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**Annual report of the United Nations High Commissioner
for Human Rights and reports of the Office of the
High Commissioner and the Secretary-General**

Written statement* submitted by Stichting Global Human Rights Defence, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[12 August 2024]

* Issued as received, in the language of submission only.



Tamil Women and Girls in Sri Lanka

18th May 2024 marked the 15th year of the Mullivaikal Genocide Remembrance Day, without any accountability and justice delivered to the victims and survivors. The families of the missing persons are still searching for the truth and for justice for their disappearances. The most vulnerable segments of Tamil people are female-headed families, the elderly, and the disabled, and they are still facing immense struggles exacerbated by continuing surveillance, intimidation and questioning by Sri Lankan forces, especially sexual harassment on Tamil women.

Enforced Disappearance

Sri Lanka has the 2nd largest number of enforced disappearances according to the WGEID. Sri Lanka is reported to have a backlog of 60,000 to 100,000 alleged disappearances since the 1980s (Amnesty 2021). The reported cases since 1980 by the Office for Missing Persons is 21,374 with only 14,988 cases active. This is far less when compared to 146,679 (Catholic Diocese of Mannar report to LLRC, 2011) people unaccounted for. To this date, there are no substantial records of individuals found or cases that have gone through the justice system since its inception in 2016. After years of continuous harassment, surveillance, and intimidation, many demonstrations condemning the boycott OMP have taken place. These protests have mainly been led by the mothers, wives, and sisters of the missing persons, as most of the enforced disappearances were men. The OMP has now become another symbol of duplicity to Tamil people.

Continued Human Rights Violations on Tamil People

Memorial monuments erected for commemorating Mullivaikal genocide are repeatedly being destroyed and removed by force. Those arrested, particularly the women who took part in the commemorations, are suffering from the ordeal of brutality (Citation).

Tamil places of worship are being desecrated and devotees face harassment and intimidation by government forces. Tamil people face constant evictions from their homelands with forced land grabs by governmental agencies under the guise of development to further marginalise the Tamil population with the motive of re-engineering the ethnic balance in the Tamil homeland of the North East.

Sexual Violence as a Weapon of War and Oppression in Sri Lanka

Sri Lanka's egregious acts towards women can be seen in Channel 4 Killing Fields which showed the final weeks of the war orchestrated by Sri Lanka, that systematically slaughtered around 40 000 to 70,000 people (UN POE report 2011/ UN Review report 2012).

Among the atrocities recorded, women were left bound, blindfolded, and sexually assaulted while the perpetrators took videos of their brutal acts on their mobile phones as accomplishments. Sexual violence on Tamil women and girls was used as a weapon of oppressive war. Vulnerable women survivors were surrounded by military installations, intelligence and state institutions still left at the mercy of those oppressors. The crimes against Tamil women should prevail priority and justice must be established to curtail reoccurrence of the dangerous precedent on all women in Sri Lanka and rest of the world.

Despite 15 years having lapsed since the genocidal war ended, Tamil people in Sri Lanka and the diaspora are mourning for the lost lives of their loved ones seeking justice. Such a justice cannot be limited to the crimes committed at the 2009 genocidal war but must include the period from 1948 (the date island became independent) incorporating all cycles of violence that Tamil people endlessly encountered by the concentrated militarisation, land-grabs, forcible evictions, destruction of Tamil heritage, monuments temples and proliferation of Buddhist structures in their homeland.

Large number of Women and girls became disabled during the war. War widows, who shoulder the burden of livelihood and other basic aspects of survival of their family without a proper capacity building process, rehabilitation, resettlement, and reconstruction program, are facing immense difficulties in the last 15 years of the post war period. This is a proof of cruel and vengeful state policy on Tamil victims.

Several sources place estimates at around 90,000 de jure war widows in the north and east of Sri Lanka (Sajanthan et al.2014,Citation2014; ICG Citation2017, 7). These figures discount the de facto war widows whose husbands remain missing (Sajanthan, et al.2014, Citation2014; ICG Citation2017). In a study by Gunatilaka and Vithanagama (Citation2018, 41), 68% of the female-headed households surveyed in the Northern Province were headed by widows. (Citation)

Livelihood and Land

Several studies have highlighted livelihood challenges for widows after war, including barriers to employment and income generating opportunities. These barriers include lack of education, training, or capital to start a business, stigma against the employment of women, as well as competing responsibilities, like caring for children and other family members.

(United Nations 2001; Brück and Vothknecht 2011; Chant 1997).).

Ongoing Insecurities: Sexual Exploitation and Harassment

Sexual exploitation and harassment of war widows is a critical problem (Interview 2017-3; 2017-7). Many Tamil war widows were captured by the Sri Lankan army forces at the end of the war and held captive for varying lengths of time. Harassment and sexual exploitation of Tamil war widows has continued; they are harassed by the CID and sexually abused by district government and the military (Interview 2015 – 13; 2017-2, 2018-8).

The threat of harassment by the security forces limits the possibilities for Northern Province women to seek work farther from home (Interview 2015-19d) or participate in public life (Sarvananthan, Suresh, and Alagarajah 2017).

Trauma and Grief

The war in Sri Lanka brought severe consequences for psychological health (Somasundaram et.al. 2007). In addition to losing their spouse in the war, many war widows also lost other family members and loved ones, and experienced displacement, harassment, poverty, and other injury. In some of the most war affected locations, such as Mullaitivu and Kilinochchi, many war widows suffered from severe psychological ill-health; suicide seemed linked to poverty and financial impossibility, for example, the despair of being unable to pay off loans (Interview 2017-8).

To cope with trauma and psychological ill health, grief and practices of grieving are key. De facto widows face a particular type of trauma as their husband's body was never recovered and there is scarce information about what happened. Figures from the International Committee of the Red Cross (ICRC) suggest that 16,600 people were still considered missing by their families in 2016 (ICRC 2016,3). This uncertainty causes severe stress in the families and hinders the use of conventional coping mechanisms for loss and grief (Interview 2015-15c). This ambiguity is further amplified at times by the belief many widows have that their husband is still alive (ICRC 2016). Footnote5

Several interviewees shared that over time since the war ended, war widows and other survivors in Sri Lanka have become increasingly disillusioned with the numerous government-led initiatives to uncover and address atrocities of the war. Many widows have come forward to testify in these initiatives, such as the Lessons Learnt and Reconciliation Commission (LLRC) and the Consultation Task Force (CTF) but were left deeply frustrated with the lack of any real outcomes. A common view was that people get retraumatized by giving testimonies, and then nothing happens' (Interview 2017-3).

The government was often criticised in our interviews for initiating processes of transitional justice and memorialisation, but without considering psychological implications (Interview 2017-3).

The trauma of those women continues to haunt them and deserve closure.

Way Forward

We are requesting accountability and justice within the lifespan of the families affected. There have been numerous reports of up to 200 women, the mothers of missing persons, passed away without seeing any truth or justice for their missing children whom they willingly handed over to the state trusting their safe return.

We would urge the international community to stress Sri Lanka to release the details of those surrendered or arrested and detained in the last phase of the war, so that the surviving victims' kith and kins are able to find out if their loved ones are still alive or dead.

We believe that only an international independent justice mechanism can deliver the truth and justice to victims of atrocity crimes in Sri Lanka.

We would also urge member states to format a new resolution to:

- Refer the perpetrators of the atrocity crimes of war crimes, crimes against humanity, and genocide to an appropriate international justice mechanism (i.e., the ICC, the ICJ or an ad hoc international tribunal) to provide justice for victims without further delay as a means of breaking the impasse that has persisted for the last fifteen years to stop Sri Lanka obliterating evidence and losing more eyewitnesses to age.
- Request the General Assembly to establish an International criminal justice mechanism for Sri Lanka.
- Request UN member states to act in their own courts of law to bring perpetrators of atrocity crimes to justice under Universal Jurisdiction protocol and/or other laws.

British Tamils Forum (BTF) NGO(s) without consultative status, also share the views expressed in this statement.