



ACCOUNTABILITY FOR CONFLICT- RELATED SEXUAL VIOLENCE IN SRI LANKA

**"WE LOST EVERYTHING –
EVEN HOPE
FOR JUSTICE"**



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This Brief builds on more than a decade of investigations and reporting by the Office of the High Commissioner for Human Rights (OHCHR) and other United Nations (UN) bodies, which have documented the widespread and systemic nature of sexual violence in conflict and the consistent failure of the State to ensure accountability. What remains less known and what this brief seeks to foreground, is what this impunity means in practice for survivors: the trauma they continue to endure, the silence imposed by stigma and fear, and the social cost of denial. Drawing on survivor consultations, this Brief connects systematic failures to human suffering and outlines recommendations to advance accountability efforts.



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I. Introduction

1. Sexual violence¹ committed during and after Sri Lanka's armed conflict was not merely a collection of isolated incidents but part of a deliberate, widespread, and systemic pattern of violations.² These acts, some of which may amount to war crimes and crimes against humanity,³ were employed as a strategic tool to extract information, assert dominance, intimidate individuals and communities, and instill a pervasive climate of fear and humiliation.⁴ Such violations were institutionally enabled, and disproportionately targeted conflict-affected communities.⁵
2. Despite it being a longstanding matter of record, successive Sri Lankan governments have failed to adequately investigate or prosecute cases of conflict-related sexual violence (CRSV), often minimizing or denying the extent of the violations.⁶ While international actors have expressed concern, meaningful steps toward facilitating credible accountability and access to justice for survivors have remained limited. The current Government has pledged a renewed focus on domestic accountability and justice reform, including commitments to address some emblematic cases and restore the rule of law.⁷ However, despite these commitments, entrenched impunity for serious violations, including CRSV, persists and tangible progress remains to be seen.⁸ Consequently, survivors continue to be largely denied justice, and the systemic and institutional conditions that enabled such violations remain largely unaddressed.⁹ The continued failure to address and

¹ For the purposes of this document, the term sexual violence is used to encompass a broad spectrum of acts, including but not limited to rape, gang rape, sexual torture, genital abuse, forced nudity, genital mutilation and gross acts such as cutting off the genitals of males and putting them in the mouth/genitalia of female victims, coerced sex, and sexual humiliation. It further includes coerced sexual acts, forced witnessing of sexual violence, sexual enslavement, threats of rape or sexual harm, non-consensual sexual touching, sexual exploitation, and the use of sexual violence as a method of interrogation, punishment, intimidation, or control. This comprehensive definition reflects the range of violations documented in conflict and some in post-conflict contexts, particularly in situations involving state or security actors and targeting marginalized or ethnically persecuted communities in Sri Lanka.

² United Nations, Office of the High Commissioner for Human Rights, Report of the OHCHR Investigation in Sri Lanka (OISL), A/HRC/30/CRP.2, 16 September 2015, paras. 1132- 1136; United Nations, Security Council, Report of the Secretary-General on Conflict-Related Sexual Violence, S/2016/361/Rev.1, 22 June 2016, para. 82. ("These were not isolated incidents, but rather part of a policy").

³ A/HRC/30/CRP.2, para. 1136.

⁴ Ibid., para. 1132-1134.

⁵ Ibid., paras. 572-574, 588, 609.

⁶ United Nations, Human Rights Council, *Situation of human rights in Sri Lanka – Comprehensive report of the United Nations High Commissioner for Human Rights*, A/HRC/60/21, 12 August 2025, para. 42. ("OHCHR remains concerned about ongoing impunity for conflict-related sexual violence and the persistent data vacuum on the number of investigations and prosecutions, imposed for conflict-related sexual violence cases, allegedly committed by armed forces and police personnel"); See also United Nations Secretary-General, *Report of the Secretary-General on Conflict-related Sexual Violence*, S/2021/312, 30 March 2021, para 65 ("More than a decade since the end of the conflict between the Government and the Liberation Tigers of Tamil Eelam in Sri Lanka, a meaningful transitional justice process that would address crimes committed during three decades of civil war, including crimes of sexual violence, is yet to be established").

⁷ A/HRC/60/21, para. 30 ("In his inaugural address, the President emphasized that his Government's mandate reflected the nation's call for justice and promised to restore trust in the rule of law by thoroughly investigating "controversial crimes", underlining that "justice must be served to the victims, and the perpetrators must be held accountable). See also paras. 32, 44, 58.

⁸ Ibid., paras. 30, 58.

⁹ Ibid, para. 30 ("Sixteen years after the armed conflict, it will be important for the Government to fully acknowledge the widespread and serious violations, including international crimes, committed during the civil war, provide adequate redress, and ensure truth and justice for victims [...] Meanwhile, impunity remains entrenched, and the structural conditions that led to past violations persist."); See also, Lessons Learnt and Reconciliation Commission (LLRC), Report of the Commission of Inquiry on Lessons Learnt and Reconciliation (Colombo, Sri Lanka, 2011), para. 5.108. (This highlights that the continued sexual and gender-based violence against women is linked to a range of factors, including heavy military presence, lack of local authority and protection, weakened institutions, and prevailing social prejudices. This environment has fostered a culture of impunity, leaving women vulnerable and compromising their dignity, security, and rights); United Nations, Committee on the Elimination of Discrimination against Women, Concluding observations on the ninth periodic report of Sri Lanka, CEDAW/C/LKA/CO/9, 28 February 2025, paras. 28-30.

ensure accountability for historical cases of sexual violence has further entrenched cycles of trauma and marginalization within affected communities.

3. CRSV in Sri Lanka must be understood within a wider context of sexual and gender-based violence (SGBV) across the country. Official statistics and civil society reports indicate this to be a deeply rooted and systemic issue, with significant underreporting, limited access to justice, and widespread stigmatization of survivors.¹⁰ In such a landscape, CRSV is not an incidental aberration, but rather targeted manifestation of the broader societal failure to prevent and respond to SGBV.¹¹ The post-conflict state's failure to ensure accountability for wartime abuses mirrors its continued failure to protect vulnerable groups from sexual violence in peacetime, exposing a continuum of impunity and gendered harms.¹²
4. Issued under the United Nations (UN) Office of the High Commissioner for Human Rights' (OHCHR) mandate pursuant to General Assembly resolution 48/141, and in line with Human Rights Council resolutions 46/1, 51/1 and 60/1,¹³ this Brief seeks to amplify the voices silenced by decades of State inaction. It aims to ensure that the survivors' experiences are placed at the forefront of meaningful dialogue on accountability both for conflict-related crimes and ongoing human rights violations.

II. Methodology: A Survivor-Centred Documentation Process

5. This brief adopts a survivor-centered and gender-sensitive approach,¹⁴ prioritizing the voices, experiences, and needs of survivors throughout its analysis. As the Sri Lankan government has continued to deny OHCHR's investigative mechanism access to the country,¹⁵ the consultations were carried out remotely, using semi-structured interviews. While this approach allowed for broad outreach, it also presented challenges such as difficulty in remotely organizing participants and reluctance among some survivors to engage in sensitive discussions through online platforms. In addition, remote consultations presented limited opportunities for

¹⁰ S/2016/361, Rev. 1, paras. 13, 82; CEDAW/C/LKA/CO/8, para. 13; Equality Now and Dignity Alliance International, "Sexual Violence in South Asia: Legal and Other Barriers to Justice for Survivors", 20 April 2021, p. 6, 12-14; See also Leader of the Opposition's Commission on the Prevention of Violence Against Women and the Girl Child, *Report of December 2014* (Colombo, Sri Lanka), 2014.

¹¹ Leader of the Opposition's Commission on the Prevention of Violence Against Women and the Girl Child, *Report of December 2014*, p. 7; United Nations, Human Rights Council, *Report of the Special Rapporteur on minority issues on her mission to Sri Lanka*, A/HRC/34/53, ADD.3, January 2017, paras. 38, 47, 48; United Nations, Human Rights Council, *Report of the Secretary-General on Conflict-Related Sexual Violence*, S/2021/312, para. 65.

¹² United Nations, Human Rights Council, *Report of the Special Rapporteur on minority issues on her mission to Sri Lanka*, A/HRC/34/53, ADD.3, January 2017, paras. 47, 48; Danushka Medawatte, Neloufer de Mel, Sandani N. Yapa Abeywardena and Ranitha Ganaraj, "Conjunctures of Silence: Aphonias in the Prosecution of Conflict Related Sexual Violence in Sri Lanka - the Vishvamadu Case", The Gender Hub, 2022, available at: <https://thegenderhub.com/wp-content/uploads/2022/02/Conjunctures-of-Silence.pdf>, p. 9.

¹³ United Nations, Human Rights Council, *Promoting reconciliation, accountability and human rights in Sri Lanka*, A/HRC/RES/51/1, 12 October 2022, para. 8 ("[The Resolution] recognizes the importance of preserving and analyzing evidence relating to violations and abuses of human rights and related crimes in Sri Lanka with a view to advancing accountability, and decides to extend and reinforce the capacity of the Office of the High Commissioner to collect, consolidate, analyze, and preserve information and evidence and to develop possible strategies for future accountability processes for gross violations of human rights or serious violations of international humanitarian law in Sri Lanka, to advocate for victims and survivors, and to support relevant judicial and other proceedings, including in Member States, with competent jurisdiction.").

¹⁴ While the terms "victim" and "survivor" are often used interchangeably in UN documentation, this Brief primarily uses the term "survivor", in line with a survivor-centred approach that affirms the agency, resilience, and dignity of those affected by CRSV. This approach ensures that "the rights and needs of individuals affected by CRSV, as identified by themselves, are central to all interventions." OHCHR also acknowledges that the terms "victim" and "survivor" are used without prejudice to other terms individuals may choose to describe their own experiences.

¹⁵ A/HRC/60/21, para. 48.

direct observation and lessened the inclusion of perspectives from survivors in isolated or marginalized areas without reliable internet access or the means to participate in virtual consultations.

6. Prior to the consultations, extensive qualitative and quantitative data in this field were reviewed and analyzed. This preparatory phase drew on existing comprehensive sources such as previous UN reports - notably those of OHCHR and its repository created pursuant to the HRC resolutions,¹⁶ Special Procedures mandate holders and treaty bodies, international human rights organizations, and Governmental reports. These sources provided critical baseline information on patterns of victimization, the historical context, and the effectiveness of existing mechanisms.
7. All interviews and consultations were carried out in accordance with OHCHR standard methodology, including strictly abiding by the “do no harm” principle, respecting confidentiality, ensuring protection of sources and obtaining informed consent to use information.¹⁷ The topic guides for the consultations with survivors were designed following inputs from civil society organizations working with victims of sexual violence in Sri Lanka, as well as contributions from counsellors.
8. Individual and focus group discussions were conducted with 27 survivors (23 women and 4 men) across Sri Lanka, alongside consultations with survivors’ representatives, legal professionals, experts, and academics. The composition of survivors consulted, who had experienced different types of abuses, ensured geographical diversity across the country, diversity in age (ranging from 26 to 86 years old), inclusion of marginalized communities, and included experience with national and international accountability and justice mechanisms. Despite targeted efforts, engaging male survivors proved especially challenging, due to entrenched stigma and silence surrounding male victimhood, notwithstanding the fact that men were as likely as women to have been victims.¹⁸ Many of those consulted had experienced various forms of harm and victimization, including rape, gang rape, sexual torture, pregnancies resulting from rape, repeated assaults, forced nudity, and sexual extortion and sexual exploitation, among other violations and abuses. Survivors’ representatives were present throughout the consultations to provide support to the participants.
9. The period covered by this Brief is from 1985 to 2024.¹⁹ Crimes committed after the cessation of hostilities in May 2009 are examined in this Brief where a clear nexus with the armed conflict was evident. While efforts have been made to ensure a spectrum of experiences, OHCHR acknowledges the large diversity of perspectives

¹⁶ OHCHR, Preserving Evidence Advancing Accountability for Sri Lanka, *A Snapshot of OHCHR Sri Lanka Accountability Project’s Repository*, 1 September 2025.

¹⁷ To keep survivors’ identities confidential, the survivors are identified using the letter ‘F’ to represent female survivors and ‘M’ to represent male survivors, followed by an additional letter to distinguish between individuals (e.g., FA, FB, MA, MB, etc.)

¹⁸ A/HRC/30/CRP.2, para. 572. (“One of the most disturbing findings of the OISL investigation has been the extent to which sexual violence was committed, often extremely brutally, by the Sri Lanka security forces, with men as likely to be victims as women”).

¹⁹ Survivors consulted reported incidents of sexual violence occurring between 1985 and 2024, including several incidents allegedly perpetrated after the end of the conflict. See e.g. OHCHR focus group discussion with survivors of sexual violence, 14 February 2025; OHCHR consultation with FA, 27 February 2025; OHCHR consultation with FI, 19 March 2025; OHCHR consultation with MB, 19 March 2025. *See also* Situation of human rights in Sri Lanka, Comprehensive report of the United Nations High Commissioner for Human Rights, A/HRC/57/19, 22 August 2024, para. 27 (“OHCHR examined recent allegations of abduction, arbitrary detention, torture, ill-treatment and sexual violence perpetrated against individuals of Tamil ethnicity by Sri Lankan security forces, mainly in Jaffna, Kilinochchi, Mannar, Mullaitivu, and Vavuniya districts. These date from the period as recently as January 2024”); para. 29 (“OHCHR assessed as credible specific accounts of security forces using various techniques of torture and cruel, inhuman, or degrading treatment. Many of the interviewees also reported experiencing sexual torture, including rape, squeezing testicles, forced nudity, biting of breasts, either during interrogation or in the holding cell”).

amongst victims and recognizes that the volume of this Brief cannot fully represent the opinions of all victims.

10. OHCHR expresses its deep appreciation to all contributors, particularly the survivors who bravely shared their experiences, and their representatives.

III. Contextual Background: The Systemic Nature and Enduring Legacy of CRSV in Sri Lanka

11. OHCHR investigations, UN reports, and independent human rights organizations have consistently documented the use of forms of sexual violence in Sri Lanka as a method of torture, cruel, inhuman or degrading treatment or punishment, humiliation, and social control during periods of political unrest, with documented cases dating back to the Janatha Vimukthi Peramuna (JVP) insurrections in 1971.²⁰ In the late 1980s and early 1990s, several human rights organizations documented violations, including sexual violence, committed by State security forces under the pretext of counter-insurgency operations.²¹ These practices intensified during the second JVP insurrection (1987–1989) marked by mass arbitrary arrests, detentions and the systematic use of sexual violence as a tool of intimidation.²²
12. During the civil war (1983–2009) between the Government and the “Liberation Tigers of Tamil Eelam” (LTTE) armed group, sexual violence was widely used, primarily by State security forces actors, as a method of intimidation, punishment, and control over conflict-affected populations.²³ These acts largely targeted Tamil civilians and actual or perceived LTTE members, including women.²⁴ Many were also victims of other human rights violations like forced disappearance, arbitrary detention, forced displacement, and/or recruitment and use of child soldiers. UN bodies have recognized that sexual violence in conflict is a “significant and pervasive issue”.²⁵ The OHCHR Investigation on Sri Lanka (OISL) confirmed that sexual violence occurred in both conflict and post-conflict detention settings, often

²⁰ A/HRC/30/CRP.2, para. 591; REDRESS and Institute for International Criminal Investigations, “Supplement to the International Protocol on the Documentation and Investigation of Sexual Violence in Conflict: Sri Lanka Specific Guidelines for Practitioners”, REDRESS, March 2018, p. 3, available at: https://redress.org/storage/2018/03/20190315-Sri-Lanka-IP2-Supplement_Online.pdf; Kishali Pinto-Jayawardena and Kirsty Anantharajah, “A Crisis of ‘Legal Indeterminacy’ and State Impunity” in *The search for justice: the Sri Lankan papers*, Kishali Pinto-Jayawardena and Kumari Jayawardena, eds. (New Delhi, Zubaan, 2016), p.37.

²¹ See e.g. Amnesty International, “Sri Lanka: Extrajudicial executions, ‘disappearances’ and torture, 1987 to 1990”, ASA 37/021/1990, September 1990, available at: <https://www.amnesty.org/en/documents/asa37/021/1990/en/>; International Truth and Justice Project, “Disappearance, Torture and Sexual Violence of Tamils, 2015–2022”, p.7.

²² Ibid., p. 7.

²³ A/HRC/30/CRP.2, para. 1132. (“The information gathered by OISL provides reasonable grounds to believe that rape and sexual violence by security forces personnel was widespread against both male and female detainees, particularly in the aftermath of the war. The patterns of sexual violence appear to have been a deliberate means of torture to extract information and to humiliate and punish persons who were presumed to have some link to the LTTE. The denial of sexual violence by public officials, the demeaning of victims and the failure to investigate indicate that such practices were apparently tolerated if not condoned by the authorities.”)

²⁴ Ibid., paras. 573, 588; See also International Truth and Justice Project, “Disappearance, Torture and Sexual Violence of Tamils, 2015–2022”.

²⁵ Ibid., para. 572. (“One of the most disturbing findings of the OISL investigation has been the extent to which sexual violence was committed, often extremely brutally, by the Sri Lankan security forces, with men as likely to be victims as women. The prevalence of rape, often on repeated occasions, was particularly shocking”); See United Nations, Security Council, *Report of the Secretary-General’s Panel of Experts on Accountability in Sri Lanka*, 31 March 2011, available at: <https://www.securitycouncilreport.org/un-documents/document/poc-rep-on-account-in-sri-lanka.php>; See United Nations, Human Rights Council, *Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment on his mission to Sri Lanka*, A/HRC/34/54/Add.2, 22 December 2016.

with impunity.²⁶ While OHCHR has not received sufficient evidence to indicate widespread sexual violence by the LTTE, it documented several cases of non-sexual forms of torture.²⁷

13. In the aftermath of the conflict, the continued militarization of the Northern and Eastern provinces reportedly exacerbated the trauma of sexual violence during the conflict.²⁸ A survivor's advocate recounted to OHCHR how military-run camps and monuments in civilian areas still haunted survivors, saying, "They remind them of the crimes they endured, symbols of pain, not justice."²⁹ Survivors and their representatives described an enduring climate of surveillance, intimidation, and harassment, with violations such as gender-based violence (GBV) including sexual violence.³⁰ Since the end of the armed conflict, a post-conflict culture of violence³¹ has persisted, fuelled by ongoing impunity,³² the use of emergency and extraordinary legal frameworks such as the Prevention of Terrorism Act, and the continued militarization of certain regions. These conditions have placed civilians at heightened risk of harassment, intimidation, and sexual violence, including those perpetrated by members of the armed forces.³³ Victims remain primarily civilians from marginalized communities, with persistent risks to both men and women across a broad age range, closely mirroring the dynamics observed during the Sri Lankan conflict where civilians, especially from ethnic minorities, were disproportionately targeted.³⁴ These post-war abuses reflect the persistence and transformation of sexual violence in conflict into normalized and continuing forms of GBV including sexual violence in peacetime.
14. In Sri Lanka, certain acts qualify as CRSV due to the involvement of State actors, notably its security forces, and the widespread targeting of marginalized, conflict-affected Tamil communities, including former LTTE affiliates. During and after the conflict, credible reports documented rape, sexual torture, and other types of sexual abuse, primarily in State-run detention facilities, generally committed by personnel from various branches of the Sri Lankan security apparatus. Alleged perpetrators included members of the Sri Lankan army, Navy, Airforce, the Criminal Investigation Department (CID), the Terrorism Investigation Division (TID), the

²⁶ A/HRC/30/CRP.2, paras. 1132-1136. (Para. 1136: "The denial of sexual violence by public officials, the demeaning of victims and the failure to investigate indicate that such practices were apparently tolerated if not condoned by the authorities").

²⁷ Ibid., paras. 567-571.

²⁸ United Nations, Committee on the Elimination of Discrimination Against Women, *Concluding Observations on the Eighth Periodic Report of Sri Lanka*, CEDAW/C/LKA/CO/8, 3 March 2017, para. 24(b); See also International Crisis Group, "Sri Lanka: Women's Insecurity in the North and East", 20 December 2011.

²⁹ OHCHR consultation with a representative of survivors of sexual violence, 20 May 2025.

³⁰ United Nations, Human Rights Council, *Situation of human rights in Sri Lanka: Comprehensive report of the United Nations High Commissioner for Human Rights*, A/HRC/51/5, 4 October 2022, para. 32; United Nations, Human Rights Council, *Situation of human rights in Sri Lanka: Comprehensive report of the United Nations High Commissioner for Human Rights*, A/HRC/57/19, 22 August 2024, para. 27.

³¹ As indicated previously, the survivors met by OHCHR described incidents as recent as 2024. See also A/HRC/57/19, 22 August 2024, paras. 27 and 29.

³² See also, United Nations, Secretary-General. *Conflict-Related Sexual Violence: Report of the Secretary-General*, S/2025/389, 15 July 2025, para. 75 ("In Sri Lanka, allegations of human rights violations, including sexual violence against Tamil individuals by Sri Lankan security forces in areas that were particularly affected by the conflict, were reported in 2024 (see A/HRC/57/19), in the context of continued delays in reconciliation and accountability").

³³ See e.g. A/HRC/60/21, paras. 25, 60, 63; United Nations, Security Council, *Report of the Special Rapporteur on minority issues on her mission to Sri Lanka*, A/HRC/34/53/Add.3, 31 January 2017, paras. 38, 47, 48; United Nations, Committee on Economic, Social and Cultural Rights, *Concluding observations on the fifth periodic report of Sri Lanka*, E/C.12/LKA/CO/5, 4 August 2017, para. 53; S/2016/361, para. 13; UN Secretary-General's Report on Conflict-Related Sexual Violence, S/2021/312, 30 March 2021, para. 65.

³⁴ UN Secretary-General's Report on Conflict-Related Sexual Violence, S/2018/250, 16 April 2018, para. 89 ("Survivors of conflict-related sexual violence come from all of the three largest population groups, with Tamil women in the northeast the most affected, as well as Muslim and Sinhala women. Stigma manifests differently in each community, requiring a tailored response"); See also International Truth and Justice Project, "Disappearance, Torture and Sexual Violence of Tamils, 2015-2022" (The ITJP report analysed statements from 123 Tamil individuals, revealing that these violations persist and affect both men and women across various age groups).

Special Task Force, as well as affiliated paramilitary groups such as “Eelam People’s Democratic Party” (EPDP), and the “Tamil Makkal Viduthalai Pulikal” (TMVP). Victims were specifically targeted due to their Tamil ethnicity or alleged past ties to the LTTE, while State agents, typically acting as primary perpetrators, carried out these violations.³⁵ The connection to the conflict is evident in both the victim and perpetrator profiles, marking these acts as examples of CRSV.

15. Detention centers were sites of systematic torture. Both men and women recounted extreme physical abuse during interrogations, including rape, gang rape, and genital torture. Others described coerced sex in exchange for access to visit a relative or to be granted an early release. Others recounted how women were forced to undress in front of policemen or male relatives or ordered to keep on torn dresses in front of everyone at the police station, as a means of humiliation. The survivors also recounted how the absence of protective family structures, particularly in women-headed households, created vulnerabilities that were routinely exploited: *“The soldiers watching the area were also watching the ins and outs in the house... Whenever they saw that no man was present... they entered and abused the women.”*³⁶
16. The absence of access to justice, acknowledgment and reparations for these wartime crimes has created a legacy of impunity that continues to shape the lived realities of survivors. This unresolved history has contributed to the persistence of GBV in the post-conflict period, where distinctions between wartime abuses and peacetime violence have become increasingly blurred.³⁷ Five years after the end of the conflict, the *Report of the Leader of the Opposition’s Commission on the Prevention of Violence Against Women and the Girl Child*, led by Ranil Wickremesinghe, recognised that the “protracted armed conflict and an acceptance and normalisation of violence has led to the lack of accountability and impunity for violence, including violence against women, and is now part of a bigger problem of the general collapse of the rule of law in Sri Lanka.”³⁸
17. Acknowledging the pervasiveness of impunity for sexual violence, particularly where the security forces are concerned, that report noted that impunity for domestic, public and sexual violence was most prominent in the conflict-affected areas in the Northern and Eastern regions of the country.³⁹ The report documented an increasing trend in rape and incest complaints, from 1397 cases in 2007 to 2175 in 2013.⁴⁰ 445 incidents of sexual violence involving on-duty members of the army and 371 incidents involving off-duty members of the army were reported in 2011 alone.⁴¹ According to the Commission, this “suggests a correlation between the heavy military presence in conflict-affected regions in the North and East, the high percentage of female-headed-households and allegations of violence against women.”⁴² The correlation has since constantly been highlighted.⁴³

³⁵ A/HRC/51/5, para. 32.

³⁶ OHCHR consultation with a representative of survivors of sexual violence, 21 February 2025.

³⁷ See S/2025/389, 15 July 2025, para. 75; A/HRC/57/19, 22 August 2024, paras. 27 and 29

³⁸ See Leader of the Opposition’s Commission on the Prevention of Violence Against Women and the Girl Child, *Report of December 2014* (Colombo, Sri Lanka, 2014), p. 7.

³⁹ Ibid., p. 7.

⁴⁰ Ibid., p. 22. (This marks a 64% increase over six years. Convictions have remained virtually constant throughout this time frame, with a range of 3 to 7 convictions a year. Nearly all result in acquittals).

⁴¹ Ibid., p. 34, 35. (Members of the army commit a disproportionate number of rapes, grave sexual abuses and other acts of sexual violence compared to law enforcement officials and home guards, both during and after the conflict).

⁴² Ibid., p. 36.

⁴³ See e.g. United Nations, Human Rights Council, *Report of the Special Rapporteur on minority issues on her mission to Sri Lanka*, A/HRC/34/53/ADD.3, 31 January 2017, paras. 38,47,48; United Nations, Committee on Economic, Social and Cultural Rights, *Concluding observations on the fifth periodic report of Sri Lanka*, E/C.12/LKA/CO/5, 4 August 2017, para. 53; United Nations, Security Council, *Report of the Secretary-General on Conflict-Related Sexual Violence*, S/2016/361, 20 April 2016, para. 13; United Nations, Security Council, *Report of the Secretary-General on Conflict-Related Sexual Violence*, S/2021/312, 30 March 2021, para. 65.

18. The national response to sexual violence continues to be hampered by underreporting, lack of trust in State institutions, and the absence of comprehensive data collection, particularly during and immediately after the conflict.⁴⁴ Survivors often refrain from reporting their experiences due to a combination of fear of retaliation, deep-rooted social stigma, and lack of trust in justice mechanisms. This persistent data vacuum makes it impossible to capture the full magnitude of violations, reinforcing both the invisibility of survivors and the challenges to ensuring access to justice and accountability. Cultural stigmatization, compounded by official denial by State actors and widespread impunity, further marginalizes victims, silences their voices and reinforces an environment in which disclosure is discouraged, and accountability remains elusive.⁴⁵
19. These challenges are exacerbated by the absence of proper and accessible institutions dedicated to handling such cases, structural barriers within the regular criminal justice system, and a lack of survivor-centered approaches.⁴⁶ Additionally, limited access to legal aid, psychosocial support, and other essential services severely restrict in practice the options available to victims, contributing to continued silence and impunity.⁴⁷ Crucially, accountability encompasses not only criminal responsibility, but also the broader obligation to provide reparations such as acknowledgment of harm, compensation, rehabilitation, and guarantees of non-repetition. Meanwhile, survivors continue to live with the long-term psychological, social, and economic consequences of unacknowledged and unaddressed sexual violence.

IV. Prohibition of Conflict-Related Sexual Violence in International Law: The Case of Sri Lanka

20. United Nations Security Council resolutions define CRSV as “acts such as rape, sexual slavery, forced prostitution, forced pregnancy, forced abortion, enforced sterilization, forced marriage and any other form of sexual violence of comparable gravity perpetrated against women, men, girls or boys that is directly or indirectly linked to a conflict.”⁴⁸ CRSV is typically linked to the profile of the perpetrator (e.g., whether state or non-state armed actors) or the profile of the survivors, including minorities targeted for their ethnic or racial origin or individuals targeted for their gender, gender identity or sexual orientation.⁴⁹ It also includes trafficking for the purpose of sexual violence or exploitation in conflict settings.⁵⁰ CRSV often occurs in environments marked by impunity, displacement, breakdown of the rule of law, or ceasefire violations.⁵¹ Survivors include not only those directly subjected to

⁴⁴ United Nations Population Fund, *Sexual and Gender Based Violence in Sri Lanka* (United Nations publication, 2020), p. 5. (“It is difficult to obtain information related to violence from any single organization in Sri Lanka”)

⁴⁵ See Danushka Medawatte, Neloufer de Mel, Sandani N. Yapa Abeywardena and Ranitha Gnanaraj, “Conjunctures of Silence: Aphonias in the Prosecution of Conflict Related Sexual Violence in Sri Lanka - The Vishvamaru Case”, The Gender Hub, 2022, available at: <https://thegenderhub.com/wp-content/uploads/2022/02/Conjunctures-of-Silence.pdf>.

⁴⁶ Ibid., p. 10, 12, 17.

⁴⁷ See The Asia Foundation, “Inside Justice: Enabling justice for survivors of sexual and gender-based violence”, 2021, available at: https://asiafoundation.org/wp-content/uploads/2024/08/Sri-Lanka_Inside-Justice-Learnings-Report_English.pdf.

⁴⁸ United Nations, Security Council, *Report of the Secretary-General on Conflict-Related Sexual Violence*, S/2019/280, 29 March 2019, para. 4; United Nations, Security Council, *Report of the Secretary-General on Conflict-Related Sexual Violence*, S/2024/292, 4 April 2024, para. 3.

⁴⁹ *Handbook for United Nations Field Missions on Preventing and Responding to Conflict-Related Sexual Violence* (United Nations publication, 2020), p. 6-12.

⁵⁰ Ibid., 5.

⁵¹ Ibid.

violations and abuses, but also family members, children born of rape, and those harmed while protecting or assisting survivors.⁵²

21. Sexual violence is prohibited under different and complementary legal frameworks: international human rights law (IHRL),⁵³ international humanitarian law (IHL),⁵⁴ and international criminal law (ICL).⁵⁵ It constitutes a grave violation of international law⁵⁶ and may amount to war crimes, crimes against humanity, or acts of genocide.⁵⁷ GBV, including sexual violence in conflict, may also violate multiple rights enshrined in international human rights instruments, including the rights to life; liberty and security of the person; privacy; freedom from torture and cruel, inhuman or degrading treatment; the highest attainable standard of health; and equality and non-discrimination.⁵⁸ States have a legal obligation to prevent, investigate, and prosecute these violations, and to provide survivors with protection, redress, and reparation.⁵⁹
22. The obligation of the State to investigate and prosecute serious violations and abuses amounting to crimes may encounter significant challenges, particularly in contexts where the volume of criminal acts is significant and the capacity of the ordinary domestic justice system is insufficient to effectively address all cases. For example in Colombia, recognizing the impracticality of addressing five decades of violence through an individualized, case-by-case approach, the Special Jurisdiction for Peace (SJP)⁶⁰ has adopted a strategy focused on identifying patterns and conducting analysis through the lens of "macrocriminality".⁶¹ According to the Constitutional Court of Colombia, a "macropattern" entails the "consolidation of individual cases, in accordance with criminal patterns" to "concentrate investigation efforts on certain suspects or criminal organizations"

⁵² United Nations, General Assembly, *Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law*, A/RES/60/147, 21 March 2006, principles 8 and 9; United Nations, Security Council, *Guidance Note of the Secretary-General on Reparations for Conflict-Related Sexual Violence*, ST/SG(02)/R425, June 2014, p. 3.

⁵³ *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem, Advisory Opinion*, I.C.J. Reports 2024, para. 99.

⁵⁴ Common Article 3 to *Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Geneva Convention)*, 75 UNTS 31, 12 August 1949; *Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Geneva Convention)*, 75 UNTS 85, 12 August 1949; *Geneva Convention Relative to the Treatment of Prisoners of War (Third Geneva Convention)*, 75 UNTS 135, 12 August 1949; *Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention)*, 75 UNTS 287, 12 August 1949; *Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I)*, 1125 UNTS 3, 8 June 1977, Articles 75(2)(b) and 76(1); *Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II)*, 1125 UNTS 609, 8 June 1977, Article 4(2)(e); International Committee of the Red Cross, "International Humanitarian Law Databases", 161 Rules of Customary IHL Database, available at: <https://ihl-databases.icrc.org/en/customary-ihl/rules>, Rules 93, 94, 134, 156.

⁵⁵ United Nations, General Assembly, *Rome Statute of the International Criminal Court (last amended 2010)*, 2187 UNTS 3, 17 July 1998, Articles 7(1)(g) and 8(2)(b)(xxii) (Rome Statute); A/HRC/30/CRP.2, para. 1135; See International Criminal Court, *Elements of Crimes*, ISBN No. 92-9227-232-2, 2011.

⁵⁶ S/RES/71820, 19 June 2008, para. 4. ("Notes that rape and other forms of sexual violence can constitute a war crime, a crime against humanity, or a constitutive act with respect to genocide").

⁵⁷ E.g. United Nations, Human Rights Council, *"More than a human can bear": Israel's systematic use of sexual, reproductive and other forms of gender-based violence since 7 October 2023*, A/HRC/58/CRP.6, 13 March 2025, para. 19.

⁵⁸ *Handbook for United Nations Field Missions on Preventing and Responding to Conflict-Related Sexual Violence*, p. 20, 21.

⁵⁹ A/RES/60/147, principle 2; *International Legal Protection of Human Rights in Armed Conflict* (United Nations publication, 2011), p. 21, 72, 73; S/RES/2106, 24 June 2013, para. 4.

⁶⁰ JEP stands for Jurisdicción Especial para la Paz [Special Jurisdiction for Peace], a transitional justice mechanism that was established in Colombia.

⁶¹ Alejandro A. Cardona, "Agresiones sexuales en conflicto armado: Criterios de interpretación y formulas de imputación" in *International Law Research Group*, (2019) p. 59, 63; See Caroline Davidson, "Gender-based Crimes and the Colombian Special Jurisdiction for Peace", *Duke Journal of Comparative and International Law*, vol. 35, No. 1. (2025), p. 21.

and “establish” “a strategic order for the investigation and prosecution that contribute to the best results.”⁶² The Constitutional Court explained that this approach follows the need to ensure a “transition in a reasonable time” without “prolonging or making permanent the need for justice” and enable “conditions for reconciliation.”⁶³ In addition, Colombia’s Statute on the Administration of Justice established selection criteria to focus on “those who played an essential role in the most grave and representative acts”.⁶⁴ Further, the “gravity of the acts” and “representativity and the characteristics of those responsible,” the SJP considered “the differential characteristics of the victims,” meaning “conditions of vulnerability and/or necessity to adopt differentiated measures of protection derived from historic, social and cultural patterns of discrimination that have been identified based on considerations such as: ethnic origin, gender, age, disability, sexual orientation and gender identity and/or social role of the victim”.⁶⁵

23. The Colombian experience demonstrates how transitional justice systems can adopt strategic, pattern-based investigations (macrocriminality) to address widespread and historical atrocities. By prioritizing cases based on gravity, representativity, and the vulnerability of victims, such as those affected by historical discrimination, mechanisms like the SJP aim to deliver prompt justice whilst simultaneously fostering reconciliation. In the Sri Lankan context, adopting a strategic, macro-level investigative approach focusing on patterns of violations and abuses, and the most responsible actors, may similarly provide an effective path to accountability.
24. As a party to core international human rights treaties, including the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Convention on the Rights of the Child (CRC), and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), Sri Lanka is legally bound to prevent, investigate, and prosecute sexual violence and to ensure reparations for survivors.⁶⁶ It has also ratified several optional protocols that strengthen accountability, including the Optional Protocol to the ICCPR (individual complaints mechanism); the Optional Protocols to CEDAW and CAT (enabling inquiry and monitoring procedures) and the CRC Optional Protocols on children in armed conflict and on the sale of children, child prostitution, and child pornography. Sri Lanka in 2013 also endorsed the Declaration of Commitment to End Sexual Violence in Conflict and reaffirmed its commitment in 2016.⁶⁷ These instruments and declarations require that Sri Lanka addresses CRSV comprehensively, ensure justice

⁶² Ibid, citing Colombia, Jurisdicción Especial para la Paz [J.E.P.], Sal. Rec. 12 February 2021, Auto 033, Caso 03, para. 3 (“a la garantía del derecho a la justicia de las víctimas de violaciones masivas a los derechos humanos, por la estructuración de macroprocesos en los cuales exista una participación masiva de todas las víctimas y que no se estructuren por el azar, sino en virtud de investigaciones con base en contextos y en el análisis de estructuras de criminalidad organizada”).

⁶³ Ibid.

⁶⁴ Colombia, Official Gazette No. 50.976, 6 June 2019.

⁶⁵ Ibid.

⁶⁶ United Nations, Human Rights Committee, *General Comment No. 31: Nature of the General Legal Obligation on States Parties to the Covenant*, CCPR/C/21/Rev.1/Add.13, 26 May 2004, paras. 15, 18. (“15. Article 2, paragraph 3, requires that in addition to effective protection of Covenant rights States Parties must ensure that individuals also have accessible and effective remedies to vindicate those rights [...] A failure by a State Party to investigate allegations of violations could in and of itself give rise to a separate breach of the Covenant. Cessation of an ongoing violation is an essential element of the right to an effective remedy”); United Nations, Human Rights Council, *Accountability: Prosecuting and punishing gross violations of human rights and serious violations of international humanitarian law in the context of transitional justice processes: Report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence*, A/HRC/48/60, 9 July 2021, paras. 21, 22.

⁶⁷ Chandrani Bandara Jayasingha, Minister of Women and Child Affairs, “Women’s Empowerment and its link to sustainable development”, statement to the 60th Session of the Commission on the Status of Women, 15 March 2016.

and reparation for survivors, and uphold the principle of non-discrimination, including on the basis of gender, sexual orientation, and gender identity.

V. Domestic Legal Framework and National Measures to Address Sexual Violence

25. In the absence of specific legislation in Sri Lanka addressing sexual violence in conflict, such offences are typically dealt with under the Penal Code, as amended,⁶⁸ the Convention Against Torture,⁶⁹ or as violations of fundamental rights under the Sri Lankan Constitution, including the right to equality and the right to be free from torture or cruel, inhuman or degrading treatment or punishment.⁷⁰ The Penal Code defines and penalizes a range of sexual offences, including rape,⁷¹ grave sexual abuse,⁷² sexual harassment,⁷³ and incest.⁷⁴ Rape includes intercourse where the woman is in a situation of coercion or where 'consent is obtained through intimidation, threat, or force'.⁷⁵ Rape against women deprived of liberty is defined as acts committed by public officers or persons in positions of authority against women in official custody or against women who have been wrongly restrained.⁷⁶
26. Article 365(B) of the Penal Code also covers other types of sexual violence not amounting to rape and would be applicable to times of conflict. Enhanced penalties are applied in aggravating circumstances, such as when the victim is a minor or when committed by multiple perpetrators or persons in positions of authority.⁷⁷ However, significant protection gaps remain. For example, Sri Lankan law does not recognize rape of men,⁷⁸ criminalizes same-sex relations, and provides only limited criminalization of marital rape, punishable only where spouses are judicially separated.⁷⁹ Criminalization of same sex relations acts as a significant impediment to the reporting of sexual violence by LGBTQ+ individuals, who often fear legal repercussions if they come forward⁸⁰.

⁶⁸ See Sri Lanka, Penal Code (Amendment), Act No. 22 of 1995.

⁶⁹ Supreme Court of the Democratic Socialist Republic of Sri Lanka, *Torture of Yogalingam Vijitha*, S.C. Application FR No. 186/2001, Judgment, 28 August 2002. ("I further direct the Attorney General to consider taking steps, under the Convention Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment Act No. 22 of 1994, against the respondent and any others who are responsible for the acts of torture perpetrated on the petitioner").

⁷⁰ Sri Lanka, Constitution of the Democratic Socialist Republic of Sri Lanka as amended up to 31 October 2022, Article 11.

⁷¹ Sri Lanka, Penal Code (Amendment) Act, No. 16 of 2006, sect. 363. (The definition of rape under the Sri Lankan Penal Code is inconsistent with international human rights standards, as it is gender-exclusive, lacks a full consent-based approach, permits marital rape under certain conditions and allows exceptions for child marriage).

⁷² *Ibid.*, sect. 365(B). (The definitions of "unnatural offences" and "grave sexual abuses" under the Sri Lankan Penal Code is also at odds with international human rights standards due to the use of outdated, discriminatory language, the criminalization of consensual same-sex relations, the absence of a full consent-based approach and insufficient protections for the rights of all survivors, regardless of gender or sexual orientation).

⁷³ *Ibid.*, sect. 345.

⁷⁴ *Ibid.*, sect. 364(A).

⁷⁵ *Ibid.*, sect. 363.

⁷⁶ *Ibid.*, sect. 364.

⁷⁷ *Ibid.*

⁷⁸ Centre for Policy Alternatives, "Legal Reform to Combat Sexual and Gender-Based Violence, Part I: Reforming Existing Laws and Policies", November 2020, available at: <https://www.cpalanka.org/wp-content/uploads/2020/11/Law-Reform-to-combat-SGBV-PART-1-General-Centre-for-Policy-Alternatives.pdf>, p. 6.

⁷⁹ United Nations, Human Rights Committee, *Concluding observations on Sri Lanka*, CCPR/CO/79/LKA, 1 December 2003, para. 20. ("[The Committee] regrets that specific legislation to combat domestic violence still awaits adoption and notes with concern that marital rape is criminalized only in the case of judicial separation"); CEDAW/C/LKA/CO/8, para. 23(a).

⁸⁰ Halan Maurice Guindy, "Beyond Decriminalization of Same-Sex Relations", Human Rights Watch, 6 June 2024, available at: <https://www.hrw.org/news/2024/06/06/beyond-decriminalization-same-sex-relations>.

27. Additionally, Section 456 of Sri Lanka's Code of Criminal Procedure Act establishes a general statute of limitations of 20 years for the prosecution of sexual violence offences, including rape. This broad statutory limitation stands in contrast to international standards, under which statutes of limitation do not apply to international crimes.⁸¹ The existence of this time-bound limitation significantly contributes to the widespread impunity for perpetrators.⁸² As a consequence, acts of sexual violence committed prior to 2005 for which no legal proceedings were initiated are now conclusively time-barred and can no longer be prosecuted. Furthermore, sexual violence perpetrated after 2005 may also, in practice, risk falling outside the prosecutable window due to systemic delays. These include administrative inefficiencies, limited investigative resources, and insufficient forensic capacity, all of which commonly result in protracted investigative timelines extending several years.⁸³ A 2020 study examining 14 rape cases before a High Court in a non-conflict-affected region revealed that the filing of indictments by state authorities typically occurred between 3 and 11 years after the alleged commission of the crimes.⁸⁴
28. Sri Lanka has taken steps to address gender-based violence through legislation and policy frameworks, including the Women's Empowerment Act,⁸⁵ the 2023 Anti-Corruption Act criminalizing sexual bribery,⁸⁶ and national action plans on human rights (2017-2021), Women, Peace and Security (2023-2027) and GBV, including sexual violence (2024-2028). While these initiatives acknowledge the disproportionate impact of sexual violence on women and girls, they do not specifically address sexual violence in conflict. Additionally, the exclusion of men as victims from the definition of rape reinforces harmful stereotypes and marginalizes male survivors. Despite the value of legislation, implementation remains weak, and the requisite mechanisms to ensure accountability for conflict-related sexual violence are not in place.⁸⁷
29. OHCHR consultations confirmed that survivors perceived the current domestic framework and institutional mechanisms as largely symbolic, failing to deliver justice or act as a deterrent.⁸⁸ The absence of disaggregated data further obstructs justice, while broader exacerbating factors such as patriarchal norms, economic insecurity, and language barriers continue to limit survivors' ability to seek redress and deepens their exclusion.⁸⁹ Beyond political and legal commitments, achieving accountability for sexual violence demands independent investigations, survivor-

(Criminalizing same-sex relations deters survivors of sexual violence from reporting abuse, especially when it involves same-sex acts. It reinforces stigma, risks re-victimizing survivors, and undermines access to justice).

⁸¹ See e.g. Rome Statute of the International Criminal Court, Article 29.

⁸² See Human Rights Council, *Rape as a grave, systematic and widespread human rights violation, a crime and a manifestation of gender-based violence against women and girls, and its prevention*, Report of the Special Rapporteur on violence against women, its causes and consequences, A/HRC/47/26, para 61.

⁸³ See All Survivors Project, Sri Lanka- Submission to the United Nations Human Rights Committee, 2020, <https://allsurvivorsproject.org/wp-content/uploads/2022/03/Submission-to-the-UN-Human-Rights-Committee-on-Sri-Lanka-128th-Session-2-27-March-2020.pdf>. See also Muthukuda A D S J S Niriella, *Medico-Legal Evidence in Rape Cases: Analysis with Special Reference to Sri Lanka*, European Journal of Social Sciences, 2018, vol. 1, no. 1,

⁸⁴ Mascranghe, D., 'Justice is Elusive for Women of the North', Ground Views, 10 December 2022, available at: <https://groundviews.org/2022/10/12/justice-is-elusive-for-women-in-the-north/>.

⁸⁵ See Sri Lanka, Women Empowerment Act, No. 37 of 2024.

⁸⁶ See Sri Lanka, Anti-Corruption Act, No. 9 of 2023.

⁸⁷ United Nations, Committee on the Elimination of Discrimination against Women, *Concluding observations on the ninth periodic report of Sri Lanka*, CEDAW/C/LKA/CO/9, 28 February 2025, para. 29.

⁸⁸ OHCHR focus group discussion with survivors of sexual violence, 14 February 2025; OHCHR consultation with FD, survivor of sexual violence in 1990, 17 March 2025; OHCHR consultation with MB, a survivor of sexual violence in 2015, 19 March 2025.

⁸⁹ See The Asia Foundation, "Inside Justice: Enabling justice for survivors of sexual and gender-based violence", 2021.

centered justice processes, and transparent reporting to challenge the structural conditions that enabled sexual violence and allow it to persist.⁹⁰

VI. Beyond Commitments: A Survivor's Journey through the Domestic Judicial System

Obstacles from the Outset

30. Survivors attempting to report sexual violence faced multiple barriers within the justice system. Complaints were often taken in non-private settings, trivialized, or ignored⁹¹ and some survivors reported that the same police officers recording the complaint tried to take advantage of the situation by soliciting sexual favors.⁹² Language barriers, particularly for Tamil-speaking women in the North and East, further contributed to inaccurate complaint records and raised serious concerns about fair trial outcomes as any incorrect statements made at this initial stage could not be rectified later.⁹³ Judicial officers and court staff, including interpreters and bailiffs, were described as insensitive or dismissive, compounding the trauma.⁹⁴ One survivor's representative talking to OHCHR, recalled a female survivor being asked in open court to display her torn undergarments, describing the experience as "like raping her again."⁹⁵ A survivor advocate noted that many survivors felt they were "better off avoiding the ordeal of the justice system altogether."⁹⁶

Evidentiary Challenges

31. While corroboration is not legally required in rape cases, in practice, limited police capacity, and reliance on medical evidence that was often absent as survivors did not seek assistance, creates significant hurdles.⁹⁷ Forensic expertise is scarce, and some Judicial Medical Officers reportedly avoided confirming sexual violence due to fear of reprisals.⁹⁸ National medico-legal guidelines advise against using the term "rape", recommending "sexual abuse" instead, clarifying that it is not the responsibility of the medico-legal examiner to determine whether a person has been 'raped' since that is a legal determination.⁹⁹ This undermines the legal gravity of the crime and hampers accountability.

⁹⁰ Ibid; See also "Sri Lanka Campaign for Peace and Justice, "Silenced in Sri Lanka: The Struggle Against Sexual and Gender-Based Violence"; United Nations Population Fund, *Sexual and Gender Based Violence in Sri Lanka* (United Nations publication, 2020).

⁹¹ OHCHR consultation with a representative of survivors of sexual violence, 12 February 2025. (The representative testified: "[Sexual violence] is often treated with the same level of attention as minor offenses, such as alcohol or drug consumption, rather than with the seriousness that sexual violence deserves").

⁹² Ibid.

⁹³ Michelle Handy, "A legal empowerment approach to improving access to justice for victim-survivors of sexual and gender-based violence", *University of Colombo Review*, series III, vol. 5, no. 1. (2024), p.59.

⁹⁴ Equality Now and Centre for Equality and Justice, "Sri Lanka: Submission to the UN Universal Periodic Review, Forty Second Session of the UPR Working Group of the Human Rights Council", 14 July 2022, p. 3-4.

⁹⁵ OHCHR consultation with a representative of survivors of sexual violence, 2 February 2025.

⁹⁶ Ibid.

⁹⁷ E.g. Court of Appeal of Sri Lanka, *Sunil and Other v. The Attorney General*, C.A. 76-77/83, Judgment, 8 November 1985, p. 230. ("[The Court held] it is very dangerous to act on the uncorroborated testimony of a woman victim of a sex offence but if her evidence is convincing such evidence could be acted on even in the absence of corroboration"); See also Court of Appeal of Sri Lanka, *Premasiri v. Attorney General*, C.A. No. 59/2001, Judgment, 18 October 2006, p. 106. ("There is no rule that there must be corroboration in every case, before a conviction can be allowed to stand.").

⁹⁸ Equality Now and Dignity Alliance International, "Sexual Violence in South Asia: Legal and Other Barriers to Justice for Survivors", 20 April 2021, available at: <https://equalitynow.org/resource/sexualviolencesouthasia/>, p. 45.

⁹⁹ Sri Lanka, Ministry of Health, Ministry of Justice, College of Forensic Pathologists, UNFPA, *National Guidelines on Examination, Reporting and Management of Sexually Abused Survivors for Medico-Legal Purposes* (Sri Lanka, College of Forensic Pathologists of Sri Lanka, 2014), p.16.

Failure to Prosecute

32. Sri Lanka is obligated to prosecute perpetrators of sexual violence in conflict, including those who ordered, aided, or failed to prevent such acts through command responsibility.¹⁰⁰ Yet, prosecutions are rare, and generalised impunity prevails. The Attorney-General's wide discretion, without any external oversight,¹⁰¹ has allowed politically sensitive cases to be dismissed.¹⁰² Out of 375 incidents of sexual violence reported by the Government between 2007 and 2012, only 11 were attributed to members of the security forces, against whom legal action had reportedly been taken.¹⁰³ In 2015, the UN Committee against Torture expressed regrets over the lack of progress in 39 investigations into alleged sexual violence by security forces committed in the aftermath of the conflict.¹⁰⁴ Of the 39 cases, 19 were in the Northern Province, and 20 in the Eastern Province, with 58 accused. At the time of the OISL report, in 2015, only one suspect remained in custody; others had been discharged, acquitted or granted bail.¹⁰⁵ The Government has not responded to OHCHR's request for information on the status of these cases, sent in the context of preparing the present brief.
33. In a case involving the rape and murder of a female student at the Chemmani army check-point in 1996, five soldiers and one policeman were convicted, but no officials in the chain of command were investigated, despite one soldier testifying that he had received orders to rape and kill.¹⁰⁶ In the 1996 Kumarapuram massacre case, where 24 Tamil civilians were killed, including two women who were raped before being murdered, all 6 accused were acquitted in July 2016 due to alleged evidentiary issues, despite eyewitness identifications.¹⁰⁷ In the Vishvamadu case, four soldiers convicted in 2015 for the rape of two Tamil women were acquitted of all charges in 2019 due to identification issues. A Supreme Court appeal by one of the survivors remains pending¹⁰⁸. In most other documented cases, proceedings stalled, or suspects were released on bail,¹⁰⁹ with no updates since from the Government.

¹⁰⁰ United Nations, Economic and Social Council, *Updated Set of principles for the protection and promotion of human rights through action to combat impunity*, E/CN.4/2005/102/Add.1, 8 February 2005, principles 1 and 27(b).

¹⁰¹ International Monetary Fund, "Sri Lanka: Technical Assistance Report - Government Diagnostic Assessment", IMF Country Report No. 23/340, 30 September 2023, p. 131,132; See United Nations, Office of the High Commissioner for Human Rights, *Accountability for Enforced Disappearances in Sri Lanka*, 17 May 2024, available at: <https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sri-lanka/report-accountability-enforced-disappearances-sri-lanka-may2024-en.pdf>, para. 92.

¹⁰² United Nations, Human Rights Council, *Report of the Special Rapporteur on the independence of judges and lawyers on her mission to Sri Lanka*, A/HRC/35/31/Add.1, 23 March 2017, paras. 35, 55.

¹⁰³ United Nations, Sexual violence in conflict, Report of the Secretary-General, A/67/792-S/2013/149, 14 March 2013, para 103.

¹⁰⁴ See United Nations, Committee against Torture, *Concluding observations on the fifth periodic reports of Sri Lanka*, CAT/C/LKA/05*, 27 January 2017, para. 15.

¹⁰⁵ A/HRC/30/CRP.2, para. 624.

¹⁰⁶ See The Sri Lanka Law Reports, 2010, available at <https://www.lawnet.gov.lk/wp-content/uploads/2016/10/Law-Report-part-5-3.pdf> (esp. pp. 121 and f.). See also Pinto-Jayawardena and Anantharajah, "A Crisis of 'Legal Indeterminacy' and State Impunity", p. 16; People for Equality and Relief in Lanka, "No Trials, Only Tribulations for Tamil Victims of Sri Lanka's Conflict-related Sexual Violence", August 2022, available at: <https://pearlaction.org/wp-content/uploads/2022/08/No-Trials-Only-Tribulations-for-Tamil-Victims-of-Sri-Lankas-CRSV-August-2022.pdf>, p.27.

¹⁰⁷ Center for Human Rights and Development, "Justice undone - Kumarapuram massacre case", available at: <https://srilankachrd.org/la-kumarapuram.php>.

¹⁰⁸ OHCHR was informed that an appeal against that decision filed by one of the survivors in 2019 had been dismissed; however, OHCHR was not able to independently confirm this information as it was not possible to access the judgement prior to the finalization of this report.

¹⁰⁹ OHCHR consultation with a legal professional, 8 April 2025.

Right to Reparation: A Right Denied

34. Survivors have the right to full and effective reparations, including compensation, rehabilitation, and guarantees of non-recurrence.¹¹⁰ With nearly 90,000 conflict-affected women-headed households, measures for justice and reparation must ensure women's participation and rights protection, with special attention to children, adolescents, and persons with disabilities.¹¹¹ Additionally, the provision of needed psychosocial support is essential to building trust, and enabling survivors' meaningful participation in transitional justice processes.¹¹² Yet, none of the survivors consulted by OHCHR stated that they had received any such redress or support. Only one known case outside the consultations resulted in judicial compensation in 2002.¹¹³
35. The Office for Reparations Act (2018) remains largely ineffective for survivors. The Act's scheme is to provide reparations to victims of the armed conflict in the Northern and Eastern Provinces and its aftermath, political unrest or civil disturbances, or enforced disappearances. It establishes a protocol for handling past and future incidents.¹¹⁴ Unfortunately, the Office for Reparation has not taken any concrete steps to provide them with interim or full reparations, and has not disaggregated statistics of its caseload by gender.¹¹⁵ This is especially concerning given that the 2017 *Consultation Task Force on Reconciliation Mechanisms* report recommended the inclusion of CRSV survivors in all stages of transitional justice processes, including reparations.¹¹⁶ The majority of survivors, particularly women, faced social ostracization. Additionally, several lost their husbands to conflict while others were abandoned after disclosing sexual abuse. As one survivor expressed: "We lost everything, our husbands, kids, and dignity. No one can give that back. [...] All we have is this suffering."¹¹⁷ Without any form of compensation or acknowledgment, the survivors are left to bear the full weight of their loss alone, with no currently visible path to justice or restoration to facilitate healing.

VII. Survivors' Perspectives: Enduring Violence, Silence, and Stigma

36. This section offers a closer look at the human toll of impunity and how trauma, stigma, and silence endure long after the violence ends.

Survivors' Perception of the Crimes

37. All the survivors consulted emphasized that the true extent of sexual violence committed during and after the conflict remained largely unacknowledged. As one survivor lamented, "It gives the message that nothing really happened. It

¹¹⁰ A/RES/60/147, principle 18.

¹¹¹ See United Nations, Human Rights Council, *Observations by the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, Mr. Pablo de Grieff, on the conclusion of his recent visit to Sri Lanka*, 11 April 2015, available at <https://www.ohchr.org/en/statements-and-speeches/2015/04/observations-special-rapporteur-promotion-truth-justice-reparation>

¹¹² Ibid.

¹¹³ See Amnesty International, "Sri Lanka: Landmark judgement on rape case", ASA/37/003/2002, 28 January 2002, available at: <https://www.amnesty.org/ar/wp-content/uploads/2021/06/asa370032002en.pdf>. (On 25 January 2005, the Supreme Court of Sri Lanka awarded 150,000 Sri Lankan rupees in compensation to a Tamil woman who was raped in Colombo in June 2001. This landmark judgement confirms rape in custody constitutes torture. However, the three police officers allegedly responsible for rape were released on bail and no further prosecutorial steps were taken).

¹¹⁴ Sri Lanka, Office for Reparations Act, No. 34 of 2018, sect. 27.

¹¹⁵ Centre for Equality and Justice, "A Brief on Women and Reparations in Sri Lanka", March 2022, available at: <https://cejsrilanka.org/wp-content/uploads/A-brief-on-women-and-reparations-in-Sri-Lanka-2.pdf>, p. 6; See also Sri Lanka, Office for Reparations, Plan of Action 2022 (Colombo, Sri Lanka, 2022).

¹¹⁶ See Consultation Task Force on Reconciliation Mechanisms, *Final Report of the Consultation Task Force on Reconciliation Mechanisms* (Colombo, Sri Lanka, 17 November 2016).

¹¹⁷ OHCHR consultation with FJ, a survivor of sexual violence in 1990, 19 March 2025.

keeps the crime alive." The same survivor also warned against portraying their cases as isolated: *"The world heard about Isaipriya but there are thousands of Isaipriya... There are so many stories that are still untold."*¹¹⁸ Another survivor, who attended a group discussion on how the conflict impacted the community, recalled, *"We were invited to exchange about the war. At one point they asked the participants to place their hands on the table if they had been sexually abused. All participants placed their hands on the table. At first, I thought that I was the only one who went through this but on this day, I realized that too many women in the community suffered the same...."*¹¹⁹ The stigma was so pervasive that even without formal recognition, the community was left with the general assumption that anyone detained at the end of the war was subjected to sexual violence: *"they [had] become 'untouchable'".*¹²⁰

38. Survivors described to OHCHR a wide spectrum of sexual violence - opportunistic, transactional, and institutionalized, committed in homes, at checkpoints, and in detention centers throughout the different phases of the conflict. These accounts were corroborated by patterns observed across multiple testimonies, locations and time periods, indicating that that these were not isolated incidents. Rather, the recurrence, context, and consistency of violence suggest it formed part of a wider strategy of 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. One survivor stated: *"They cut off the genitals of men to put them in women's mouths... chopped one woman into pieces."*¹²¹ A former LTTE cadre described: *"The women cadres were already dead. Their bodies had been hanging in the trees naked... The soldiers inserted sharp blades and rods. Metal parts were coming out of the body."*¹²² A female survivor testified: *"I was no longer treated as a human being, as a woman - but worse than an animal."*¹²³
39. Survivors also described the normalization of sexual violence as central to the lasting trauma they endured. Their accounts included women being forced to undress in front of policemen: *"The police dragged us all, tearing our dresses. We were transferred to the police station where the police officers told us to stay undressed so that everybody could see us."*¹²⁴ At checkpoints, women described strip searches, invasive "body checks," and public sexual humiliation. *"They removed my clothes... one of them rubbed himself against me."*¹²⁵ The fact that such acts were part of entrenched practices and everyday experiences was described as contributing to a pervasive fear that sexual violence could happen anywhere, at any time.
40. The recurrence of identical methods, environments, and perpetrators across time and locations strongly suggests a coordinated institutional policy aimed at asserting control through widespread and systematic violence. Many survivors believed that the abuses were designed not only to harm the individual, but to terrorize the entire broader community with the intent of destroying their social

¹¹⁸ OHCHR consultation with FG, a survivor of sexual violence in 2007, 18 March 2025; OHCHR consultation with a representative of survivors of sexual violence, 21 February 2025; Committee to Protect Journalists, "Tamil journalist bound, shot, during Sri Lankan civil war", 20 June 2011, available at: <https://cpj.org/2011/06/tamil-journalist-bound-shot-during-sri-lankan-civil-war/>. (Isaipriya, also known as Shoba Dharmaraja, was a Tamil news presenter and journalist for the media division of the LTTE. She was reportedly sexually assaulted and killed by the Sri Lankan military on 18 May 2009).

¹¹⁹ OHCHR consultation with FB, a survivor of sexual violence in 2008, 27 February 2025.

¹²⁰ Many survivors referred to sexual violence survivors as "untouchable", in that they have been rejected or excluded by their communities.

¹²¹ OHCHR consultation with FI, a survivor of sexual violence in 2009, 19 March 2025.

¹²² OHCHR consultation with MC, a survivor of sexual violence during PTA detention after 2009, 24 March 2025.

¹²³ OHCHR consultation with FM, a survivor of sexual violence in 2009, 24 March 2025.

¹²⁴ See OHCHR consultation, 30 January 2024.

¹²⁵ Focus Group Discussion with War-affected Women, 14 February 2025

fabric. One survivor stated, “People in the community used to avoid each other. Everyone was afraid to talk. They were afraid that if they talk the army would come to them”.¹²⁶ Survivors testified that these acts were intended to dismantle the community’s dignity and collectively dehumanize them: “Such violent acts were carried out to take out the dignity of the Tamil community. These are crimes against the community. The community needs to hear the truth and to receive an acknowledgment of the crimes. They need to hear what allowed Sri Lanka to commit these crimes and dehumanize an entire community”.¹²⁷

Echoes of the Silenced

41. The stigma of sexual violence within the Tamil community forced many survivors into silence and isolation. A survivor, now supporting others, stated: “We live with the trauma every day, but we can’t speak of it.”¹²⁸ Shame, anxiety, and self-blame have erected significant psychological barriers, silenced survivors and socially isolated them. A survivor’s advocate asked: “When someone is too afraid or ashamed to tell the truth to her own mother can we expect her to report the crime?”¹²⁹ Another survivor, abused at age 15 in the 1980s, recounted how her mother dismissed the attack as “an accident,”¹³⁰ while her sister and aunt rejected her entirely: “The society did not want anything to do with us. So, we were left alone.”¹³¹ A lack of understanding, fear of causing harm, and uncertainty about how to assist survivors often resulted in avoidance and silence. This was reflected by one male survivor, who noted, “Sharing such stories can only ruin lives”.¹³² Disclosure often led to isolation and, in some cases, abandonment, particularly by spouses. One survivor feared that “If I talk and my husband leaves me; I don’t have anyone else to rely on.”¹³³ Others said they could only marry by hiding their past. “When survivors stopped talking about what had happened to them,” one woman explained, “they were able to get married to men from other communities.”¹³⁴ One woman, abused 16 years ago, continued to struggle: “My husband left me... and I still face humiliation.”¹³⁵

Voiceless: Male Survivors of Sexual Violence

42. Male survivors of sexual violence in Sri Lanka endure a deeply silenced trauma, shaped by the brutality they suffered, and the invisibility imposed by gender norms. Many were targeted because of their physical appearance which was used as a proxy for insurgent identity. One woman recalled her “tall and strong brother”¹³⁶ being arrested in the late 1980s solely on that basis. A male survivor, detained in 1985, explained: “I was 35 and strong, and for that reason I was captured.”¹³⁷
43. Once in custody, men were subjected to brutal forms of sexual torture, which often left lasting physical damage. One woman described how her brother died after a hot iron rod was inserted into his penis.¹³⁸ A practitioner working with male survivors noted: “Men use napkins on their penis,”¹³⁹ highlighting the parallels with the chronic gynecological conditions faced by many female survivors. A religious leader providing psychosocial support to survivors shared that several men believed they would “never marry or have children”, due to permanent

¹²⁶ OHCHR consultation with FD, a survivor of sexual violence in 1990, 17 March 2025.

¹²⁷ OHCHR consultation with FI, a survivor of sexual violence in 2009, 19 March 2025.

¹²⁸ OHCHR focus group discussion with survivors of sexual violence, 14 February 2025.

¹²⁹ OHCHR consultation with representative of survivors of sexual violence, 21 February 2025.

¹³⁰ OHCHR consultation with FF, a survivor of sexual violence in 2000, 18 March 2025.

¹³¹ Ibid.

¹³² OHCHR consultation with MC, a survivor of sexual violence in 2009, 24 March 2025.

¹³³ OHCHR consultation with FJ a survivor of sexual violence in 1990, 19 March 2025.

¹³⁴ OHCHR focus group discussion with survivors of sexual violence, 14 February 2025.

¹³⁵ OHCHR consultation with FB, a survivor of sexual violence in 2008, 27 February 2025.

¹³⁶ OHCHR consultation with FF, a survivor of sexual violence in 2000, 18 March 2025.

¹³⁷ OHCHR consultation with MA, a survivor of sexual violence in 1985, 18 March 2025.

¹³⁸ See OHCHR consultation with FF, a survivor of sexual violence in 2000, 18 March 2025.

¹³⁹ OHCHR consultation with a Counsellor, 7 February 2025.

reproductive injuries. Despite the severity of these consequences, many avoided seeking treatment out of fear and shame.

44. These physical wounds were compounded by profound emotional suffering. One survivor, detained in a Batticaloa camp in 2015, said: "Every time I see them, I feel ashamed that they know," referring to his abusers who still live in his community."¹⁴⁰ As a female survivor observed: "Men are not doing that [expressing emotions], and this inability affects their mental health," leaving "many to cope in silence or through substance abuse. Reflecting on his experience, another man said simply: "I was happy to be alive and that was enough".¹⁴¹
45. Male survivors rarely spoke out. "It is difficult for us to directly engage with male survivors,"¹⁴² acknowledged one survivor's representative. Their invisibility is reinforced not only by gendered expectations but also by the particular complexity of cases involving women perpetrators. According to information available to OHCHR, women, like men, have been implicated in committing sexual violence against males. In these instances, societal disbelief, legal ambiguity, and cultural taboos around female aggression can make it especially difficult for male survivors to be recognized or supported.¹⁴³ One male social worker described such cases as "beyond comprehension,"¹⁴⁴ reflecting both the emotional and institutional unpreparedness for addressing them. As long as their suffering goes unacknowledged, their healing and access to justice remains out of reach. Crucially, this invisibility also means many men survivors, like women survivors, face significant barriers to accessing psychological and medical support, which further compounds their trauma and hinders recovery.

Silenced by Fear

46. Sri Lanka's justice system remains fraught with systemic weaknesses, especially in protecting survivors and witnesses. Despite amendments to the 2015 Assistance to and Protection of Survivors of Crime and Witnesses Act,¹⁴⁵ the failure of the Act to insulate the Protection Services Division from the police command structure¹⁴⁶ remains a major concern, as highlighted by OHCHR's consultations of legal professionals and survivors' representatives. As one legal professional noted, "Survivors cannot be expected to seek protection from the very entity they fear."¹⁴⁷
47. Throughout and after the conflict, survivors lived under an enduring climate of fear, which prevented them from reporting sexual violence or seeking justice. Many were trapped between opposing forces. As a woman survivor of sexual violence in 1990 explained: "If the military learned we spoke to the LTTE, they would interrogate us. If the LTTE found out we spoke to the military, they would question us too. Meanwhile, society avoided us."¹⁴⁸ This fear persisted well after the war. Survivors continued to endure intimidation and threats of severe retaliation. One survivor,

¹⁴⁰ OHCHR consultation with MA, a survivor of sexual violence in 1985, 18 March 2025.

¹⁴¹ OHCHR consultation with FF, a survivor of sexual violence in 2000, 18 March 2025.

¹⁴² OHCHR consultation with a representative of survivors of sexual violence, 28 January 2025.

¹⁴³ Rob Hamilton, "'Hidden traumas' - when men are victims of gender-based and sexual violence", Just Gender, 6 February 2019.

¹⁴⁴ OHCHR consultation with a male social worker, 7 February 2025.

¹⁴⁵ United Nations, Human Rights Committee, *Concluding observations on the sixth periodic report of Sri Lanka*, CCPR/C/LKA/CO/6, 26 April 2023, para. 12. ("While noting the amendment made to the Assistance to and Protection of Victims of Crime and Witnesses Act of 2015, the Committee remains concerned that victims, their relatives and witnesses are not provided effective protection and continue to face threats, intimidation and harassment").

¹⁴⁶ A/HRC/30/CRP.2, paras. 1186-1191; Sri Lanka, Assistance To and Protection of Victims of Crime and Witnesses Act, No. 10 of 2023, sect. 42. (The Board includes (i) the Secretary to the Ministry of the Minister assigned the subject of Justice or an Additional Secretary to such Ministry; (ii) the Secretary to the Ministry of the Minister assigned the Department of Police or an Additional Secretary to such Ministry, nominated by such Secretary; (iii) nominee of the Attorney- General; and (ix) a nominee of the Inspector General of Police holding the rank of Senior Deputy Inspector General of Police).

¹⁴⁷ OHCHR consultation with a legal professional, 8 April 2025.

¹⁴⁸ OHCHR consultation with FJ, a survivor of sexual violence in 1990, 19 March 2025.

who works with her fellow survivors, warned: *"If anyone protests sexual violence, they will have to pay with a thousand times more abuse themselves."*¹⁴⁹ Others reported that individuals had disappeared after speaking out, reinforcing a deep sense of risk and powerlessness.

48. Filing complaints was dangerous. Survivors feared being labelled LTE sympathizers or received direct threats from the military. *"We do not know who to trust anymore,"*¹⁵⁰ said a former detainee, echoing a widespread mistrust of institutions and actors, including judges, doctors, lawyers, and NGOs, many of whom were themselves harassed or intimidated. This lack of safe avenues for disclosure created a vacuum of support and discouraged survivors from coming forward, including those involved in court proceedings, for instance in relation to their detention. Some feared their testimonies might inflame ethnic tensions or provoke retaliation from local militias or home guard units.
49. This atmosphere of repression was compounded by ongoing surveillance, often by the very officers responsible for past abuse. One advocate explained: *"They are put under surveillance and intimidations by the same officers or units who tortured them."*¹⁵¹ For some, life in detention felt safer than returning to their communities. One woman stated: *"Being in prison was better than returning to my community [...] The constant surveillance and intimidation were much worse than the prison itself."*¹⁵² In her case, repeated visits by security forces triggered community gossip and judgment, leading to social rejection and complete withdrawal. This pattern of the fear of retaliation, absence of trust, and social isolation has left many survivors trapped in silence, unable to heal or access justice.

Scars that Last a Lifetime

50. The trauma inflicted through sexual violence, especially in contexts of detention and powerlessness, has left lasting physical, emotional, and social scars. Others suffer permanent disabilities including the ability to reproduce. A man arrested in 1985 never remarried due to injuries from sexual torture.¹⁵³ As one witness put it: *"Sexual violence is a torture that never stops."*¹⁵⁴ Among the most severe and often overlooked consequences is the impact on reproductive health, including infertility, chronic pain, and other complications from sexual torture.
51. For many survivors of sexual violence, the pain did not end when the abuse stopped. Physical injuries were severe and, in some cases, led to permanent disabilities. The psychological toll has been equally devastating. Many survivors remain trapped in cycles of depression, anxiety, and suicidal ideation decades later. One woman, abused over 40 years ago, attempted to take her own life after her husband turned her trauma against her during an argument.¹⁵⁵ Many survivors internalized their suffering, describing it as something that *"can't be undone."*¹⁵⁶ The stigma surrounding sexual violence has made healing very difficult. *"It is like squeezing my guts from inside,"*¹⁵⁷ said one woman. *"I do not sleep. I would be relieved if I could speak - but I can't. This makes me very sick."*¹⁵⁸ Another survivor, whose husband left her after learning of her abuse, now lives in fear that her

¹⁴⁹ OHCHR consultation with a representative of survivors of sexual violence, 21 February 2025.

¹⁵⁰ OHCHR consultation with FM, a survivor of sexual violence in 2009, 24 March 2025.

¹⁵¹ OHCHR consultation with a representative of survivors of sexual violence, 30 January 2025.

¹⁵² OHCHR consultation with FB, a survivor of sexual violence in 2008, 27 February 2025.

¹⁵³ OHCHR consultation with MA, a survivor of sexual violence in 1985, 18 March 2025. ("MA never married due [to] the physical disability. His sisters used to take care of him. He used to sleep like a physically challenged man with an injured spinal code [sic]. It was not possible for him to marry anyone and have a functional family life or family of his own as a result of his injuries.").

¹⁵⁴ OHCHR consultation with FF, a survivor of sexual violence in 2000, 18 March 2025.

¹⁵⁵ Ibid.

¹⁵⁶ OHCHR consultation with MC, a survivor of sexual violence in 2009, 24 March 2025.

¹⁵⁷ OHCHR consultation with FI, a survivor of sexual violence in 2009, 19 March 2025.

¹⁵⁸ Ibid.

children might one day find out.¹⁵⁹ The silence imposed by shame and fear not only deepens trauma, it also directly contributes to deteriorating health; survivors reported insomnia, chronic stress, and emotional breakdowns.

52. The stigma does not stop with the survivors. A woman who became pregnant after being raped by a soldier returned to her village after initially relocating to escape stigma. She pretended that the child was from a husband who had abandoned her. When the truth emerged, the child was branded a “child of the army”. The child later dropped out of school.¹⁶⁰ *“This stigma extends beyond the survivors themselves, as their families also endure similar forms of discrimination and exclusion”*, noted a survivor’s representative, underlining the long shadow cast by these violations and abuses.¹⁶¹
53. Beyond individual suffering, survivors described the erosion of the social fabric around them. Families have fractured, relationships have broken down, and entire communities are weighed down by collective grief and unresolved trauma. As several survivors put it: *“Nobody is doing ok. People are not happy. There are a lot of crazy people in the community.”*¹⁶² The effects of sexual violence do not exist in isolation, but reverberate through households, neighborhoods and communities, stalling recovery, silencing truth, and undermining the possibility of justice and peace.

VIII. Perspectives on Accountability: Impact of Impunity

54. 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 faith in the justice system, seeing it not as a pathway to accountability but as a mechanism that protected perpetrators. This echoes the findings of past UN reports but also shows the psychological and social weight of impunity on survivors’ lives today. *“Nothing will happen, so why should we take any risk? The police will protect the suspects, even for the smallest violation,”*¹⁶³ said a female survivor, echoing many others who felt that even obvious crimes are routinely ignored. One participant asked, *“If there is no acknowledgment for ‘simple’ violations or obvious crimes, what can be expected for conflict-related sexual violence?”*¹⁶⁴
55. Years of failed legal efforts have left survivors emotionally exhausted. *“The one fighting gets exhausted. Survivors end up broken, depressed,”*¹⁶⁵ explained one. Another shared: *“You keep going until you’re too tired to hope. Judgments always protect the perpetrators. We lose everything: our strength, our belief in justice”*.¹⁶⁶ A community member, reflecting on the ‘Vishvamadu case’¹⁶⁷ added: *“Now, not only has there been no justice, but the survivor and those supporting her are worse off.”* The community member added that the survivor, now living abroad, faces deep isolation, stating, *“She is far from everything and everyone she loves. She is all alone, and this solitude is really heavy on her. She is out of her world. Was it worth it? Now people tell her: you wanted justice? Look where this brought you- and where you are now.”*¹⁶⁸

¹⁵⁹ OHCHR consultation with FB, a survivor of sexual violence in 2008, 27 February 2025.

¹⁶⁰ OHCHR consultation with a representative of survivors of sexual violence, 12 February 2025.

¹⁶¹ OHCHR consultation with a representative of survivors of sexual violence, 28 January 2024.

¹⁶² OHCHR consultation with FF a survivor of sexual violence in 2000, 18 March 2025; OHCHR consultation with FG, a survivor of sexual violence in 2007, 18 March 2025; OHCHR consultation with a representative of survivors of sexual violence, 17 March 2025.

¹⁶³ OHCHR consultation with FI, a survivor of sexual violence in 2009, 19 March 2025.

¹⁶⁴ OHCHR focus group discussion with survivors of sexual violence, 14 February 2025.

¹⁶⁵ Ibid.

¹⁶⁶ Ibid.

¹⁶⁷ Medawatte, de Mel, Yap, Abeywardena and Gnanaraj, “Conjunctures of Silence: Aphonias in the Prosecution of Conflict Related Sexual Violence in Sri Lanka - The Vishvamadu Case”, p. 5.

¹⁶⁸ OHCHR consultation with a representative of survivors of sexual violence, 21 February 2025.

56. The rare instances in which the system attempted to deliver justice were a further deterrent. A survivor raped at 13 years of age said: *"There is no precedent to show that if we fight hard enough, we might get redress."*¹⁶⁹ Others noted that survivors bore the cost of silence and denial: *"A perpetrator committed a crime, but the punishment is given to the victim."*¹⁷⁰ This absence of justice feeds powerlessness, corrodes self-worth, and intensifies anger: *"I would like to do something about it but I cannot. I am powerless. There is nothing I can do. This powerlessness is what makes me the most angry"*¹⁷¹, said one female survivor.
57. For many, international support for justice once held hope, but even that has faded. *"We hoped year after year that the international community would do something... but nothing happened,"*¹⁷² said one survivor. Another asked: *"Why did no one ask after the war? There was no one to raise questions or care about the survivors."*¹⁷³ Many have resigned themselves: *"We have learned to live with the knowledge that we will never receive justice."*¹⁷⁴
58. For some, justice has become so distant; they can no longer imagine what it might look like, let alone envision a perpetrator being held accountable. Justice is not seen as a promise but as a risk. As one survivor said: *"I was happy to be alive, and that was enough."*¹⁷⁵ Some, having received certain government assistance unrelated to sexual violence, are unwilling to jeopardize the little they have for an uncertain and elusive idea of justice.
59. A significant number of survivors expressed the belief that it was now too late for accountability. The passage of time has only deepened the wounds of violation and humiliation. Justice is no longer seen as capable of meaningfully addressing their pain and restoring their dignity. As one survivor explained: *"It is too late for justice. The entire community is destroyed. Ex-combatants are destroyed, dead or damaged. I am not sure that justice can do anything about that"*.¹⁷⁶ They emphasized that the gravity of the crimes committed against them made full reparation impossible. As one survivor put it: *"Something was taken away from me and I will never get it back. They took my dignity. They cannot give it back to me."*¹⁷⁷
60. Survivors emphasized that the harm they suffered was irreversible, and questioned how any monetary value could ever be considered an adequate form of reparation: *"some will say: why should I eat from this after being subjected to crimes? It would not be seen as justice. The most important is to get restored in our dignity."*¹⁷⁸ They stressed that any reparation scheme must take into account the full extent of their experiences, including physical and psychological trauma, moral injury, lost opportunities, and diminished earning potential. Furthermore, survivors highlighted the broader impact of sexual violence on their families, both mentally and economically. Meaningful reparations must reflect the collective nature of the harm and help to restore family and community stability.
61. While many survivors felt justice was out of reach individually, some recognized its broader value. They believed that prosecuting perpetrators could restore dignity, rebuild self-esteem, and help them to be seen and heard. As one victim representative said: *"We would have gained self-esteem. The society would have looked at us as brave people who fought and won. We would have won respect. Instead, we lost everything, including respect for ourselves. Now the sad reality is that I went through a lot- only to hear a commander tell me that I will be raped"*

¹⁶⁹ OHCHR focus group discussion with survivors of sexual violence, 14 February 2025.

¹⁷⁰ OHCHR consultation with a representative of survivors of sexual violence, 17 March 2025.

¹⁷¹ OHCHR consultation with FD, a survivor of sexual violence in 1990, 17 March 2025.

¹⁷² OHCHR consultation with MA, a survivor of sexual violence in 1985, 18 March 2025.

¹⁷³ OHCHR consultation with FA, a survivor of sexual violence in 2009, 18 March 2025.

¹⁷⁴ OHCHR consultation with MA, a survivor of sexual violence in 1985, 18 March 2025.

¹⁷⁵ Ibid.

¹⁷⁶ OCHR consultation with FI, a survivor of sexual violence in 2009, 19 March 2025.

¹⁷⁷ Ibid.

¹⁷⁸ OHCHR consultation with a representative of survivors of sexual violence, 17 March 2025.

and be powerless, unable to do anything about that".¹⁷⁹ For many survivors, recognition means more than 'being believed'. It represents a public acknowledgement that they had been harmed. As one survivor stated: *"I did not do anything wrong. I did not deserve what happened. I did not do anything to be put in this situation. I was taken away for no reason- and suffered. This was not my mistake. I want to be able to say that to the community. There was no wrongdoing. I was forced to undergo this. Justice could have offered a sense of closure, recognition, and peace of mind."*¹⁸⁰

62. At the societal level, survivors expressed that accountability could break the cycle of impunity and challenge the social norms that enabled sexual and gender-based violence. Justice could shift public perceptions, reduce stigma and enable survivors' reintegration. Accountability could play a retributive and deterrent role. Instead, impunity and a lack of formal and public recognition by the authorities that CRSV occurred and the State's responsibility for it has allowed the impact of CRSV to continue and grow.
63. Survivors consulted by OHCHR viewed the current system as having failed to provide justice, often leaving them socially marginalized and without adequate support from the state. From their perspective, effective reparations must be holistic, addressing not only financial and material needs but also symbolic recognition, social reintegration, and institutional reform. Survivors emphasized the importance of gender-sensitive approaches, sustained psychosocial support, and formal acknowledgment of their experiences as essential components of meaningful redress.

IX. Conclusions and Recommendations

64. This Brief highlights survivors' experiences and impact of sexual violence on individuals and communities, as well as their perspectives on the opportunities, potential risks and challenges related to accountability, and the lasting impacts of impunity. It further notes that sexual violence in Sri Lanka was not incidental but perceived by survivors as systemic, institutionally enabled, and disproportionately inflicted on conflict-affected communities, occurring within a broader climate of persistent impunity. The Brief reinforces the findings from previous UN reports by incorporating the perceptions and lived experiences of survivors. Despite numerous, consistent recommendations by OHCHR and the wider United Nations, human rights treaty bodies, Special Procedures mandate holders, and human rights organizations, calls for independent investigations, accountability, and structural reform remain largely unimplemented.¹⁸¹
65. In his inaugural speech on 21 November 2024, President Dissanayake stressed that: *"This mandate reflects the grief of families mourning their lost loved ones, the despair of friends of those murdered, and the cry for justice echoing throughout this country. If we fail to deliver justice, who else will?"*¹⁸² Close to a year on, however, victims are still waiting for newly elected Government to translate such words into effective action.
66. The Government of Sri Lanka must take immediate, concrete steps to operationalize the recommendations outlined in this and previous UN reports, building on its own commitments to advance domestic accountability and

¹⁷⁹ OHCHR consultation with a representative of survivors of sexual violence, 21 February 2025.

¹⁸⁰ OHCHR consultation with FB, a survivor of sexual violence in 2008, 27 February 2025.

¹⁸¹ See A/HRC/45/45/Add.1; CCPR/C/LKA/CO/6; Office of the High Commissioner for Human Rights, *Accountability for Enforced Disappearances in Sri Lanka*; See HRC/35/31/Add.1; Centre for Equality and Justice, "A Brief on Women and Reparations in Sri Lanka".

¹⁸² See Anura Kumara Disanayake, President of Sri Lanka, "Inaugural Speech", speech delivered to the 1st Session of the 10th Parliament of Sri Lanka, 21 November 2024, available at: [://srilankaembassy.fr/en/page/1065-full-speech-delivered-president-anura-kumara-dissanayake-inauguration-first-session-tenth](https://srilankaembassy.fr/en/page/1065-full-speech-delivered-president-anura-kumara-dissanayake-inauguration-first-session-tenth).

undertake transformative reforms. This includes, *inter alia*, establishing an independent public prosecution office and enacting wider legal reforms aligned with international human rights standards, while ensuring survivor-centred approaches that prioritize truth, justice, and reparations. Genuine political will is needed to demonstrate tangible progress in operationalizing such longstanding recommendations and the fulfillment of the State's international obligations. An urgent priority in this regard is to provide survivors who continue to endure hardship with essential support services, including psychological support and access to social protection schemes. Addressing these urgent needs is fundamental to a strong survivor-centered approach. OHCHR stands ready to assist in efforts in this regard.

67. At the same time, the international community continues to have a critical role to play. Where national authorities fail to act, international actors should explore options offered by international human rights and humanitarian law, including through the exercise of accepted principles of universal or extraterritorial jurisdiction, the imposition of targeted sanctions against perpetrators, consistent with international law, and wider support for international justice efforts. The international community must stand in solidarity with survivors and facilitate accountability for sexual violence in conflict in Sri Lanka.
68. The findings in this Brief underscore the persistent gaps in institutional responses and the urgent need to advance justice. This is a critical time to translate commitments into concrete measures that restore dignity and deliver comprehensive reparations to those who have endured profound harm. They also underscore the need for greater recognition of the documented but unaddressed patterns of sexual violence and impunity, and for a renewed focus on the voices and needs of those who remain excluded from justice processes. The recommendations below are informed by input from survivors and their representatives and reiterate recommendations previously made by various human rights treaty bodies and special procedures mandate holders.

Recommendations to the Government of Sri Lanka:

Acknowledge and Commit to Accountability

- To rebuild trust with survivors and society, the State must take accountable action starting with publicly acknowledging the occurrence of past sexual violence by State forces and others, accepting responsibility, and issuing a formal apology, and committing to comprehensive reforms across the security sector, judiciary, and broader rule of law systems as well as prevention.
- Remove war monuments from civilian areas as an important step towards acknowledging the suffering of sexual and other violence in conflict survivors, whose trauma is often compounded by the continued presence of these symbols.

Support Survivors and Civil Society

- Ensure adequate funding and protection for local organizations providing support to CRSV survivors and their children, while safeguarding them from interference, intimidation, and surveillance.
- Draw upon the findings and recommendations of the 2016 Report of the Consultation Task Force on Reconciliation Mechanisms¹⁸³ to

¹⁸³ The Consultation Task Force (CTF) comprised 11 members drawn from civil society, appointed by the Prime Minister in late January 2016, to seek the views and comments of the public on the proposed mechanisms for transitional justice and reconciliation. The consultation report acknowledges the prevalence of sexual

develop comprehensive reparations including truth, acknowledgment, justice, guarantees of non-recurrence, and psychosocial rehabilitation tailored to the lasting effects of conflict and violence.

- Establish psychosocial programmes and counselling and support interventions to help victims overcome trauma, which often manifests in complex and intertwined physical, emotional and mental health complications, including:
 - Targeted psychosocial and social protection schemes for women in the war-affected areas, particularly the female heads of household and former LTTE members, and
 - Targeted psychosocial and social protection schemes for men survivors of sexual violence in conflict.

Reform Security Institutions and End Enabling Conditions

- Ensure a comprehensive reform of the security sector including by vetting personnel, issuing clear instructions that sexual violence is prohibited and should be reported, enhancing civilian oversight, providing human rights training, and ensuring independent, transparent accountability to prevent violations and abuses and build public trust.
- Repeal the Prevention of Terrorism Act (PTA) and emergency laws that enable arbitrary detention and increase risks of sexual violence.
- Ensure effective safeguards for persons in detention, including judicial oversight, access to legal counsel, and the immediate suspension of security personnel implicated in acts of sexual violence without prejudice to due process of impartial investigation and accountability.

Strengthen Legal and Institutional Frameworks

- Amend and expand Penal Code definitions of sexual violence to align with international human rights standards by recognizing lack of freely given consent as the basis for rape, using gender-neutral language to criminalize all forms of sexual violence against survivors of all genders.
- Establish an independent, well-resourced investigative and prosecutorial body staffed with expert professionals to handle CRSV cases. This body should operate separately from existing institutions such as the Attorney-General's Department, with a clear mandate to investigate, assess evidence, and make independent decisions. It must be protected from political interference to ensure its independence and include specialized protection and support services for survivors. This could be developed within the Government's current proposal for the establishment of an independent prosecutor's office.

Ensure Effective Justice and Accountability

- Strengthen the existing complaint mechanism within the National Human Rights Commission and establish an independent, effective, confidential and accessible complaints mechanism specifically for victims of sexual violence and ensure that they can file their complaints safely without risk of reprisals.

violence and provides gender-responsive recommendations for reparations for survivors. By using the report as a key resource, reparations programmes can be grounded in locally expressed demands for accountability, restitution and healing, ensuring that justice efforts are survivor-centred, and inclusive.

- Establish and strengthen survivor-centered data collection mechanisms that prioritize the safety, dignity, confidentiality, and informed consent of survivors. Such mechanisms should be designed in consultation with survivors and survivor-led organizations, ensure disaggregated data collection to inform targeted responses, and incorporate trauma-informed and culturally sensitive approaches to enhance accessibility and trust.
- Ensure prompt, transparent, and impartial investigations and judicial proceedings related to conflict and post-conflict sexual violence, especially in cases involving security forces. Authorities, including the security forces, must fully cooperate by providing access to information and places in question, participating in legal proceedings, and ensuring the presence of alleged perpetrators when required.
- Develop institutional capacity to investigate and prosecute system crimes involving coordinated State actions and widespread patterns of violations and abuses.
- Establish clear, accessible mechanisms for reporting sexual violence and ensure regular public updates on case progress, outcomes, punishments, and reparations.

Protect Survivors, Witnesses, and Human Rights Defenders

- Reform the Victim and Witness Protection Act to ensure the programme's independence from law enforcement, align it with international standards, appoint vetted and impartial personnel to State and judicial institutions, and take prompt action against police and/or military personnel involved in threats or reprisals against persons reporting violations and abuses.
- Enact and enforce legal protections for survivors, witnesses, lawyers, and human rights defenders against threats, surveillance, harassment, and sexual harassment.
- Strengthen public awareness campaigns to combat stigma, promote reporting, enforce zero tolerance for sexual violence, and protect survivors from revictimization.

Engage with International Accountability Mechanisms

- Engage in cooperation with OHCHR to support its accountability activities, monitoring, and technical assistance programs in line with Human Rights Council resolution 51/1 and 57/1.
- Develop and implement a national action plan for addressing historical cases of sexual violence in conflict, incorporating relevant past UN recommendations with clear timelines, targets, and resource allocations. Establish an independent, internationally supported oversight body for the plan, comprising survivors, and national and international experts to monitor progress, ensure accountability, and publish regular progress reports.
- Accede to the Rome Statute and incorporate it in domestic legislation to strengthen the accountability framework for sexual violence and other human rights violations in Sri Lanka, and collaborate with other international accountability processes, including under universal and extraterritorial jurisdiction, to ensure justice for sexual violence and other serious crimes.

Recommendations to the International Community:

International Justice and Legal Accountability

- Due to the prolonged lack of accountability for CRSV in Sri Lanka, the international community should consider using all legal means, including under accepted principles of universal and extraterritorial jurisdiction, to investigate and prosecute perpetrators of CRSV, ensuring coordinated and effective international justice efforts. In parallel, as part of a broader set of accountability measures and in accordance with international law, further targeted sanctions such as asset freezes, travel bans, and restrictions on military aid should be imposed on individuals credibly implicated in CRSV and other serious violations of international human rights or humanitarian law. Such measures must rely on credible, well-substantiated findings, including from UN bodies, commissions of inquiry and/or investigative mechanisms, uphold due process rights, and provide for regular review to ensure they remain evidence-based and proportionate.
- Engage with the Sri Lankan government to build political will for justice and accountability for CRSV. This should include urging the Government to cooperate fully with international mechanisms, including through the United Nations, and to uphold its obligations under international human rights law.
- Undertake rigorous screening of individuals credibly alleged to be involved in CRSV prior to participation in bilateral military exchanges and training programmes, as well as deployment to UN peacekeeping or other UN roles.
- Continue to support the specialized project of OHCHR pursuant to HRC resolutions 46/1, 51/1, and 57/1.

Support to Civil Society and Survivors

- Ensure consistent funding and support for civil society organizations documenting human rights and assisting sexual violence survivors in Sri Lanka. Strengthen survivor-centered services focused on legal aid, psychosocial support, and healthcare, to ensure survivors receive comprehensive care and access to justice.

Oversight of Security and Development Cooperation

- Closely monitor any military and security assistance provided to Sri Lanka to ensure that it does not support institutions or actors responsible for CRSV, including in projects designed to assist security sector reform.
- Support Sri Lanka's efforts to demilitarize conflict-affected regions and reform the security sector, including vetting security personnel in accordance with international standards, to prevent further violations and abuses of human rights, including sexual violence.



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