



FRACTURED

GENDER, VIOLENCE AND FUNDAMENTAL FREEDOMS

KILINOCHCHI | POLONNARUWA | PUTTALAM | GALLE

 Centre
for
Equality and
Justice

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Foreword

In a rapidly evolving socio-political landscape, the rights to Freedom of Expression, Association, and Assembly (FoEAA) stand as essential pillars of democracy and Fundamental Rights, serving for seeking fair access to justice. However, these rights are not equally accessible to all. For women, individuals from marginalized communities such as persons of diverse Sexual Orientation, Gender Identity, Expression and Sex Characteristics, these freedoms are often constrained by pervasive Sexual and Gender-Based Violence (SGBV) and societal inequities. This report explores the complex intersection between SGBV, FoEAA, and civic space, shedding light on the critical barriers faced by these groups in Sri Lanka.

The Centre for Equality and Justice (CEJ) has been steadfast in addressing these interconnected challenges, working to safeguard fundamental freedoms and combat SGBV. This report is the result of a rapid assessment conducted across four districts-Galle, Puttalam, Polonnaruwa, and Kilinochchi-providing in-depth insights into how SGBV is used to suppress FoEAA and restrict participation in civic space. It also highlights the importance of civic freedoms in preventing and addressing SGBV, offering actionable recommendations for reform.

Through desk reviews, interviews, and focus group discussions, this research gives voice to victim-survivors, community members, and civil society stakeholders. It emphasizes the urgent need for targeted interventions to dismantle systemic barriers, ensure access to justice, and create safer spaces, both online and offline.

We extend our gratitude to the research team, including Yanitra Kumaraguru, the lead researcher and Nisara Wickramasinghe, the research assistant for their efforts. CEJ also thanks the participants who shared their experiences, and district-level organizations that collaborated in this study and contributed to its success.

It is our hope that this publication will serve as a valuable resource for academics, policymakers, activists, and civil society organizations committed to fostering gender justice and preserving civic freedoms.

Shyamala Gomez

Executive Director

Centre for Equality and Justice

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List of Abbreviations

CEJ	Centre for Equality and Justice
CSO	Civil Society Organisations
FGDs	Focus Group Discussions
FoEAA	Freedom of Expression, Association and Assembly
ICCPR	International Covenant on Civil and Political Rights
KIIs	Key Informant Interviews
LGBTQIA+	Lesbian Gay Bisexual Transgender Queer community
MMDA	Muslim Marriage and Divorce Act
NGO	Non-Governmental Organisations
OIC	Officer in Charge
SGBV	Sexual and Gender-Based Violence
SOGIESC	Sexual Orientation, Gender Identity, Gender Expression and Sex Characteristics

1. Introduction

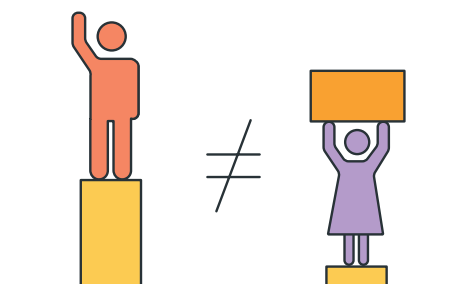
Sexual and Gender-Based Violence (SGBV) is a much-studied subject in the Sri Lankan context as is the Fundamental Right to Freedom of Expression, Association and Assembly (FoEAA). However, very little work has been done to understand the nexus between SGBV and FoEAA as these themes are usually explored in isolation. This report aims to study the links between SGBV, FoEAA, and the Civic Space of individuals, groups and organisations. Understanding this nexus is particularly important in light of the existing political climate in the country.

In a climate marred with state-sponsored violence and oppression, the Fundamental Rights of citizens are rapidly dwindling. The right to FoEAA as well as the right and opportunity for free movement in Sri Lanka, have been limited by state authorities, and this results in the shrinking of Civic Space. The Civic Space of women, Lesbian Gay Bisexual Transgender Queer (LGBTQIA+) community members, and ethnic and other minority groups has also shrunk in recent years. This includes the Civic Space of groups and organisations working for the rights of these communities.

While the violation of FoEAA by the state takes place at a national level, certain communities are observed to be more vulnerable to such

restrictions than others, including women. Additionally, the COVID-19 pandemic and the political and economic crisis have exacerbated incidents of SGBV and Domestic Violence due to family members being confined to their homes at all times. Women were more likely to be exposed to SGBV from within the household for this reason and did not have any potential avenues of escape or relief. In such a context, the challenges faced by victim-survivors of SGBV must be considered in the context of such general restrictions.¹ It is, therefore, essential to understand the nexus that FoEAA has to SGBV and the impact it has on victim-survivors.

This study undertook a rapid assessment across four districts: Galle, Puttalam, Polonnaruwa, and Kilinochchi, to understand the nexus between SGBV and FoEAA and Civic Space of individuals, groups and organisations. The research also looks at the intersections and relationships that exist between SGBV and FoEAA and makes suitable recommendations for reform based on the same.



¹ Manjula Wijesekera 'Domestic Violence against Women in Sri Lanka during COVID-19 Lockdown Period and Social Work Intervention' (2022) E Journal of Social Work 6(1) 22-29. https://nisd.ac.lk/images/pdf/ejournal_2022_issue1/3_Domestic_Violence_against_Women_in_Sri_Lanka_During_COVID-19_Lockdown_Period.pdf

2. Methodology

The research framework adopted a combination of primary and secondary research tools. These include a comprehensive desk review, community-level interviews, Key Informant Interviews (KIIs), and Focus Group Discussions (FGDs). The research focus was limited to four districts namely Kilinochchi, Polonnaruwa, Puttalam and Galle. The research team worked through six district-level organisations² working on SGBV-related issues to select the research sample and conduct the data collection in the districts. When selecting the research sample, careful consideration was paid to ensure that the sample was adequately representative of the wide socio-demographic features of SGBV victim-survivors.

The research first undertook a **Desk Review** on the relevant themes of FoEAA, civic space, SGBV and the nexus between these concepts. The desk review entailed analysing existing research studies, scholarly articles, existing laws and policies, national and international case law, and any other publicly available documentation. The desk review provided the foundation upon which the research framework was built, particularly in relation to drafting the research tools for the rapid assessment.

The research team also conducted **Key Informant Interviews (KIIs)** across all four districts to supplement and verify the information gathered through the desk review. A total of 34 interviews were conducted in Galle, 22 in Kilinochchi, 15 in Polonnaruwa and 21 in Puttalam. Key informants included SGBV victim-survivors, civil society professionals, government service providers, healthcare sector workers, police officers, lawyers, journalists, psychologists and counsellors and members of the clergy. The KII guidelines were translated as KIIs were conducted in the informant's preferred language.

To further triangulate the information obtained, four **Focus Group Discussions** were conducted in each of the selected districts with civil society organisations. A total of 47 participants attended these FGDs. Two additional FGDs were conducted in Galle. The first was with victim-survivors and community women, conducted with the objective of understanding their lived experiences in relation to SGBV and FoEAA. The second FGD was conducted with service providers such as police officers, Municipal Council officers, a counsellor and officers from CSOs in the district. Further details pertaining to the methodology may be found in Annexure I.

¹ Rural Women's Front and Saviya Development Foundation in Galle, Sunila Women and Children Development Foundation in Polonnaruwa, Rural Development Foundation and Muslim Women Development Trust in Puttalam, and OFERR (Ceylon) in Kilinochchi

2.1 Ethical Considerations

The research team obtained the participants' free and informed consent prior to commencing KIIs and FGDs. Participants were also assured that their confidentiality and anonymity would be maintained throughout the research process, including in the final research publication. Interviewers were also provided with a set of guidelines to follow when conducting the KIIs and FGDs, to ensure that they abided by the above considerations.

2.2 Limitations of the Study

The research is limited in its geographical scope to the Galle, Polonnaruwa, Puttalam and Kilinochchi districts.

The information gathered was also limited by the lack of familiarity with the concepts of FoEAA and Civic Space. As a result, in several instances, respondents would often misunderstand the questions asked and would provide answers that were unrelated to the question. Similarly, some of the interviewers who were commissioned to gather the data in the relevant districts also demonstrated a weak understanding of the concepts. To address this limitation, the Centre for Equality and Justice (CEJ) conducted an orientation workshop for the interviewers and enumerators prior to the FGDs and KIIs. In addition to the limitations described above, the interviewers and enumerators who collected the data may themselves have been subject to social biases and stereotypes. Further, while data collection tools and the data collected were translated in order to

ensure maximum inclusion and accessibility, responses that were not precise in nature may have further lost clarity in translation.



3. Findings

The findings of the research are arranged under five subsections as follows:

- Defining SGBV and FoEAA
- The Prevalence of SGBV in the Selected Four Districts
- The Use of SGBV to Suppress FoEAA and Participation in Civic Space
- The Instrumentality of FoEAA and Civic Space in the Prevention and Redress of SGBV
- Communities With Increased Vulnerability to Restrictions of FoEAA and SGBV

3.1 Defining SGBV and FoEAA

3.1.1 Sexual and Gender-Based Violence (SGBV)

SGBV is defined as violence that is perpetrated against a person because of his or her sex or gender.³ SGBV stems from harmful perceptions and stereotypes about women, and non-binary persons. Such stereotypes are conjectures based on

discriminatory and oppressive beliefs. SGBV may also be conceptualised as the deliberate consequences of structural inequalities, the perpetrators' need for control or power, discriminatory cultural norms⁴, and patriarchal social norms. SGBV has roots in many different contexts and it exists in several types of relationships. It is, therefore, not limited to familial or romantic relationships but also extends to the workplace and other public environments.⁵ As a result, SGBV has a widespread impact and can be perpetrated in both the private and public spheres.

3.1.1.1 SGBV in Sri Lanka

SGBV can take various forms including physical, verbal, emotional, psychological, and even financial abuse.⁶ In Sri Lanka, the rates of female homicide, rape, other sexual forms of violence, and domestic abuse cases are increasing annually.⁷

Furthermore, socio-cultural beliefs and social stigma play a big role in perpetuating SGBV. Sri Lankan culture hinders women from developing as individuals with their

³ 'Sexual and gender-based violence' (UNHCR) <[https://help.unhcr.org/turkiye/social-economic-and-civil-matters/sexual-and-gender-based-violence/#:~:text=Sexual%20and%20gender%2Dbased%20violence%20\(SGBV\)%20is%20violence%20committed,cultural%20expectations%2C%20or%20economic%20means](https://help.unhcr.org/turkiye/social-economic-and-civil-matters/sexual-and-gender-based-violence/#:~:text=Sexual%20and%20gender%2Dbased%20violence%20(SGBV)%20is%20violence%20committed,cultural%20expectations%2C%20or%20economic%20means)> accessed 15 May 2023

⁴ Kumaralingam Amirthalingam, 'Women's Rights, International Norms, And Domestic Violence: Asian Perspectives' (2005) Human Rights Quarterly, 27(2), 683–708 <https://doi.org/10.1353/hrq.2005.0013>

⁵ Elisabeth Darj, Kumudu Wijewardena, Gunilla Lindmark, and Pia Axemo, 'Even Though a Man Takes the Major Role, He Has No Right to Abuse': Future Male Leaders' Views On Gender-Based Violence in Sri Lanka' (2017) Global Health Action 10 (1) <https://doi.org/10.1080/16549716.2017.1348692>

⁶ Ibid.

⁷ Department of Census and Statistics, Women's Wellbeing Survey - 2019 Findings from Sri Lanka's first dedicated National Survey on Violence against Women and Girls, (2019) http://www.statistics.gov.lk/Resource/refference/WWS_2019_Final_Report; S. Guruge, V. Jayasuriya-Illesinghe, N. Gunawardena, and J., Perera, 'Intimate Partner Violence In Sri Lanka: A Scoping Review' (2015) Ceylon Medical Journal 60(4), <https://doi.org/10.4038/cmj.v60i4.8100>

independent personalities, needs, and wants. Most women are limited by their role as a mother and wife and their importance is confined to these roles.⁸ Furthermore, the manifestation of these gender stereotypes moulds women into being obedient to the male figures in their lives. There exists a social stigma against women being vocal pertaining to issues in her household or family. Similarly, women too ascribe to these patriarchal beliefs and perpetuate them, thereby contributing to the cyclical nature of SGBV. As a result, Domestic Violence often goes unreported and is often hidden by victim-survivors themselves due to shame, fear of retribution, and insecurity.⁹ Therefore, it is a herculean task to gauge the reality of SGBV within Sri Lankan families.¹⁰

In the Sri Lankan context, research has shown that male family members, including fathers, brothers, and relatives, are the most common perpetrators of violence against women. Other men who are in positions of power, such as superiors in the workplace, are also perpetrators of violence.¹¹ However, men in the community or even strangers can be the aggressor of violence. Concerningly, research has also indicated that service providers may be perpetrators of further violence upon victim-survivors. Hence, the instigators of SGBV may originate from any situation, and it is widespread across all strata of society.

3.1.1.2 Victim-Survivor Profiles and Intersecting Identities

While those who are at risk of facing SGBV cannot be categorised as a singular group, certain persons who have intersecting identities with other marginalised groups, such as ethnicity, race and religion, language, sexual orientation, gender identity and expression, and sex characteristics and disability may be more susceptible to such violence. This report finds, for example, that women who are part of an ethnic or religious minority, women who are financially dependent on their spouses, and women who are engaged in labour-intensive work and sex work are more likely to encounter different forms of SGBV. It is also recognised that factors contributing to the risk of SGBV may include poverty, the lack of awareness, low literacy, intergenerational violence, alcohol and substance abuse, unequal power dynamics, traumatic childhoods, etc.¹²

SGBV is also inflicted against men, women, and persons of diverse Sexual Orientation, Gender Identity and Sex Characteristics (SOGIESC) and those who are part of the LGBTQIA+ community. Persons with diverse SOGIESC experience SGBV in their daily lives solely due to their sexual or gender identity. The lack of legal legitimacy, non-acceptance from society, and their status as a person with a different SOGIESC renders them susceptible

⁸ Elizabeth Laney, M. Elizabeth Lewis Hall, Tamara L. Anderson and Michele M. Willingham, 'Becoming a Mother: The Influence of Motherhood on Women's Identity Development' 2015 May *Identity* 15(2)126-145. <http://dx.doi.org/10.1080/15283488.2015.1023440>

⁹ Wijesekera, (n1)

¹⁰ Sathasivam-Rueckert and Nina Melanie. 'Attitudes Towards Sexual Violence in a Sri Lankan Immigrant Population' (2015) Boston College <http://hdl.handle.net/2345/bc-ir:104568>

¹¹ Anam Parvez Butt, Leah Kenny, and Beniamino Cislighi, 'Integrating a social norms perspective to address community violence against Sri Lankan women and girls: A call for research and practice' (2019) *Journal of Aggression, Maltreatment and Trauma*, 29(7), 826–834 <https://doi.org/10.1080/10926771.2019.1697777>

¹² Guruge, Jayasuriya-Illesinghe, Gunawardena, and Perera (n7)

to violence.¹³ Additionally, this study found that cultural biases and traditional misconceptions adversely impact those who belong to this community.

In a similar vein, it must also be noted that while studies have enumerated that there is a disproportionate number of women impacted by SGBV,¹⁴ men too are subject to SGBV.¹⁵

3.1.2 Freedom of Expression, Association and Assembly

3.1.1.3 Fundamental Rights

A Fundamental Right is a right of a citizen that is deemed as important and is constitutionally enshrined by society (Wickramaratne, 2021). The sanctity given to a right by entrenching it in a constitutional provision protects such rights from being encroached upon by the State, ensures the protection of the minority and prevents majoritarian rule (Wickramaratne, 2021, p.13). Thus, Fundamental Rights are important to preserve the social, political, and civil well-being of citizens.

In Sri Lanka, these rights are entrenched in Chapter III of the Sri Lankan Constitution. Article 3 of the Constitution states that “..sovereignty is in the People and is inalienable” and that “Sovereignty includes the powers of government, fundamental rights, and the franchise”. As per Article 4 (d), “the Fundamental Rights which are

declared and recognised in the Constitution shall be respected, secured and advanced by the organs of the government and shall not be abridged, restricted, or denied...”. These provisions secure the elevated status given to Fundamental Rights and reinforce it as part of the sovereign rights of the People.

3.1.1.4 Freedom of Expression

The Freedom of Expression is enshrined in the Universal Declaration of Human Rights¹⁶ and the International Covenant on Civil and Political Rights (ICCPR). Article 19 of the ICCPR ensures that “*everyone shall have the right to freedom of expression*”.¹⁷ Article 14 of the Sri Lankan Constitution, 1978 enshrines Freedom of Expression, Speech, Assembly, Association, and Movement as a Fundamental Right of citizens. The sanctity given to a right by entrenching it in a constitutional provision protects such rights from being encroached upon by the State, ensures the protection of the minority and prevents majoritarian rule. Recognised as ‘Natural Rights’ the FoEAA is inherent in the status of a citizen of a free country and is essential for good governance and maintenance of a society.

¹³ UN Committee for the Elimination of All Forms of Discrimination against Women, ‘Views adopted by the Committee under article 7 (3) of the Optional Protocol, concerning Communication No. 134/2018’ UN Doc. CEDAW/C/81/D/134/2018

¹⁴ UNFPA, ‘Reporting on Gender-Based Violence in Humanitarian Settings A Journalist’s Handbook 92nd edn, 2020) p.9; Darj, Wijewardena, Lindmark, and Axemo (n5)

¹⁵ Ibid.

¹⁶ Universal Declaration of Human Rights (adopted 10 December 1948 UNGA Res 217 A(III) (UDHR) art 19

¹⁷ International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171 ((ICCPR) art 19

Article 14(1) of the Constitution states the following:

“Every citizen is entitled to the Freedom of speech and Expression including publication.”

Every citizen is entitled to the freedom to express their thoughts, opinions, and wishes, as well as to freedom of speech. It acknowledges that the Freedom of Expression is a vital right for the personal development of an individual, and that being compelled into silence hinders one’s growth and development.¹⁸ Therefore, the Freedom of Expression recognises that every citizen is entitled to communicate and express their ideas and experiences to others without arbitrary constraint.¹⁹ The Freedom of Expression also acts as a gateway to the preservation and operation of all other Human Rights. Violations of the Freedom of Expression, therefore, carry the likely constraint of several other rights as a corollary.

The Freedom of Expression encompasses the right to express one’s conviction in many forms. This may include words, print media, writing, pictures etc. In *Amaratunga v. Sirimal and Others (Jana Ghosha Case)*²⁰ Fernando, J. held that,

“...Speech and expression extend to forms of expression other than oral or verbal placards, picketing, the wearing of black armbands, the burning of draft cards, the display of flags, badges, banners or devices, the wearing of a jacket bearing a statement etc..”

illustrating that the Freedom of Expression is not simply confined to speech and pictures, but that it includes several varied modes of communication.

However, this right is not absolute and may be lawfully restricted by the State when deemed necessary for the protection of racial and religious harmony, and in relation to parliamentary privileges, defamation, contempt of court, or incitement of an offence as per Article 15(1) of the Constitution. In *Sunila Abeysekera v Ariya Rubasinghe, Competent Authority and Others* however, the Court noted that,²¹

“exceptions (to Article 14(1)(a)) must be narrowly and strictly construed for the reason that the freedom of speech constitutes one of the essential foundations of a democratic society, which, as we have seen, the Constitution, in no uncertain terms, declares Sri Lanka to be.”

¹⁸ Ibid. p. 604

¹⁹ Wickramaratne (n18)

²⁰ *Amaratunga v. Sirimal and Others (Jana Ghosha Case)* [1993] 1 Sri LR 264

²¹ *Sunila Abeysekera v Ariya Rubasinghe, Competent Authority and Others* [2000] 1 SriLR 314

This establishes that limitations imposed on Fundamental Rights, especially the FoEAA shall only be to the extent necessitated. The concepts of legitimate interest and proportionality are brought forth in restricting Fundamental Rights to ensure that no right is arbitrarily denied or abridged.

3.1.2.1 Freedom of Association and Assembly

Freedom of Assembly is the right of individuals to peacefully gather and convene to collectively express or promote their ideas and opinions without interference or restriction from the State, any non-state actor or person. This has been recognised in Article 20 of the Universal Declaration of Human Rights:

20. (1) Everyone has the right to freedom of peaceful assembly and association.

(2) No one may be compelled to belong to an association.

Articles 14(1)(a) and (b) of the Constitution stipulate that every citizen is entitled to the Freedom of Peaceful Assembly and the Freedom of Association. These rights allow all citizens to participate in community mobilisation activities, demonstrations, or processions and assemble together in situations of need. Mobilisation as a community is a necessary political right for individuals to ensure that their rights are protected and is a way in which citizens are

able to communicate their needs and public opinion to the government.

The Supreme Court of Sri Lanka has recognised the importance of Freedom of Association and Assembly on several occasions. In *Ariyapala Gunaratne v The People's Bank*²², the judicial dictum held that,

“...this right of association is of great value and has varied scope. it embraces associations which are political, social, economic and includes even such entities as clubs and societies”

In *Ganeshanatham v. Vivienne Goonewardene and three Others*²³, the Supreme Court, in fulfilling its responsibility of securing, advancing, and protecting Fundamental Rights as mandated by the Constitution, adopted a liberal interpretation of Article 14, holding that no permit or permission was required for a procession, and that only notice should be given.

As with the Freedom of Expression, the Freedom of Association and Assembly can be restricted. As per Articles 15(2), (3), and (4) of the Constitution the state is permitted to lawfully restrict this freedom in the interest of the public benefit, security, health, and other such concerns.²⁴ However, the executive branch of government has, on numerous occasions, restricted and stifled the exercise of these rights on grounds that fall outside

²² *Ariyapala Gunaratne v The People's Bank* [1986] 1 SriLR 338

²³ *Ganeshanatham v. Vivienne Goonewardene and three Others* [1984] 1 Sri LR 319

²⁴ Article 15(2). The exercise and operation of the Fundamental right declared and recognized by Article 14 (1) (a) shall be subject to such restrictions as may be prescribed by law in the interests of racial and religious harmony or in relation to parliamentary privilege, contempt of court, defamation or incitement to an offence (3). The exercise and operation of the Fundamental right declared and recognized by Article 14(1)(b) shall be subject to such restrictions as may be prescribed by law in the interests of racial and religious harmony. (4). The exercise and operation of the Fundamental right declared and recognized by Article 14 (1) (c) shall be subject to such restrictions as may be prescribed by law in the interests of racial and religious harmony or national economy.”

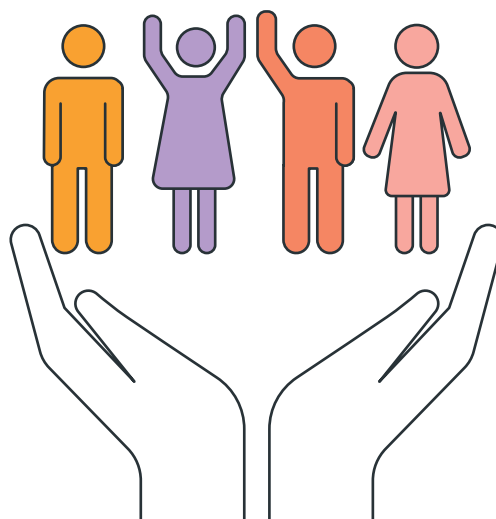
the scope of the permitted exceptions.²⁵ In such a context, women, members of the queer community and minorities are more susceptible to violations of these rights.

3.1.3. Civic Space

Civic Space refers to the environment in which citizens can take part in the economic, social and political policy making decisions that affect their lives, by accessing information, taking part in the discourse on these topics, dissenting or expressing disagreement to policies and assembling together to express their opinions and thoughts etc.²⁶ A secure Civic Space allows for individuals to thrive and prosper as contributing members of society without fear or infringement of their rights. The preservation and exercise of the rights of FoEAA and Civic Space, therefore, are interdependent and mutually reinforcing. Despite, or perhaps because of such significance, governmental interference in many jurisdictions has led to shrinking Civic Space. Such governmental interference can take many forms: the violation of Human Rights, denial of public expression and freedom, intimidation of Human Rights activists and Human Rights defenders, restriction of agency, and the lack of proper execution of the law.

In Sri Lanka, a decline in Civic Space was noted amid the government's use of force, intimidation and attacks against dissent by

citizens, with the CIVICUS monitor reporting that the Civic Space of the country has shrunk and been repressed in the year 2023.²⁷ Civil society plays a large role in preserving the Civic Space of the people of Sri Lanka but is met with severe restrictions, intimidation and pushback from state and non-state actors as a result of its work towards the preservation of Civic Space.²⁸



²⁵ At the height of the 2022 public protests instigated by widespread dissatisfaction with the Government's inaction of Sri Lanka's economic crisis, for example, authorities initiated a coercive crackdown aimed at intimidating and constraining individuals engaged in the exercise of their FoEAA. Subsequent to the significant public demonstrations on July 9, 2022, law enforcement commenced the arrest of protesters and participants in the movement without warrants (Groundviews, 2022).

²⁶ United Nations, '(OHCHR: Protecting and expanding civic space' <<https://www.ohchr.org/en/civic-space>>)

²⁷ CIVICUS, 'People Power Under Attack 2023, CIVICUS Monitor' (2023) <<https://civicsmonitor.contentfiles.net/media/documents/GlobalFindings2023.pdf>>. 'CIVICUS: World Alliance for Citizen Participation' Civic Space Initiative. <<https://www.civicus.org/index.php/what-we-do/defend/civic-space-initiative>>²⁸ Sunila Abeysekera v Ariya Rubasinghe, Competent Authority and Others [2000] 1 SriLR 314

²⁸ International Centre for Not-for Profit Law, 'Sri Lanka'(11 July, 2024) <<https://www.icnl.org/resources/civic-freedom-monitor/sri-lanka>>

3.2 The Prevalence of SGBV in the Selected Four Districts

The research conducted indicated a serious and significant prevalence of SGBV in the districts covered. Victim-survivors reported experiencing SGBV in the forms of verbal abuse,²⁹ physical assault inclusive of life-threatening behaviour, humiliating and degrading treatment, controlling behaviour including on an economic front,³⁰ sexual abuse and death threats. Interviewees also included victim-survivors who had suffered assault during pregnancy or a few months post-delivery. The study further revealed that SGBV is also inflicted through cyber violence among a younger demographic.

The consequences of SGBV include financial challenges, profound mental health battles leading to attempted suicide, and severe physical injuries requiring hospitalization. Perpetrators included closest family members of the victim-survivor, other persons known to the victim-survivor and strangers. It was highlighted in FGDs that at times a victim-survivor's experience of SGBV was not limited to a single incident or even a single perpetrator. Some victim-survivors had experienced SGBV throughout their lives or on several occasions.³¹ Women with low levels of literacy, those who were financially

dependent³² and disabled women were identified as being more vulnerable to SGBV. As per the reports of victim-survivors and the observations of authorities and relevant service providers, the perpetration of SGBV often coincided with heavy alcohol intake and drug use.

The research also revealed several challenges to the effective prevention and redress of SGBV. There are governmental and non-governmental mechanisms created specifically for the purpose of addressing SGBV. However, bureaucratic inefficiency, the lack of inter-connected approaches, the absence of successful referral points, and the regressive attitudes of authorities and workers inhibit these efforts.³³ Additionally, the legal framework purports only a skeletal response mechanism even for the most extreme cases of SGBV, such as physical violence. This mechanism is further limited due to the lack of administrative will to effectuate relevant laws and policies.³⁴

²⁹ SGBV Victim-Survivor Interview, Galle – Transcript No.1, 2, 5, 6, 8, 10-16, 18; SGBV Victim-Survivor Interview, Kilinochchi – Transcript No. 1, 4, 5, 6, 7, 8, 9, 10 and 4-10; Polonnaruwa Transcript No. 1, 3, 4, 6, 7; Puttalam Transcript No. 6

³⁰ An SGBV victim from Puttalam, for example, reported “He even tried to sell my house without my knowledge”

³¹ Focus Group Discussion, Galle – 3rd Report; SGBV Victim-Survivor Interview – Galle Transcript No.4-7, 9, 10-13; SGBV Victim-Survivor Interview, Kilinochchi Transcript No.1-10; Polonnaruwa Transcript No. 1, 2, 6, 7, 8; Puttalam Transcript No. 1, 2, 3, 4, 7, 8, 10

³² Plantation workers, collectively, have been reported to face more often due to poverty and lack of education. See also, SGBV Victim-Survivor, Galle Transcript 9, 12 and 16; Kilinochchi Transcript 1-3, 5, 7, 8, 10; Polonnaruwa Transcript No. 1, 2, 7; Puttalam Transcript No. 1, 5, 6

³³ Asian Development Bank, Sri Lanka: Gender Equality Diagnostic of Selected Sectors (ADB July 2016)

³⁴ Ibid.

3.3 The Use of SGBV to Suppress FoEAA and Participation in Civic Space

This subsection captures examples of how perpetrators have inflicted SGBV as a means of stifling FoEAA, particularly in the case of their partners or spouses. This usually entails perpetrators controlling the actions of the victim-survivors in a manner that violates their FoEAA. This could take the form of forbidding them from communicating with their relatives or prohibiting them from joining any organisations or associations that they may have otherwise considered being part of. It could also be in the form of denying the victim-survivor their Civic Space by not allowing them to partake in basic civic engagements, such as the casting of a vote in an election or participating in a protest. The violation of FoEAA or Civic Space in this manner could itself constitute the perpetration of SGBV or could be one of several ways in which the same perpetrator may be inflicting SGBV on the victim-survivor.

The use of SGBV as a tool to stifle the exercise of FoEAA and Civic Space may also be seen at a macro level. One such example would be if participants of a march raising awareness on the high incidence of SGBV among the LGBTQIA+ population were met with violent resistance and a few members were sexually assaulted. It may also be seen in instances where women speaking out in furtherance of a particular cause in the online space are met with gendered hate speech in response, with the intention of silencing them. The way in which SGBV and gender bias may work to stifle FoEAA can also be seen in the manner in which women protesters are targeted more during protest marches, and gender

stereotypes are used to prevent and threaten the participation of women at such protests.

While for the sake of primary characterization and the ease of organisation, the examples have been illustrated as violations of Civic Space or individual rights such as the Freedom of Expression or Freedom of Association, it must be noted that these examples are often not confined to the infringement of a single right or space in their impact and are very likely to have negatively impacted all elements of FoEAA and Civic Space in different, sometimes incidental, ways at the same time.



3.3.1 Use of SGBV by Intimate Partners to Suppress FoEAA

Several respondents reported not being permitted to join any organisations. A victim-survivor from Galle was told not to attend meetings held by the Gami Kantha Peramuna, and would only attend if her husband allowed her to do so. Her husband had also fought with her for her National Identity Card during the presidential elections, threatening her with death if she did not give it to him.³⁵

Further, another victim-survivor recalled,

“I was never allowed to go to any meetings or be a part of any association. He would always check my clothes whenever I went for such gatherings. He would put chilli powder in the middle of my underwear. Some days when I go to work, I feel it and it gives me immense pain. I would suffer the entire day when that happens. Even when I go to work, he suspects that I go to meet other men.”³⁶

Other victim-survivors reported that their communication with friends, neighbours, relatives and their immediate family was restricted.³⁷ Victim-survivors are, therefore, often confined to the house. One victim-survivor stated:

“He forbade me to associate with my relatives and didn’t allow my mother to visit me. He didn’t allow me to visit her either. He took away the telephone my mother had given me. He would put it on voice record even when he allows me to use it”³⁸

As a result of these restrictions imposed and the harm that may follow if they were to act in defiance, several respondents were present for the KIIs and FGDs without the knowledge of their partners. One participant stated;

“Even now I had to tell him that I was going to sign for another loan and I had to give him Rs. 200 before I left home. I have to give him money whenever I leave the house to go somewhere.”³⁹

They were worried about the consequences that may await them when they returned home if their spouses were to know about them attending such meetings.⁴⁰

The control exercised by partners in restricting the victim-survivor’s FoEAA often extended even to the victim-survivor’s choice of attire.

³⁵ SGBV Victim-Survivor Interview, Galle – Transcript No.1

³⁶ SGBV Victim-Survivor Interview, Galle – Transcript No. 6

³⁷ SGBV Victim-Survivor Interview, Galle – Transcript No. 1, 5-9, 11, 13 & 15-18; Polonnaruwa Transcript No. 2, 3, 12; Puttalam Transcript No. 1-3, 6, 7, 9, 10.

³⁸ Ibid.

³⁹ Ibid.

⁴⁰ SGBV Victim-Survivor Interview, Galle – Transcript No. 15 & 16

Such control is usually compounded by the perpetrator’s fear/suspicion of the victim-survivor’s relationships with other men.⁴¹

3.3.2 Use of SGBV by Service Providers to Suppress FoEAA

The possible harm inflicted in retaliation by the victim-survivor’s intimate partner, as described above, is not the only manner in which the victim’s vulnerability to SGBV may be heightened.

Should the victim-survivor choose to respond to the incident of SGBV, they face the further risk of being subject to SGBV by service providers. While it may appear counterintuitive, victim-survivors’ accounts of their interaction with police officers,⁴² illustrate how they are vulnerable to SGBV even when seeking to safeguard themselves from or seek relief from it. Such heightened vulnerability at the hands of service providers impedes the FoEAA that underlies the ability to approach authorities and seek assistance effectively.

The following is an extract from an interview where a victim-survivor from Galle recounted her experience with the police:

“There was this one officer. He was one of the officers who usually attended court. He asked me if I knew where the Udugama bus terminal was. He told me to go there and wait for him. He said he would come on a bike and meet me. I felt that he might be trying to take undue advantage of me. So, I informed the Officer in Charge (OIC) about this. The OIC got him to come to his office and scolded him asking why he was trying to create trouble for me. He told him that trying to harass women could get him fired. When I was finally out of the police station, this officer approached me again. He asked me why I went to the OIC and said that he would have dealt with me had he lost his job.”⁴³

3.3.3 Use of SGBV by the General Public to Suppress FoEAA

3.3.3.1 SGBV in Victim-Survivors’ Communities

Participants explained how a woman’s vulnerability to SGBV would increase in instances where her husband was absent from the household. As a result of such heightened vulnerability, a woman is likely to be hesitant

⁴¹ SGBV Victim-Survivor Interview – Galle Transcript No.5, 9, 10, 11, 12, 18; SGBV Victim-Survivor Interview, Kilinochchi Transcript No. 2; Polonnaruwa Transcript No. 14; Puttalam Transcript No. 7.

⁴² Such experiences were not necessarily in seeking relief for the SGBV they were to, but even in seeking police assistance for unrelated reasons subject

⁴³ SGBV Victim-Survivor Interview, Galle – Transcript No. 1, 11-16 & 18; Polonnaruwa Transcript No. 1 and 8; Puttalam Transcript Np. 1 and 10.

to express herself and seek justice in matters of SGBV because if the authorities act on her complaints and arrest her husband, her safety might be further compromised within the community.

See for example, the following extract from an interview in Galle:

“Safety and security are the main issues where we live. When our husbands are not at home some men would knock on our windows and ask us to open our doors. They say that they would like to help us.”⁴⁴

Referring to an instance where her husband had been arrested and imprisoned (for grounds unrelated to SGBV) an interviewee stated,

“I had to go through so much trouble during those fourteen days when my husband was locked up. There were people who tried to help by saying that they could get my husband back, and in return I had to go through a lot. People from the village also did the same. But I did not allow myself to get scared about any of these and I never gave into any of the requests.”⁴⁵

The increased vulnerability arising from the absence of the husband in the household, therefore, acts as a direct impediment to

Freedom of Expression, Association and access to justice.

3.3.3.2 SGBV in the Civic Space

The research also yielded numerous examples of how SGBV may be used to violate Civic Space. Women who try to engage with the Civic Space by exercising their right to protest, are subject to SGBV as a means of suppressing their FoEAA. In the Tamil community, pictures of women who took part in a protest movement were morphed into nude photos and circulated in the community. Additionally, rumours were spread to bring the women into disrepute. This resulted in most women giving up their work.⁴⁶ The response to the women advocating for the reform of the Muslim Marriage and Divorce Act (MMDA) provides a similar example. Several Muslim women who advocated for reforms were met with retaliation by members of their own community and family. They were criticised as being ‘anti-Muslim’ and working under the influence of ‘Western’ agents and NGOs. Women advocates in Ampara, Kaththankudi, Puttalam and Chilaw faced more discrimination and retaliation for their advocacy than women in Colombo and the rest of the Western Province. While restrictions of and interference with FoEAA are seen across Sri Lanka, women who attempt to exercise their FoEAA are often especially vulnerable to such restrictions, in the form of SGBV.⁴⁷

⁴⁴ SGBV Victim-Survivor Interview, Galle – Transcript No.2 & 3; Polonnaruwa Transcript No. 6

⁴⁵ SGBV Victim-Survivor Interview, Galle – Transcript No.2 & 3; Polonnaruwa Transcript No. 6

⁴⁶ Interview with Digital Security Expert

⁴⁷ Interview with Digital Security Expert

3.3.4 The Use of SGBV to Suppress FoEAA and Civic Space Online

In several ways, the nexus between SGBV, FoEAA and Civic Space in an online environment mirrors the offline. The internet, in its facilitation of communication, allows for victim-survivors of SGBV, allies, and advocates to better and more widely exercise their Freedom of Expression to seek and offer relief in relation to SGBV, find and extend support as well as advocate and spread awareness towards the prevention of SGBV. On the other hand, the shield of anonymity provided by the internet, and the technical capability it affords, can also be a vehicle for the perpetration of SGBV, sometimes with the aim of stifling FoEAA and Civic Space.

A lawyer/activist observed that the expression of women, members of the LGBTQIA+ community and minorities was stifled online. The respondent also noted the prevalence of cyberbullying. An incident was recounted where an organised group of individuals targeted persons who identified as LGBTQIA+, threatening to disclose sensitive and personal data such as the residence of the individuals concerned. There was also a list provided of places where acid could be purchased, thus potentially implying the encouragement of acid attacks.⁴⁸ It was also noted, in an expert interview, that LGBTQIA+ communities and women were targeted more even when advocating for rights that were not specifically related to gender identity.⁴⁹ Such forms of cyber SGBV are used as a means of suppressing women, persons of diverse

SOGIESC and other minorities, from enjoying their Freedom of Expression online.

First responder authorities, service providers and support groups are often ill-equipped with the technical knowledge and awareness required to respond effectively to incidents of cyber SGBV. In one expert interview, it was mentioned that service providers often resort to victim-blaming and do not know how to provide immediate support or are unaware of response mechanisms in place. Secondly, the government response mechanisms adopt inefficient procedures when addressing cyber SGBV. The Computer Emergency Response Team (CERT) and the police follow procedures that are gender insensitive when responding to cybercrimes. When a victim-survivor reports a crime to the police, for example, they generally request for the photographs to be uploaded to an online portal. This request causes discomfort to the victim-survivor and is not accompanied by any transparency with regard to storage details and security. This is especially concerning given the possibility that these photographs may return to the hands of the perpetrator, or be passed on to the hands of others if adequate security systems are not in place.⁵⁰

Thirdly, the digital security expert stated that the laws addressing cyber crimes in Sri Lanka are not tailored to the local context. Rather they have been copied from other jurisdictions and therefore, are not suited for Sri Lanka and its culture. While there are laws that can be used to address cybercrimes, these laws are not applied sufficiently.⁵¹

⁴⁸ Interview with lawyer/activist

⁴⁹ Interview with journalist (Human rights defender)

⁵⁰ Interview with Digital Security Expert

⁵¹ Interview with Digital Security Expert

Finally, it must be noted that some social media platforms are more ‘gender-friendly’ than others. Platforms such as Facebook are seen as more restrictive to Freedom of Expression as a result of which members of the LGBTQIA+ community cannot be seen on this platform. TikTok, in comparison, is perceived to be a platform that encourages gender neutrality and gender empowerment. The use of Instagram and TikTok carries with it a culture that is freer and more open. It is at the very least a platform that provides members of the LGBTQIA+ community a space online and the ability to exercise their Freedom of Expression.⁵²

3.4 FoEAA as a Tool to Prevent and Redress SGBV

This next section discusses FoEAA as a tool that is instrumental in efforts to prevent or seek redress against SGBV. The connection between the free exercise of FoEAA and the role of Civic Space in preventing and responding to SGBV may not be immediately apparent. However, upon closer inspection, the intersection of FoEAA and SGBV as a preventative tool becomes apparent. The intersection of FoEAA and SGBV may be seen in collective action taken towards the prevention and redress of SGBV such as protest marches and campaigns for greater awareness of and better laws surrounding SGBV. Similarly, FoEAA plays a vital role in addressing SGBV through policymaking. Initiatives by individuals, NGOs and CSOs (discussed below) ultimately contribute to policymaking in relation to SGBV. In addition

to these intersections, two key intersections between FoEAA and SGBV are discussed in detail below:

- Individual redress
- Interventions by NGOs and CSOs (inclusive of awareness raising, research, advocacy, dissemination and support)

3.4.1 Exercise of FoEAA by Victim-Survivors to Seek Redress

On an individual level, the ability to exercise FoEAA underlies any and all actions undertaken by a victim-survivor to seek relief or redress with regard to the incident of SGBV that was inflicted. From speaking to relatives or friends about what transpired, to seeking legal advice and filing a case in court, to being able to access all relevant information and record cases in their language of preference, FoEAA plays a vital role. Victim-survivors also highlighted the relief experienced from being able to discuss their experience and thoughts. However, there are several barriers that prevent victim-survivors from exercising their FoEAA as a means of seeking redress. These barriers are discussed below.

⁵² Interview with Digital Security Expert

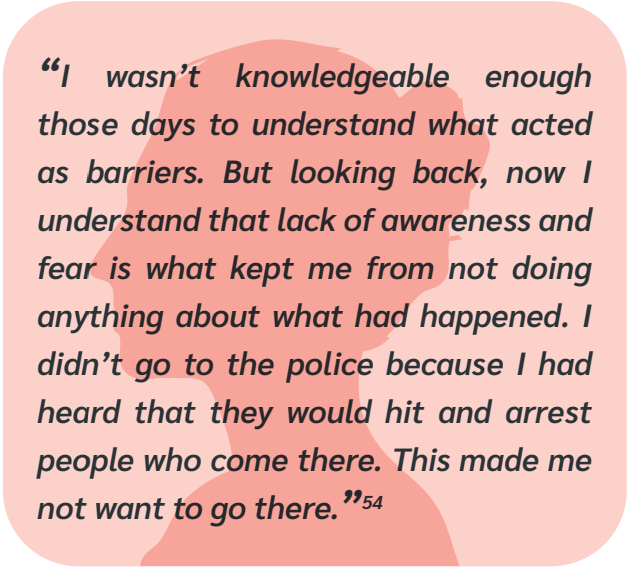
3.4.2 Barriers Victim-Survivors Face in Exercising Their FoEAA to Prevent and Seek Redress for SGBV

3.4.2.1 Low Literacy and Financial Instability of Victims-Survivors

It was observed that several victim-survivors had only a primary education whilst others had not received any formal education. Additionally, or perhaps due to this, many also lacked a source of steady and/or adequate income. In certain instances, the respondent was unemployed and was dependent on her husband's income. As a consequence of the resulting dependence on their partner's income,⁵³ victim-survivors hesitate to seek relief. This includes both seeking shelter and legal action.

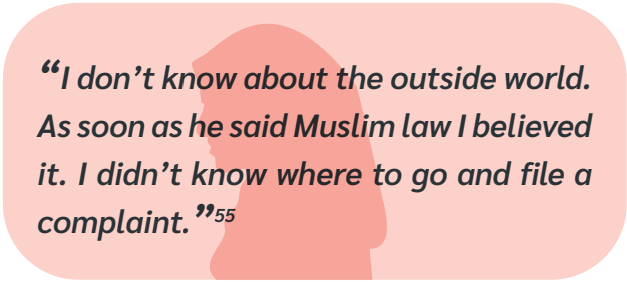
Further, a lack of basic literacy in conjunction with social conditioning could also result in the victim-survivor not realising the criminal nature of the abuse they are subjected to and their entitlement to legal redress. The lack of awareness amongst victim-survivors that arises due to the lack of literacy, therefore, is a significant barrier that prevents them from exercising their FoEAA to seek redress for SGBV.

An SGBV victim-survivor from Polonnaruwa recalled,



“I wasn’t knowledgeable enough those days to understand what acted as barriers. But looking back, now I understand that lack of awareness and fear is what kept me from not doing anything about what had happened. I didn’t go to the police because I had heard that they would hit and arrest people who come there. This made me not want to go there.”⁵⁴

Yet another SGBV victim-survivor from Puttalam stated,



“I don’t know about the outside world. As soon as he said Muslim law I believed it. I didn’t know where to go and file a complaint.”⁵⁵

3.4.2.2 Language Barriers

Language is critical in ensuring accessible information. Experts highlighted two barriers in this regard. First, it was recognised that language becomes a factor for discriminative treatment in relation to the Tamil community as a result of which Tamil language speakers face more disadvantages. There is also an insufficient number of government officials who are able to speak Tamil, despite working with the community.⁵⁶ As a result of the dearth of Tamil-speaking officers, some victim-survivors of SGBV stated that their

⁵³ SGBV Victim-Survivor Interview, Galle Transcript No. 9, 12&16; Kilinochchi Transcript No. 1-3, 5, 7-10; Polonnaruwa Transcript No. 1, 2, 7; Puttalam Transcript No. 1, 5 and 6.

⁵⁴ SGBV Victim-Survivor Interview, Polonnaruwa – Transcript No.8

⁵⁵ Puttalam, transcript 2

⁵⁶ Expert interviews with journalist (human rights defender) and lawyer/activist

communication with relevant authorities and service providers, when seeking relief for SGBV, was hindered. A victim-survivor of Domestic Violence from the Puttalam District recounted as follows:

“...when my husband hit me, I was injured and I was admitted to the hospital. I had difficulty explaining the situation to the police.... I had to go to the police to get my husband to leave my house. Since we had to speak in Sinhala at the police station, I took someone with me who could speak Sinhala.”⁵⁷

Another victim-survivor from the same district explained how upon approaching the police when her husband threatened to kill her, the police officers at the station had treated her insensitively since she did not know Sinhalese.⁵⁸

The second barrier that arises due to language is in relation to policy making. It was highlighted that policy discussions that impact the lives of every citizen are held in English, thus excluding persons who are not proficient in the language:

“Another issue is that policy discussions take place in English and thereby, grassroots stakeholders are not able to participate in these discussions and conversations even though they impact these groups and communities directly. There have been many Supreme Court determinations and decisions regarding the protection of fundamental rights and especially, FoEAA. However, these judgments are delivered in English and no other person would be able to read and understand them in spite of being relevant to every citizen and official.”⁵⁹

3.4.2.3 Socio-Cultural Perceptions and Stigma

Several victim-survivors highlighted that society often reacted to their experiences negatively. It was revealed that a common tendency was to blame the victim-survivor. The husband’s misconduct is often viewed as the fault of the woman. The social perception is that a husband will not be violent to his wife if she treats him well.⁶⁰ As a result of such traditional social perceptions and stigma, victim-survivors are often blamed for the SGBV they face.

An interviewee from Puttalam also added,

⁵⁷ SGBV Victim-Survivor Interview, Puttalam Transcript No. 1

⁵⁸ SGBV Victim-Survivor Interview, Puttalam Transcript No. 2, see also Puttalam Transcript No. 3 and 8

⁵⁹ Expert interview with lawyer/activist

⁶⁰ SGBV Victim-Survivor Interview, Galle – Transcript No.3

⁶¹ Puttalam, transcript 2

“Our society first accuses women when there are incidents of sexual and gender-based violence. Out of that also, if these are women who work, they can’t even talk about it. The entire responsibility of the family is placed upon the woman.....”⁶¹

Such social perceptions and stigma often find their roots in communal and cultural belief structures. Social, communal, and cultural beliefs may therefore stifle a victim-survivor’s ability to speak of SGBV.⁶²

Participants at an FGD in Galle, for example, highlighted that the communal beliefs of the coastal region of Sri Lanka included widespread acceptance that husbands and fathers should have the right to abuse their spouses physically, sexually, and emotionally.⁶³ As a result, the fishing community has a culture of silence in relation to SGBV. Such cultural beliefs may be attributed to a combination of contextualised factors. For example, the socio-cultural beliefs of the fishing community may be attributed to their turbulent and uncertain lifestyle and the absence of the male figure from the family during the fishing season.⁶⁴

Other respondents highlighted that negative socio-cultural perceptions and stigmas may arise due to the conflation of religion and social restrictions on the exercise of FoEAA.

This conflation is perhaps exacerbated by the lack of awareness surrounding the precise contents of personal laws, such as the MMDA. A victim-survivor of SGBV from the Puttalam district stated:

“Our society has through the years emphasised that when a husband beats his wife, women should patiently bear it. But our religion never says that anywhere. Even though women have so many rights in our religion, our society refuses to give these rights to us. You have to discover this, and then free yourself from societal restrictions and then you can rise above others.”⁶⁵

As a result of the social stigmas surrounding SGBV, discussed above, victim-survivors may also be ostracised by society.⁶⁶ A psychological counsellor from Galle explained that the fear of being ostracised and stigmatised by society may result in victim-survivors hesitating to come forward and report SGBV.⁶⁷ The fear that such stigmatisation would also extend to their children, is yet another reason that prevents victim-survivors from reporting SGBV. As a result, parents may encourage their children to lie to avoid the stigma that they might otherwise be subject to.⁶⁸

⁶² SGBV Service Provider Interview, Polonnaruwa Transcript No.10; Puttalam Transcript No. 1, 2, 3, 7-10.

⁶³ Focused Group Discussion No.2 & 3 Galle

⁶⁴ Focused Group Discussion, No. 3 Galle

⁶⁵ SGBV Victim-Survivor Interview, Puttalam Transcript No. 1, 2, 3, 7, 9, 10; Galle Transcript No. 3, 7 and 18.

⁶⁶ SGBV Victim-Survivor Interview, Galle – Transcript No. 2-5, 7-13, 15-18; Kilinochchi Transcript No. 1, 2, 4, 5, 7; Polonnaruwa Transcript No. 1, 2, 4, 5, 7, 8; Puttalam Transcript No. 3-5, 7, 10.

⁶⁷ SGBV Service Provider Interview, Galle – Transcript No.1-4 and 9-16; Kilinochchi Transcript No. 1, 2 and 4-12; Polonnaruwa Transcript No. 1, 2, and 5; Puttalam Transcript No. 1-3 and 5-11.

⁶⁸ SGBV Service Provider Interview, Galle – Transcript No. 10 & 11; Puttalam Transcript No. 3 and 4.

3.4.2.4 Concerns Surrounding Victim-Survivor’s Children or Other Dependents

In several interviews, women victim-survivors indicated that their decision not to exercise their FoEAA in relation to their experiences of SGBV was at least partially due to concerns surrounding their children and/or other dependents.⁶⁹ Instead, they opted to tolerate the violence that they were subject to for the sake of their children.

A victim-survivor from Polonnaruwa explained,

“At first, I was tolerating all of this because of my child and because my child needs a father.”⁷⁰

An interviewee from Galle recalled,

“We were hiding the first week because we were scared for our lives as we know very well about who he is. It wouldn’t be of any help to go to the police and courts after he stabs or kills me. My children will be helpless if that happens. I have three daughters and they will not have anywhere to go if something happens to me.”⁷¹

⁶⁹ SGBV Victim-Survivor Interview, Galle – Transcript No.4, 7, 8, 12, 14, 15 & 18; Kilinochchi Transcript No. 2-5 and 8-10; Polonnaruwa Transcript No. 2, 3, 6; Puttalam Transcript No. 1-4, 6, 7, 10.

⁷⁰ Polonnaruwa, interview 2

⁷¹ Polonnaruwa, interview 2

⁷² SGBV Service Provider Interview, Kilinochchi – Transcript No.7; SGBV Victim-Survivor Interview – Galle Transcript No. 1, 5, 6, 7, 11-16, 18; Kilinochchi Transcript No. 5 and 9; Polonnaruwa Transcript No. 1, 3, 5, 6, 7; Puttalam Transcript No. 1, 2, 6, 8.

⁷³ See also, SGBV Service Provider Interview, Galle Transcript No. 3, 5, 9, 10 and 15; Kilinochchi Transcript No. 3-8 and 11; Puttalam Transcript No. 1-11.

⁷⁴ SGBV Victim-Survivor Interview, Galle – Transcript No. 1, 5, 7, 11-16 & 18; Kilinochchi Transcript No. 5, 9; Polonnaruwa Transcript No. 6; Puttalam Transcript No. 6, 8.

An interviewee from Galle recalled,

“We were hiding the first week because we were scared for our lives as we know very well about who he is. It wouldn’t be of any help to go to the police and courts after he stabs or kills me. My children will be helpless if that happens. I have three daughters and they will not have anywhere to go if something happens to me.”⁷¹

3.4.2.5 Fear of Reprisals from Intimate Partners

Victim-survivors and service providers both revealed that the fear of reprisal from perpetrators hinders victim-survivors from using their FoEAA to respond to, and seek redress for SGBV they have suffered.⁷² It was also noted that reprisals often take the form of recurring violence. For example, victim-survivors fear the harm they would suffer at the hands of their husbands if they go to the police.⁷³ One victim-survivor’s husband threatened to kill her whenever she tried to access the police to lodge a complaint against him. The fear of reprisals is further aggravated by the fact that despite lodging a complaint with the police, victim-survivors have to return to the same house as their perpetrators.⁷⁴ One victim-survivor recalled,

“I never went to lodge complaints at the police. I was worried that he would kill me if I had gone to the police.”

The barrier faced due to fear of retaliation by their partners was not limited to the lodging of a complaint with the police. A Women Development Officer from Kilinochchi explained how some women, fearing their husbands, did not speak of the issues they faced. A victim-survivor explained,

“I like to talk about my problems with others. I like to stand up with them. But if I am to do any of these, I will have to do so behind my husband’s back. I would like to get together with others, talk about these issues and find solutions for them. I would like to share everything about the grief my husband gives me and get together and find solutions with others. But I am very scared of my husband.”⁷⁵

3.4.2.6 Hostile/Inconducive Environments at Relevant Authorities and Service Providers

The ability to exercise FoEAA is key in enabling victim-survivor’s access to justice and relief. The exercise of FoEAA enables communication with relevant authorities

and service providers. The need for such communication arises when reporting incident(s) of SGBV, when seeking medical and psychosocial services or when seeking any other form of relief.

In a patriarchal society where gender stereotypes are prevalent, ensuring FoEAA for the prevention of SGBV requires a facilitative environment by the relevant authorities and service providers. The following discussion illustrates the absence of such an environment.

Social Attitudes and Gender Bias of Service Providers

The free flow of information and safe interaction between victim-survivors and service providers/authorities is crucial to the response, redress and prevention of SGBV. However, when the officers responding to the incident are deeply influenced by cultural or social norms and stereotypes, there is a significant danger that they may utilise their right to FoEAA to express their personal beliefs. This could perpetuate gender bias and discrimination, potentially influencing the victim-survivor to remain in a position of vulnerability.⁷⁶ This can take two forms. Firstly, it can take the form of service providers justifying SGBV based on their personal biases. Secondly, it can result in them expressing a dismissive or hostile attitude towards victim-survivors influenced by their own biases.

⁷⁵ SGBV Victim-Survivor Interview, Kilinochchi – Transcript No.5, 8, 9, 10; SGBV Victim-Survivor Interview, Galle – Transcript No. 7, 11, 16 & 18; Polonnaruwa Transcript No. 6; SGBV Service Provider Interview, Galle Transcript No.1-4, 9-16; Polonnaruwa Transcript No. 1, 2, 3 and 5; Kilinochchi Transcript No. 1, 2 and 4-12; Puttalam Transcript No. 1-11.

⁷⁶ SGBV Service Provider (Lawyer) Kilinochchi – Transcript No. 9; Polonnaruwa Transcript No. 3; SGBV Victim-Survivor Interview Kilinochchi Transcript No.1

⁷⁷ SGBV Victim-Survivor Interview, Kilinochchi – Transcript No. 3; SGBV Victim-Survivor Interview, Galle – Transcript No. 5, 7, 14, 15, 16; Puttalam Transcript No. 6 and 10.

An SGBV victim-survivor from Kilinochchi, for example, recounting her experience of Domestic Violence stated,

“Every day he comes drunk and beats me. This situation has persisted since marriage. Even though a case was filed with the Police, I was advised that he behaved in such a manner due to his young age. The situation at home continues.”⁷⁷

Another SGBV victim-survivor from Galle also recounted her experience with the police:

“When I complain to the police, they would just advise him and send him off. The police never see the things he does. He is not even scolded. They only scold me. According to them these things normally happen when a male is drunk and they say that a woman should always be more patient. According to them, talking back is what gets us beaten up. And they told me that these things would never happen if I made him some good food.”⁷⁸

Some respondents stated that service providers sometimes demonstrated dismissive attitudes. Others recounted their experiences of officials reprimanding them

or dismissing their experiences. A female interviewee in Galle, for example, explained how she was dismissed by the police when she approached them in order to obtain copies of certain documents included in her case file:

“The police asked me to just give it up and scolded me asking whether they should be the people to come to me if I cannot come to them, and if I don’t have money.”⁷⁹

The interviewee continued to explain that she was “scolded in filth” and “was told not to come there again” when she went to the Akmeemana police station to complain about the incident.⁸⁰

Another interviewee from Galle explained her experience with the police stating that,

“The very first time when I went to the police station to make a complaint, they recorded my complaint and were nice to me. But I was treated very differently from the second time onwards. They think I am a trouble maker. That’s mainly because of the attitude they have towards our village.”⁸¹

Such responses by authorities and service providers in matters of such a sensitive nature constitute an immediate barrier to the victim-

⁷⁸ SGBV survivor, galle, transcript 15

⁷⁹ SGBV Victim-Survivor Interview, Galle – Transcript No.1, 5, 6, 10, 13-18; Polonnaruwa Transcript No. 1, 4, 5, 7 and 8; Puttalam Transcript No. 1, 2, 6, and 7.

⁸⁰ SGBV Victim-Survivor Interview, Galle – Transcript No.1

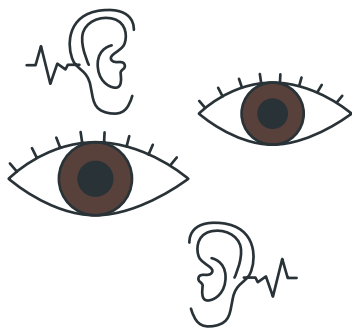
⁸¹ SGBV Victim-Survivor Interview, Galle District – Transcript No. 2 & 3; Polonnaruwa Transcript No. 1, 5, and 8; Puttalam Transcript No. 6 and 8.

survivor’s Freedom of Expression. Such responses may also impact the manner in which victim-survivors exercise their Freedom of Expression. As a result of such dismissive attitudes, a District Community Coordinating Officer from the Police in Galle stated that victims-survivors sometimes exaggerate their complaints in the hope that they will not be dismissed and be treated fairly.⁸²

Privacy

Another barrier to victim-survivors exercising their FoEAA is the lack of privacy when dealing with state authorities. The accounts of several respondents reflected that state authorities dealing with SGBV were not housed in environments that protected their privacy. Respondents explained that in their experience, complaints were recorded and inquired into in the presence of others.⁸³

An interviewee explained the discomfort that resulted from such a lack of privacy:



“When I was telling them about my issues, they would write my complaints down and ask questions loudly so that others would also hear. You feel that it is deliberately done and with the intention of making you feel uncomfortable. I could feel that everyone’s focus was on me. I felt extremely uncomfortable during such situations. Some people even laughed at me. What privacy, Miss? Even the police officers would laugh at us while recording our complaint.”⁸⁴

Another SGBV victim-survivor from Galle reported that the Akmeemana police scolded her, in the presence of others, when she attempted to lodge a complaint with the police. She narrated,

“My privacy was affected. The Akmeemana police scolded me when I went there to lodge a complaint about this incident. They humiliated me and scolded me in filth. They asked me not to come again. They always say that they are not responsible for our marriages as it is not their doing. They scold us in front of people.”⁸⁵

⁸² SGBV Service Provider, Galle – Transcript No. 8

⁸² SGBV Service Provider, Galle – Transcript No. 8

⁸³ SGBV Victim-Survivor Interview, Galle – Transcript No. 3, 6, 7, 11, 14, 15; Polonnaruwa Transcript No. 1, 8; SGBV Service Provider Interview, Galle Transcript No. 1-3, 5, 8, 9, 11, 12, 13, 14, 16; Kilinochchi Transcript No. 10 and 11; Polonnaruwa Transcript No. 3; SGBV Victim-Survivor Transcript, Puttalam Transcript No. 6.

⁸⁴ SGBV Victim-Survivor Interview, Galle District – Transcript No.11, 15, 16, 18; SGBV Service Provider Interview, Galle Transcript No. 1-5, 8, 9, 11-14, 16.

⁸⁵ SGBV Victim-Survivor Interview, Galle – Transcript No. 1. Also No. 5, 6, 10-18.

Certain officers working with the relevant authorities also acknowledged the lack of privacy that victim-survivors have to face when they approach their workspaces to report incidents of SGBV. A police officer from Galle explained,

“There are a lot of barriers for freedom of expression inside police stations. It can be difficult for one person to express their ideas because there are many individuals present inside a police station, and they may hear what is being discussed. Therefore, there are instances where individuals are subject to stigma and discomfort when reporting complaints. Since things are discussed in an open environment, victims may not be able to accurately report the incident.”⁸⁶

Other factors

Several other factors that may be encountered in interactions with relevant authorities and service providers may also hinder the victim-survivors’ FoEAA. For example, it was highlighted by a police officer, that a female victim-survivor may not be comfortable discussing the incident at hand with a male police officer, and that being queried on the same incident by three to four persons, especially when the said incident is of an unpleasant nature. It was also noted that this may cause a negative psychological impact.⁸⁷

3.4.3 Exercise of FoEAA by Non-Governmental Organisations (NGOs) and Civil Society Organisations (CSOs) to Prevent SGBV

Several activities are carried out by CSOs pertaining to SGBV, such as awareness raising on what constitutes SGBV, what steps a victim-survivor of SGBV could take, counselling services etc. These services are dependent on the FoEAA and the free flow of information. The interface between FoEAA, Civic Space and SGBV therefore, contributes to carrying out interventions that are key in working towards the response to and reduction of SGBV in society. Any interruption or barriers to the exercise of FoEAA or Civic Space in the aforementioned interventions undermines both the preventive measures taken and the relief sought in relation to SGBV. Victim-survivors also demonstrated a demand for activities rooted in the exercise of FoEAA in order to address SGBV, including education and awareness raising to facilitate more discourse on the subject.⁸⁸

Several examples of CSO activities that are dependent upon the free exercise of the FoEAA are discussed below.



⁸⁶ SGBV Service Provider Interview, Galle – Transcript No. 1, 8 & 15; SGBV Service Provider Interview, Galle Transcript No. 1-5, 8, 9, 11-14 and 15; Polonnaruwa Transcript No. 3.

⁸⁷ SGBV Service Provider (Police) Galle – Transcript No. 8; SGBV Victim-Survivor Interview, Galle – Transcript No. 15

⁸⁸ SGBV Victim-Survivor Interview, Galle Transcript No. 4, 11 and 17; Polonnaruwa Transcript No. 4 and 13; Puttalam Transcript No. 1, 2, 5, 7, 9 and 10.

Services provided for SGBV in the districts of Galle, Kilinochchi, Polonnaruwa and Puttalam



Galle

Legal Aid and Legal Advice	Awareness Programmes and information Dissemination	Counselling Services	Leadership Programmes and Vocational Training
<ul style="list-style-type: none"> • Grama Niladhari officer(s) • Lawyers • Legal Aid Commission • Lions Club of the district⁸⁹ 	<ul style="list-style-type: none"> • Divisional Secretariat Social Workers • Grama Niladhari officer(s) • Freelance Social Advisor(S), • Lions Club of the District⁹³ 	<ul style="list-style-type: none"> • Freelance Social Workers(S) • Counsellor(S) • Grama Niladhari officers⁹⁶ 	



Kilinochchi

Legal Aid and Legal Advice	Awareness Programmes and information Dissemination	Counselling Services	Leadership Programmes and Vocational Training
<ul style="list-style-type: none"> • Police • Legal Aid Commission • Counsellors⁹⁰ 	<ul style="list-style-type: none"> • Ladies Club of Jeyapuram • Sri Lanka Centre for Development Facilitation (SLCDF) • Counsellor(s)⁹⁴ 	<ul style="list-style-type: none"> • Women Development Officer(s) • Police.⁹⁷ 	<ul style="list-style-type: none"> • Grama Niladhari Officer(s)¹⁰¹

⁸⁹ SGBV Service Provider Interview, Galle District – Nos. 2, 3, 10, 16.

⁹⁰ Through referrals to legal services - Service Provider Interview, Kilinochchi District – Nos. 4, 8, 9 and 12.

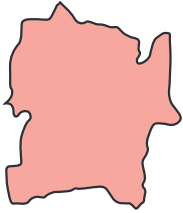
⁹¹ Service Provider Interview, Polonnaruwa District – No. 3

⁹² Service Provider Interview, Puttalam District – No. 2, 5, 9.

⁹³ Service Provider Interview, Galle District – Nos. 2, 4, 5, 16.

⁹⁴ Service Provider Interview, Kilinochchi District – Nos. 5, 6.

⁹⁵ Service Provider Interview, Puttalam District – No. 4, 5, 11.



Polonnaruwa

Legal Aid and Legal Advice	Awareness Programmes and information Dissemination	Counselling Services	Leadership Programmes and Vocational Training
<ul style="list-style-type: none"> • Legal Aid Commission⁹¹ 		<ul style="list-style-type: none"> • Grama Niladhari Officer(s)⁹⁸ 	<ul style="list-style-type: none"> • Grama Niladhari Officer(s)¹⁰¹



Puttalam

Legal Aid and Legal Advice	Awareness Programmes and information Dissemination	Counselling Services	Leadership Programmes and Vocational Training
<ul style="list-style-type: none"> • Prajaa Diriya Padanama • Women Development Officer(s) of Anamaduwa D.S • Lawyer(s) at -Change Organisation⁹² 	<ul style="list-style-type: none"> • The Muslim Women's Development Trust (MWDT) • Police • Grama Niladhari officer(s)⁹⁵ 	<ul style="list-style-type: none"> • Police • Women Development Officer(s) • Viluthu • Change Humanitarian Organisation • Women Organization for Development, Equality, Peace, and Temperance (WODEPT)⁹⁹ 	<ul style="list-style-type: none"> • Police • Grama Niladhari officer(s)¹⁰²

⁹⁶ Service Provider Interview, Galle District – No 4, 11, 16

⁹⁷ Service Provider Interview, Kilinochchi District – No. 3, 4

⁹⁸ Service Provider Interview, Polonnaruwa District – No. 4

⁹⁹ Service Provider Interview, Puttalam No. 1.

¹⁰⁰ Service Provider Interview, Kilinochchi District – Nos. 5, 6.

¹⁰¹ Service Provider Interview, Polonnaruwa District – No. 4

¹⁰² Service Provider Interview, Puttalam District – No. 4, 5, 11.

3.4.4 Barriers Faced by CSOs and NGOs in Exercising their FoEAA to Prevent SGBV

2.3.4.1 General Restrictions Faced by CSOs in Their Activities

CSOs operating in Sri Lanka have routinely encountered several encumbrances to the activities they undertake, as acknowledged by some of the participants of this study. Members of CSOs from Kilinochchi, for example, stated that they faced obstructions to the relief work that they carried out.¹⁰³ The FGD in Galle revealed that the work of CSOs is easily dismissed as unnecessary or perceived as a ‘Western’ influence undertaken with the objective of tarnishing Sri Lankan culture.¹⁰⁴

An expert also drew attention to the ongoing discussion on whether civic groups have a right to operate in Sri Lanka, without registering with the state. The expert characterised any such registration required as a restriction that would amount to a direct violation of the Fundamental Right to the Freedom of Association.¹⁰⁵ The registration process for CSOs in Sri Lanka at present, as highlighted in an FGD in Puttalam, is quite complex and time-consuming; and involves extensive documentation, approvals and periodic reporting.¹⁰⁶ It was also highlighted that any restriction stipulating mandatory registration would prove especially prejudicial to members of the LGBTQIA+ community and organisations advocating for the community.

Negative social perceptions may result in the discrimination of such groups and the imposition of additional requirements to obtain registration. Similarly, organisations that criticise the state and groups that are perceived as being more critical, find it more difficult to register as opposed to those entities that have a less critical and more collaborative approach with the state.¹⁰⁷ It may reasonably be presumed that the introduction of registration requirements would hamper the work of such organisations.

CSOs face several other challenges when operating in the current political climate. First, recent changes in regulations governing CSOs have introduced stricter reporting requirements and greater government oversight. It was pointed out that this increased scrutiny can lead to administrative burdens and concerns about maintaining CSO independence. Second, political changes can result in shifts in government priorities, which may impact funding availability and the alignment of government initiatives with the goals of CSOs. Adapting to these changes, while continuing to address SGBV can be challenging for CSOs. Third, the willingness of the government to engage with CSOs can fluctuate. In periods where government engagement is low, the ability of CSOs to advocate for policy changes and collaborate on initiatives is hindered.¹⁰⁸ Finally, there have also been concerns about potential government interference in the operations of CSOs, which could affect the ability of CSOs to operate effectively and independently.¹⁰⁹

¹⁰³ SGBV Service Provider Interview, Kilinochchi – Transcript No. 1 and 12;

¹⁰⁴ Focus Group Discussion, Galle – 3rd Report

¹⁰⁵ Interview with Journalist (Human Rights Defender)

¹⁰⁶ Focus Group Discussion with participants from CSOs - Puttalam

¹⁰⁷ Interview with Journalist (Human Rights Defender)

¹⁰⁸ Focus Group Discussion with CSO workers – Puttalam; SGBV Service Provider Interview, Galle Transcript No. 8, 10, 12, 14.

Demonstrative of such interference, Human Rights Defenders in the North and East claimed that they were monitored extensively, with inside informants supplying information about the activities of civil society workers to government authorities.¹¹⁰

While these constraints are not specific to CSO work on SGBV, they still contribute to a chilling effect that extends to the exercise of FoEAA in CSO activity towards the prevention and redress of SGBV. Such a chilling effect also reduces CSOs' capacity to advocate and lobby for policy change regarding SGBV.

2.3.4.2 Restrictions Faced by CSOs in Their Work on SGBV

It was reported in a FGD in Puttalam, that the advocacy efforts of CSOs to raise awareness about SGBV, and advocate for policy changes, were sometimes met with resistance. Media coverage of events or campaigns was limited when it involved sensitive issues such as SGBV.¹¹¹ Additionally, in conservative communities, attempts by CSOs to openly discuss SGBV and promote gender equality were met with resistance due to deeply ingrained cultural norms. It was mentioned that such resistance could manifest as hostility or reluctance to engage in open dialogue, thus impeding efforts to create awareness.¹¹² Finally, the freedom to engage in activities can also be influenced by the financial constraints faced by CSOs.

Limited funding restricts the scale and impact of CSO programmes and outreach efforts, hindering effective advocacy for SGBV victims-survivors.¹¹³

An FGD in Polonnaruwa revealed that organisations that work on women's issues and against SGBV were prevented from organising and carrying out programmes in village communities through the spread of false rumours. These rumours were attributed to male-led organisations in the community.¹¹⁴ Similarly, it was also discovered that CSOs that did not have a gender focus sometimes belittled and trivialised matters relating to SGBV when they were brought up in monthly meetings with other NGOs/CSOs such as the District Consortium. It was added that most societies wanted to give prominence to agricultural issues or commercial problems and failed to see how SGBV, which takes place in the private sphere, should be of any concern in a public forum.¹¹⁵

¹⁰⁹ Focus Group Discussion with participants from CSOs- Puttalam

¹¹⁰ Interview with Digital Security Expert

¹¹¹ Focus Group Discussion with participants from CSOs - Puttalam

¹¹² Focus Group Discussion with participants from CSOs - Puttalam

¹¹³ Focus Group Discussion with participants from CSOs - Puttalam

¹¹⁴ Focus Group Discussion with participants from CSOs - Polonnaruwa

¹¹⁵ Focus Group Discussion with participants from CSOs - Polonnaruwa

3.5 Communities With Increased Vulnerability to Restrictions of FoEAA and SGBV

Certain segments of the population that are at higher risk of being subject to SGBV, often simultaneously experience increased vulnerability to discrimination in society. Such vulnerability restricts their FoEAA and utilisation of Civic Space in relation to incidents of SGBV experienced by themselves or members of their community.

3.5.1 Members of the LGBTQIA+ Community

Known to be the object of general discrimination and stigma that is associated with identifying as persons of diverse SOGIESC,¹¹⁶ research also shows that members of the LGBTQIA+ community are vulnerable to SGBV. An expert highlighted that violence against this community is justified by perpetrators as being corrective in nature.¹¹⁷ As was highlighted in the interview,

“When you are a victim of SGBV, and you belong to the LGBTQIA+ community you are not able to have the same ability to utilise your freedom of expression to access the justice system. You also do not have the same level of freedom to associate with other members of your community or to speak out regarding your situation. There is a correlation to some degree, especially in terms of societal attitudes and the perception.”¹¹⁸

A district community coordinating officer of the Police from the Galle district, in response to the question as to whether persons of diverse SOGIESC are treated differently when they seek assistance for SGBV, responded that such instances are observed on certain occasions. The officer elaborated that persons identifying as part of the LGBTQIA+ community are given less regard at police stations and government institutions, are met with a lack of sensitivity when presenting their problems and have to endure longer time periods to resolve their issues. It was noted by the same respondent that issues of this magnitude do not exist in urban areas.¹¹⁹

¹¹⁶ Interview with Lawyer (Activist)

¹¹⁷ Interview with Lawyer (Activist)

¹¹⁸ Interview with Lawyer (Activist)

¹¹⁹ SGBV Service Provider Interview, Galle district– Transcript No. 8

3.5.2 Organisations That Work on Issues Faced by Persons of Diverse SOGIESC

Organisations that work on issues faced by the LGBTQIA+ community have also had to face constraints in their work. Attempts to educate the local communities on related subjects, for example, have been met with resistance from the community. It was noted, however, that incidents of this nature were progressively reducing and these constraints were gradually easing.¹²⁰

3.5.3. Communities Subject to Personal Laws and Cultural Restrictions

The application of personal laws and cultural restrictions may also render certain communities more vulnerable to gender discrimination and SGBV through the restriction of their FoEAA. An expert highlighted the manner in which Muslim women under Muslim Law (legislation such as the MMDA), for example, are denied their FoEAA in marriage.¹²¹ As per the MMDA, there is no right or opportunity for the woman to express her consent to the marriage separately when the wali (male guardian/agent of the bride) is the father or the paternal grandfather of the bride. The bride may only sign the declaration before registering the marriage if the wali (male guardian/agent of the bride) is not either of the persons mentioned above. Furthermore, in a divorce, the wife is placed on an unequal legal footing

because she must give notice of her intention to divorce and prove matrimonial fault or ill-treatment with witnesses and evidence (fasah divorce). On the other hand, in instances of divorce by the husband (talak divorce), there are no such conditions to be fulfilled except to serve notice to the Quazi of the area in which the wife is a resident.¹²² The application of these laws, therefore, severely impedes a woman's right to FoEAA within her marriage, both at the time of entering into marriage and when dissolving the marriage.

3.5.4 Sex Workers

Based on the interviews with SGBV victim-survivors, sex workers were identified as a community that is particularly vulnerable to SGBV due to the nature of their work. A female sex worker from Galle explained,

“Coercion is what often affects the service we provide. This may include persuading us for other types of activities, trying to make us get addicted to drugs, physically harassing us by acting like lunatics and sometimes even assaulting us physically. A lot of people get together and sexually abuse us as groups. They even berate us with filth.”¹²³

Due to the stigma surrounding their work, sex workers are subject to discrimination in their day-to-day lives. An interviewee

¹²⁰ Interview with Lawyer (Activist)

¹²¹ Interview with Lawyer (Activist)

¹²² MMDA

¹²³ Female Sex Worker Interview, Galle- Transcript No. 6

¹²⁴ Female Sex Worker Interview, Galle – Transcript No. 10

explained that such demeaning treatment was even encountered in interactions with Grama Niladhari officers.¹²⁴ As such, while at heightened risk of SGBV, sex workers subject to such violence are rarely able to seek relief, redress or speak about their experience with friends and family.

In relation to Civic Space and the ability to contribute towards policy making and change, sex workers may still experience difficulties and find themselves excluded from these processes. A female sex worker interviewed from the Galle district explained:

“Even now I don’t have the ability to vote. The reason for it is that no area is willing to give me an official letter which certifies my residency. It is very difficult for people like us to even get a place for rent. It was with much difficulty that I was able to get my National Identity Card. Even then, there is no written address.”¹²⁵

¹²⁵ Female Sex Worker Interview, Galle – Transcript No. 10

4. Recommendations

The exploration of the nexus between FoEAA, Civic Space and SGBV, as illustrated in the previous sections, gives rise to the following recommendations in order to progress towards greater protection of FoEAA and Civic Space, elimination or reduction of SGBV, and the utilisation of FoEAA and Civic Space to more effectively prevent and redress SGBV:

- Improving inclusion and participation of women across all levels of decision-making and leadership
- Improving access to relief and redress for SGBV
- Awareness raising
- Continuing to engage in advocacy
- Ensuring accessibility of information
- Cultivating a culture of accountability
- Responding to cyber SGBV and violations of FoEAA in the online space
- Engaging in media sensitisation

These recommendations combine the proposals that were made by respondents during the course of the research with any proposals seen as suitable by the researchers upon analysing the findings.

4.1 Improving Inclusion and Participation of Women Across All Levels of Decision Making and Leadership

Ensuring the inclusion and participation of women across all levels of decision-making and leadership¹²⁶ will allow for the full utilisation of FoEAA and Civic Space, in strengthening the response to and prevention of SGBV. As was highlighted in a FGD with participants from CSOs in Kilinochchi,

“FoEAA offers the ability to promote women as agents of change, rather than as victims and it offers benefits directly for victims in sharing their experiences.”¹²⁷

Therefore, steps must be taken to ensure that women are included in decision-making, thereby enabling them to exercise their FoEAA to advocate for the prevention of SGBV.

¹²⁶ SGBV Service Providers Interview, Kilinochchi Transcript No. 1

¹²⁷ Focus Group Discussion with participants of CSOs - Kilinochchi

4.2 Improving Access to Relief and Redress for SGBV

4.2.1 Direct facilitation of reports of SGBV incidents

Perhaps the most direct and obvious use of FoEAA in relation to SGBV is the reporting of incidents of SGBV to the relevant authorities; an activity that is often hindered or rendered impossible by the barriers or challenges described previously in this report.

It is recommended in this light to undertake and implement measures that directly facilitate victim-survivors to report incidents of SGBV. In Kilinochchi, for example, victim-survivors are able to use the given hotline number 1938 and make complaints.¹²⁸ Further, it was mentioned that sometimes victims were identified and summoned through Grama Niladhari offices and complaints were recorded.¹²⁹

4.2.2 Legal aid

In order for victim-survivors to be able to exercise their FoEAA in seeking relief, the financial accessibility of victim-survivors must be prioritised. Legal aid must be made available to seek relief and navigate the criminal justice system at no cost to the victim-survivor. Such aid must include the costs of any paperwork and administration that may be required.

4.2.3 Implementation at the grassroots level

It is imperative that all policies, actions and efforts towards the prevention and redress of SGBV as well as the preservation of FoEAA and Civic Space, are implemented at the grassroots level, in a manner that ensures accessibility.

The need for the above was highlighted in interviews. A victim-survivor of SGBV from Galle, for example, stated as follows:

“...Organisations that work on issues regarding women should reach the ground level more often. Otherwise, there won't be any use in what they do.”¹³⁰

4.2.4 Ensuring access to shelter services

The establishment and maintenance of a sufficient number of safe houses across the island is essential. As discussed in the section on findings, several SGBV victim-survivors have chosen against exercising their FoEAA and seeking justice in relation to incidents of SGBV owing to fear of safety: both in relation to the potential reprisals they may face from the perpetrator of violence (particularly in instances where the perpetrator is an intimate partner), and in relation to threats to their safety from society at large. The availability of safe houses or shelters for victim-survivors and any dependents would

¹²⁸ SGBV Service Providers Interview, Kilinochchi Transcript No. 3 (Women Development Officer)

¹²⁹ SGBV Service Providers Interview, Kilinochchi Transcript No. 3 (Women Development Officer); Puttalam Transcript No. 11.

¹³⁰ Galle Transcript No. 15

contribute to addressing this concern. In addition to establishing and maintaining a sufficient number of safe houses, it is also essential that awareness be raised regarding the existence of such facilities.

4.2.5 Establishing a conducive environment for reporting incidents of SGBV and seeking relief

The measures that need to be taken in this regard are three-fold. First, wherever possible, resources and facilities must be provided (by the State and CSOs) that allow for the reporting and discussion of incidents of SGBV in a private environment where anonymity and confidentiality can be maintained. Secondly, training must be provided for all persons serving as officers at authorities or service providers relevant to SGBV. Such training must not be limited to substantive knowledge in affording relief, redress, security and support – but also include training on sensitive and facilitative interactions with victim-survivors and others seeking support. Trainings must also be attuned to the intersectional challenges faced by marginalised communities. Finally, the language rights of those seeking support must be observed at all times. This entails ensuring the availability of officers who speak the language of the person seeking support or, at a minimum, the services of a translator.

4.2.6 Improving Access to Basic Needs and Livelihood Development

It is recommended that victim-survivors of SGBV are provided with support– not just in relation to shelter and legal relief, but in terms of fulfilling their immediate, essential needs. It must be noted that some initiatives of this nature are already conducted by certain service providers as discussed in section 4.2.4. However, steps must be taken to improve access to such services and expand the scope of these services. This should include the provision of more sustainable support in the form of vocational and livelihood training and opportunities.¹³¹ The provision of such support falls within the responsibilities of the State. A failure to provide such support on the part of the State, therefore, must be understood to be a violation of the FoEAA of victim-survivors’ through the omission of the State.

This recommendation addresses the finding that often victim-survivors of SGBV recorded very low, if any, monthly incomes and reported struggling to meet the daily needs of their families. Several such victim-survivors still lived with their children, although separated from abusive partners.

The inability to meet even the most basic of financial needs, particularly in cases where the victim-survivor also has children and other dependents, acts as a barrier to the exercise of FoEAA by the victim-survivor. Victim-survivors are held back from reporting the incident or even speaking about it to friends and family, where such action may cause them

¹³¹ SGBV Victim-Survivor Interviews, Polonnaruwa Transcript No. 2, 3, 4, 6 and 10; Puttalam Transcript No. 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10; Galle Transcript No. 1, 7, 10, 17,

to separate from their partner and render themselves and any dependents destitute in instances where the abusive partner was also the sole wage earner of the family.

4.3 Awareness raising

Victims-survivors of SGBV stressed the need for awareness in relation to aspects such as gender discrimination, highlighting the importance of the incorporation of these aspects in education from a very young age.¹³²

SGBV victim-survivors also indicated the urgent need for awareness raising in relation to how victims of SGBV may access relief/redress channels. The existence or establishment of channels of relief and means of support for victim-survivors of SGBV is insufficient, if it is not supported by awareness on the part of victims as to the relief, redress and support mechanisms available to them. In order to ensure the most effective accessibility to these mechanisms, awareness raising must not be targeted at those who have been subject to SGBV alone, but also aimed at the general population from an early age, to provide the requisite knowledge of what actions they may take in the event that they are subject to SGBV.

Similarly, CSOs across the four districts of the study agreed that awareness-raising was a requirement. Sexual assault and abuse, early cohabitation (commonly referred to as child marriages), mental health, drug abuse, domestic violence, healthcare and available

services were included among the issues highlighted as subjects on which awareness needed to be raised.

In relation to the methods by which awareness-raising is to be carried out, a project carried out by CEJ¹³³ demonstrates the utility of employing not just mainstream media in the forms of newspaper articles, television and radio, but also social media. For maximum reach and effectiveness, awareness-raising content must be disseminated in all three languages (Sinhala, Tamil, English) and targeted across gender and age.¹³⁴

4.4 Continuing to engage in advocacy

Advocacy is one form in which Freedom of Expression may be used by organisations towards the mitigation and redress of SGBV. To this end, organisations can raise awareness among women and other marginalised groups about their rights, ensure that victim-survivors are given access to legal remedies in cases of violations, advocate for the improvement of State-sponsored resources to improve SGBV support services and advocate for necessary reform to the criminal justice process in order to create a gender-sensitive and victim-friendly process.

¹³² SGBV Victim-Survivor Interviews - Polonnaruwa Transcript No. 4 and 13; Puttalam Transcript No. 1, 2, 5, 7, 9 and 10; Galle Transcript No. 4, 11 and 17.

¹³³ Labyrinth: Navigating Response Mechanisms for Sexual and Gender Based Violence, Project Report (2023) Centre for Equality and Justice.

¹³⁴ *ibid*

4.5 Ensuring accessibility of information

All information pertaining to FoEAA, Civic Space, SGBV, the prevention and redress of SGBV and the prevention and redress of violations of FoEAA and Civic Space must be rendered accessible to all citizens of the country. Information ranging from court judgments to that which is communicated by relevant authorities and service providers must be shared in all national languages. Additionally, the information must also be made available for individuals who have physical, intellectual and cognitive disabilities.

4.6 Cultivating a culture of accountability

The present culture of impunity in relation to violations of FoEAA must be replaced with one that prioritises accountability. This shift is essential in order to deter both attacks on FoEAA when advocating for matters pertaining to SGBV and the utilisation of SGBV as a tool in stifling FoEAA.

Conversely, increased FoEAA in relation to the prevention, reporting and redress of SGBV will directly contribute towards facilitating accountability in incidents of SGBV.

4.7 Responding to cyber SGBV and violations of FoEAA online

Human dignity, transparency and security must be prioritised in the response process for cyber SGBV and any violations of FoEAA that take place online. Users must also be taught basic cyber literacy. In this regard, it was highlighted in an interview with a digital security expert, that the existing syllabus on computer usage must be taught in a manner that ensures children from rural areas receive the same education as children in urban areas. Materials for the teaching of information technology must be shared in local languages.¹³⁵

4.8 Engaging in media sensitization

Members of CSOs, in the FGD convened in the Puttalam district, recommended media sensitization on the importance of responsible reporting on SGBV cases. It was stressed that accurate and sensitive media coverage can reduce victim-blaming and encourage victim-survivors to come forward.¹³⁶



¹³⁵ Interview with digital security expert

¹³⁶ Focus Group Discussion with participants from CSOs - Puttalam

5. Conclusion

The intersection between SGBV and FoEAA as well as Civic Space, is one that is traditionally neglected, yet in need of exploration and attention. The prevention and redress of SGBV is in many ways contingent on the untrammelled exercise of FoEAA and the utility of Civic Space. Stifling of FoEAA in relation to victim-survivors of SGBV can also impede access to justice for victim-survivors, and facilitate impunity for perpetrators. In parallel, SGBV may be utilised as a tool to stifle victim-survivors' free exercise of their FoEAA. The data gathered and analysed in this study illustrate the different ways in which SGBV intersects with FoEAA/ Civic Space:

- First, SGBV was recognised as a tool that may be utilised by perpetrators to suppress FoEAA and participation in the Civic Space. The attacks and backlash faced by women in politics and the targeting of women and members of the LGBTQIA+ community during their participation in protests, as well as the hostility faced by women advocates, were noted. SGBV in the private sphere was also observed as being used to prevent victim-survivors from exercising their FoEAA. Similar trends were observed online. The internet, in facilitating communication, allowed FoEAA to be used better towards the prevention and redress of SGBV. Simultaneously, however, the shield of anonymity and technical capability provided by an online environment has resulted in its use for the perpetration of SGBV. Such instances often result in an inclination towards self-censorship.
- Second, an intersection was observed in the

instrumentality of FoEAA and Civic Space in the prevention and redress of SGBV. Policy making, interventions by NGOs and CSOs (inclusive of awareness raising, research, advocacy, dissemination and support), collective action and individual redress were key areas where this relationship was seen. Several barriers, however, were recognised as obstructing the full potential of such an intersection from being realised: insufficient literacy and financial instability of victim-survivors, language barriers, socio-cultural perceptions and stigma faced by victim-survivors of SGBV, concerns surrounding the victim-survivor's dependents, fear of reprisal by the perpetrator, hostile and inconducive environments at relevant authorities and service providers, the perpetuation of gender bias and discrimination by relevant authorities as well as barriers encountered by CSOs in their services. All these barriers were further compounded for SGBV victim-survivors who belonged to especially vulnerable communities.

The recognition of steps that urgently need to be taken across these intersections does not deny the work that has already been carried out in this regard. As was seen in the research, several victim-survivors of SGBV have already benefited from the services of both Governmental and Non- Governmental institutions. Yet the data collected in this study, as made clear in the sections on findings and recommendations, was also indicative of the urgent need for further effort and reform.

Key areas necessitating such attention include awareness raising, advocacy, establishment and maintenance of a sufficient number of safehouses across the island, raising awareness as to the existence and provision of such facilities, support with access to basic needs and livelihood development, establishing a conducive environment for reporting incidents of SGBV and for seeking relief. Additionally, efforts must be made towards prioritising human dignity, transparency and security in the response to cyber SGBV and violations of FoEAA online. All of these recommended initiatives must be carried out within a culture of accountability, accessibility and the inclusion and participation of women across all levels of decision-making and leadership.

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Annex I

Detailed Methodology Findings

Objective of the Study

This study was undertaken with the objective of understanding the nexus between FoEAA and Civic Space on the one hand and SGBV on the other. By examining the data obtained by way of KIIs, FGDs and the desk research, the study explored the different ways in which FOEAA and Civic Space intersect with SGBV. In doing so, the study evaluated the significance of these intersections and relationships where relevant and finally, drawing on the suggestions of the stakeholders interviewed and the analysis of such data gathered, makes suitable recommendations.

Research Methodology

A preliminary literature review of the relevant themes of FoEAA, Civic Space, and SGBV as well as their possible intersections preceded the determination of the research methodology. The desk research included a review of both local and international case law, legislation, policy documents, reports, guidelines, surveys, and journal articles.

The rapid assessment is based on primary and secondary data collected from October 2022 to November 2023. KIIs and FGDs were conducted as primary data collection methods, facilitated by CEJ partner organisations, in the 4 project districts of Kilinochchi, Polonnaruwa, Puttalam and Galle.

Geographical Locations of the Research

A 2022 project conducted by CEJ identified a high prevalence of SGBV, Domestic Violence, and Intimate Partner Violence within the districts of Puttalam, Kilinochchi and Polonnaruwa. The study also revealed that victim-survivors of SGBV face significant barriers to accessing justice, largely due to service providers' inability to advocate for them in the current political climate.¹³⁷ These findings prompted a rapid assessment, focusing on these three districts. Due to the high prevalence of SGBV identified in Galle, the district of Galle was included in the study.

CEJ took careful steps to ensure that the selected four districts ensured representation of the Tamil, Sinhala and Muslim ethnicities as well as communities affected by war and displacement.¹³⁸

Focus Group Discussions

An FGD was conducted in each of the four districts; with 12 participants each from Civil Society Organisations in Galle, Polonnaruwa and Kilinochchi, and 11 participants in Puttalam. Two additional FGDs were conducted in Galle. The first was among 12 victim-survivors and other community women. The participants of the discussion included women who were divorced, separated, over the age of sixty, Female

Baseline characteristic	Full sample	
	n	%
Gender		
Female	48	100
Male	-	-
Age		
18-30	13	27
31-40	17	35.4
41-50	12	25
51-60	6	12.5
Marital status		
Single	5	10.4
Married/partnered	37	77.1
Divorced/widowed	6	12.4
Ethnicity		
Sinhala	28	58
Tamil	20	41.6
Highest educational level		

¹³⁷ Centre for Equality and Justice, 2023

¹³⁸ In the North and North-Eastern districts of Sri Lanka, for example, historical traces of violence and continuing military presence result in a large section of the population of these districts being marginalized, repressed, and subject to surveillance. Consequently, the heavy militarization of the North and North-East have rendered persons in these districts more likely to encounter incidents of SGBV.

Heads of Households and women working in women’s empowerment organisations. The second additional FGD had 10 participants and included police officers, Municipal council officers, a counsellor and officers from CSOs in the district. The socio-demographic characteristics of the participants are set out below:

Category: SGBV Victim-survivors

Baseline characteristic	Full sample	
	n	%
Primary/Secondary School	16	33.3
Passed G.C.E. O/L	28	58.3
Passed G.C.E. A/L	4	8.3
Graduate	-	-
Postgraduate	-	-
Employment		
Unemployed	13	27.1
Student	-	-
Employed	18	37.5
Self-employed/Daily Labour Work	14	29.7
Sex work	3	6.3

Note. N = 48 (total sample size)

Table 1

Category: Service Providers and Civil Society Organisation Professionals

Baseline characteristic	Full sample	
	n	%
Gender		
Female	32	74.4
Male	11	25.6
Age		
18-30	4	9.3
31-40	16	37.2
41-50	13	30.2
51-60	10	23.2
Highest educational level		
Primary/Secondary School	-	-
Passed G.C.E. O/L	4	9.3
Passed G.C.E. A/L	17	42.5
Graduate	20	41.6
Postgraduate	2	4.1
Employment		
Unemployed	-	-
Student	1	2.3
Employed	39	90.7
Self-employed/Daily Labour Work	1	2.3
Sex work	2	4.7

Note. N=43 (total sample size)

Table 2

Key Informant Interviews

Key informant interviews were conducted across all four districts, with information gathered from thirty-four (34) interviews from the Galle district, twenty-two (22) interviews from the district of Kilinochchi, fifteen (15) interviews from Polonnaruwa district and twenty-one (21) interviews from Puttalam district. In addition to SGBV victim-survivors

who were among the most crucial informants of the data collection process due to their personal experiences in facing SGBV, civil society members and government officials working in the area of women empowerment were identified as stakeholders. Further, the perspectives of lawyers, media personnel, clergy and police officers were also recognised as essential to the research.

The breakdown of KII participants is provided below:

District	Galle	Kilinochchi	Puttalam	Polonnaruwa
SGBV Victim Survivors	18	10	10	10
Civil Society Organisation Professionals	3	2	4	N/A
Government Service Providers/Officials	6	2	2	3
Healthcare sector workers	2	2	1	1
Police Officers	1	1	1	N/A
Lawyers and Journalists	2	4	1	1
Psychologists and Counsellors	2	1	1	N/A
Clergy	N/A	N/A	1	N/A

The interviews were conducted by six district-level partner organisations; Rural Women's Front and Saviya Development Foundation in Galle, Sunila Women and Children Development Foundation in Polonnaruwa, Rural Development Foundation and Muslim Women Development Trust in Puttalam, and OfERR (Ceylon) in Kilinochchi. These partner organisations facilitated the entire process

with interviewers from the districts conducting the interviews. In Galle and Polonnaruwa, the interviews were conducted in Sinhala, in Kilinochchi the interviews were conducted in Tamil, and in Puttalam, interviews were conducted in both Sinhala and Tamil. The transcripts were then translated into English for analysis.

Ethical Considerations

Each participant was first oriented with a detailed guideline on the project information and provided with a consent form. Through this process, potential participants were assured of confidentiality, and anonymity when using the relevant information for research publication and reporting purposes. Permission was also sought to record the interview for reporting purposes.

Data Collection

The interviewers were provided with a set of guidelines pertaining to the three phases of data collection: scheduling the interviews with stakeholders, conducting the interview, and documenting the accumulated data. These guidelines addressed being sensitive to the interviewee, directing interviewees to suitable resources or service providers in case of distress during or after the interview, clearly communicating with the interviewee and striking a sufficient balance between collecting necessary data and respecting the boundaries of the participants.

Questionnaires for the interviews were tailored to separately, capture the experiences and insights of four groups: SGBV victim-survivors, CSO workers, government service providers and lawyers/activists; in order to ensure relevance and capture any key information unique to the informant in question.

The questionnaire for victim-survivors of SGBV focused primarily on gathering information pertaining to the interviewee's experience of SGBV. The questions were formulated to assess the level of understanding each interviewee possesses regarding SGBV, identify victim-survivors and perpetrators of SGBV, understand the ways in which

SGBV is inflicted, Fundamental Rights and FoEAA, as well as the nexus between the above-mentioned freedoms and SGBV. The questions contained a brief explanation by the interviewer on FOEAA where required. This aspect was included to ensure that a lack of knowledge as to what constituted FOEAA would not preclude an interviewee from contributing to the study by hindering the ability of a stakeholder to share relevant thoughts and experiences.

In addition to the primary research at the district level, efforts were also made to interview members of civil society who were operating at the national level to ensure that any key insights were not omitted. An Attorney-at-Law who is also an activist, a Human Rights Defender working in media and journalism and a digital security expert were interviewed for further insight. Two of the interviews were conducted online, while one was in person.

Each participant was first oriented with a detailed guideline on the project information and provided with a consent form. Through this process, potential participants were assured of confidentiality, and anonymity when using the relevant information for research publication and reporting purposes. Permission was also sought to record the interview for reporting purposes.

Limitations of the Study

With the exception of the desk research and interviews conducted with experts and activists, the majority of the data gathered and analysed for this study was limited to the Galle, Polonnaruwa, Puttalam and Kilinochchi districts.

When gathering data by way of FGDs and KIIs, the research was challenged by an absence

of adequate familiarity, knowledge and understanding pertaining to FoEAA and Civic Space. This challenge presented itself not just in relation to the interviewees providing data and information for the study but also in relation to some of the interviewers who were commissioned to gather the data in the relevant districts.

To fill this gap, CEJ made efforts at several stages of the research to bridge such gaps in knowledge and familiarity in relation to the concepts addressed in the research. An orientation workshop was conducted for the interviewers and enumerators prior to the FGDs and KIIs. Consequent to the difficulties faced in understanding the relevant themes becoming apparent in the first few rounds of interviews conducted, the researchers worked towards tailoring questions in a more explicit manner and adding explanatory interventions where required; thus, making the themes in the interview still more accessible. Regardless, this unfamiliarity with the key themes of the study persisted, despite its likely mitigation through the efforts described above. While the knowledge gap described above serves as crucial information directly informing the rapid assessment conducted, it also serves as a barrier to fully gathering all the information that could benefit the rapid assessment comprehensively.

In addition to the limitations described above, the interviewers and enumerators who collected the data may themselves have been subject to social biases/ have subscribed to social stereotypes. While interviewer orientation was conducted prior to the data being collected in order to mitigate such possibilities, it is unlikely to have been eliminated completely. Further, while data collection tools and the data collected were translated in order to ensure maximum

inclusion and accessibility, responses that were not precise in nature may have further lost clarity in translation.

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