



**SUBMISSION FROM WIDOWS FOR PEACE THROUGH
DEMOCRACY (WPD) on**

**THE STATUS AND HUMAN RIGHTS OF WIDOWS AND WIVES
OF THE “MISSING” in SRI LANKA,**

In the context of CEDAW Articles 2, 5 ,7, 10-14

**TO THE 66th Session of CEDAW, for the February 22nd
Meeting with the Government of SRI LANKA**

Background

The 30 year civil war in SRI LANKA, affecting the Northern and Eastern provinces, created thousands of widows there, mainly Tamil, and Muslim, of all ages, as well as many wives of the “forcibly disappeared” or “missing”.

In the last stages of the war, killings and disappearances of men were at their highest level and some of the worst atrocities were committed.

But throughout the conflict and in its aftermath, even to the present day, Tamil and Muslim women and girls, especially those without a male breadwinner, such as widows and wives of the missing, continue to suffer extreme discrimination, sexual violence, sexual exploitation, poverty,

displacement, hunger, ill-health, institutional and cultural barriers to accessing justice, as well as stigma.

Many widows, of all ages were victims of rape, gang rape, sexual torture, forced sterilization, forced prostitution, and other forms of gender based violence (GBV) during the war.

The perpetrators were mainly security service and police who have not been made accountable for their crimes., Very few have ever been prosecuted. The GoSL continues to deny its role in these crimes against humanity. It refuses to agree to an independent UN investigation into atrocities committed during the conflict, and is one of the few UN member states that has not developed a NAP on UN SCR 1325.

Thus the Status of Widows in SRI LANKA is among the lowest in the world. Their needs and roles are ignored by the government, in breach of the CEDAW and other international conventions and resolutions.

It is estimated that there are nearly 100,000 war widows in the North and East regions, and possibly 40,000 “half widows”, the wives of the missing. Many of these women, gang raped during the conflict, have born children, and as victims of such sexual violence, in a traditional patriarchal society, have experienced, in addition to physical and psychological long-lasting damage, stigma, humiliation and marginalisation. Poverty, landlessness, displacement, trauma, have resulted in an increase in suicides among this category of women. Domestic violence, sexual violence and

rape is not being adequately addressed by the police, the courts or government. There is much under reporting of domestic violence and rape, due to the stigma, and the lack of sensitive reporting mechanisms in police station.

Language barriers, the lack of Tamil speaking police or court officials, huge delays in processing cases block effective measures to provide women victims with justice and punish perpetrators.

Wives of the “missing” (40,000 missing Tamil men) have been denied information on the fate of their husbands. Attempts to obtain information have often been met with violence, further sexual violence, and intimidation. Bribery and corruption has negated proper access to justice and impunity for these war crimes is rampant.

WPD strongly supports the NGO submissions already made to CEDAW by **FOKUS WOMEN, AWN, THE BRITISH TAMIL FORUM,** and **VILUTHU** on the status of widows and wives of the disappeared. It congratulates their research and the gathering of testimonies from the women, that make their reports so compelling.

Therefore, rather than repeat the list of our common grave concerns, that demonstrate the inadequacy and ineffectiveness of the GoSL to address the needs, recognise the roles, and ensure the protection, empowerment and equality of widows, especially those in the Tamil and Muslim North and Eastern provinces,

WPD will limit its submission to suggesting the following questions that might be asked of the GoSL, in order to ensure compliance with the Convention and with international human rights and humanitarian law.

QUESTIONS TO GoSL

- 1. What measures have you taken to gather accurate data on the numbers, ages, support systems, economic, social circumstances, needs and roles of widows, especially in the North and South East?**
- 2. How many widows are there and are they all eligible for receipt of state pensions irrespective of age, religion or ethnicity? Are wives of the missing equally covered in social support systems?**
- 3. What measures are in place to respond to women's requests for information on the fate of their menfolk, the 40,000 missing Tamil men and boys?**
- 4. Lack of Tamil speaking interpreters and translators in government offices, police station and courts prevents Tamil women from accessing justice systems, reporting crimes, obtaining due assistance, services, and social support. What are you doing to ensure proper communication services in this area?**
- 5. What measures are you taking to ensure there is no impunity for those who perpetrated rapes, sexual torture, or ordered the security services and police to commit such crimes?**

- 6. Many widows have not been resettled, and are denied their land rights, whether in inheritance rights, or as FHHs who should be given land for food security, animal husbandry under Government Land Ordinances. What measures to ensure widows and their children are resettled, and that the military does not deprive widows of their land rights? And to compensate widows who have lost their land because their title deeds went missing during the conflict?**
- 7. What measures are you taking to ensure that Widows are not “left behind” through discrimination but are being economically empowered in implementation of the SDGs, especially goal 5 on gender equality?**
- 8. UNSCR 1325 and subsequent SCR Resolutions on WPS obligates Member States to develop, in consultation with women’s groups, NAPs on implementation. Why has the GoSL not developed a NAP, and why are widows not represented in decision-making in the various post conflict justice mechanisms such as the Truth and Reconciliation, Missing Persons, and other institutions?**
- 9. Widows, and wives of the missing, continue to face a high degree of sexual violence, forced prostitution, economic exploitation, due to their poverty, and the stigma associated with widowhood. What measures are you taking to eliminate discriminatory social**

attitudes to widows in the context of Article 5 of the Convention?

- 10. Your Constitution guarantees equality, irrespective of gender. Yet widows' lives are determined by highly discriminatory codes under religious and customary laws. Will you be redrafting the Constitution and reforming laws to ensure compliance with the CEDAW on age of marriage, inheritance and land rights, and polygamy?**

These questions need to be answered if widows in SRI LANKA, especially in the North and East, are to have their human rights recognised.