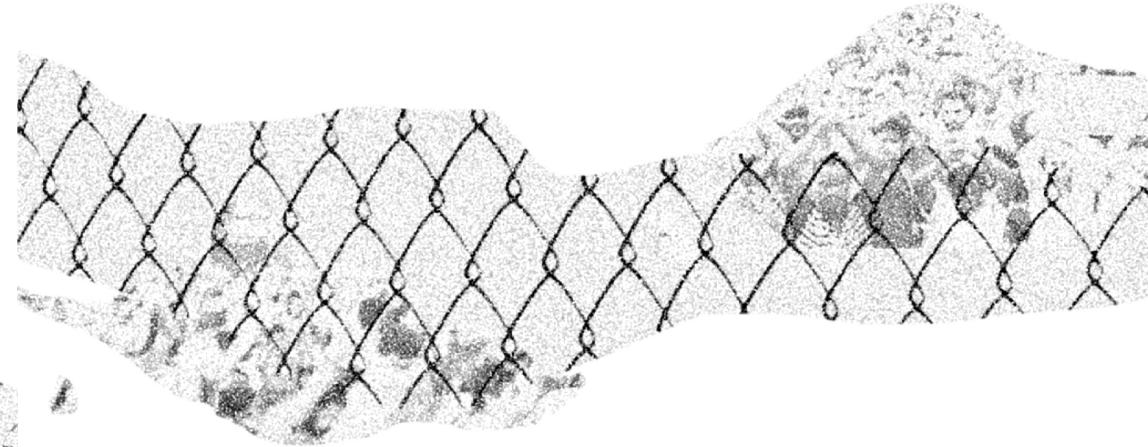




Australia's policy of refugee detention and deterrence is inhumane and unnecessary. Australia should welcome refugees, no matter where they are from and how they arrive.

#BringThemHere



**Sri Lanka
still not safe
for Tamils**

Refugee Action Collective (VIC)

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Version 1. Last updated 19 June 2018.





In recent years, thousands of people, mainly Tamils of the Northern and Eastern Provinces of Sri Lanka, have fled from Sri Lanka to Australia by boat.

Australia's treatment of asylum seekers

Australian Government figures suggest the number of Tamil asylum seekers arriving in Australia Between June 2009 and 2013 was more than 9000. Yet, many Tamil asylum seekers who arrived in Australia have been sent back to Sri Lanka with no chance to present their case for refugee status.

In October 2012 the Australian Government implemented an 'enhanced screening process' applying only to boat arrivals from Sri Lanka. Under this process more than 1100 asylum seekers were sent directly back to the hands of the Sri Lankan government, without their claims being properly assessed.

Many of those Tamils who were not sent directly back are currently held in Australian detention centres. Approximately 200 Tamils are currently on Nauru and around 20 on Manus. They are being held indefinitely.

As of 31 March 2018 there are 115 Tamils in onshore detention. Three of those asylum seekers have been in detention for over 9 years.

At its peak more than 3000 Tamils were in detention in September 2012. Many of those who were in detention were released into the Australian community to await decisions on their protection visa applications.

However, many Tamils' claims for protection have been rejected. This is especially so through the government's new Fast Track Process, which applies to boat arrivals on or after 2 August 2012. Between 2015-2017, 1300 Tamil claims for protection were rejected. These people will face deportation.

Many other asylum seekers are living in the Australian community, but with the threat of deportation hanging over their heads, and often living in extreme poverty.

Why do they flee?

Sri Lanka has a long history of discrimination against Tamils. In 1948 Tamil plantation workers were deprived of citizenship. In 1956 Sinhalese was made the sole official language, denying the Tamil language equal status.

Peaceful protests against discrimination were met with violent repression, by the

army and police and by racist mobs. In response, some Tamil youth took up arms and formed the Liberation Tigers of Tamil Eelam, which fought for an independent Tamil homeland in the north and east of the island. After nearly 30 years of war, the LTTE were defeated in 2009.

Following the victory of the Sri Lankan government, the Tamil areas are under military occupation. Land belonging to Tamils has been seized for new military bases, Sinhalese settlements and commercial enterprises.

Amnesty International and Human Rights Watch have documented the widespread use of arbitrary detention, murder, torture, rape, and disappearances, carried out by the army and its collaborators. The 2014 HRW World Report stated that in Sri Lanka, "Torture, rape, and ill-treatment in custody by the security forces remain widespread". While Tamils are the main victims of such practices, members of other ethnic groups who were critical of the government have also suffered.

New Sri Lankan government

On January 8 2015, a new president was elected in Sri Lanka. Maithripala Sirisena replaced Mahinda Rajapaksa.

Some Australian commentators have claimed that with the new government, asylum seekers have no reason to fear returning home. But this is not true.

Sirisena was a minister in the Rajapaksa government for nearly ten years. He was acting defence minister during the closing days of the war, when tens of thousands of Tamils were massacred.

As president, Sirisena has kept a large military presence in Tamil areas. Since the army is the perpetrator of horrendous crimes against the Tamil people, its very presence is a cause of fear. There have been

reports of continuing sexual harassment of Tamil women by the army, as well as reports of Tamil farmers being driven from their land at gunpoint.

Abductions, torture and rape by the army and police have continued to occur under the current regime. This has been documented in reports by human rights organisations. (1)

In July 2017 Ben Emmerson, the United Nations Special Rapporteur on Human Rights and counter-terrorism said: "...all the evidence points to the conclusion that the use of torture has been, and remains today, endemic and routine, for those arrested on national security grounds". (2)

There are still people detained without trial under the Prevention of Terrorism Act. There are restrictions on free speech. It is illegal to advocate an independent Tamil state, even by non-violent means.

What happens to returned asylum seekers?

A UN human rights working group that visited Sri Lanka in December 2017 received testimony that, in some cases, the returned asylum seekers were "beaten and kept under surveillance once released, and charged with offences relating to illegal departure from Sri Lanka". (3) The Australian government does not keep track of what has happened to asylum seekers returned to Sri Lanka from Australia, but it is known that some have been intimidated by regular visits to their homes by the army and police.

People who have fled from violence and terror should not be sent home against their will. They should be able to decide for themselves if and when they feel it is safe to return. They should be given permanent residency and welfare and work rights, so they can build a new life in Australia.

References: 1. See for example, a report by the International Truth and Justice Project: <http://bit.ly/silenced-report>
2. <http://bit.ly/ben-emmerson> 3. <http://bit.ly/arbitrary-detention>