parties to the conflict regardless of whether they are signatories or not.
- Reiterate to the GOSL the need to investigate acts of violence and violations of human rights in order to send a strong message that impunity will not be tolerated and that all persons are accountable and subject to the law.
- Convey to the GOSL the importance of treating its citizens without discrimination to dispel existing feelings of insecurity, particularly amongst the minorities.

- Impress upon the Government and the LTTE to address substantive issues and formulate specialized programs for areas that are of particular concern to women, including:
 - Violence and Sexual Violence Against Women
 - Refugees and Internally Displaced Women
 - Protection of the Rights of Women During Resettlement
 - Property Rights and Repossession of Homes, Land, and Title
 - Families of Detainees
 - Families of Disappeared
 - Women in Custody
 - War Widows
 - Families of Soldiers, Combatants, and those Missing in Action
 - Women Combatants and Women in the Armed Forces
 - Provision of Food, Housing, Clean Water, Health, Education, and Basic Services
 - Trauma and Counselling
 - Economic and Social Rights of Women

Action with Regard to Process

We request the Co-Chairs to:

- Communicate to the GOSL and the LTTE that in any future process the parties may engage in with a purpose of seeking a negotiated settlement to the conflict, that both parties should enter into the process with a commitment to respect the integrity of the process and with a genuine desire to seek a negotiated settlement.
- The parties should be also made to realise that new initiatives should be built upon the lessons of the past as it is essential that all parties understand why previous attempts have failed and what might have been done differently to avoid such failures.
- Take serious note of **Security Council Resolution 1325 on Women, Peace & Security**, which calls for women's increased participation in peace processes and peace-building, and pressurize the parties to the conflict to be more 'gender-aware' and include women in any future process the parties may engage in with the aim of seeking a negotiated settlement to the conflict.
- Facilitate the creation of spaces outside the formal process to enable continued communication between the parties on some informal level so there is a space for continued interaction between the parties even in the event of the stalling of the main process.

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Women and Media Collective
INFORM

8th September 2006