

Female Agency in a Post-Conflict Narrative: Sri Lankan Case

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Abstract

The military victory against the LTTE in 2009 by the government of Sri Lanka marked the end of the prolonged armed conflict which lasted for over three decades. The study attempts to explore the connection between Conflict and Gender during and after the civil armed conflict between the armed forces of the government of Sri Lanka and the LTTE (Liberation Tigers of Tamil Elam). It focuses on the importance of mainstreaming gender into the development agenda in the post conflict development phase and promoting women's involvement and empowerment in the reconstruction process that may enhance gender equality, accountability and transparency.

The study emphasizes the tremendous brutality and horror experienced by women as victims of war and investigates inequalities and discrimination faced by them in accessing resources, rights, authority and power over environments. These discriminatory factors associated with intersection of gender are further investigated by using the approach of Horizontal inequalities. The study also explores the role of the Sri Lankan government fulfilling its obligations to report on the gender-based violence which took place in conflict-affected areas and detention centres, in order to protect its civilians, and to investigate and prosecute gender-based crimes.

Key Words

Gender, Conflict, Development, Inequality, Sri Lanka.

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Introduction

The military victory against the Liberation Tigers of Tamil Elam (LTTE) in 2009 by the government of Sri Lanka marked the end of the prolonged armed conflict which lasted for over three decades. Given the long timeline of the conflict in Sri Lanka, the whole country and particularly the people living in the North and the East were exposed to extreme periods of violence and insecurity. The main objective of this study is to understand the connection between Conflict and Gender during and after the civil armed conflict between the armed forces of the government of Sri Lanka and the LTTE. The aspect of conflict and gender received diminutive scholarly attention both during and after conflict compared to the broad spectrum of academic literature published on other socio economic and political facets of the armed conflict of Sri Lanka. Hence this neglected dimension deserves further exploration for policy implications which is highly pertinent to the present post war reconstruction and reconciliation processes.

The study argues that achieving successful reconstruction and sustainable peace requires attention to gender in the post-conflict arena. It focuses on the importance of mainstreaming gender into the development agenda and promoting women's involvement and empowerment in the reconstruction process that may enhance gender equality, accountability and transparency. The chosen areas for this study are the Northern and Eastern Provinces of Sri Lanka which were severely affected by the prolonged armed conflict. Although the North and East Provinces comprise an ethnically diverse women population the study mainly deals with Sri Lankan Tamil¹ minority which make up the majority of the survivors mostly affected by the conflict.

The study emphasizes the tremendous brutality and horror experienced by women as victims of war and investigates inequalities and discrimination faced by them in accessing resources, rights, authority and power over environments. When examining these issues, study places careful consideration to identify whether such deprivation caused within ethnic groups was by a deliberate act of exclusion or not. Also it attempts to address the 'double connection' of being 'Tamil' and 'Female' in the North and East when dealing with various forms of violence against women as a result of the armed conflict. Discriminatory factors associated with intersection of gender² are further investigated by using the approach of Horizontal inequalities (HIs)³. The study argues the necessity of addressing HIs when dealing with minimizing social inequalities, discrimination and marginalization in the post-war development environment.

¹ Sri Lankan Tamils or Ceylon Tamils are culturally and politically distinct from the 'Up Country' Tamils who were not involved in the Tamil liberation struggle and often less directly affected by the conflict.

² See Crenshaw and Thomas (2001), *Intersectionality*.

³ Horizontal Inequalities are inequalities between groups with shared identities. See Frances Stewart, and Arnim Langer (2008) 'Macro Adjustment Policies and Horizontal Inequalities'.

Methodology and Study Approach

This study is mainly based on published and unpublished secondary data. An extensive review of literature relating to armed conflict, post-war development, gender, and horizontal inequalities was carried out to identify issues as well as gaps in knowledge. The literature review also helped to understand the issues in relation to the conflict situation in the Eastern Province. Study utilizes secondary data of a qualitative nature and the analysis provides a macro profile of the effects of war rather than in depth analysis. Available literatures on women affected by war helped understand their perceptions, coping strategies, identity issues and conflict dynamics in general.

Women as victims of Gender Based Violence of Armed Conflict

With the end of the war, Sri Lanka is now thriving for a phase of rapid development and sustainable peace. The way towards development however, is highly challenging as many issues pertaining security, reconciliation, reconstruction remain unresolved. One such problem that needs immediate attention is gender based violence taking place against women as victims of war in the Sri Lankan society.

“Gender-based violence” is defined by Judy Benjamin and Lynn Murchison as “violence that is directed at an individual based on her or his specific gender role in a society⁴. The use of the term gender instead of women signals several things. First, it acknowledges that women, men, gay and transgender individuals experience this kind of violence, second, gender violence can take any form and includes sexual violence but is not limited to it and it may also include dowry harassment, honour killings, pre-natal sex selection, forced marriage and trafficking⁵. For the purpose of this research the study focuses mainly on gender based violence perpetrated by men against women during situations of war and armed conflict.

Gender based violence has always been prevalent in Sri Lanka. It ranges from sexual harassment in public spaces to acts of violence within private spaces of the home or at workplace. However, most of the gender based violence associated with war remains undocumented in Sri Lanka. Despite of the lack of systematic data that has prevented a full understanding of gender based violence, its prevalence and patterns, there are a number of specific writings as well as information from service providers that show a high prevalence and diverse forms of gender based violence faced by women (and children) in the country⁶.

⁴ Judy A. Benjamin and Lynn Murchison, “Gender-Based Violence: Care & Protection of Children in Emergencies”, A Field Guide (Save the Children), 2004.

⁵ Swarna Rajagopalan, “Gender Violence, Conflict, Internal Displacement and Peace building”, Peace Prints: South Asian Journal of Peace building (2010), Vol. 3, No. 1: Spring.

⁶ Ramani Jayasundere, “Understanding Gendered Violence against Women in Sri Lanka” (A Background Paper for Women Defining Peace), 2010.

For instance, a study was carried out on the females affected by violence of war among a sample of Tamil women under the age of 40 years residing in Jaffna District (North) and Colombo District (South) who have been widowed or had their husbands disappear due to the armed conflict. The study revealed that a high prevalence of different types of issues were faced by these women: psychological problems; Jaffna 60%, Colombo 60%, economic problems; Jaffna 80%, Colombo 20%, socio cultural problems; 6% each in Jaffna & Colombo, legal issues; Jaffna 6%, Colombo 13%. The types of psychological problems seen as depression (79.5%), stress (76.6%), post traumatic stress disorder (29.5%), suicidal tendency (33%), somatization (36%) and anxiety (33%). The issues faced due to the violence were further multiplied by the traditional cultural practices prevalent in the society⁷.

From the very beginning of the armed conflict in early 1980s till the intensification of armed conflict in 2009 and the continued militarization within the country placed women's safety and security in jeopardy. Therefore it is said that women in Sri Lanka have become victims of armed conflict in four different ways; direct victims of violence, raped or killed in conflict, become refugees or internally displaced, lost male relatives and find themselves in situations of social and economic disempowerment and have experienced the war as woman combatants and as perpetrators of violence⁸. Therefore, in trying to comprehend the connection between armed conflict and Gender in relation to the ways stated above the following sections attempts to highlight the complex manner in which these grievances are fuelled by actual experiences of gender based violence, exclusion, displacement and victimization, caused by armed conflict.

Women as IDPs

During the final months and then weeks after the conflict, civilians emerging from the conflict Zone were kept in internment camps. The security forces, attempting to identify LTTE cadres, screened everyone and detained 280,000 people in military-run closed internment camps – which the Government referred to as “welfare villages⁹.” In the camps, IDPs were screened again and the military detained those suspected of LTTE affiliations in ‘surrendee’ camps. The Report on the Secretary -General's Internal Review Panel on United Nations Action in Sri Lanka states that there were reported allegations of human rights violations at the screening points and in IDP camps but the UN was not permitted fully independent protection monitoring access¹⁰.

⁷ Navaratnam,U, “Issues of Female Headed Households-Jaffna”, (Paper presented at the Twelfth National Convention of Women's Studies, CENWOR, Colombo 2010).

⁸ Ramani Jayasundere, “Understanding Gendered Violence against Women in Sri Lanka” (A Background Paper for Women Defining Peace, 2010).

⁹ The Report on the Secretary -General's Internal Review Panel on United Nations Action in Sri Lanka November (2012).

¹⁰ Ibid.

There were women facing gender based violence among them and most of the violations largely remain undocumented. Women as Internally Displaced Persons are vulnerable to rape and sexual violence when fleeing battles or on their way to refugee camps, but once they are in camps, they are also at the receiving end of sexual harassment and violence from camp officials as well as other refugees¹¹. Often sex is exchanged for favours and they are also denied adequate medical care, especially gynaecological services¹². Whether living in camps or outside of them women in conflict zones in Sri Lanka have experienced tremendous hardships and horrors; tens of thousands have lost family, friends, acquaintances, homes, and material possessions due to acts of war and violence. Especially Tamil women have been disabled and injured by gunfire, shelling, mines, and torture; and many have been separated from their families, children, and spouses as they fled advancing battle fronts and were placed in refugee camps¹³.

In addition to sexual harassments and hardships women IDPs cannot escape performing usual gendered roles assigned to them. They often serve as their children's sole caretakers, as many of them are widows or separated from their spouses and other extended family; they must make food and safety not only for themselves, but also for their children, who also need health care, housing and education. The role played by women even in such extremely hard circumstances signifies the heavy burden they undertake for the well being of the family despite the ill treatments and marginalization they go through being born as women. Responding to such situations, in recent years, humanitarian workers in Sri Lanka have become increasingly concerned with the psychological consequences of war. Women and children, and widows and orphans in particular, are often cited as the most vulnerable groups that "can never be expected to lead normal lives again"¹⁴.

Furthermore, issues pertaining to accessibility, awareness and freedom to voice their grievances remain as critical factors that need quick attention when providing relief services. Many displaced people in camps on the border who do not wish to return, due to fear of personnel security or trauma are being kept dependent on relief handouts rather than being assisted to build new lives, livelihoods and communities¹⁵.

¹¹ Radhika Coomaraswamy, "A Question of Honour: Women, Ethnicity, and Armed Conflict", in Giles Wenona (etal), *Feminist Under Fire: Exchanges Across War Zones*, (Between The Lines; Toronto, Canada, 2003)

¹² Ibid.

¹³ Ananda Galappatti, "Psychological Suffering, "Trauma", and PTSD: Implications for Women in Sri Lanka's Conflict Zones", in Giles Wenona (etal), *Feminist under Fire: Exchanges Across War Zones*, (Between the Lines; Toronto, Canada, 2003).

¹⁴ Ibid.

¹⁵ Darini, Rajasingham-Senanayake, "The Dangers of Devolution: The Hidden Economies of Armed Conflict", in Rotberg, Robert (eds), *Creating Peace in Sri Lanka: Civil War & Reconciliation*, (Brookings Institution Press,; Washington, D.C., 1999).

In absence of such livelihood building initiatives families are often left with deep financial crisis. To overcome these difficulties, they tend to resort on alternative income generating methods such as pawning jewellery to gain quick relief from the oppression and tension. Amirthalingam and Lakshman (2009), has investigated some of the economic concerns of displaced women using lessons from conflict-induced displacement experiences of the people in Sampur, Eastern Province in Sri Lanka. Here they particularly looked at the impact of short term financing of displacement and the role played by sale or mortgage of gold jewellery. According to them this form of asset stripping, constitute a second round of impoverishment for the IDPs; the first when they were initially displaced¹⁶. Asset stripping also signifies impoverishment because it occurs under pressure of food insecurity, disease, lack of jobs and they clearly points out that selling off one's jewellery signals a diminished social status that has repercussion beyond immediate short-term loss of wealth¹⁷.

Socially and Economically Disempowered Women

In a post-war context, re-building community economies is challenging due to the multiple impacts of the war including the loss of livelihood equipment, scarce financial resources for families and the destruction of infrastructure. As a recent report by the Government and the UN states, "poorly developed livelihoods, lack of employment opportunities, high food prices as well as delayed and insufficient livelihood interventions puts severe stress on the economy of many households. With low-income levels and high food prices, a majority of households in the Northern Province live below the poverty line"¹⁸. This section hence, focuses mainly on socially and economically disempowered women by war and sees how gendered relations in a patriarchal power structure intensify disempowerment.

War affects women's lives differently than men's whether women remain in targeted areas or reside in areas which are out of the combat zone. Women suffer from many kinds of sexual abuse, as well as from torture, killing, malnutrition, psychological violence from men who return from war, loss or forced separation from their children, husbands and other relatives, and exploitation due to engagement in illegal trade¹⁹. For instance brewing illicit alcohol has become a popular means of income generation in the 'Vanni' - women are reportedly increasingly taking it up since it is considered comparatively easy work and very lucrative²⁰. This places them, and particularly their young daughters, vulnerable to exploitation, violence and other problems.

¹⁶ Amirthalingam, K., and R. W. D. Lakshman , "Women's Assets and their role in surviving displacement and impoverishment in the context of the war and the tsunami in eastern Sri Lanka". in N. de Mel, K. N. Ruwanpura and G. Samarasinghe (eds), *After the Waves: The Impact of the Tsunami on Women in Sri Lanka*. (Social Scientists Association (SSA); Colombo, 2009).

¹⁷ *ibid*

¹⁸ Bhavani Fonseka & Mirak Raheem, "Land in the Northern Province: Post War Politics, Policy and Practices", (Centre for Policy Alternatives; Colombo, 2011).

¹⁹ Vesna Ristanovic, "War and Violence Against Women", in Turpin Jennifer & Lortentzen Lois (eds), *The Gendered New World Order*, (Routledge; New York and London, 1996).

²⁰ Asia Report No220, Sri Lanka's North II: Rebuilding Under the Military, International Crisis Group: Working to prevent Conflict Worldwide, (2012).

These forms of violations both during periods of normalcy as well as during war are common and deeply embedded in societies where patriarchal power structures are dominant. These sexual and moral codes imposed on women are regulated and disseminated through hegemonic patriarchal institutions and instruments, such as the state, law and religious tenets, and their interpreters such as the school, the family and so on; these codes share marked similarities despite their being categorized as Christian or Muslim, Buddhist or Hindu, Bosnian or Croatian, Sinhala or Tamil²¹. Turpin's analysis on wartime conditions would provide an example for violence and battering faced by women within the household. She points out that several factors contribute to this phenomenon. First, in wartime there is an influx of weapons into societies, and those weapons are often not control or limited to battlefield use; hence, research from both criminology and security studies demonstrate that the presence of weapons increases the likelihood of domestic violence. Second, former soldiers who have contact with the military, families have been affected by their experiences in combat²².

Nevertheless, more recently, a holistic argument has also emerged which holds the view that all oppression is interrelated, and all must be stopped for social justice to be achieved²³. In this view, rather than being part of their duty, or being an outcropping of their traditional roles, women tend to act in a more radical way towards achieving their rights for equal access of resources in terms of food, healthcare, skills training, credit, property, income or in the arena of decision making. Extension of more autonomy and power in female agency is therefore, further discussed in the following section which deals with women in military emphasizing the role of Tamil Woman joining the freedom of struggle of the LTTE.

Women in Military

Although women are stereotyped as pacifist or war resisters, they have fought in wars and now often seek equal treatment in the militaries of many countries. Women tend to perform many roles in a militarized setting, although those roles are being challenged and debated in many instances. Co-opting women into the front lines of nationalist struggle by introducing them as "national actors" and foisting a "nationalist" label in them as mothers, daughters, educators, workers and even fighters is not necessarily empowering if it merely reaffirms the boundaries of culturally acceptable feminine conduct and exerts pressure on them to articulate their gender interest solely within the

²¹ Malathi De Alwis, "Introduction", in Giles Wenona (etal), *Feminist Under Fire: Exchanges Across War Zones*, (Between The Lines; Toronto, Canada, 2003).

²² Jennifer Turpin, "Many Faces: Women Confronting War", in Lorentzen Lois and Turpin, Jennifer (eds), *The Women and War Reader*, (New York University Press; New York and London, 1998).

²³ *ibid*

terms of reference set by nationalist discourse²⁴. In this context the study illustrates how moments of ethnic nationalism can provide a space for the militarization of women. In a tendency towards achieving more equal gender relations for women in military compared with the pre or post conflict phases I pose the following questions. Does participation in military activities ensure full agency for women? Just because they are recruited does it guarantee their autonomy? Have these women militants been able to achieve social justice and gender equality?

In this section hence, I will explore the representation of Tamil women in military (LTTE) in relation to the Sri Lankan armed conflict. Tamil women initially performed paramilitary and support roles in the Tamil movement, but after 1985 they were also used in combat²⁵. It was believed that three out of ten, members of the central committee were women and of the estimated total cadre strength of 10000-15000, women account for nearly one third, and are inducted in all units of the organization-fighting, political, and administrative and intelligence with equal gender relation²⁶. Moreover, both male and female fighters were recruited, trained and widely deployed as suicide bombers and they were made to wear cyanide capsules as a symbol of their greater patriotism in the Separatist Tamil movement in Sri Lanka.

Sarala Emanuel in her study on discourses on women's militant in Sri Lanka, points out how the LTTE and its close supporters framed a particular dominant identity for women militants, which took a (violent) militaristic form. According to Emanuel this constructed and mobilized identity was closely tied to sexualized notions of chastity and defilement. Therefore the identity of the armed virgin became dominant, making invisible their other femininities²⁷. However this claim becomes a challenge before feminist such as Coomaraswamy (1997), who clearly states that violent means within a nationalistic framework do not lead to women's empowerment, and agency²⁸.

Anuradha chenoy further reaffirms Coomaraswamy's view stating that the influence of LTTE women's wing was marginal and it reinforced gender biases²⁹. She states that LTTE which started as a movement for Tamil Liberation in Sri Lanka grew disproportionate to their political structures within a few years of their military machinery, women were

²⁴ D Kandiyoti, "Identity and its Discontents: Women and the Nation", in P. Williams and L. Chrisman, (eds), *Colonial Discourse and Post-Colonial Theory*, (Harvester; London, 1993).

²⁵ Manoharan 2003 cited in Tsjeard Bouta, *Gender and Disarmament Demobilization and Reintegration – Building Blocks for Dutch Policy*, (Conflict Research Unit, Netherlands Institute of International Relations, 2005).

²⁶ *ibid*

²⁷ Sarala, Emmanuel, "*Discourses on Women Militants in Sri Lanka*", in *Dealing with Women's Militancy: An Analysis of Feminist Discourses From Sri Lanka*, (Conflict and Development Studies, Study No.5, Social Policy Analysis & Research Centre University of Colombo, 2006).

²⁸ Radhika Coomaraswamy, "A Question of Honour: Women, Ethnicity, and Armed Conflict", in Giles Wenona (etal), *Feminist Under Fire: Exchanges Across War Zones*, (Between The Lines; Toronto, Canada, 2003).

²⁹ Anuradha M, Chenoy, "Militarization, Conflict, and Women in South Asia", in Lorentzen Lois and Turpin, Jennifer (eds), *The Women and War Reader*, (New York University Press; New York and London, 1998).

called to arms on the basis of military myths like the 'valiant mothers' who either went to war, or sent their sons, lovers and husbands to war³⁰. Even in the present post conflict era it is evident that the ex- women combatant are rehabilitated and assimilated into a society which gender stereotypes are much more rigidly upheld despite the masculine cultures they experienced in military. Therefore, it is clear that although gender relations on a more equal footing prevalent in military during war times it tend to revert to pre-existing patterns when peace arrives³¹.

Gender-Inequality Nexus

This section focuses on how the war has impacted on Northern Tamil women in many diverse ways and sees the variation of intensity of disruption experienced by them in a horizontally unequal society. It also deals with issues related to initiating, implementing, and managing policy change as a way of correcting HIs. The HIs are inequalities between groups with shared identities. These identities may be formed by religion, ethnic ties, racial affiliations or other salient factors which bind groups of people together³². HIs encompass multiple dimensions - political, social, economic and cultural status and all of these dimensions are important in terms of causing grievances, and mobilizing people politically, sometimes leading to violent conflict³³.

Tamils in Sri Lanka have been discriminated by post-independence governments in the fields of language, religion and the distribution of economic assets and opportunities and they have for long articulated their grievances through parliamentary ethics and through non- violent means. These grievances were perceived by some Sinhalese as artificially created due to the loss of prestigious positions Tamils held under British Colonialism³⁴. Such inequitable social and political processes and unequal distribution of resources by governments subsequently aggravated the problem of inequality to a form of armed conflict.

Over three decades of armed conflict in Sri Lanka has devastated parts of the North and East and have resulted in destruction of assets and disruption in households. Segments of the population especially women have been driven to poverty and they are in urgent need of rehabilitation programmes for survival. In the East of Sri Lanka in particular, the districts of Batticaloa, Ampara and Trincomalee report large numbers of displacement, disappearances and loss of lives and it shows that the number of women-headed

³⁰ ibid

³¹ Quoting Shikola (1998) in Tsjeard Bouta, Gender and Disarmament Demobilization and Reintegration – Building Blocks for Dutch Policy, (Conflict Research Unit, Netherlands Institute of International Relations. 2005).

³² Frances Stewart, 'Policies towards Horizontal Inequalities in Post-Conflict Reconstruction', (*CRISE Working Paper No. 7*, Oxford: Queen Elizabeth House, University of Oxford, 2005).

³³ Frances Stewart, and Arnim Langer, 'Macro Adjustment Policies and Horizontal Inequalities', (*CRISE Working Paper No. 50*, Oxford: Queen Elizabeth House, University of Oxford, 2008).

³⁴ Selvy Thiruchandran, The Other Victims of Emergence of Female Headed Households in Eastern Sri Lanka , (Karunaratne & Sons Ltd; Colombo, 2006).

households in the East has increased from 1999 onwards³⁵. Although both men and women die as a result of armed conflict, women ought to bear the consequences of man's death and take up the burden of heading the household, due to their gendered role in society as widows and mothers.

Being used to a system of patriarchal domination, many women were not prepared to take the tasks of finding economic resources for the households. They had little or no marketable skills and capital to start self-employment. Furthermore, barriers that hinder the economic and social development of the Tamil women in the North and East are sometimes embedded in the customs and laws related to their own ethnicity. They include the administrative practice of granting land permits to the eldest son of a deceased, and Thesawalami, a customary Tamil personal law applicable in Sri Lanka's Northern Province, which still requires a married woman to a husband's written consent to dispose of her property³⁶.

From a different point of view Kanchana Ruwanpura argues that deconstruction of the female-headed household by ethnicity in Sri Lanka has illuminated the sources of continued gender inequality within both Sinhala and Tamil ethnic groups. She points out that there are varying reasons for adopting the responsibilities of headship and this means that the households are in different circumstances in terms of feasible survival strategies. She further suggests that policies to help should be sensitive to this diversity, as effective assistance to widows with resident adolescent children, for example, may require different kinds of intervention than optimal aid to deserted women with dependent babies³⁷.

Policies need to be formulated to address such ethnic differences/ horizontal inequalities taking place as it has the capacity to reduce the growth potential of society. Opportunities should be created on the basis of potential merit or efficiency rather than discriminating against a particular ethnic affiliation. In this context, policies for empowering women should focus on providing space for women to participate in decision making, property ownership including land, housing and other assets, employment and lives free from violence without any discrimination based on gender. Furthermore, implementing a context sensitive approach is equally important for strengthening the socio economic status overall as it has a positive impact on the welfare of members of minority groups who mind about their relative position and that of their group.

³⁵ Sitralega, Maunaguru, "Conflict and Development in Eastern Sri Lanka: The Gender Dimension", in Frerks, Georg and Klem Bart (eds), *Dealing With Diversity: Sri Lankan Discourses on Peace and Conflict*, (The Netherlands Institute of International Relations; 2004).

³⁶ Jo, Baker, "Reconciling Truth and Gender: Lessons for Sri Lanka", (2011).

³⁷ Kanchana Ruwanpura, and Jane Humphries, *Mundane Heroines: Conflict, Ethnicity, Gender and Female Headship in Eastern Sri Lanka*, *Feminist Economics* 10(2), July 2004, 173 - 205, (Routledge Taylor & Francis Group, 2004).

Legal Protection

Gender based violence against women has gained recognition under the International Law, in the jurisdictions of international courts and tribunals, in the convention on the Elimination of Discrimination against Women (CEDAW) and under the Security Council's efforts to broaden their approach to peace and security³⁸. CEDAW is directed against both public and private discrimination and calls for affirmative action.

Art. 1 CEDAW states:

"For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, social, cultural, civil or any other field."³⁹

Sri Lanka signed the CEDAW on 17th July 1980 and ratified it on the 5th October 1981. Sri Lanka also signed the CEDAW optional protocol on the 6th October 1999 and ratified it on 15th October 2002. Further, holding on to its commitments towards gender equality and non-discrimination of women the State machinery and State action in Sri Lanka has incorporated the principle of non discrimination on the ground of sex (and other specified grounds) in the Constitution of Sri Lanka promulgated in 1978 in Article 12 (2). Hence both internationally and domestically the government of Sri Lanka is obliged to adhere to the principles of Human Rights and Humanitarian Laws⁴⁰. The State machinery against gender based violence uses a multi pronged programme approach where diverse projects are carried out by the Ministry of Child Development and Women's Empowerment, the Women's Bureau and the National Committee on Women to address issues of violence against women⁴¹.

Demilitarization, Demobilization and Reintegration

Post-conflict reconstruction and development programs sometimes provides an opening for 'new beginnings' to develop more equal gender roles and overcome gender barriers in development. A lot of donor resources flow to demilitarization, demobilization and reintegration (DDR) to conduct development activities like providing skills, agricultural inputs, and access to capital⁴².

³⁸ Alternative Report on the implementation of the UN Convention on the elimination of the Discrimination against women (CEDAW)- Sri Lanka "Women and Armed Conflict", (European Centre for Constitutional and Human Rights; Berlin/Geneva, January 2010)

³⁹ ibid

⁴⁰ See Constitution of Sri Lanka, 1978.

⁴¹ Ramani Jayasundere, "Understanding Gendered Violence against Women in Sri Lanka" , (A Background Paper for Women Defining Peace, 2010).

⁴² Marcia E. Greenberg and Elaine Zuckerman, "The Gender Dimensions of Post-Conflict Reconstruction: The Challenges in Development Aid", (Research Paper No. 2006/62, United Nations University, June 2006).

To analyse the gender aspects of post-conflict reconstruction, Greenberg and Zuckerman propose three interrelated dimensions. Each is rights-based, guaranteeing women rights to: participate meaningfully in policymaking and resource allocation; benefit substantially from public and private resources and services; and enjoy equal status with men in constructing the new peace and prosperity with women's rights as the foundation⁴³.

The first gender dimension is women-focused activities that compensate for gender disparities—in rights, education, resources and power; the second dimension emphasizes economic issues, recognizing that gender related impediments diminish the effectiveness of economic and governance programmes characterized by urgent need for leadership, resources, labour and talent, post-conflict societies cannot afford to bypass women or to ignore gender-related impediments and opportunities; the third gender dimension, the most strategic, is transformative as it advocates gender-oriented activities to change unequal conflicted to peaceful societies of respect and equality⁴⁴.

At this point it is important to investigate whether the government of Sri Lanka has envisaged a national policy or action plan to address the resettlement and reintegration of IDPs into society, with special emphasis to address the concerns of female ex-combatants or detainees. According to the current Commissioner General of Rehabilitation Brigadier Dharshana Hettiarachchi, the Sri Lankan government adhered to a three-pronged approach when dealing with the ex-combatants. "Accordingly those ex-combatants who were to be investigated and prosecuted, due to their higher involvement in various terrorist activities were tried in a court of law. Those to be rehabilitated were directed to the Bureau of the Commissioner General of Rehabilitation and on confirmation by the intelligence agencies some were released due to their marginal involvement in LTTE activities. The ex-combatants who were selected for rehabilitation were accommodated in 24 protective accommodations and rehabilitation centres (PARCs)," ⁴⁵.

Government has made available new opportunities, such as information technology training, to women to enhance their career prospects. For instance World Bank project in Sri Lanka targets women with ICT (information and communications technology) training and skills to enhance their employment opportunities⁴⁶. Furthermore, rehabilitees were guided to undergo educational, vocational and skills development programmes along with development of mental tranquillity, spiritual enhancement and expansion of moral values to prepare them to rejoin the community,"⁴⁷

⁴³ibid

⁴⁴ ibid

⁴⁵ "De-Radicalization of ex-combatants Underway", (Bureau of the Commissioner General of Rehabilitation: accessed 20th August 2013,) <http://www.bcgr.gov.lk/news.php?id=237>

⁴⁶ World Bank Sri Lanka E-Lanka Development. Available at: www-wds.worldbank.org/servlet/WDSCContentServer/WDSP/IB/2004/09/10/000009486_20040910112659/Rendered/PDF/28979a.pdf

⁴⁷ "De-Radicalization of ex-combatants", (Bureau of the Commissioner General of Rehabilitation: accessed 20th August 2013) <http://www.bcgr.gov.lk/news.php?id=237>

Conclusion

In the present post war development context in Sri Lanka although major resources are being devoted to its physical and economic reconstruction such as the ongoing rebuilding of roads, power lines, railways and other infrastructure destroyed by the fighting, lives for most of those who have returned to the north still remain extremely difficult. Women's suffering as victims of conflict have not lessened today and much of the research on women and war suggest that war magnifies already existing gender inequality and women's subordination. At this point, Sri Lanka is obliged to report on the gender-based violence which took place in conflict-affected areas and detention centres, to take adequate and effective measures to protect their civilians, and to investigate and prosecute gender-based crimes.

Although issues concerning women receive attention from diverse sectors, the State, non government sector and civil society, the continuous violence against women take place in the society with insufficient measures taken to prevent and redress the matter. Therefore, extra attention is needed in addressing unequal power structures between men and women. It is equally important to address cultural barriers, negative attitudes and stereotyping in order to achieve gender equality because without gender equality it is impossible to overcome conflict legacies for sustainable reconstruction.

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