

# Sri Lanka



## Gender, Justice and Security Hub

The Gender, Justice and Security Hub (GJS Hub) brings together researchers, practitioners, and activists through a collection of projects to advance gender justice and inclusive peace in conflict-affected societies. We work in seven focus countries: Afghanistan, Colombia, Kurdistan-Iraq, Lebanon, Sierra Leone, Sri Lanka and Uganda with projects in 17 additional countries across Africa, Europe, Latin America, the Middle East and South Asia.

Spanning from gendered migration, masculinities and sexualities to land rights and transformative justice, each project amplifies the voices of women and marginalised groups. The Hub's work aims to advance Sustainable Development Goal (SDG) 5 on gender equality; SDG 16 on peace, justice and strong institutions; and the implementation of the Women, Peace and Security (WPS) agenda.

## Country Context

### A Violent End to Civil War

The civil war, fought between the majority Sinhalese government and the Liberation Tigers of Tamil Eelam (LTTE), who sought an independent Tamil state, began in 1983 and ended in 2009. Almost three decades of violent conflict left a legacy of widespread human rights abuses, mass displacement, and vast numbers of casualties on both sides. Despite various attempts to negotiate peace and short-lived ceasefires, the war was ultimately ended by military force, through which government forces took control of LTTE-held territories, defeating the LTTE. The war's end, however, did not heal the deep ethnic tensions at the core of the conflict, and the issues that remain continue to affect societal structures, hindering efforts towards reconciliation and reconstruction.

### Peace and Progress?

In the 15 years since the end of the war, Sri Lanka has taken steps towards reconciliation, but results have been mixed. Efforts to restore damaged infrastructure, revive the economy, and promote tourism have had some positive outcomes, but progress on the underlying issues of ethnic division, justice for war crimes, and reconciliation has been slow. The government has faced criticism for inadequate commitment to accountability and the reconciliation processes, especially

regarding the justice system and its handling of war-related crimes and human rights violations. The pursuit of transitional justice remains a contentious topic, and the country's approach to gender-based violence and violations of minority Tamil rights during the conflict are a particular concern.

### Ongoing Security Challenges

Despite the formal end of the conflict, Sri Lanka still faces security challenges, including sporadic ethnic tensions and concerns regarding the risk of radicalisation. In 2014 and 2018, there were outbreaks of anti-Muslim riots, while The Easter Sunday bombings of 2019 highlighted vulnerabilities in national security and drew attention to the presence of Muslim extremist factions. There have also been periods of civil unrest and protest, which, though not typically violent, illustrate the social and economic instability that remains in Sri Lanka. In 2022, Sri Lanka experienced an economic crisis, leading to severe shortages of essential goods, soaring inflation, and power cuts. This led to widespread protests demanding economic and political reform, which culminated in the resignation of President Gotabaya Rajapaksa and Prime Minister Mahinda Rajapaksa. In a society still healing from war, it has proven difficult to strike a balance between strengthening the national security apparatus while ensuring that measures do not exacerbate divisions or infringe on human rights.

## The GJS Hub in Sri Lanka

Women and girls, especially those from the most conflict-affected regions, were disproportionately affected by the war in Sri Lanka. They continue to face challenges relating to economic insecurity, social stigma, and limited access to justice for the many forms of violence they have endured. Though the empowerment of women and gender justice are understood as critical elements of post-war reconciliation Sri Lanka, progress has been hampered by patriarchal norms, displacement, economic dependence, and inadequate legal mechanisms.

In Sri Lanka, GJS Hub research focusses on gendered experiences of conflict and the reconstruction process, including the legacies of forced displacement and the ways in which social roles of women and men have been shaped by the prolonged conflict. The projects linked to Sri Lanka are diverse and interdisciplinary, employing both qualitative and quantitative approaches.

Ethnography and interviews with returnees offer insights into the socio-economic factors influencing the reintegration process, while household surveys of internally displaced people provide a comparative lens on living conditions and gender-specific challenges pre- and post-displacement. Participatory arts-based methods facilitate discussions around gender norms and theatre and videography have been used to engage Tamil women in storytelling to process experiences of identity and trauma. Workshops and craft-making groups were used as mediums for dialogue and community building among women, focusing on the preservation of indigenous knowledge and fostering economic independence. Finally, participant observation, ethnography, and discourse analysis investigate perspectives on the Office of Missing Persons and its role in the ongoing search for truth and justice in post-conflict Sri Lanka.

### The Challenge

#### Lack of Truth and Justice for Enforced Disappearances

Family members of the disappeared have been demanding accountability for war related disappearances, including hundreds of those who disappeared after surrendering to the army. Despite the establishment of the Office on Missing Persons (OMP) to investigate disappearances, there has been little progress due to lack of cooperation from the armed forces and government bureaucracy, as well as lack of expertise and capacity.

#### Internally Displaced Persons (IDPs)

Many IDPs are still waiting to be resettled or relocated. During the war more than a million Sri Lankans belonging to the country's Northern and Eastern provinces were displaced from their homes. While the majority of those affected by the conflict have received aid to return, relocated or assimilated with their new communities, some IDPs are still waiting to be resettled or relocated 12 years after the end of the war.

#### Insufficient Prosecution of Conflict Related Sexual Violence (CRSV)

Prosecution of conflict related sexual violence (CRSV) in Sri Lanka remains notoriously intractable, and there are a variety of practices, systemic shortfalls, gaps in the law, and procedural blind spots that work against the successful prosecution of CRSV

in Sri Lanka.

#### Instrumentalising Women's Rights Reforms

Political actors use women's participation in politics and the recent gender quota requirement to detract from human rights abuses in the country and to uphold ethno-racial and anti-feminist policies.

#### Restrictions on Women's Access to Land

Access to land and ownership of property can increase women's social status, income, and empowerment. However, recent laws and practices in relation to land discriminate against women's inheritance, ownership, and autonomous control.

### Key Findings

- **Motivations for Return Migration:** Return is driven by adverse conditions abroad, positive developments at home, and a desire to contribute to progress in Sri Lanka. Younger and second-generation migrants want to reconnect with their roots and cultural identity. Through social media, diasporas and displaced people can maintain strong connections, which influence their return decisions. Returnees bring valuable expertise, particularly in health, education, and IT, and act as agents of innovation.
- **Gendered Experiences of Return:** Women face significant discrimination and challenges on return, including with regard to patriarchal norms, impacting their public and private roles. Despite facing gender-based discrimination, women returnees are instrumental in promoting gender equality and development within their communities.
- **Inadequate Investigation Into Disappeared Persons:** Families of the disappeared, often led by women, have formed collectives to demand truth and justice, including international oversight of the Office on Missing Persons (OMP) to ensure accountability. This demand has not been met, and families of the disappeared are now demanding a purely international mechanism.
- **Social and Economic Marginalisation of IDPs:** IDPs have limited access to economic and livelihood opportunities, which caused displacement to become protracted and worsening living conditions. Land and housing grants are insufficient, and IDPs have been reluctant to accept what land has been proposed by the Government Because of its poor quality and fertility, and because it is located in areas with a lack of livelihood opportunities.
- **Compromised Health and Sanitation for Women and Girls:** Displacement severely affects access to healthcare, clean water, and sanitation, with pronounced impacts on women's reproductive health. The lack of basic necessities like sanitary products and clean water further marginalizes displaced women and girls.
- **Lack of Justice for Sexual Violence:** Gaps and shortcomings in the judicial system, from inadequate recording of CRSV complaints at police stations to gaps

in the medical examination and reporting, amount to a general systemic shortfall in access to justice for women. State denials of such crimes and the State's exception lead to impunity, which strengthens cultural attitudes that stigmatise and silence the victim-survivor. The lack of witness protection, particularly in highly militarised contexts, also results in underreporting.

- **Political Marginalisation of Minority Ethnic Women:** The women who are able to enter politics are associated with dominant political parties, while women from poor, rural, Tamil, and Muslim communities remain politically marginalised. Post-war reforms that could further women's rights are limited and compromised when women's inclusion is used to reinforce existing forms of social oppression and subjugation.
- **Patriarchal Land Ownership Laws and Customs:** Only 16% of all privately-owned land in Sri Lanka belongs to women, limiting their access to different agricultural assets and benefits such as subsidies, credit, or irrigation water. The absence of a uniform law for land rights, the complexities in customary laws, the ethno-religious and cultural norms that shape women's land ownership and the impact of war all affect women's land ownership, and by extension, their empowerment.
- **Valuing Traditional Knowledge:** There is a pressing need to document and preserve indigenous knowledge and culture, including craft making techniques, which are at risk due to generational changes and the political-economic crisis. Emphasizing traditional crafts helps maintain cultural identity and contributes significantly to women's economic independence, which plays a crucial role in peacebuilding efforts.

## Recommendations

### Government of Sri Lanka:

- **Transparency and Justice for the Disappeared:** Prioritise disappearance cases and reveal what happened in these cases to restore faith in the OMP. Stop offering compensation to family members as a tool to bury the demand for justice, until these investigations are completed.
- **Housing and Restitution for IDPs:** Increase the current land and housing grants to IDPs in line with the inflation. Continue and expand work on documenting the experiences of IDPs so to inform policies of protection and assistance in resettlement and relocation. Consider the sources of livelihood of IDPs when proposing alternative land.
- **Justice for Victim-Survivors of CRSV:** Include a legal definition of CRSV in the substantive law. Review legal standards on consent and corroboration in cases of CRSV and recognise the impact of trauma on witness statements. Adapt existing legislation, such as the Witness Protection Act, and best practices from elsewhere to guarantee the participatory rights of victims in court.
- **Amend Schedule 3 of the Land Development Ordinance:** Allow women to access and control land more freely. The law, which currently restricts women inheriting land, restricts women's rights to equality and

justice. The law should permit landowners to pass titles to their daughters or wives. In cases where the state grants land, title should be given to both spouses, not only to the husband. Equating the 'head of the household' with the man or husband should be abolished from administrative practice.

- **Victim-Survivor Support in CRSV Case:** Institute mandatory and robust training of police officers and judicial medical officers in CRSV cases and trauma to ensure gender sensitivity and the protection of the dignity and rights of the victim-survivor. A police officer of the gender preferred by the victim-survivor should be present when the complaint is made, and a person of choice should be present at the medico-legal examination.
- **Encouraging Return Migration:** Develop and implement policies to attract and integrate highly skilled returnees, recognizing their potential to contribute to economic development and peace. This includes establishing return policies and institutions that facilitate reintegration and capitalize on the diaspora's human, cultural and social capital.
- **Integrated Dialogue for Future Peace and Economic Stability:** Incorporate discussions on identity and culture into peace and economic dialogues. Arts-based practices and research offer unique insights that can guide policymaking. They present nuanced narratives of conflict and can contribute to policies promoting communal understanding and healing, which can in turn engender a unified national identity that transcends ethnic and cultural differences.

### International Community:

- **Gender-Inclusive Policies:** There is a critical need for supporting the development, implementation, and communication of gender-inclusive policies from the international to the local level. Enhancing training and awareness about gender analysis in forced displacement policies can significantly improve the conditions for displaced women and girls.
- **Centring Marginalised Women in Gender Policy:** Existing policies that are intended to better integrate women into systems of power need to be refocused so that they centre marginalised communities. In doing so, they must also address the systemic issues that subject marginalised women to harm and violence. 1
- **OMP Accountability:** It is imperative that international actors support the efforts of families of the disappeared and sustain pressure on the Sri Lankan state to be transparent regarding cases of missing persons, particularly with regard to the OMP. Keeping Sri Lanka on the UN Human Rights Council's agenda and opening cases based on universal jurisdiction are vital for accountability. This may also require sanctions against individuals for obstructing justice.
- **International Engagement of Sri Lankan Diaspora:** Engage and mobilize experts within the diaspora, focusing on gender justice and inclusive peace. This involves developing strategies to effectively leverage the diaspora's resources, including knowledge, skills, and economic contributions.

- **Supporting Participatory and Arts-Based Methods:**

Recognize and financially support art-based research methodologies for their unique contributions to data collection, learning, and dissemination. Funders should appreciate the process and the output equally, promoting innovative and impactful research approaches.

This country brief draws on findings and recommendations from the following projects: [Gender, Governance, and Peacebuilding: Institutional Reform in Jordan, the Philippines, and Sri Lanka; Culture and Conflict; Return, Reintegration and Political Restructuring; Gender and Forced Displacement; Narrating \(in\) security; When Women Do Not Own Land: Land Ownership and Women's Empowerment in Sri Lanka; Legacies of the Disappeared: Missing Children and Parental Harm in Protracted Social Conflict; The Potentialities and Politics of Transformation; Gender and Transitional Justice in Sri Lanka and Rights Research with Social Media.](#)