

EXECUTIVE SUMMARY

“We Lost Everything – Even Hope For Justice” **OHCHR Brief on Accountability for Conflict-Related Sexual Violence in Sri Lanka**

Issued under the mandate of the United Nations High Commissioner for Human Rights pursuant to General Assembly resolution 48/141 and Human Rights Council resolutions 46/1, 51/1 and 60/1, this Brief examines the enduring trauma inflicted by conflict-related sexual violence (CRSV) in Sri Lanka and the profound impact of impunity on survivors. It draws on more than a decade of UN investigations and reporting, alongside recent consultations with survivors, to outline concrete steps needed to advance accountability.

Methodology

This Brief adopts a survivor-centred and gender-sensitive approach, combining remote consultations¹ with 27 survivors (23 women and 4 men) from all districts,² with extensive UN documentation and credible external sources. While this enabled broad outreach, it also presented inherent limitations, including difficulties in organising participants online, reduced opportunities for direct observation, and challenges in reaching survivors in isolated or marginalised areas who lacked reliable internet access or were reluctant to discuss sensitive experiences through virtual platforms.

Across all sources, the Brief highlights consistent patterns showing that sexual violence during, and in the aftermath of, the conflict was widespread, systemic, and institutionally enabled, and that accountability has remained largely absent. The Brief also foregrounds what is less visible: the daily reality of impunity for survivors, the trauma they continue to endure, and the lasting social and psychological cost of silence and denial.

Contextual Background

CRSV in Sri Lanka must be understood within the country’s broader history of political violence. Documented cases of CRSV date back to the Janatha Vimukthi Peramuna (JVP)’S insurrections of 1971 and 1987-1989 and continued throughout the civil war between the Government and the “Liberation Tigers of Tamil Eelam” (LTTE) (1983-2009). During these periods, sexual violence was widely used, as a method of intimidation, punishment, and control over conflict-affected populations.

After the end of the conflict, impunity, militarization, the use of emergency and extraordinary legal frameworks, and a weakened rule of law have fostered a post-conflict environment in which gender-based violence - including sexual violence - continues to occur, including in contexts linked to the conflict, with alarming impunity. Survivors and their representatives described an enduring climate of surveillance, intimidation, and harassment, contributing to underreporting, deep stigma, and the near-absence of effective remedies.

¹ Because the Government of Sri Lanka did not grant access to OHCHR’s investigative mechanism, consultations were carried out remotely.

² To inform the drafting of this Brief, OHCHR conducted consultations with survivors of CRSV in Sri Lanka from diverse backgrounds and regions, spanning incidents from 1985 to 2024. Crimes committed after the cessation of hostilities in May 2009 themselves are therefore also examined where a nexus with the armed conflict was evident.

Prohibition of CRSV in International Law and the Sri Lankan Domestic Legal Framework

Sexual violence in conflict constitutes a serious violation of international law, which may amount to war crimes or crimes against humanity. Sri Lanka is legally obligated, under multiple international treaties and commitments, to prevent, investigate, and prosecute such violations and ensure reparation for survivors.

However, Sri Lanka lacks specific legislation addressing CRSV. Existing laws rely on general criminal and constitutional provisions that leave significant protection gaps - including for male and LGBTQ+ survivors, whose experiences are often unacknowledged or criminalised. A 20-year statute of limitations, prolonged investigative delays, and limited forensic capacity further obstruct access to justice. Despite repeated calls for reform, prosecutions remain rare, and no accountability has been achieved for senior officials or those with command responsibility.

Survivors' Perspectives

Survivors, both women and men, described a broad spectrum of sexual violence - opportunistic, transactional, and organised - committed in detention centres, at checkpoints, and in homes throughout the conflict and its aftermath. Their accounts were consistent across time, locations, and perpetrators, indicating that these were not isolated incidents but reflected coordinated practices aimed at domination and control. The cruelty of the abuses inflicted - including mutilation, exposure, public degradation - was often described by the survivors as being intended to cause lasting trauma and dismantle entire communities.

Survivors face severe obstacles when attempting to report violations. Complaints are often taken in non-confidential or hostile settings, language barriers compromise the accuracy of records and fair trial outcomes, and the lack of medical evidence due to limited forensic resources further undermines their cases. These challenges are compounded by judicial and administrative insensitivity and by the very real fear of reprisals from the same officials who committed the abuses, leaving many survivors too afraid or discouraged to seek justice.

Across all consultations, survivors overwhelmingly reported receiving no reparations, despite the 2018 Office for Reparations Act. Most described deep social isolation, poverty, and the absence of psychological or social support. Many were ostracized by their communities and abandoned by their families. Their participation in transitional justice processes has been minimal or non-existent, despite recommendations urging inclusive and survivor-centered approaches.

Male survivors, subjected to severe sexual torture, remain particularly invisible due to stigma, fear, and discriminatory legal frameworks. Their long-term physical and psychological suffering remains largely unacknowledged.

Perspectives on Accountability: Impact of Impunity

Consultations conducted by OHCHR revealed a pervasive belief that impunity was inevitable, shaped by decades of systemic dysfunction and institutional denial. Survivors consistently expressed a profound lack of trust in both national and international justice systems. Many viewed the judiciary not as a pathway to justice but as a mechanism that protects perpetrators. Years of stalled or failed cases have left survivors emotionally exhausted and angry, reinforcing the sense that accountability is unattainable.

The trauma endured by survivors is lifelong. Many continue to suffer chronic physical injuries, infertility, psychological breakdowns, and suicidal ideation. Stigma extends to their families, and children born of rape have been labelled and discriminated against. The effects of impunity therefore reach far beyond individual suffering: communities remain fractured by silence, fear, and unresolved trauma.

Despite this, some survivors emphasised that broader accountability - even if not for their own cases - could help restore dignity, challenge denial, and break the cycle of impunity. Although many have lost hope in personal justice, others still believe that holding perpetrators to account at a wider level could shift societal attitudes and offer recognition to affected communities. They call for reparations that are comprehensive, including psychological support, community reintegration, and formal acknowledgment of harm. Survivors insist that justice must be survivor-centred, gender-responsive, and address both material and symbolic aspects of redress.

Conclusion and Recommendations

CRSV in Sri Lanka was widespread, systemic, and enabled by institutional failures that remain unaddressed. Despite repeated recommendations by UN bodies and other actors, meaningful reforms have yet to be implemented, and survivors continue to suffer in silence.

The Government of Sri Lanka must take immediate and concrete steps to publicly acknowledge past sexual violence committed by State forces and others, issue a formal apology, implement survivor-centred reforms across the security sector, judiciary and legal framework, establish an independent prosecution office, ensure access to psychological and social support, and operationalize commitments made under previous UN resolutions. Genuine political will is needed to demonstrate tangible progress in translating these long-standing recommendations into practice and fulfilling the State's international obligations.

Where national authorities fail to act, the international community should support accountability efforts by exercising universal or extraterritorial jurisdiction when appropriate, imposing targeted sanctions against perpetrators consistent with international law, rigorously screening individuals considered for peacekeeping or bilateral cooperation, and ensuring sustained support to survivors and civil society organisations.

Addressing CRSV is both a legal obligation and a moral imperative. Recognition, truth, accountability, and reparations are essential to restoring dignity to survivors and building sustainable peace in Sri Lanka.