Transitional Justice:

SRI LANKA CASE STUDY

AJAR and Suriya Women’s Development Centre
Sri Lanka’s civil war, often framed by the state as a war on terror, ended in 2009 with the military defeat of the Liberation Tigers of Tamil Eelam (LTTE). However, conflict persists in other forms, primarily through the politics of ethnic identity, including majoritarian Sinhala Buddhist nationalism and its capture of the state; the denial of claims by Sri Lankan Tamils to political equality, dignity, and autonomy; and the institutionalised marginalisation of ethno-religious minorities.

Sri Lanka’s ethnic conflict must be located within the systematic marginalisation of, and organised violence against Sri Lankan Tamils, Tamils of Indian origin, Muslims, and other ethno-religious minorities before and especially after independence. The political economy of the conflict, including the distribution of land, admission to university, and access to public jobs and other state resources, became particularly important after 1977 as economic reforms paved the way for a repressive and undemocratic state.

Beyond the Sinhala-Tamil fault line, intraminority conflicts are often forgotten, beginning with the disenfranchisement of hundreds of thousands of Tamils of Indian origin brought in to work on plantations in the 19th century that was supported by Sri Lankan Tamil and Muslim political leadership. Large-scale LTTE violence against Muslims and subsequent Tamil-Muslim tensions were other dimensions of the conflict. And, following India’s 1987 military intervention, the militant left-nationalist Janatha Vimukthi Peramuna (Peoples’ Liberation Front) led an insurrection in the south that included assassinations and disappearances. Thousands more were disappeared or killed in subsequent counter-insurgency operations.

The end of the war in May 2009 ushered in an authoritarian and militarised Sinhala Buddhist state. Undemocratic features were constitutionally or legalised, while a repressive state and militant non-state actors gained power and legitimacy. The Rajapakse regime denied the enormous loss of life and suffering of the war’s final phases and the abuses that followed. Repression of human rights and democratic activism became systematic, as did the undermining of checks and balances by the Parliament, judiciary, and state and non-state media. International scrutiny was rejected. At the same time, the embrace of global capital, especially from China, to fund large infrastructure projects was part of an aggressive neoliberal development strategy that also allowed expansion of the state sector to consolidate political patronage.

Civil Society Context

The 1971 uprising by the People’s Liberation Front, brutally crushed by the state, was a critical moment for human rights and justice in Sri Lanka, as organisations like the Civil Rights Movement emerged to hold the state accountable. The 1970s began with resections of the left sharing power, but ended with the crushing of trade unions. Other civil society actors challenged the authoritarian neoliberal state that emerged in 1977. Deepening ethnic conflict in the 1980s led to the emergence of new national actors such as the Movement for Inter-Racial Justice and Equality, the University Teachers for Human Rights, the Movement for the Defence of Democratic Rights, the Mothers’ Front, and others focused on women’s rights, human rights monitoring, peacebuilding, and issues related to displacement. During the 1980s and 1990s, engagement with international human rights movements and United Nations mechanisms brought further pressure on the state.

The period 1977 to 1994 was characterised by the state’s suspicion and repression of civil society leading to increased tensions. From 1994 to 2005, peace initiatives and international mediation encouraged collaboration and cooperation between state and civil society, especially in the second half of the 1990s. However, the gradual intensification of the war and militarisation after 2006 fuelled a return to surveillance, suspicion, and repression of civil society, especially of human rights organisations and media critical of the state.

After an end to the war in 2009, the state escalated its repression, resisting all forms of domestic and international scrutiny. Critical voices in civil society, and human rights activists in particular, were targeted, threatened, attacked, disappeared or killed, alongside state-sanctioned vilification of international NGOs and UN mechanisms. Though greatly impeded, civil society activism continued, including a major campaign for justice for sexual violence organised in 2013 by the Women’s Action Network and the Women’s Coalition for Disaster Management.
Sri Lanka’s civil war, often framed by the state as a war on terror, ended in 2009 with the military defeat of the Liberation Tigers of Tamil Eelam (LTTE). However, conflict persists in other forms, primarily through the politics of ethnic identity, including majoritarian Sinhala Buddhist nationalism and its capture of the state; the denial of claims by Sri Lankan Tamils to political equality, dignity, and autonomy; and the institutionalised marginalisation of ethno-religious minorities.

Sri Lanka’s ethnic conflict must be located within the systematic marginalisation of, and organised violence against Sri Lankan Tamils, Tamils of Indian origin, Muslims, and other ethno-religious minorities before and especially after independence. The political economy of the conflict, including the distribution of land, admission to university, and access to public jobs and other state resources, became particularly important after 1977 as economic reforms paved the way for a repressive and undemocratic state.

Beyond the Sinhala-Tamil fault line, intra-minority conflicts are often forgotten, beginning with the disenfranchisement of hundreds of thousands of Tamils of Indian origin brought in to work on plantations in the 19th century that was supported by Sri Lankan Tamil and Muslim political leadership. Large-scale LTTE violence against Muslims and subsequent Tamil-Muslim tensions were other dimensions of the conflict. And, following India’s 1987 military intervention, the militant left-nationalist Janatha Vimukthi Peramuna (Peoples’ Liberation Front) led an insurrection in the south that included assassinations and disappearances. Thousands more were disappeared or killed in subsequent counter-insurgency operations.

The end of the war in May 2009 ushered in an authoritarian and militarised Sinhala Buddhist state. Undemocratic features were constitutionalised or legalised, while a repressive state and militant non-state actors gained power and legitimacy. The Rajapakse regime denied the enormous loss of life and suffering of the war’s final phases and the abuses that followed. Repression of human rights and democratic activism became systematic, as did the undermining of checks and balances by the Parliament, judiciary, and state and non-state media. International scrutiny was rejected. At the same time, the embrace of global capital, especially from China, to fund large infrastructure projects was part of an aggressive neoliberal development strategy that also allowed expansion of the state sector to consolidate political patronage.

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Domestic human rights and women’s rights organisations worked together to document violations and inform UN mechanisms and international human rights organisations. Support for victim-survivors continued discretely, including psychosocial services, livelihood interventions, protection, and aid for shelter, health and other needs of internally displaced persons. Civil society helped victim-survivors testify before new bodies such as the Lessons Learnt and Reconciliation Commission (2010) and the Presidential Commission on Missing Persons (2013).

Civil society also supported political opposition to the Rajapakse regime. The Leader of the Opposition’s Commission on the Prevention of Violence Against Women and Girls included well-known women’s rights activists, while the National Movement for Social Justice emerged to support a popular opposition candidate for the 2015 presidential elections. After Rajapakse’s defeat, an opposition alliance prevailed in parliamentary elections, further opening up space for civil society.

While the security and surveillance apparatus was not fully dismantled, overt threats declined and the media presented a more balanced portrayal of its role, especially in civil society and human rights activists were appointed to bodies such as the Constitutional Council, the Human Rights Commission, the Consultation Task Force on Reconciliation Mechanisms, and the Right to Information Commission. Access to government officials and institutions improved, with many human rights activists involved in drafting a National Human Rights Action Plan for 2017-2020. Cooperation with the state has challenged civil society to maintain a critical, principled distance in terms of its engagement. Funding remains a challenge for civil society initiatives, as does the need for new institutional forms that go beyond short-term political horizons to build broader and more long-term intersectional movements.

The Situation of Victims

Because the conflict generated diverse claims of harm, suffering and victimhood, the risk of speaking of “victims” in a narrow way is a major concern for transitional justice. The politics of victimhood is evident in the claims and counter-claims of groups and classes of victims. For example, the classification of “old” and “new” internally displaced people after the war by international humanitarian actors and the state proved divisive and led to inequality. The position of many LTTE ex-combatants, especially women, in their own communities presents challenges, and the state remains deeply suspicious of them. The harms and sufferings of Muslims and Tamils of Indian origin in the north continue to receive less attention than that of others.

In the north and east, areas that contain some of the deepest pockets of poverty and deprivation, the needs of victims are immediately apparent. In a general context of precariousness and gaps in social security, women bear multiple burdens. Female heads of households, including widows of military or para-military personnel, and persons with disabilities are amongst the most vulnerable. Victims of sexual assault face serious social and psychological challenges, bear the brunt of patriarchal attitudes, and are vulnerable to further abuse. Initiating legal proceedings and speaking out pose additional risks.

Another concern is how victims are portrayed. There is a danger that people who speak about violations they experienced become “testimonial shells” who are identified only as victims. A related question is: How can victims shape campaigns and advocacy initiatives? Are their ideas about justice given primacy? For instance, international advocacy on accountability for sexual violence has dwarfed efforts on behalf of economic justice and women’s daily struggles to sustain their families and themselves.

Past Transitional Justice Initiatives


By 1990 insurrection and counter-insurgency, especially in the west and south, had led to thousands of disappearances. The 1994 outbreak of war in the north and east created a new wave of disappearances.Disappearances became a major issue in the 1994 general elections, as the opposition Sri Lanka Freedom Party (SLFP) and its partners, with broad civil society support, challenged 17 years of United National Party (UNP) authoritarianism, and its repressive turn after 1988. The Mothers’ Front in the south and west played a key role in the SLFP victory, while Chandrika Bandaranaike Kumaratunga’s pledge to seek justice for the mothers helped her win presidential elections in November 1994.

President Kumaratunga established inquiries in three regions into disappearances that took place from 1988 to 1994, each called the Presidential Commission of Inquiry into the Involuntary Removal or Disappearance of Persons. To address all other cases, in 1998 an All Island Commission was also set up as a Presidential Commission of Inquiry. The three regional reports were submitted to the President in 1997 and made public the next year, while the report of the All Island Commission was submitted in 2000 and made public two years later.

The three regional commissions investigated over 27,000 complaints and established more than 15,000 disappearances. They handed over another 10,136 complaints to the All Island Commission that established evidence of an additional 4,473 disappearances. The All Island Commission, in turn, referred 16,305 new complaints that fell outside its mandate to the Sri Lankan Human Rights Commission which pursued some cases until 2006 when the process stopped. The three commissions also named suspects in 1,681 cases, and the All Island Commission identified “several hundred individuals responsible”. Following the recommendations of these bodies, a Disappearances Investigations Unit was established within the police to investigate cases before transferring them to the Missing Persons Unit of the Attorney General’s Department for indictment. However, only a few members of the security forces went to trial, and only a handful of low-ranking personnel were convicted.3

Other recommendations led to expediting compensation and issuance of death certificates to families of the disappeared. Over 15,000 death certificates were issued from 1995 to 1999, and compensation was granted to families of more than 16,000 victims.4

While the commissions did not achieve any breakthroughs on impunity, it was significant for the state to acknowledge that crimes had taken place. The entry of the Mothers’ Front into electoral politics expanded its visibility and political traction, but also weakened it when two opposition politicians active with the Front abandoned the cause of justice for families of the disappeared. Faced with the intransigence of a government they helped bring to power, the Mothers’ Front movement and other civil society actors could not ensure action on the commissions’ recommendations. With activists working with and even in the government or its processes, lines blurred and organisations and movements were co-opted by other political agendas.

Lessons Learnt and Reconciliation Commission (2010)

In May 2010, under intense international pressure for its denial of crimes in the final phases of the war, the Rajapakse regime established a Lessons Learnt and Reconciliation Commission (LLRC). The LLRC’s limited mandate covered crimes from 2002 onwards and excluded some of the most serious allegations. Several Sri Lankan actors declined to appear before the body because of concerns that included the credibility of commissioners who had government ties, the absence of elements to ensure an independent and impartial inquiry, the lack of a witness and victim protection framework, and inadequate time.

Despite intense skepticism from civil society and the political opposition, many victims engaged with the LLRC, some with the support of local human rights and women’s rights organisations. Over 11 months the LLRC held 57 public sessions and visited 40 locations. Over a thousand people appeared before the LLRC, which also received over 5,000 written submissions.

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The LLRC submitted interim recommendations to the President in September 2010, and a final report in late 2011. Despite the limited temporal and investigative mandate, composition, and other shortcomings, the final report was significant in its articulation of root causes of the conflict, as well as recommendations on depoliticizing institutions; demilitarization; freedom of expression; land issues; language rights; reconciliation; and investigation and prosecution of disappearances, nullities, civilian deaths, and other allegations. It named people and organizations associated with the government to be investigated, and made important recommendations on Muslims evicted from the Northern Province by the LTTE and on Tamils of Indian origin.

Although implementation proved tardy, half-hearted, and selective, the recommendations served as a locus of domestic and international advocacy, increasing pressure on the government in UN forums. Despite low expectations, many victim-survivors saw the LLRC as a useful opportunity to voice concerns and generate a public record.7

Consultation Task Force on Reconciliation Mechanisms (CTFRM), 2016

In 2015, a UN Human Rights Council resolution co-sponsored by the Sri Lankan government called for transitional justice efforts, including a) Truth, Justice, Reconciliation and Non-Recurrence; b) an Office of Missing Persons; c) an Office of Reparations; and d) a Judicial Mechanism with Special Counsel. The Consultation Task Force on Reconciliation Mechanisms (CTFRM) was appointed in January 2016 to facilitate public consultation on the design of these mechanisms. This body comprised eleven independent and credible voices from the fields of human rights, academia, law, public health, and the media. Six members were women, and all the main ethnic communities were represented.

The CTFRM appointed district and provincial consultation bodies comprised of local leaders and victim-survivors, half of whom were women. Local civil society groups and women’s organizations took an active role in hundreds of consultative forums, town hall meetings, focus group discussions, and sectoral/thematic discussions, generating 7,306 submissions. The final report, submitted in January 2017, made wide-ranging and comprehensive recommendations regarding the four mechanisms as well as on a number of other issues pertaining to transitional justice. However, its recommendation for the creation of a Special Court with participation of international judges has attracted the most political attention and controversy.

Transitional Justice Processes Led by Civil Society

While no transitional justice processes have been led by civil society, several international, national, and local efforts have sought to advance truth, justice and reconciliation. International Feminist Fact Finding Mission (2002)

A 2002 ceasefire agreement between the government and the LTTE saw the establishment of the Sri Lanka Monitoring Mission and brought fresh hopes for peace. Seeing women were absent from peace talks, the Women and Media Collective and the Independent Centre for Ethnic Studies invited regional and international feminists and human rights activists to undertake an international mission to stress the relevance of women’s involvement.6 Meeting with the international mission, women’s organisations and community groups raised the needs of displaced women, in poverty, and those vulnerable to violence. A report was presented to diplomatic missions and used to advocate for women’s concerns, women’s peace work to be recognised in peace talks, and for a formal mechanism to address women’s concerns. In 2002 the Sub-Committee on Gender Issues was formed within the talks, meeting twice before war resumed.7

Citizens’ Commission on the Expulsion of Muslims from the Northern Province by the LTTE (2010)

In October 1990, the LTTE ordered the Muslim population out of the Northern Province, often within hours. Close to 75,000 Muslims in the districts of Kilinochchi, Mullaitivu, Jaffna, Mannar and parts of Vavuniya were summarily expelled and forbidden to bring much of what they owned. Nevertheless, the expulsion remained marginal to most accounts of the war. In response, the Law and Society Trust worked with the Rural Development Foundation, the Community Trust Fund, the People’s Secretariat, and an advisory group of prominent Muslims to conduct a truth-seeking initiative.

Working closely with the International Centre for Transitional Justice, and drawing on truth-seeking experiences elsewhere, the Citizens’ Commission was designed to ensure high community engagement and rigour in collecting, recording, and collating the experiences and perspectives of expelled communities. Researchers from the community, trained to document experiences, conducted hundreds of interviews, while the Commission held hearings near displaced Muslims from the Northern Province.

Over two years, the Citizens’ Commission documented the expulsion and its consequences, and produced a document that was endorsed by eminent civil society actors. The resulting report focused on experiences of the expulsion, two decades of displacement, and resettlement, with recommendations to both the government and the international community. It placed the Northern Muslim perspectives and experiences on the record and in their own voice. It further provided public legitimacy to silenced experiences of trauma, dispossession, and marginalisation, and established a strong platform for advocacy.

Tamil-Muslim-Sinhala Sisters Group: A local initiative of larger significance

In the east, Sri Lanka has a mixture of Tamil, Muslim, and Sinhala ethnic groups. Some 30 years of conflict and war along ethnic lines have deeply undermined trust and trust, sowing deep roots of prejudice and resentment. Building solidarity and sisterhood across ethnic boundaries is central to Suriya’s efforts to restitch the social fabric with threads of love and of shared experiences and struggles.

Suriya was born in 1991 as a small collective of women working with women in Colombo’s ethnically segregated IDP camps. Suriya brought together Muslim women expelled from the north with Tamil women displaced from the east to learn new skills and engage with each other despite a broader atmosphere of hostility, suspicion, and violence. Even as narratives of mistrust, prejudice and atrocities remained thick in the air, Muslim and Tamil women slowly opened up about their experiences, learning about each other’s realities and fears. It was a first step in building bonds of solidarity and understanding, even while acknowledging distances and pain.

Suriya explored how shared cultural practices and mutual dependence that bridge ethnonational religious communities can provide a platform to rebuild mutual respect and trust. For instance, women from the Poonachchimunal Women’s Association responded to communal violence by protecting Tamils, including vegetable sellers and customers who bought goods marketed by the association.

More recently, Suriya brought together Tamil, Muslim, and Sinhala women to reflect on the sharp post-war rise of anti-Muslim sentiments. Women wrote letters to their sisters in sites of recent violence such as Aluthgama and Beruwala, sharing their pain and anxiety, and sending them courage. The Tamil-Muslim-Sinhala Sisters Group continues to meet in villages across and beyond Batticaloa District to speak about local histories of violence, and communal and ethnic tensions. Last year the

6 The team included Dr. Elizabeth Nissan (former Amnesty International UK), Shanthi Dairiam (Malaysia), Florence Odour (Uganda), Lisa Kleis (USA), and Sonia Jabbar (India). The Sri Lankan members were Anberiya Hanifta, Kumudini Samuel, Dulce de Silva, Saroja Sivachandran, Zulfika Ismail, Yununa Ibrahim, Kamalini Suriya, and Tharmahathil Vijil Murugiah, Amara Halapurasooraha, and Suriya Anbuchelvan. The team included the Head of Women’s Wing, Sivachandran, and the Chairperson, Renuka Athukorala.

7 During peace negotiations the following year, the government and LTTE proposed representatives. The LTTE put forward the head of their women’s wing, Thamithini Subramaniam, as well as Kaya Somasundaram, Premila Somasundaram, Suthamathy Sanmugarajah, and Yalin Balsasingham. Pathmini Sithambaramanathan served as advisor to the LTTE delegation. Government nominations included Dr. Kumari Jayawardana, Dr. Deepika Udagama, Dr. Fazelra M. Riyaz, Kumundi Samuel, and Faizal Zacharia. Dr. Astrid Helene Østergaard was the Norwegian facilitator to SCGI. See also Kumudini Samuel, “The Importance of Including Women and the Sri Lankan Peace Negotiations,” OPINION November 2010, Centre for Humanitarian Dialogue, at https://www.files.ethz.ch/isr/12412010_3_I, theimportanceof%20autonomy%20%20Women%20and%20%20Sri%20Lankan%20%20Peace%20Negotiations.pdf. See also “First meeting standing committee on gender issues (SGI) held in Kilinochchi” at http://www.peaceagreements.org/view/1372/First+meeting+of+the+sub-committee+on+gender+issues+(SGI)+held+in+Kilinochchi.
The LLRC submitted interim recommendations to the President in September 2010, and a final report in late 2011. Despite the limited temporal and investigative mandate, composition, and other shortcomings, the final report was significant for highlighting the root causes of the conflict, as well as recommendations on depoliticizing institutions; demilitarization; freedom of expression; land issues; language rights; reconciliation; and investigation and prosecution of disappearances, civilian deaths, and other allegations. It named people and organizations associated with the government to be investigated, and made important recommendations on Muslims evicted from the Northern Province by the LTTE and on Tamils of Indian origin.

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Over two years, the Citizens’ Commission documented the expulsion and its consequences, and produced a document that was endorsed by eminent civil society actors. The resulting report focused on experiences of the expulsion, two decades of displacement, and resettlement, with recommendations to both the government and the international community. It placed the Northern Muslim perspectives and experiences on the record and in their own voice. It further provided public legitimacy to silenced experiences of trauma, dispossession, and marginalisation, and established a strong platform for advocacy.

Tamil-Muslim-Sinhala Sisters Group: A local initiative of larger significance

In the east, Sri Lanka has a mixture of Tamil, Muslim, and Sinhala ethnic groups. Some 30 years of conflict and war along ethnic lines have deeply undermined respect and trust, sowing deep roots of prejudice and resentment. Building solidarity and sisterhood across ethnic boundaries is central to Suriya’s efforts to restitch the social fabric with threads of love and of shared experiences and struggles.

Suriya was born in 1991 as a small collective of women working with women in Colombo’s ethnically segregated IDP camps. Suriya brought together Muslim women expelled from the north with Tamil women displaced from the east to learn new skills and engage with each other despite a broader atmosphere of hostility, suspicion, and violence. Even as narratives of mistrust, prejudice and atonements remained thick in the air, Muslim and Tamil women slowly opened up about their experiences, learning about each other’s realities and fears. It was a first step in building bonds of solidarity and understanding, even while acknowledging distances and pain.

Suriya explored how shared cultural practices and mutual dependence that bridge ethno-religious communities can provide a platform to rebuild mutual respect and trust. For instance, women from the Poonachchimunai Women’s Association responded to communal violence by protecting Tamils, including vegetable sellers and customers who bought mats marketed by the association.

More recently, Suriya brought together Tamil, Muslim, and Sinhala women to reflect on the sharp post-war rise of anti-Muslim sentiments. Women wrote letters to their sisters in sites of recent violence such as Aluthgama and Beruwala, sharing their pain and anxiety, and sending them courage. The Tamil-Muslim-Sinhala Sisters Group continues to meet in villages across and beyond Batticaloa District to speak about local histories of violence, and communal and ethnic tensions. Last year the
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1. Building bottom-up approaches to transitional justice is critical, rather than relying only on mechanisms proposed by a Human Rights Council resolution, which may not address lived experiences. This problem is especially acute in seeking justice for crimes against women, often deeply intersectional in lived reality, but treated in law as discrete and disconnected.

2. The participation and leadership of women, and engagement of locally marginalised groups, is vital to highlight sensitive issues, recognise women’s role and leadership in peace work, and challenge mainstream transitional justice concepts from a gender perspective.

3. Civil society actors must understand how affected communities view state-led transitional justice processes. People participated and engaged with the LLRC and the Presidential Commission on Missing Persons despite many civil society groups boycotting or criticising these bodies. In fact, this participation forced these bodies to transcend their limitations.

4. The CTFRM showed both an inherent and instrumental value in processes. Genuine participation is crucial not only to build legitimacy, enhance trust, and enable a meaningful outcome, but also to empower and lend dignity to people’s struggles and experiences, and thus to help sustain them. Moreover, participation and representation of victim-survivors at the highest level is critical to the legitimacy and credibility of transitional justice efforts.

5. Deep, sustained transformation of the state and its institutions requires that transitional justice is linked with processes such as constitutional and judicial reforms. A focus on exceptional cases alone will not significantly change the state-citizen relationship.

6. Commissions and other state transitional justice mechanisms must act as a catalyst for civil society mobilisation and engagement to ensure sustained implementation of their recommendations. Resources must be dedicated to independent, rigorous investigations and effective prosecutions.

7. Multiple state and non-state actors are responsible for violations, and state-focused processes and mechanisms alone will not bring about truth and accountability. Community-led processes or other ways to create safe and credible victim-centred spaces are vital.

8. Finally, the fraught nature of truth, truth-seeking, and truth-telling must be borne in mind. Not all truth is held by the state, and transitional justice processes must be sensitively localised, so that local micro-spaces can emerge to build a truth and reconciliation process from the bottom-up.

Future Challenges

The broader question of transitional justice is tied to Sinhala majoritarian nationalism. Nevertheless, justice, reconciliation, and accountability efforts are not entirely contingent on a deeper transformation of the Sri Lankan polity. It is conceivable, and even proven to a limited degree, that truth and accountability in specific cases can be achieved with concerted effort and pressure on the state. The fuller realization of truth and accountability is likely to be a long-term project, punctuated by small, but significant victories that sustain the struggle. There is a window of political opportunity to lay the foundation for such a long-term process. While maximising this political space, it is also important to consider that a rush to capitalise on the present may compromise important values, and bind affected communities and their advocates to processes and mechanisms that are not sustainable or effective in the long run.

A related challenge is whether a focus on rape and sexual violence in war obscures not only other forms of violence against women, but also sexual violence outside of conflict. The other side of this issue is the extent to which the recognition, even prosecution, of crimes against women can transform the deeply hetero-patriarchal character of the broader justice system and everyday experiences of violence. To what extent can transitional justice processes and mechanisms transform everyday oppression of women, both private and public?

Marginalisation of economic and distributive justice remains a serious challenge. This problem affects women particularly, and challenges narrow conceptions of justice that are disconnected from the lived realities of affected communities. State and civil society speak the language of transitional justice, but economic policies increasingly leave distribution to market forces, while some human rights actors oppose recognizing economic and social rights in the Constitution.

Finally, transitional justice actors are extremely diverse and deeply divided politically. Some see transitional justice mechanisms as a means to larger political ends, while others as an end in themselves. But creating institutions for accountability will not yield enduring transformation without a deeper vision, meaningful processes, and greater efforts to address communal tensions.

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2010-2011

In 2010 the UN Secretary General sets up a Panel of Experts to look into accountability for violations of international human rights and humanitarian law during the final stages of the conflict. In April 2011 the Panel delivers its report, which is rejected by the government.

In 2010 the government appoints the Lessons Learnt and Reconciliation Commission (LLRC) to look into concerns around the war since 2002. Although many domestic and international human rights organisations boycott the commission, hundreds of people testify and over 5,000 submissions are made. The LLRC issues a final report in late 2011, with many significant recommendations that are widely welcomed, but poorly implemented.

2011-2014

Every year a new resolution at the UNHRC calling for justice and accountability gets successively stronger. In 2014 the UNHRC mandates the OHCHR to undertake a special investigation into crimes that occurred during the same period that was covered by the LLRC.

2015

President Rajapakse is defeated in January elections. Following parliamentary elections in August, a section of his party agrees to join a National Unity government with the former opposition.

Significant constitutional amendments roll back the executive presidency and reverse major amendments of the previous regime that undermined checks and balances on executive power. The Constitutional Council and the Human Rights Commission are reconstituted.

Sri Lanka co-sponsors a UN HRC resolution that promotes accountability and commits to initiating a four-pillar transitional justice programme.

2016

A Committee on Public Representations on Constitutional Reforms (PRC) is established to seek views on a constitution. Parliament is converted into a Constitutional Assembly that is to draft and pass a new constitution that will need a 2/3 majority and approval through a referendum.

A Secretariat to Coordinate Reconciliation Mechanisms in the Prime Minister’s office, along with a Consultation Task Force of Reconciliation Mechanisms (CTF), consults the public on the design of transitional justice mechanisms. The CTF sets up 15 zonal task forces and undertakes extensive consultations across the country. Even before the CTF process is complete the government rushes a bill through Parliament without adequate consultation to set up an Office of Missing Persons.

The constitutional reform process continues, with the PRC and sub-committees of the Constitutional Assembly/Parliament submitting reports. However, the PRC report is not tabled in the Constitutional Assembly for a formal discussion.

2017

The Consultation Task Force submits its report to the President and Prime Minister and it is formally released.