

RAPED WOMEN FEAR FOR THEIR SAFETY

Amnesty International has issued an Urgent Appeal on Sri Lanka, in behalf of Velan Rasamma, a widow, and her sister, Velan Vasantha, who were alleged raped by four soldiers at their home in Mayilampaveli Colony, Batticalao district, last March 17. The soldiers reportedly forced their way into their home around 11 p.m. and took the women outside to be repeatedly raped.

Though both women made a complaint to the local police, submitted to a medical examination at the local hospital, and lodged a further complaint with the local Joint Operations Commander who promised to take action, to date no action appears to have been taken against the alleged rapists.

In the context of the armed conflict between the security forces and the Liberation Tigers of Tamil Eelam (LTTE), the main armed opposition group fighting for a separate state in the north and east of Sri Lanka, there have been continuing reports of arbitrary arrests and detention, torture, including rape, "disappearances" and extrajudicial executions.

According to Amnesty International, in other cases reported from Sri Lanka, such as those occurring in Batticaloa district in early 1997, the initial investigations have not resulted in any effective legal action against the alleged perpetrators. In those exceptional cases where these have been brought to trial, victims of rape have failed to appear in court, fearing for their lives.

Amnesty International has urged the Sri Lankan government to take immediate action against the alleged perpetrators, and to provide protection to the women to ensure that the offending parties cannot put pressure on them

to withdraw their complaint to the police.

ACTION REQUESTED

Send letters and urgent appeals requesting urgent intervention on the above incident to:

1. Her Excellency Chandrika Bandaranaike- Kumaranatunga
The President, Presidential Secretariate
Republic Square, Colombo 2, Sri Lanka
2. General Anuruddha Ratwatte
Minister of Defence, Ministry of Defence
Republic Square, Colombo 2, Sri Lanka
3. The Sri Lankan diplomatic representative of your country
Source: *Solidarity News Flash*, 25 March 1997

SUPPORT FOR CHILD VICTIMS OF SEXUAL ABUSE

The following was received in June from SAKSHI, an organization well-known in India for taking to court cases that are important and ground-breaking in expanding women's protection under Indian law.

Their current case centers around a woman who is fighting for justice in the courts for herself and her children in a child-sex abuse case against their father, her ex-husband. They ask for our support now. Attached is a sample text of what people might send by way of support.

Please be aware that SAKSHI is hanging on the end of a very high-cost E-mail linkup that is not Internet. While they welcome your constructive input and queries, please do not begin sending them lengthy documents without first making sure they are willing to receive what you wish to send.

They can be reached at: <sakdel@sakshi.unv.ernet.in>. The correspondents on this particular case are Kavita and Maya Ganesh.

SHOW YOUR SUPPORT FOR A CHILD VICTIM OF SEXUAL ABUSE

"A father is a father... even if he is a bad father.... he has a paramount right to see his children because he is their father..."

These words, in effect, ring the death knell for a vision of equality and dignity for child victims of sexual abuse. Although it has been established that Child Sexual Abuse (CSA) is an ugly presence in society, it is as if some cannot believe that a father would violently abuse his daughter.

And what envelops the issue of child sexual abuse is an intolerance for any questioning of the status quo which deifies a father or any other male and endows him with access, nay a "paramount right," to a child who has been sexually abused and terrified by him.

Also there exists deep in our collective Indian unconscious a belief that sanctifies the family unit, and asserts that it can never be a source of pain, fear and shame and violence.

In the case of Satish Mehra v. Mrs. Mehra, the overwhelming defeat and trauma that Mrs. Mehra has had to endure at the hand of the Indian judicial system is an eye-opener. The days of media-touted "judicial activism" are definitely very far away if the court's blinkered vision threatens to hand over the custody of children to a father who has been violent and abusive.

Satish Mehra was accused of sexually abusing his daughter, aged four at the time. The family was then residing in the United States. Mrs. Mehra had never been happy in the marriage, and now she had adequate reason to take her children and move out of the house. The little girl's testimony was recorded by child psychologists and therapists who confirmed that she had indeed been abused by her father.

In retaliation, Satish Mehra

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alleged that his wife had concocted this story and had coached their daughter to make these statements to cover up for the fact that his father-in-law and Mrs. Mehra had stolen a lot of money that belonged to Satish Mehra.

Mrs. Mehra has been residing in India since shortly after this. Using legal channels, she has sought to right the wrongs that have been done to her daughter. Unfortunately, the courts have drained her of any hope of getting justice. Time and again, they have refused to accept that sexual abuse had occurred and that the father is responsible, to the extent that Satish Mehra has been granted visitation rights every three days till he leaves for the United States.

The serious psychological remission that the child goes into when she meets or sees her father is ignored by the highest judicial authority. The in-depth and convincing psychotherapists' reports are deemed irrelevant. Meeting with the concerned children, as is customary in such cases, was also not arranged for.

The issue of child sexual abuse has not been correctly contextualized vis-à-vis the Indian family, and therefore there is no shortage of myths and stereotypical ways of thinking about who does what, to whom, for how long and to what effect. It is still believed that sexual crimes are not inflicted on little girls by their fathers; that this is a phenomenon that occurs only in the West; that children's warped minds and precocity lead to "false stories;" that such accusations are made against men by their wives seeking revenge for failed marriages; that even if it does occur it was because the perpetrators turned to their daughters when their wives failed to "fulfill" them sexually.

And it is precisely these uninformed and prejudiced attitudes

that cause a court to assume that a wife has made "eerie accusations against her husband...incestuous sexual abuse, incredulous ex-facie is being attributed to the husband..." and to ignore the fundamental rights of a child by negating her experience of sexual abuse despite her testimony to psychologists and counselors both in India and in the United States.

Every time the courts have been faced with the responsibility of deciding the fate of Mrs. Mehra's child in this matter of sexual abuse, they have implicitly ignored her right to live in freedom and with dignity. By dismissing the need for a trial, "(....the trial is going to be nothing but a farce, such a course of action should not be allowed to take place on account of the impending consequences befalling a child..." the court has failed to see how damaging it would be for the child to have contact with the father and to grow up knowing that nobody was willing to stand up to the wrong that has been done to her.

So, do we need new laws? More sensitive laws are necessary too, but the testimonies of countless women and children across the world have shown that progressive laws are powerless if used in an insensitive and uninformed manner. What we need is a change of attitude—an attitude that gives all people, men, women and children alike, the freedom to live with dignity; an attitude of openness and willingness to be sensitive to the experiences of people, no matter how "incredulous" they may sound.

Internationally, such gross violations of a child's bodily integrity and dignity have been condemned, and it is indeed unfortunate that justice has not been served in this case. Those of us who are informed, aware and sensitive need to show the way. We

need to display the attitudes that give an innocent child her due, we need to be a part of the system of change that will ensure a more wholesome environment for children without fear and shame.

Mrs. Mehra and her children need all your efforts to lobby for the rights of her daughter to enjoy a happy and secure childhood.

We request you to show your help and empathy for her and her children by faxing your letters of support to the Chief Justice of India, Mr. Justice J.S. Verma at 91-11-338-3792 and to the Chairperson of the National Human Rights Commission at 91-11-334-0016.

A Format For A Support Letter:

To: Chief Justice of India (Mr. Justice J.S. Verma)

Or

To: Chairperson, National Human Rights Commission

[Chief Justice of India (ret'd), Mr. Justice Venkatachalliah]

Dear Sir,

Having heard of the case of Ms. Mehra I/we would like to extend our empathy and support to her and the children, and hope that she will be helped in every possible way by the legal system, non-governmental organizations and other human rights bodies to redress the pain and hurt that has been caused by sexual abuse.

Yours,

(signature and address)

It would be really great if all respondents could add more to their letters on how they feel about CSA, child rights, the need for the judiciary to set a precedent in such cases, especially where adequately sensitive laws do not exist on CSA.