

# **WAR WIDOWS CASE WORK**

## **NORTH IN SRI LANKA**



**FIAN**  
SRI LANKA

# WAR WIDOWS CASE WORK NORTH IN SRI LANKA

BY FIAN SRI LANKA

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## **1. INTRODUCTION OF WAR WIDOWS IN SRI LANKA**

The human relationship with violence and war is complex and paradoxical. Although no sound person would openly advocate organized killing of other human beings, there is a palpable and widespread fascination and even obsession with violence and warfare (Malesevic, 2010). The proliferation of armed conflicts, and the high levels of military and civilian casualties, has resulted in a large number of widows in many countries. This has a major issue not only on the women themselves but on the society in general. Widowhood often changes the social and economic roles of women in the household and community. Moreover it alters the structure of the family and its impact differs according to culture and religion, however. Widowhood can affect the physical safety, identity and mobility of women and children. It can also affect their access to basic goods and services necessary for survival, and their rights to inheritance, land and property, in addition to the wider impact it has on the community. Women whose husbands have disappeared or are missing have many of the same problems as widows but without official recognition of their status. In addition, they have to deal with the psychological effects and insecurity that stem from not knowing their husband's fate, and with direct consequences such as not being able to bury their loved ones and not being able to remarry (ICRC, 1999).

The prolonged ethnic conflict which spanned over more than three decades in Sri Lanka brought many socio-economic problems, one of which is the crisis of the war widows which is significant. Women were severely affected and victimized by the armed conflict especially in the Northern and Eastern provinces. According to reports released by the British Foreign and Commonwealth Office on Human Rights and Democracy in May 2012, there were up to 900,000 Tamil war widows in the North and East of the country. There are 24,800 war widows in the Eastern Province of Sri Lanka and among them 16,000 war widows live in the Batticaloa District (Amarasinghe, 2017).

During the civil war (1980-2009) Sri Lanka faced a drastic impact on the society, resulting in massive displacements, killings, deaths and disappearances of civilians throughout the country. Women were victimized by the war. Conflict brought many negative effects like displacement, migration, refugees, and the civil war also affected their livelihoods, and resulted in murders,

rapes, forced migrations, insecurity, hunger and starvation, a dearth of public services and the derailing of development initiatives. Although both men and women have to face war, women suffer the most. While more men than women are killed in war, women usually experience violence, forced pregnancy, abduction and sexual abuse and slavery. Their bodies have been deliberately infected with HIV/AIDS or carrying a child conceived in rape has been used as a means of sending a message to the perceived enemy. The harm, silence and shame women experience in war is pervasive and their redress almost non-existent (Shanmugarathnam, N, 2008).

## **2. CONTEXT AND FACTS**

The war generated a large number of war widows in Sri Lanka and a large number of female headed households. Many such women are living in poverty and despair. These women are still waiting for the return of their spouses in the unrealistic expectation that they are still alive. As the civil war has created many families with female headed households, a widow with children has to play the role of both father and mother; secure her kids and fulfill the needs of her children. This becomes a one of major challenges, to engage in livelihood activities while looking after their young children. These women also need a strong sense of security in this tragic situation, especially for girls. There are thousands of war widows who have been subjected to various threats from government forces. Many widows are young and with the death of their husbands they have become a psychologically and socially vulnerable group. With widowhood they face issues such as a loss of identity, difficulties in role adjustment and a declining social status. These are common problems faced by war widows. When considering the above factors it can be stated that war widows face a range of problems social, economic, political, and cultural in nature. The nature of being a single mother after the death of the ex-soldier, the widow women had gone through many setbacks in their life. The most challenging incident of being widow was the being single mother after the demise of the husband. Further, the reason of rejecting of re-marriage was the memories of the respondents attached to the late husbands and the cultural barriers of going for a second marriage including the cultural shame. However, the most striking reason for continuing the life as a widow was the children of their first marriage.

Social isolation had psychologically disturbed to these widows and stigma attached to the widowhood could be encountered as the reasons for the social isolation. For instance, parent In-laws of the widows had complaint saying that the son of them had died due to the bad luck of their wives. As literature shows, when women separated from men through widowhood or divorce, their sexuality received new emphasis and was constructed as uncontrolled, unpredictable and, thus, threatening to the community. Widowed and divorced women's sexuality, in short, was perceived as something that must be monitored or reined in. Other women in the community were often the most suspicious (Levinson, et al., 2014, p. 920).

In addition to the potential loss of support from the husband and accompanying grief, in many societies widowhood is socially stigmatized leading many widows to be displaced from their homes (as Dahal, 2007 cited in Houston, et.al., 2016). Though the government provides the economic support to the affected *Ranaviru* families of war, as a single parent and as the agent of handling the household activities, these widows were encountering economic consequences too. The widows had depended on the husband before the death and now also they depend on the welfare provided by the government in order to value the service rendered by the soldiers for the country. After the death of the husband, few widows have started being employed to add extra amount to the monthly income of the family. Thus, it is not easy to conclude that widows of ex-soldiers who are killed in the battle field economically settled due to the facilities provided by the government. Though the mourning is never ended in the life of widows, as coping strategies, these widows psychologically think of their children and the wellbeing of children and they have given the priority to make the children educated first.

As a single mother, widows believed that the responsibility of the family is the taking care of children. Most of the widows had not gone for the second marriage as they think of their children first and they believe that second marriage can create issues for the children of the first marriage. Though widows had encountered the economic consequences, support provides by the government also was one of the reasons of coping strategies for these widows in continuing their life as a widow. The casework denotes that there are significant social, psychological as well as economic challenges faced by the widows. Therefore, there is a burning need for a durable

solution to the problems encountered by the war widows that ensure freedom, social justice, and social equity of war widows (Pannilage & Epa, 2016, p 21).

During the last three decades, Sri Lanka faced a civil war which had a drastic impact on the society, resulting in massive displacements, killings, deaths and disappearances of civilians throughout the country. Women were victimized by the war. Conflict brought many negative effects like displacement, migration, refugees, and the civil war also affected their livelihoods, and resulted in murders, rapes, forced migrations, insecurity, hunger and starvation, a dearth of public services and the derailing of development initiatives.

Importantly, the problems related to hunger and starvation rise among these widows. Their staple food is replaced by given dry-ration which is less nutrition. Moreover, they consume limited portion of food or they have to reduce their three main meals to one because of the lack of food and lack of income assistance.

Another burning issue among war widows is resettlement. Most of the actions taken in the resettlement process after the civil war were done by the government. However, without head of the family, there was no assistance obtaining houses.

### **3. METHODOLOGY OF THE CASEWORK**

In order to identify the issues and problems of war widows (Ex: domestic violence, psychological issues in children, Nutritional issues, economic problems etc) data were collected in the Northern Province including 3 Districts namely Vavuniya, Kilinochchi, and Mullaitivu targeting 25 widows. Widows' age lies between 38 years to 56 years. Personal data of respondents such as Name, Location, Age, problem faced being a war widow and the history of the problems were collected while the other data related to actors should be involved to solve their problems, Stakeholder's actions, Threats they faced and demand of them towards their issues were collected.

Tools used for the casework were mentioned below.

1. **Interviews with widows,**
2. **Home visits,**
3. **Collateral contacts**
4. **Relationships**

The caseworker considered the skills such as listening, observing, communicating and counseling. Following standard techniques were used for gathering information from war widows.

1. **Acceptance:** Acceptance of client's feelings- Sympathy, empathy
2. **Assurance:** Regarding the authenticity of her feelings
3. **Facilitation's** of expression of feelings
4. **Allaying feelings** that are overpowering (Stressful feeling can affect the clients thinking and acting, when a client's mind is filled with stress and strains emotions the caseworker must try to **reduce** her stress and strains and emotions).

Importantly, principles such as privacy of widows, using local languages with simple questions and avoiding emotional questions were used in the interviews.

## **4. LEGAL ANALYSIS**

The casework was mainly focused on violations of right to food and land tenure rights in war widows in the selected 3 Districts in the country under following national and international legislations and policies.

### **International**

1. Universal Declaration of Human Rights (1948), Art. 25
2. International Convention on ESC Rights (1966), Art. 11
3. Convention on the Elimination of All Forms of Discrimination against Women (1981),
4. Art. 7, 10, 11, 12 and 14
5. Convention on the Rights of the Child (1990), Art. 24



## National

1. Sri Lankan Constitution
2. Laws
3. Policies

Importantly the study was focused the legal content of the right to food and nutrition under the following key elements.

1. **Availability:** Food should be obtainable from natural resources, either through the production of food, by cultivating land or animal husbandry, or through other means like fishing, hunting or gathering. Food should be on sale in markets and shops
2. **Accessibility:** Food must be affordable. Individuals should be able to have an adequate diet without compromising other basic needs, such as school fees, medicines or rent. Food should be accessible to the physically vulnerable, including children, sick people, people with disabilities and the elderly. Food must also be available to people in remote areas, to victims of armed conflicts or natural disasters, and to prisoners
3. **Adequacy:** Food must satisfy dietary needs, taking into account a person's age, living conditions, health, occupation, sex, etc. Food should be safe for human consumption and free from adverse substances
4. **Sustainability:** Food should be accessible for both present and future generations

To guarantee the right to food and nutrition and tenure rights, the study considered the three state obligations that were lay down by international human rights law to act in certain ways or to refrain from certain acts, in order to promote and protect human rights and fundamental freedoms of widow's groups as described below.

1. **Respect:** Requires Sri Lankan government to not deprive widows of their existing access to food / food-producing resources and lands
2. **Protect:** Requires Sri Lankan government to prevent or stop 3rd parties from depriving people of their existing access to food / food-producing resources and lands
3. **Fulfill:** Requires Sri Lankan government to take necessary measures to guarantee deprived widow groups' access to adequate food / food-producing resources and lands

According to the gathered information, widow faced following obstacles losing their rights to food and lands under above obligations.

1. Brutal displacement by the Military forces and intimidation by government authorities
2. Government failure regulating activities to protect widow's right to food and lands
3. Non payment of compensation, irregular resettlement process, Limited and not enough provision of humanitarian aid

In relation to the above-mentioned facts and concerns, obligations under international human rights instruments to which Sri Lanka is party should be considered. Firstly, Sri Lankan Government bears obligations under international human rights instruments to guarantee the right of every individual to life, liberty and security and not to be arbitrarily deprived of life, recalling Article 3 of the Universal Declaration of Human Rights (UDHR) and Article 6(1) of the International Covenant on Civil and Political Rights (ICCPR), ratified by Sri Lanka in June 1980.

The study specifically wishes to highlight the United Nations Declaration on the Rights of Peasants and other People Working in Rural Areas (UNDROP) which was adopted by the United Nations General Assembly in December, 2018 with Sri Lanka being one of the State's voting in favour of it. The UNDROP serves as a tool for interpreting state human rights obligations enshrined in the International Covenant on Economic Social and Cultural Rights (ICESCR) and International Covenant on Civil and Political Rights, recognizing states' obligations to protect, respect and fulfil specific peasants rights including the rights to a healthy environment (art. 18); not to be exposed to hazardous substances and toxic chemicals (art. 14.2); healthy conditions of work (art. 14), adequate food (art. 15), clean water (art. 21) and right to health (art. 23).

Additionally, Article 12 of UNDRoP states that Peasants and other people working in rural areas have the right to effective and non-discriminatory access to justice and to effective remedies for all infringements of their human rights. The FAO Right to Food Guidelines to support the progressive realization of the right to adequate food in the context of national food security emphasize that "States should promote and safeguard a free, democratic and just society in order to provide a peaceful, stable and enabling economic, social, political and cultural environment in which individuals can feed themselves and their families in freedom and dignity."

Furthermore, right to food has been violated as per General Comment no. 12, Right to Food, Committee on Economic, Social and Cultural Rights “The right to adequate food is realized when every man, woman and child, alone or in community with others, has physical and economic access at all times to adequate food or means for its procurement”.

## 5. LEGAL ANALYSIS OF THE CASE: CASE NAME: War widow case in the North Sri Lanka

<p><b>Victims:</b></p> <p>Widows who displaced</p> <p>25 Women headed</p> <p>Women are specially impacted by the war, extra burden on domestic violence</p> <p>Children and elders in the affected families</p>	<p><b>State Actions and Omissions:</b></p> <ul style="list-style-type: none"> <li>• Militarization</li> <li>• Brutal displacement by the Army</li> <li>• Not enough resettlement</li> <li>• Limited provision of remedy/legal aid</li> <li>• Failure regulating the activities to protect widows land rights</li> </ul>	<p><b>Damages:</b></p> <ul style="list-style-type: none"> <li>• Deaths due to violence</li> <li>• Dissapearing loved ones</li> <li>• Loss of land and inadequate access to land</li> </ul>
<p><b>Involved Actors:</b></p> <p>Sri Lankan Government</p> <p>Labor Department</p> <p>Women and Children affairs Authority</p> <p>Divisional Secretariat (Grama Niladara, Economic Development Officer, Probation officer, counseling officer)</p> <p>Non-government organizations</p> <p>Community Based Organizations</p> <p>Sri Lankan military forces</p>	<ul style="list-style-type: none"> <li>• Limited support given by Grama Niladari in domestic violences</li> </ul>	<ul style="list-style-type: none"> <li>• Discrimination at the society</li> <li>• Domestic violence/increased teenage pregnancies</li> </ul>
	<ul style="list-style-type: none"> <li>• Limited payment of compensation</li> <li>• Not enough provision of humanitarian aid</li> <li>• Failure regulating the activities to protect widows food and Health rights</li> <li>• Limited facilitation of health care</li> <li>• Limited provisions for food and nutrition</li> </ul>	<ul style="list-style-type: none"> <li>• Staple food replaced by less nutritious food</li> <li>• Eat less (one meal instead of 3 meals)</li> <li>• Malnutrition mainly among children and women</li> </ul>
	<ul style="list-style-type: none"> <li>• Lack of schooling of children after resettlement</li> <li>• Limited payment of compensation</li> <li>• Lack of facilitation for income assistance</li> </ul>	<ul style="list-style-type: none"> <li>• Denied education/schooling</li> <li>• Domestic violence/increased teenage pregnancies</li> <li>• Psychological well being issues in Children</li> </ul>

## 6. HUMAN RIGHTS ANALYSIS GRID

<p><b>Legal Framework</b></p>	<p><b>International:</b> ICCPR, UNDROP, UDHR, ICESCR</p> <p><b>National (Sri Lanka):</b></p> <p><b>Constitution:</b></p> <p><b>Laws and Policies:</b> Land Acquisition Act 1950 (No. 9 of 1950), National Food Act no 26 of 1980, Food and Drugs (Amendment) Act (No. 31 of 1961) and the Consumer Affairs Authority Act passed on 9th January 2003</p>
<p><b>Legal Content of the RTFN</b></p>	<p><b>Availability:</b> Food is no longer available due to loss of land, loss of income, displacement, not enough compensation,</p> <p><b>Accessibility:</b> Very limited accessibility due to insufficient wages, less knowledge on financial literacy, no assistance for economic activities</p> <p><b>Adequacy:</b> Staple food replaced by less nutritious food, less food intake, limited number of meals</p> <p><b>Sustainability:</b> Due to less knowledge on Agriculture and other economic activities</p> <p>Food Sovereignty: Malnutrition, non-diversified food intake</p> <p>Women’s Rights violations: Rights to Water, Housing, Work</p>

<p><b>State Obligations</b></p>	<p><b>GENERAL:</b> Limited steps taken for progressive realisation (Ex: Providing houses for few number of widows, Provision of Samurdhi relief, Provision of dry ration)</p> <p><b>SPECIFIC</b></p> <p><b>Respect:</b> Brutal displacement by the Military forces and intimidation by government authorities</p> <p><b>Protect:</b> Government failure regulating activities to protect widow's right to food and lands</p> <p><b>Fulfill:</b> Non payment of compensation, irregular resettlement process, Limited and not enough provision of humanitarian aids</p>
<p><b>HR Principles</b></p>	<p><b>Participation:</b> Yes, But limited;</p> <p><b>Accountability:</b> denied by state authorities;</p> <p><b>Non-Discrimination:</b> Does not apply;</p> <p><b>Transparency:</b> Yes, But Limited</p> <p><b>Human Dignity:</b> inhuman treatment (EX: illegal Army CID visits), intimidation, brutal displacement</p> <p><b>Empowerment:</b> Disempowerment by not providing necessary information and legal aids</p> <p><b>Rule of Law:</b> RtFN is not constitutionally guaranteed</p>

## 7. STRATEGIES TO ACHIEVE DEMANDS

The impacts of war have had a significant impact on the health and livelihood of war widows in the Northern part of Sri Lanka. Therefore, it is vital that the right to adequate food and nutrition, the right to health and right to land of those who suffered in the past and are currently suffering is restored. This can be done at legal and political level, community level and organizational level as described below.

Legal and Political level	Community Level	Organizational level
<p><b>Strategy:</b></p> <ul style="list-style-type: none"> <li>• Blaming Government of Sri Lanka</li> <li>• Highlighting violations of National law, Land rights and Right to Food , Right to Health</li> <li>• Getting recommendations from UN treaty bodies</li> </ul> <p><b>Target actors:</b></p> <ul style="list-style-type: none"> <li>• Government of Sri Lanka/President,</li> <li>• Widow groups</li> <li>• Treaty Bodies</li> <li>• Non Government Organizations</li> </ul>	<p><b>Strategy:</b></p> <ul style="list-style-type: none"> <li>• Awareness raising in Widow Communities</li> <li>• pressure on GoSL through Non Government Organizations and Civil Society Organizations</li> </ul> <p><b>Target actors:</b></p> <ul style="list-style-type: none"> <li>• Media,</li> <li>• Civil society Organizations</li> </ul>	<p><b>Strategy:</b></p> <ul style="list-style-type: none"> <li>• Identify strategic partners</li> <li>• Raising awareness on Human Rights among widow communities</li> <li>• Provision of financial assistance colloberating with doners for legal assistance</li> </ul> <p><b>Target actors:</b></p> <ul style="list-style-type: none"> <li>• civil society organisations</li> <li>• Doner organizations</li> <li>• NGOs related to Legal Aids</li> </ul>

<p><b>Activities:</b></p> <ul style="list-style-type: none"> <li>• Complaint against GoSL</li> <li>• Meetings with Government , Member of Parliments, Relevant land officials, Food and Drug Officers, Health officers</li> <li>• Organizing conferences; parallel reports/side event</li> <li>• Organicing protests for lobbying the government</li> </ul>	<p><b>Activities:</b></p> <ul style="list-style-type: none"> <li>• Creating website</li> <li>• Organizing press releases and Protests</li> <li>• Documenting reports</li> <li>• Taking Urgent Actions Ex: letter campaigns</li> <li>• Crating documentaries and Publishing through Social, printed and electronic media</li> </ul>	<p><b>Activities:</b></p> <ul style="list-style-type: none"> <li>• Organizing speaker's tours</li> <li>• Try to involve other civil society organisations by networking peer groups</li> </ul>
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# FIAN SRI LANKA

FIAN Sri Lanka envisions a world free from hunger and malnutrition, in which every person fully enjoys all human rights in dignity and self-determination, particularly the human right to adequate food and nutrition.

In pursuit of this vision, FIAN Sri Lanka's mission is to contribute throughout the world to implementing the provisions of the International Bill of Human Rights by working for the respect, protection and fulfillment – defined as facilitation, promotion and provision – of the human right to adequate food and nutrition of persons or groups threatened by or suffering from hunger and malnutrition.

## OBJECTIVE

FIAN Sri Lanka and its members aim to support the struggle for the full realization of all human rights, in particular the human right to adequate food and nutrition, including their universality, indivisibility and interdependency. FIAN Sri Lanka advocates for the human right to adequate food and nutrition on the basis of the International Bill of Human Rights, in particular the International Covenant on Economic, Social and Cultural rights (Article 11), its Optional Protocol, and General Comment No. 12 as adopted by the UN Committee on Economic, Social and Cultural Rights, and other relevant human rights documents.

FIAN Sri Lanka fully promotes the work done towards the progressive evolution and interpretation of the human right to adequate food and nutrition, and strives to secure its realization for present and future generations while recognizing the importance of food sovereignty for the fulfillments of the human right to adequate food and nutrition.



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Food First Information & Action Network Sri Lanka

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உணவை பிரதானமாகக்கொண்ட தகவல் மற்றும் நடவடிக்கைகளை இலங்கை வலைபின்னல்

+94 112 802498

+94 773 273651

fiansl2017@gmail.com

www.fiansrilanka.lk

54, Wijerama Lane,

Gangodawila, Nugegoda, Srilanka.

