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7 January 2005

LKA43290.E

Sri Lanka: The impact of the 26 December 2004 tsunami on human rights conditions in Sri Lanka
Research Directorate, Immigration and Refugee Board, Ottawa

The Situation Prior to the Tsunami

For general information on the human rights conditions in Sri Lanka prior to the tsunami, please refer to LKA43211.E of 14 December 2004, LKA43202.E of 3 December 2004, LKA42859.E of 30 August 2004, LKA42646.E of 28 June 2004 and LKA42449.E of 25 June 2004. When the tsunami struck, there was a truce between the Liberation Tigers of Tamil Eelam (LTTE) and the government (AFP 29 Dec. 2004), but the peace process was increasingly unstable and tensions between the two were growing (BBC 15 Dec. 2004; AFP 23 Dec. 2004; *Sify News* 5 Jan. 2005). However, the BBC reported that, prior to the tsunami, "there ha[d] not been large-scale fighting" between the two sides (3 Jan. 2005a).

The Peace Process After the Tsunami

Following the tsunami, various sources initially reported that LTTE-controlled areas were not receiving aid and were being overlooked by the government (BBC 29 Dec. 2004; AFP 29 Dec. 2004; TamilNet 30 Dec. 2004; *ibid.* 31 Dec. 2004; *Deccan Herald* 3 Jan. 2005). Specifically, *Asia Times* reported that minority Tamils resided mainly in the LTTE-controlled north-east of the country, while the majority Sinhalese resided mainly in the government-controlled areas (5 Jan. 2005). The same source reported that by not granting an equal amount of relief in both areas, the government could potentially alienate Tamils further (*Asia Times* 5 Jan. 2005).

Reports also indicated that the LTTE did not allow foreign aid agencies to carry out relief operations in areas under its control (BBC 29 Dec. 2004). The LTTE denied these claims and stated that foreign agencies were welcome (*ibid.*). However, on 6 January 2005, *Asian Tribune* stated that the LTTE were "reportedly upset" over the arrival of foreign aid officials and equipment.

Several days after the tsunami, the government invited the LTTE to join "a panel to co-ordinate relief operations" (AFP 29 Dec. 2004), while the LTTE invited media organizations to visit the areas under their control to verify facts before reporting what they claimed were false rumors (South Asia Media Net 5 Jan. 2005; TamilNet 5 Jan. 2005). The Sri Lankan president also indicated that the government had "sent more aid to Tamil-Tiger controlled areas than to

government-controlled areas" (BBC 3 Jan. 2005b), a statement that the government repeated on 6 January 2005 (Sri Lanka 6 Jan. 2005).

Several reports indicate that the government and the LTTE have begun to work together in distributing aid and reconstructing the areas affected by the tsunami (*Deccan Herald* 3 Jan. 2005; BBC 4 Jan. 2005; 123bharath.com 5 Jan. 2005). According to a report published by the *Deccan Herald*, an independent Bangalore-based English language newspaper, the tsunami has "'laid the foundation for both parties to come together and work towards closing the division between them'" and has "bridged, maybe temporarily, the sharp divide in the polity in the south" (3 Jan. 2005). The BBC and *Sify News*, which is published by an India-based Internet and e-commerce company, both reported that there were renewed hope and optimism for improved relations between the government and the LTTE (BBC 3 Jan. 2005b; *Sify News* 5 Jan. 2005). However, another BBC news report indicated that the LTTE was skeptical and did not fully trust the government (BBC 3 Jan. 2005a). More recent reports, dated 6 January 2005, indicate that tensions between the government and the LTTE have surfaced once again following the president's directive which ordered the armed forces to manage all welfare or relief camps set up for tsunami victims (TamilNet 6 Jan. 2005a; see also AFP 6 Jan. 2005 and TamilNet 6 Jan. 2005b). The LTTE expressed their opposition to this directive and demanded that the army withdraw its personnel from such camps (AFP 6 Jan. 2005). The LTTE also claimed that the military was demanding that relief supplies be turned over to them and were blocking the movement of supplies into Trincomalee, Batticaloa and Ampara (ibid.).

Relations Between Ethnic Groups After the Tsunami

According to a news report by Inter Press Service (IPS), the tsunami has created a "temporary rapprochement between ethnic groups that stayed away from each other despite a three-year ceasefire between the government" and the LTTE (30 Dec. 2004). In some communities, Muslims, Buddhists, Tamils and others are reported to be working together (IPS 30 Dec. 2004). Additional information on relations between ethnic groups after the tsunami could not be found among the sources consulted by the Research Directorate.

The Situation of Women and Children After the Tsunami

Various sources have reported that female tsunami victims in Sri Lanka have fallen prey to sexual abuse in refugee camps (*Asian Tribune* 5 Jan. 2005; LankaNewspapers.com 4 Jan. 2005; DPA 4 Jan. 2005) and that orphaned children were "vulnerable to sexual exploitation" (*Irish Times* 4 Jan. 2005; see also UPI 4 Jan. 2005). However, according to the National Child Protection Authority, such incidents are rare (*Asian Tribune* 5 Jan. 2005). United Press International (UPI) reported that most sexual abuse incidents take place "when the victim[s] le[ave] the shelter in darkness either to find food" or temporary work (4 Jan. 2005). UPI also reported that as a result, women and children in tsunami refugee camps "live in absolute fear of sexual abuse" (UPI 4 Jan. 2005).

Fearing social stigma, many victims do not report sexual assaults to the police (ibid.). However, with respect to reported assaults, the police and the National Child Protection Authority "have begun working with non-governmental organizations to address the problem and collect details of the assaults" (ibid.). One news report indicated that preventative measures were being put in place (DPA 4 Jan. 2005), although it is not clear what those measures are exactly.

According to the United Nations Development Fund for Women, the tsunami has caused a "disruption of basic policing," which has made the situation of women with respect to sexual abuse, trafficking and exploitation "even worse" (5 Jan. 2005).

On 6 January 2005, the BBC reported that the government of Sri Lanka had "banned the adoption of children affected by the tsunami until further notice." This ban was announced after the United Nations indicated that some orphans were being kidnapped or "targeted by criminal gangs" (BBC 6 Jan. 2005).

Additional information on state protection available to women and children affected by the tsunami could not be found among the sources consulted by the Research Directorate.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum. Please find below the list of additional sources consulted in researching this Information Request.

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Additional Sources Consulted

Internet sites, including: European Country of Origin Information Network (ECOI), Human Rights Watch (HRW), International Committee of the Red Cross (ICRC), Voice of Lanka.

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