# Stifled

Gender, Violence and Fundamental Rights
in the Digital Sphere

Centre for
Equality and
Justice

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# Foreword

In today's rapidly evolving digital landscape, the internet stands as a formidable tool for knowledge sharing, community building, and the promotion of Fundamental Rights. However, as with all powerful tools, its potential for misuse and harm is significant, particularly when viewed through a gendered lens. This research conducted in January 2024 delves into the gendered aspects of the digital public sphere, focusing on the pervasive issue of Sexual and Gender-Based Violence (SGBV) within the context of the rights to Freedom of Expression, Association, and Assembly (FoEAA).

The digital public sphere, while offering unparalleled opportunities for expression and association, is not immune to the deeply entrenched patriarchal norms that shape offline interactions. Women and individuals with diverse sexualities and gender identities often find themselves targets of Cyber Sexual and Gender-Based Violence (CSGBV), which not only harms them personally but also restricts their ability to participate freely and fully in online spaces leading to self-censorship and diminished engagement.

Centre for Equality and Justice (CEJ) has been at the forefront of efforts to address these challenges, working to create safer, more inclusive digital spaces since 2021. Through this report, we aim to highlight the intersection of gender, digital engagement, and Fundamental Rights, providing insights and recommendations for policymakers, activists, and all stakeholders committed to gender justice.

This research, grounded in extensive desk reviews and interviews with experts in Sri Lanka, underscores the urgent need for targeted interventions to combat CSGBV and support victim-survivors. We also emphasize the importance of preserving FoEAA in the digital realm, ensuring that these rights are not only protected but also actively promoted to foster a more democratic and equitable society.

This research was carried out for CEJ by Ms. Sahani Chandraratna, the Lead Researcher for this project. CEJ would like to thank Ms. Chandraratna and her team for executing the study. CEJ also thanks all the respondents who took the time to participate in this rapid poll and interviews.

We hope this publication will be useful to the academic community, civil society organizations, policymakers, and Sri Lankan citizens interested in bringing about reforms to laws and policies related to SGBV and restrictions to FoEAA.

**Shyamala Gomez**
Executive Director
Centre for Equality and Justice

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தடையற்ற சிவில் வெளி

*Research Report on the Gendered Aspects of the Digital Public Sphere, with Emphasis on Sexual and Gender-Based Violence (SGBV), in the Context of Rights to Freedom of Expression, Association, and Assembly (FOEAA)*

# 1| Background

The internet and online spaces provide incredible opportunities for knowledge sharing and community building, connecting billions of people around the world at lightning speed. The steady growth of internet access and use, including social media and messaging apps, has created a platform for individuals to find common ground, share opinions, and learn from peers and experts[1].

On the surface, the digital sphere offers a strong platform to exercise Freedom of Expression, Association, and Assembly (FOEAA). However, the internet was constructed in a patriarchal context, with the majority of its creators and moderators identifying as cis-gender, male, and white. For example, in 2018, less than 10% of Wikipedia's contributors were female[2]. This fact has led feminist theorists like Judy Wajcman to discuss the mutual shaping of gender and technology, arguing that technology is both a source and consequence of gender relations[3]. In this context, offline norms of violence against women and misogynist viewpoints are replicated online, creating a breeding ground for Cyber Sexual and Gender-Based Violence (CSGBV), which has hindered women's meaningful participation in online spaces[4].
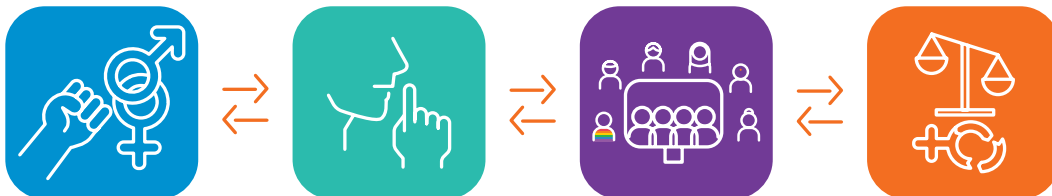


Women and people of diverse sexualities, gender identities, and sex characteristics (SOGIESC) are targeted for sharing their personal content and broader expression online. One of the most significant repercussions is self-censorship, reduced engagement in online spaces, and less participation in digital leadership roles. CSGBV triggers this silencing and reinforces patriarchal gender roles, which leads

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[1] Gagliardone, I., Gal, D., Alves, T., & Martinez, G. (2015). Countering online hate speech. UNESCO. ISBN 978-92-3-100105-5. Retrieved from https://unesdoc.unesco.org/ark:/48223/pf0000233231

[2] Dunn, S. (2020). Supporting a Safer Internet Paper No. 1 Technology-Facilitated Gender-Based Violence: An Overview. Centre for International Governance Innovation. Retrieved from https://www.cigionline.org/publications/technology-facilitated-gender-based-violence-overview/

[3] Wajcman, J. (2010). Feminist theories of technology. Cambridge Journal of Economics, 34(1), 143–152. https://doi.org/10.1093/cje/ben057

[4] Ranjit, T., & Mahilkar, S. (2023, March). Online Gender-Based Violence And Its Impact On The Civic Freedoms Of Women Human Rights Defenders In The Indo-Pacific. International Center for Not-for-Profit Law. Retrieved from https://www.icnl.org/wp-content/uploads/Online-Gender-Based-Violence-report-final.pdf

Gender, Violence and Fundamental Rights in the Digital Sphere

to limited online content related to equality and human rights[5]. This systemic issue creates a space where toxic gender norms lead to CSGBV, which in turn, leads to self-regulation and restrictions in FOEAA.

Centre for Equality and Justice (CEJ) is working with partners to address gender issues in the digital sphere while preserving and promoting FOEAA in Sri Lanka, with an understanding that the resulting online spaces will be fairer, more transparent, and safer for everyone.

# 1.1 | Project Goals

This research report explores the gendered aspects of the digital public sphere, with emphasis on gender/sexual and gender-based violence (SGBV) in the context of rights to FOEAA. It is part of a larger project conducted by the Centre for Equality and Justice (CEJ), that aims to increase awareness and understanding of fundamental rights among the general public, SGBV victim-survivors, and advocates who work with them.

In achieving this, the project hopes to:

- Increase the capacity of key justice actors who are advocating for the rights of SGBV victim-survivors, women's rights, LGBTQIA+ rights, and the rights of minorities;
- Increase the general public's understanding of fundamental rights, with a focus on vulnerable groups, in order to empower them;
- Enhance the capacity of grassroots Civil Society Organisations (CSOs) and Non-government Organisations (NGOs) working with SGBV victim-survivors, women's rights, and the rights of the LGBTQ+ community to protect their fundamental rights; and
- Better prepare lawyers representing victims of SGBV to initiate strategic litigation to protect and uphold their fundamental rights.

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[5] Dunn, S. (2020). Supporting a Safer Internet Paper No. 1 Technology-Facilitated Gender-Based Violence: An Overview. Centre for International Governance Innovation. Retrieved from https://www.cigionline.org/publications/technology-facilitated-gender-based-violence-overview/

**CEJ's Work on the Gendered Aspects of the Digital Public Sphere and Rights to FOEAA**

Founded in 2017, CEJ is a women's organisation based in Colombo, Sri Lanka, that aims to promote gender equality, advance the rule of law, good governance and democratic principles, promote women's advancement and economic empowerment, advocate for the commitment to international human rights standards, and foster partnerships with grassroots level women's networks.

This project builds on previous work conducted by CEJ in the realm of gendered online hate speech (GOHS), CSGBV, and FOEAA. For example, in 2021, CEJ undertook a project titled "SGBV Public Messaging to Amplify the Gender Justice Legal Network", which aimed to raise awareness of SGBV court processes, procedures, and advocacy and highlight the structural barriers victim-survivors of SGBV encounter during the criminal justice process. In 2023, CEJ conducted a project to advance effective responses to GOHS and CSGBV in Sri Lanka.



This image depicts the significance of Fundamental Rights in accessing Justice for SGBV victim-survivors.

# 2| Methodology and Sources

This research report was informed by a desk research of local and global articles, reports, and other documents, and interviews with Sri Lankan researchers, scholars, activists, and others working on GOHS and FOEAA.

The desk research examined approximately 60 documents, largely obtained from Google Scholar and referrals from interviewees, and the online search was confined to the Sri Lankan context, with just a few regional and global pieces for comparison. Additionally, search terms related to topics of interest included: 'gender in the digital space', 'gender in the digital space and FOEAA', 'online hate speech', 'online SGBV', 'CSGBV community guidelines', 'CSGBV cultural context and factors', and 'online user patterns segregated by characteristics such as age and gender'. The literature review included research conducted by CEJ on SGBV victims-survivors, their fundamental rights, and available service provisions for SGBV.

Eighteen individuals from twelve organisations and five independent researchers were contacted to support the research report. The organisations and experts included individuals from civil society, international organisations, academia, and the information, communication, and technology sectors. If they were able to participate, they were given the option of responding to a questionnaire, scheduling a discussion, or sharing relevant resources. Approximately half of the organisations that were contacted contributed to this research report. The organisations that collaborated with CEJ on the project were Hashtag Generation, UNICEF Sri Lanka, Grassrooted Trust, Delete Nothing, Hithawathi, and Resurj.

The information from the literature review, online rapid poll, interviews, questionnaires, and referred sources was compiled and analysed to produce this report.

# 3| Introduction

## 3.1 | What is SGBV?

Gender-based Violence (GBV) is an umbrella term for any harmful act that is perpetrated against a person's will, and that is based on socially ascribed differences between males and females (i.e. gender)[6]. GBV is generally categorised into five main areas: sexual violence, physical violence, emotional violence, economic violence, and harmful traditional practices[7].
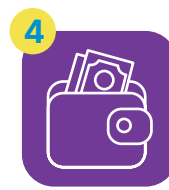
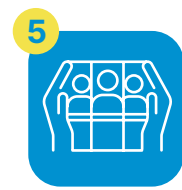| 1 | 2 | 3 | 4 | 5 |
|---|---|---|---|---|
| Sexual Violence | Physical Violence | Emotional Violence | Economic Violence | Harmful Traditional Practices |

SGBV is a related umbrella term that is often used interchangeably with GBV. SGBV refers to any act perpetrated against a person's will based on gender norms and unequal power relationships, including physical, emotional or psychological, and sexual violence, threats of violence, coercion, and the denial of resources or access to services[8]. SGBV can occur in public or private spaces and be committed by known and unknown persons[9].

Anyone can be a victim of SGBV, including boys, men, and people with diverse sexual orientation, gender identity, gender expression and sex characteristics (SOGIESC)[10]; however, women and girls continue to be the overwhelming majority of SGBV victim-survivors due to global and deeply entrenched patriarchal beliefs, attitudes and social norms[11]. Furthermore, individuals with multiple intersectional minority identities face

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[6] Jeanne Ward and Julie Lafrenière, Guidelines for Integrating Gender-Based Violence Interventions in Humanitarian Action: Reducing Risk, Promoting Resilience and Aiding Recovery. (Inter-Agency Standing Committee 2015)

[7] Centre for Equality and Justice (CEK), Sri Lanka. (2023). Labyrinth Navigating Response Mechanisms for Sexual and Gender Based Violence Project Report [PDF file]. Retrieved from https://cejsrilanka.org/wp-content/uploads/Labyrinth-Report.pdf

[8] UNHCR. (01 May 2015). Sexual and Gender-Based Violence (SGBV) Prevention and Response. Retrieved from https://emergency.unhcr.org/protection/protection-mechanisms/sexual-and-gender-based-violence-sgbv-prevention-and-response

[9] Centre for Equality and Justice (CEJ), Sri Lanka. (2023, February). Training module: Cyber sexual and gender-based violence, gendered online hate speech, laws & response mechanisms [PDF file]. Retrieved from https://cejsrilanka.org/wp-content/uploads/CEJ-Module-FINAL.pdf

[11] United Nations Population Fund. (2020). Journalists Handbook [PDF]. Retrieved from https://www.unfpa.org/sites/default/files/pub-pdf/Journalists_Handbook_-_March_8_-_English.pdf

higher rates of SGBV that target their gender in addition to other identity factors such as sexual orientation or race[12]. These norms are often reinforced through various sociocultural institutions, such as educational, religious and legal institutions[13].

Contributing risk factors of SGBV for victims and perpetrators include education levels, early childhood marriages, alcohol and substance abuse by perpetrators, extra-marital affairs, and a history of personal, family, or intergenerational violence[14]. At the individual level, a cross-sectional study revealed that perpetrators cited sexual entitlement, corporal punishment, alcohol, childhood victimisation, and trauma as contributing factors to their criminal behaviour[15].

This report cites studies and other research documents that refer to groups of people as female or male and men or women without specifying whether this categorisation is based on self-identification, socially ascribed definitions, or a combination. For this report, we will share findings as described in the original research.

# 3.2 | Understanding the Gendered Aspects of the Digital Public Sphere

The foundation for SGBV is gender-centric social norms and behaviours that create unequal personal and community dynamics between men and women[16]. Research shows that because existing societal power structures regulate both information and communication technology and knowledge spaces, many offline social and cultural norms dominate online settings, particularly norms related to violence against women[17].

CSGBV refers to SGBV that occurs online;[18] In other words, any SGBV committed using the internet or mobile technology. CSGBV can take many forms, including blackmail, harassment, cyberstalking, cyberbullying, cyber flashing, GOHS, grooming, hacking,

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[12] Dunn, S. (2020). Supporting a Safer Internet Paper No. 1 Technology-Facilitated Gender-Based Violence: An Overview. Centre for International Governance Innovation. Retrieved from https://www.cigionline.org/publications/technology-facilitated-gender-based-violence-overview/

[13] Ibid

[14] Jayasuriya, V., Wijewardena, K., & Axemo, P. (2011). Intimate partner violence against women in the capital province of Sri Lanka: prevalence, risk factors, and help seeking. Violence against women, 17(8), 1086–1102. https://doi.org/10.1177/1077801211417151

[15] Jewkes, R., Fulu, E., Tabassam Naved, R., Chirwa, E., Dunkle, K., Haardörfer, R., Garcia-Moreno, C., & UN Multi-country Study on Men and Violence Study Team (2017). Women's and men's reports of past-year prevalence of intimate partner violence and rape and women's risk factors for intimate partner violence: A multicountry cross-sectional study in Asia and the Pacific. PLoS medicine, 14(9), e1002381. https://doi.org/10.1371/journal.pmed.1002381

[16] Darj, E., Wijewardena, K., Lindmark, G., & Axemo, P. (2017). '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. Global health action, 10(1), 1348692. https://doi.org/10.1080/16549716.2017.1348692

[17] Kottegoda, S., Maunaguru, S., Perera, S., &amp; Emmanuel, S. (2012). Women and New Media in the Margins of the Sri Lankan State. https://www.gender-is-citizenship.net/sites/default/files/citigen/uploads/SLDraft_cover.pdf

[18] Centre for Equality and Justice (CEJ), Sri Lanka. (2023, February). Training module: Cyber sexual and gender-based violence, gendered online hate speech, laws & response mechanisms [PDF file]. Retrieved from https://cejsrilanka.org/wp-content/uploads/CEJ-Module-FINAL.pdf

identity theft, image-based sexual abuse, sextortion, trolling, trafficking, doxing, photo morphing, and defamation[19].

CSGBV can lead to a range of negative consequences, such as a lack of privacy, stigma, self-censorship, offline and physical violence, and a host of psychological issues, such as depression, social and general anxiety, stress, post-traumatic stress disorder, paranoia, self-blame, self-doubt, self-shame, humiliation, fear of physical harm, feelings of being watched, feeling unsafe, uncomfortable, and insecure, and feeling worried[20].

CSGBV generally occurs on one of three types of digital platforms: social networks, media-sharing platforms and messaging platforms. Social networks are platforms used to connect with people and to share information, ideas, and knowledge (e.g., Facebook); media-sharing platforms are primarily used to disseminate content such as photos and videos (e.g., Instagram); and messaging platforms are used to communicate with each other by providing facilities to send and receive text messages and make voice and video calls (e.g., WhatsApp)[21].

**Blackmail**     **Gendered Online Hate Speech**     **Cyber Harassment**     **Grooming**
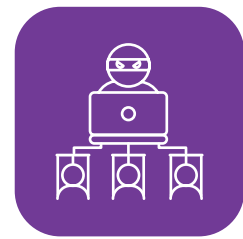
**Cyberstalking**     **Trolling**     **Hacking**     **Cyberbullying**

[19] Centre for Equality and Justice (CEJ), Sri Lanka. (n.d.). Understanding cyber sexual and gender-based violence in Sri Lanka [PDF file]. Retrieved from https://cejsrilanka.org/wp-content/uploads/CEJ-Module-FINAL.pdf

[20] Ranjit, T., & Mahilkar, S. (2023, March). Online Gender-Based Violence And Its Impact On The Civic Freedoms Of Women Human Rights Defenders In The Indo-Pacific. International Center for Not-for-Profit Law. Retrieved from https://www.icnl.org/wp-content/uploads/Online-Gender-Based-Violence-report-final.pdf

[21] Centre for Equality and Justice (CEJ), Sri Lanka. (n.d.). Understanding cyber sexual and gender-based violence in Sri Lanka [PDF file]. Retrieved from https://cejsrilanka.org/wp-content/uploads/CEJ-Module-FINAL.pdf

**Photo Morphing**

**Identity Theft**

**Cyberflashing**

**Defamation**

**Cyber Threat**

**Sextortion**

**Image-based Sexual Abuse**

**Doxxing**
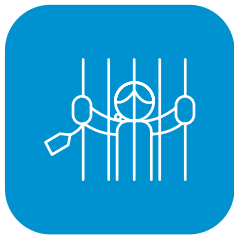
**Trafficking of Women**

CSGBV can also occur in public (e.g., image sharing, harassment, etc.) and private (e.g., cyberstalking, hacking, etc.); however, since the internet offers perpetrators a sense of distance or anonymity and given the pervasive nature of the internet and its strong daily presence in peoples' lives around the world, CSGBV tends to have a more extensive reach and equally significant harmful impact[22]. Therefore, it is generally agreed that rights to privacy, consent, and freedom of expression that are protected offline should be upheld in the digital sphere[23].

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22 Centre for Equality and Justice (CEJ), Sri Lanka. (2023, February). Trapped: A Rapid Assessment of the prevalence and response to cases of Cyber Sexual and Gender-based Violence and Gendered Online Hate Speech [PDF file]. Retrieved from https://cejsrilanka.org/wp-content/uploads/CEJ-Module-FINAL.pdf

23 Delete Nothing. (n.d.). Your rights offline are your rights on the internet too. Your rights. https://deletenothing.org/support/your-rights/

## 3.3 | Right to Freedom of Expression, Association and Assembly (FOEAA)

FOEAA are intertwined and closely related concepts that refer to preserving fundamental rights. They are widely considered to be the foundation of democratic societies and are crucial to creating tolerant and pluralist communities[24]. Collectively referred to as FOEAA, these entitlements facilitate the expression of numerous other rights guaranteed under international law, such as the right to participate in public affairs[25].

Freedom of Assembly or Peaceful Assembly includes the right to hold offline and online meetings, events, rallies, or protests[26]. Similarly, the right to Freedom of Association refers to individuals' right to interact, organise among themselves, and collectively express, promote, and defend their interests[27]. The right to FOEAA are protected by Article 20 of the Universal Declaration of Human Rights, which states that "(1) everyone has the right to freedom of peaceful assembly and association, and (2) no one may be compelled to belong to an association[28]." These rights should be upheld without harassment, unnecessary surveillance, or intimidation.

The right to Freedom of Expression is also explicitly mentioned in Article 19 of the Universal Declaration of Human Rights, which outlines fundamental and protected rights to which everyone is entitled[29]. Article 19 states that "everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers[30]".

While FOEAA is well established as a fundamental right, there is a common understanding that it should not be weaponized, and many people agree that there is a line between protected speech and speech that incites violence or silences

[24] Commonwealth Forum of National Human Rights Institutions. (n.d.). Freedom of expression, association and peaceful assembly. Retrieved from https://cfnhri.org/human-rights-topics/freedom-of-expression-association-and-peaceful-assembly/#:~:text=Freedom%20of%20peaceful%20assembly%2C%20freedom,in%20issues%20that%20affect%20them.

[25] Office of the High Commissioner for Human Rights. (n.d.). Freedom of assembly and of association. Retrieved from https://www.ohchr.org/en/topic/freedom-assembly-and-association

[26] Office of the High Commissioner for Human Rights. (n.d.). Freedom of assembly and of association. Retrieved from https://www.ohchr.org/en/topic/freedom-assembly-and-association

[27] Office of the High Commissioner for Human Rights. (n.d.). Freedom of assembly and of association. Retrieved from https://www.ohchr.org/en/topic/freedom-assembly-and-association

[28] United Nations. (2015). Universal Declaration of Human Rights [PDF]. Retrieved from https://www.un.org/en/udhrbook/pdf/udhr_booklet_en_web.pdf

[29] Amnesty International. (2023.). Freedom of Expression. Retrieved from https://www.amnesty.org/en/what-we-do/freedom-of-expression/

[30] United Nations. (2015). Universal Declaration of Human Rights [PDF]. Retrieved from https://www.un.org/en/udhrbook/pdf/udhr_booklet_en_web.pdf

people[31]. A report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression affirmed this by emphasising the mutually reinforcing nature of gender equality and the right to freedom of opinion and expression, underlying the importance of inclusions for the achievement of peace, democracy, and sustainable development[32]. Similarly, Article 19 of the International Covenant on Civil and Political Rights states that everyone shall have the right to Freedom of Expression; however, exercising these rights comes with duties and responsibilities[33].

Therefore, FOEAA is subject to restrictions; these restrictions must be (1) provided by law and necessary, (2) enacted to respect the rights or reputations of others, and (3) enforced to protect national security, public order, public health, or morals[34].

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[31] Pew Research Center. (2015, November 18). Where the world sees limits to free speech. Retrieved from https://www.pewresearch.org/short-reads/2015/11/18/where-the-world-sees-limits-to-free-speech/

[32] Khan, I. (2021). Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression [PDF]. Retrieved from https://documents-dds-ny.un.org/doc/UNDOC/GEN/N21/212/16/PDF/N2121216.pdf?OpenElement

[33] OHCHR. (1966). International Covenant on Civil and Political Rights. Retrieved from https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights

[34] OHCHR. (1966). International Covenant on Civil and Political Rights. Retrieved from https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights

# 4| Gender and FOEAA in the Digital Space

This report combines insights gleaned from desk research with valuable information and perspectives gained through interviews and collaborations with other organisation representatives. These combined efforts inform the findings and recommendations presented below.

## 4.1 | The Global Context

The internet is a global phenomenon that has fundamentally shifted how institutions and individuals operate, including how we interact with each other. Current estimates indicate that approximately 5.35 billion people, or 66.2% of the global population, use the internet; that number is expected to rise to a third of the worldwide population by mid-2024[35]. However, the internet's global domination can be misleading, as its broad reach is not equitably distributed.

Global Internet Usage

66.20% Global Population Using the Internet

44.80% Global Population that does not use the Internet
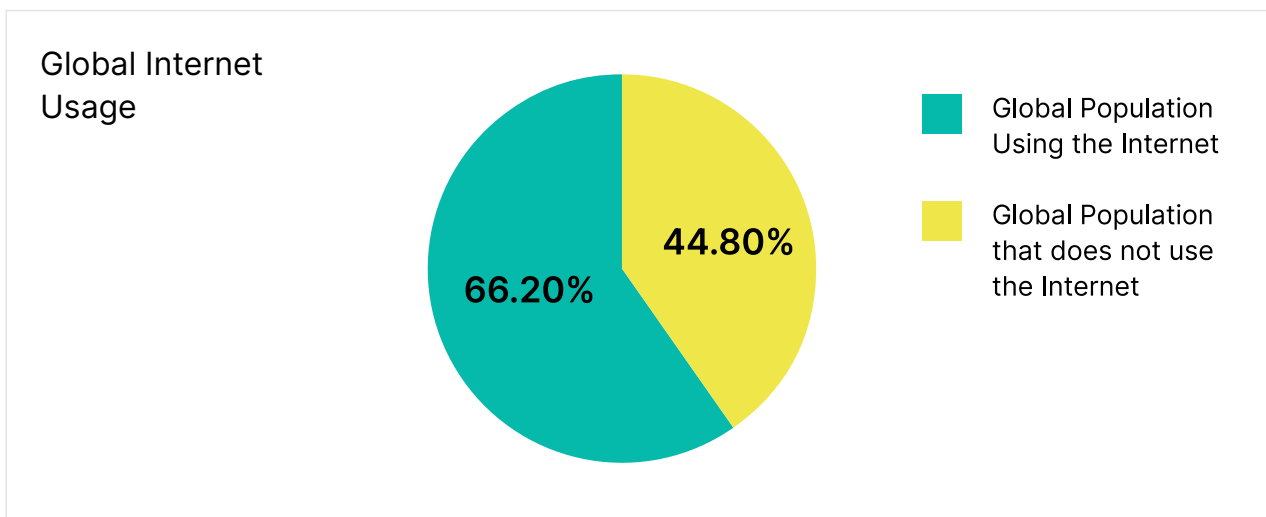
A Pew Research paper noted that youth, education level, and income were the most determinative factors for internet access; however, it also highlighted that a significant gender gap existed in at least half of the countries surveyed[36]. Several studies have shown that sociodemographic, economic, and cultural factors are associated with gender gaps in internet access and use[37]. This results in a digital gender divide in two-thirds of countries worldwide, with further regional and intergenerational digital

[35] Meltwater. (2024). Digital 2024 Global Overview Report [PowerPoint slides]. Retrieved from https://datareportal.com/global-digital-overview#:~:text=A%20total%20of%205.35%20billion,12%20months%20to%20January%202024.

[36] Poushter, J. (206). Smartphone Ownership and Internet Usage Continues to Climb in Emerging Economies: But advanced economies still have higher rates of technology use. Pew Research Center. https://www.diapoimansi.gr/PDF/pew_research%201.pdf

[37] Scheerder, A., van Deursen, A., & van Dijk, J. (2017). Determinants of Internet skills, uses and outcomes. A systematic review of the second- and third-level digital divide. Telematics and Informatics, 34(8), 1607-1624. https://doi.org/10.1016/j.tele.2017.07.007

gender divides[38]. Globally, only 65% of the female population uses the internet, compared to 70% of the male population, which means that in 2023, there were 244 million more men than women using the internet[39].

Global Internet Usage-sex desegregation

| | |
|---|---|
| Female population using the internet | 65% |
| Male population using the internet | 70% |
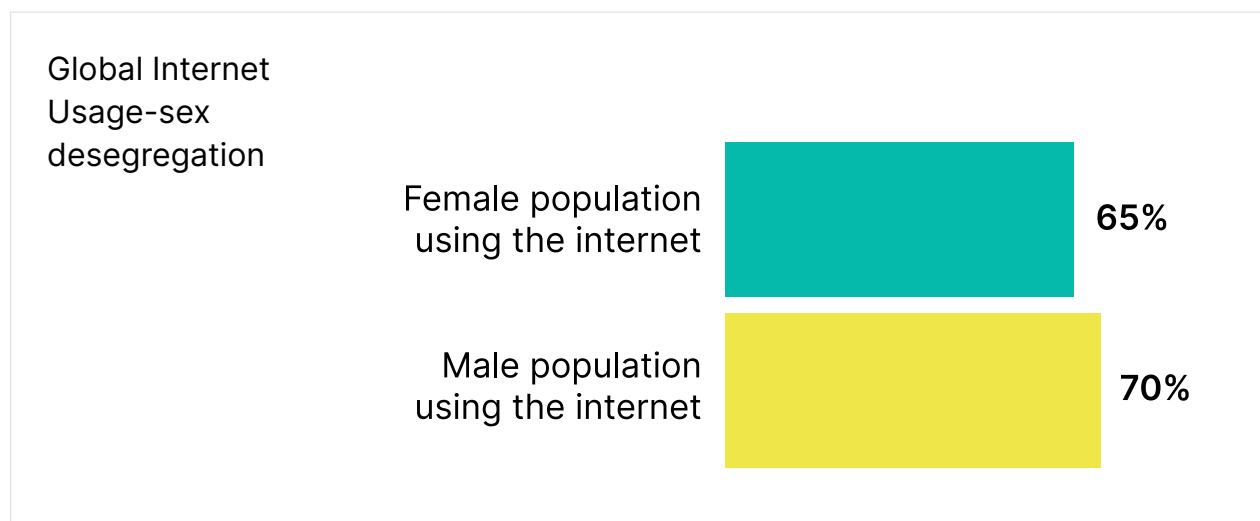
The disparity in internet access is troubling on its own; however, gaps in measures of meaningful engagement are even more striking. Studies suggest that even when gender gaps reduce as countries increase access to the internet, a divide related to patterns of use and skills tends to persist, including women reporting less frequent use of the internet and a narrower range of online activities[40]. This trend suggests that the digital gender divide should be measured as a spectrum of skills and use patterns rather than by a binary classification of access, as a spectrum measure better determines if users are obtaining the benefits of the internet.

The United Nations recognises the empowering potential of digital spaces and the importance of skill by including enhanced use of enabling technology in Sustainable Development Goal 5, which aims to achieve gender equality and empower all women and girls[41]. This is important since the internet is a tool to connect people and build skill sets. This is evidenced by the fact that globally, approximately 46.5% of all social media identities are categorised as female[42], and the top two main reasons cited for using the internet are to find information and stay in touch with friends and

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[38] Organisation for Economic Co-operation and Development. (2018). Bridging the digital gender divide include, upskill, innovate. Retrieved from https://www.oecd.org/digital/bridging-the-digital-gender-divide.pdf

[39] International Telecommunication Union. (2023). Measuring digital development: Facts and Figures 2023. ITU Publications. https://www.itu.int/hub/publication/d-ind-ict_mdd-2023-1/

[40] Kashyap, R., Fatehkia, M., Al Tamime, R., & Weber, I. (2020). Monitoring global digital gender inequality using the online populations of Facebook and Google. Demographic Research, 43, 779-816. Max-Planck-Gesellschaft zur Foerderung der Wissenschaften. https://www.jstor.org/stable/10.2307/26967824

[41] United Nations Department of Economic and Social Affairs Sustainable Development. (n.d.). Transforming our world: the 2030 Agenda for Sustainable Development. Retrieved from https://sdgs.un.org/2030agenda

[42] Meltwater. (2024). Digital 2024 Global Overview Report [PowerPoint slides]. Retrieved from https://datareportal.com/global-digital-overview#:~:text=A%20total%20of%205.35%20billion,12%20months%20to%20January%202024.

family, with more than 94% of global users using the internet for chat and messaging websites and social networks[43].

The ability to use the internet and social media sites to empower marginalised communities and identify relevant and reliable information is well documented. One two-year multi-country study examined how the guided use of digital technologies could enable women, focusing on marginalised women in the global South[44]. The study demonstrated that technology can increase the choices available to women in several interrelated ways, including by strengthening women's informational, associational and communicative power[45]. Informational power refers to the power gained from increased access to information, including information about services and entitlements; becoming a significant player in the informational ecology as a leader or information intermediary; and acquiring the capacity to produce sought-after information[46]. Associational power refers to the influence derived from being part of a collective. This encompasses several aspects: the vitality and expansion of the group, its ability to create connections and organise public forums, and its capacity to undertake collective action, such as protest marches and filing joint petitions[47]. Communicative power is the power to influence or challenge public or mainstream discourse and establish a new official communication channel that interrupts informal power structures, critiques the status quo, and creates an alternative perspective[48]. The authors argue that increasing women's informational, associational, and communicative powers enables women to proactively assert their citizenship and shape the narrative on an equal footing with men. The ability to use digital technology increases the visibility and influence of women's organisations, and digital tools can help activists organise communities and movements, demonstrating that digital technologies play an essential role in democratic processes, including FOEAA.

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[43] Meltwater. (2024). Digital 2024 Global Overview Report [PowerPoint slides]. Retrieved from https://datareportal.com/global-digital-overview#:~:text=A%20total%20of%205.35%20billion,12%20months%20to%20January%202024.

[44] Gurumurthy, A., & Chami, N. (September 2014). The long march to we-gov: Insights from the Women-gov action-research project in India (2012-2014). Retrieved from https://www.gender-is-citizenship.net/women-and-governance/sites/gender-is-citizenship.net.women-and-governance/files/Final%20India%20Research%20Brief_September2014.pdf

[45] World Wide Web Foundation. (October 2015). Women's Rights Online: Translating Access into Empowerment. Retrieved from https://webfoundation.org/docs/2015/10/womens-rights-online21102015.pdf

[46] Gurumurthy, A., & Chami, N. (September 2014). The long march to we-gov: Insights from the Women-gov action-research project in India (2012-2014). Retrieved from https://www.gender-is-citizenship.net/women-and-governance/sites/gender-is-citizenship.net.women-and-governance/files/Final%20India%20Research%20Brief_September2014.pdf

[47] Gurumurthy, A., & Chami, N. (September 2014). The long march to we-gov: Insights from the Women-gov action-research project in India (2012-2014). Retrieved from https://www.gender-is-citizenship.net/women-and-governance/sites/gender-is-citizenship.net.women-and-governance/files/Final%20India%20Research%20Brief_September2014.pdf

[48] Gurumurthy, A., & Chami, N. (September 2014). The long march to we-gov: Insights from the Women-gov action-research project in India (2012-2014). Retrieved from https://www.gender-is-citizenship.net/women-and-governance/sites/gender-is-citizenship.net.women-and-governance/files/Final%20India%20Research%20Brief_September2014.pdf

In addition to being an enabler of civic engagement and a crucial source of valid information, digital technologies can support women's mobility and independence[49]. For example, one study showed that, in developing countries, the rapid increase in using mobile phones to access and benefit from the internet is associated with lower gender inequality, higher contraceptive uptake, and lower maternal and child mortality. Furthermore, these associations are more prominent in less developed countries, even after controlling other factors such as economic growth and education systems.[50] The same study also demonstrated that women's mobile phone ownership is linked to improved contraceptive knowledge and uptake, improved antenatal health behaviours, and greater equality in household decision-making in sub-Saharan Africa[51].

Unfortunately, the internet is not an exclusively positive force. The internet can be co-opted to spread misinformation, create division, and disempower women just as easily as it can be galvanised to uplift communities and share knowledge. A 2020 survey by The Economist revealed that an astounding 85% of women report having witnessed online violence against other women, including from outside their networks[52]. 58% of the girls surveyed had experienced online harassment themselves, 50% said they face more online harassment than street harassment[53], and several women experienced offline repercussions to CSGBV.

According to an Amnesty International survey, it is evident that nearly half of the women who reported experiencing online abuse or harassment, stated that it was misogynistic or sexist in nature. This highlights that CSGBV is driven by offline gender norms[54]. CSGBV targets women and girls of all ages; a Plan International report that included feedback from over 14,000 girls and young women from 31 countries showed that online harassment was experienced by girls as young as eight years old, with the majority of girls experiencing harassment for the first time between the ages of 14 and 16[55]. The negative impact is staggering, with one survey showing

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[49] Mariotti, I. (2021). Gender equality in digitalization: Key issues for programming. United Nations Development Programme, Istanbul Regional Hub, Regional Bureau for Europe and the CIS. Retrieved from https://www.undp.org/sites/g/files/zskgke326/files/migration/kg/gender_equality_in_digitalization.pdf

[50] Rotondi, V., Kashyap, R., Pesando, L. M., Spinelli, S., & Billari, F. C. (2020). Leveraging mobile phones to attain sustainable development. Proceedings of the National Academy of Sciences, 117(24), 13413-13420. https://doi.org/10.1073/pnas.1909326117

[51] Rotondi, V., Kashyap, R., Pesando, L. M., Spinelli, S., & Billari, F. C. (2020). Leveraging mobile phones to attain sustainable development. Proceedings of the National Academy of Sciences, 117(24), 13413-13420. https://doi.org/10.1073/pnas.1909326117

[52] The Economist Intelligence Unit. (2020). Measuring the prevalence of online violence against women. Retrieved from https://onlineviolencewomen.eiu.com/

[53] Goulds, S., Gauer, M., Corr, A., & Gallinetti, J. (2020). Free to be online? Girls' and young women's experiences of online harassment. Plan International. Retrieved from https://plan-international.org/uploads/2023/06/SOTWGR2020-CommsReport-edition2023-EN.pdf

[54] Amnesty International. (2017, November 20). Amnesty reveals alarming impact of online abuse against women. Retrieved from https://www.amnesty.org/en/latest/press-release/2017/11/amnesty-reveals-alarming-impact-of-online-abuse-against-women/

[55] Goulds, S., Gauer, M., Corr, A., & Gallinetti, J. (2020). Free to be online? Girls' and young women's experiences of online harassment. Plan International. Retrieved from https://plan-international.org/uploads/2023/06/SOTWGR2020-CommsReport-edition2023-EN.pdf

**92%** of women reported that online violence harms their sense of well-being

**19%** of girls who were frequently harassed said they used social media platforms less

**12%** stopped using social media

**Women were forced to choose between expression and safety**

**Women Human Rights Defenders' experience of CSGBV let to self-censorship**

**14,000**
Girls & Young Women
**31**
Countries

**Online Harassment Experienced**
- **Girls as young as 8 years old**
- **Majority experienced harassment for the first time between ages 14 and 16**

that 92% of women reported that online violence harms their sense of well-being[56]. CSGBV also limits the diversity of online spaces by prompting women to self-censor.

Nearly 19% of the girls surveyed by Plan International who were frequently harassed said they use the social media platform less, and 12% stopped using them altogether[57]. Another study showed that women in Ethiopia, Kenya, Senegal, South Africa and Uganda reported that the violence they experienced was directly correlated to the amount they spoke up online, forcing them to choose between expression and safety; similarly, research from India showed that young Muslim women self-censored the content they shared, such as deleting anything that could make them appear sexual, due to fear of repercussions[58]. Additionally, other sources focused on women human rights defenders from Cambodia, India, Malaysia, Nepal, and Thailand showing that

[56] The Economist Intelligence Unit. (2020). Measuring the prevalence of online violence against women. Retrieved from https://onlineviolencewomen.eiu.com/

[57] Goulds, S., Gauer, M., Corr, A., & Gallinetti, J. (2020). Free to be online? Girls' and young women's experiences of online harassment. Plan International. Retrieved from https://plan-international.org/uploads/2023/06/SOTWGR2020-CommsReport-edition2023-EN.pdf

[58] Dunn, S. (2020). Supporting a Safer Internet Paper No. 1 Technology-Facilitated Gender-Based Violence: An Overview. Centre for International Governance Innovation. Retrieved from https://www.cigionline.org/publications/technology-facilitated-gender-based-violence-overview/

[59] Ranjit, T., & Mahilkar, S. (2023, March). Online Gender-Based Violence And Its Impact On The Civic Freedoms Of Women Human Rights Defenders In The Indo-Pacific. International Center for Not-for-Profit Law. Retrieved from https://www.icnl.org/wp-content/uploads/Online-Gender-Based-Violence-report-final.pdf

CSGBV led to self-censorship, including reduced engagement on social media, a loss of their voice, changing focus to engage in less controversial areas of activism, and a more stringent evaluation of risk before posting on social media[59].

# 4.2 | The Sri Lankan Context

In line with global trends, increased access to the internet and falling prices of crucial technology over the past few decades have reduced barriers to accessing the digital sphere across Sri Lanka. According to the Department of Census and Statistics Sri Lanka, 2019, 44.3% of Sri Lankans between 5 and 69 years old use the internet, and young people in Sri Lanka are the most active online users, with reported digital literacy rates of 76.6% for those between 15 – 19 years old, 77.9% for 20 – 24 year olds, and 71.1% for 25 – 29 year olds[60]. Some reports show that internet users have increased significantly to 12.34 million, or 56.3% of the population, in 2024[61]. This trend is reinforced by the fact that many young people receive formal training in school or university (53.4%) or private institutions (21.9%).

A survey among 200 young people in Sri Lanka showed that the majority (90%) access the internet via personal mobile data, followed by public Wi-Fi and private Wi-Fi at 79% and 42%, respectively; most people use a desktop/laptop computer (25%) or smartphone (70.9%)[62]. The same survey indicates that most people use social media for community, fun, education, shopping, entertainment, and to follow public figures and the media, with the top reasons for accessing digital media platforms identified as entertainment (85%), education (82%), interpersonal relationships (34%), to pass time (31%), and social media (30%)[63]. Sri Lanka has approximately 7.5 million social

[56] The Economist Intelligence Unit. (2020). Measuring the prevalence of online violence against women. Retrieved from https://onlineviolencewomen.eiu.com/

[57] Goulds, S., Gauer, M., Corr, A., & Gallinetti, J. (2020). Free to be online? Girls' and young women's experiences of online harassment. Plan International. Retrieved from https://plan-international.org/uploads/2023/06/SOTWGR2020-CommsReport-edition2023-EN.pdf

[58] Dunn, S. (2020). Supporting a Safer Internet Paper No. 1 Technology-Facilitated Gender-Based Violence: An Overview. Centre for International Governance Innovation. Retrieved from https://www.cigionline.org/publications/technology-facilitated-gender-based-violence-overview/

[59] Ranjit, T., & Mahilkar, S. (2023, March). Online Gender-Based Violence And Its Impact On The Civic Freedoms Of Women Human Rights Defenders In The Indo-Pacific. International Center for Not-for-Profit Law. Retrieved from https://www.icnl.org/wp-content/uploads/Online-Gender-Based-Violence-report-final.pdf

[60] Thilina, D. K., Guruge, M. C. B., & Nanayakkara, N. W. O. K. D. S. P. (2020). A descriptive analysis on digital behavior of young adults in Sri Lanka. International Journal of Business and Management Invention (IJBMI), 9(6), 58-67. Retrieved from https://www.ijbmi.org/papers/Vol(9)6/Series-5/I0906055867.pdf

[61] Kemp, S. (2024, February 23). Digital 2024: Sri Lanka. Kepios. Retrieved from https://datareportal.com/reports/digital-2024-sri-lanka

[62] Thilina, D. K., Guruge, M. C. B., & Nanayakkara, N. W. O. K. D. S. P. (2020). A descriptive analysis on digital behavior of young adults in Sri Lanka. International Journal of Business and Management Invention (IJBMI), 9(6), 58-67. Retrieved from https://www.ijbmi.org/papers/Vol(9)6/Series-5/I0906055867.pdf

[63] Thilina, D. K., Guruge, M. C. B., & Nanayakkara, N. W. O. K. D. S. P. (2020). A descriptive analysis on digital behavior of young adults in Sri Lanka. International Journal of Business and Management Invention (IJBMI), 9(6), 58-67. Retrieved from https://www.ijbmi.org/papers/Vol(9)6/Series-5/I0906055867.pdf

media users[64], and Facebook is the most used social media platform, with 98% of those surveyed using it, followed by YouTube (93%), and Instagram (16%)[65]. TikTok has also become popular over the past few years, particularly among younger social media users.



**Internet Access in Sri Lanka (Ages 11-18)**
- **67% of Boys** had access
- Only **33% of Girls** had access

**Social Media Usage**
Women account for only **30-40%** of users across social media platforms

**Restricted Access**
Many girls technically had access to digital devices and the internet, they were **not permitted** to use it.

There is a slight gender disparity in general internet use in Sri Lanka, with 36.1% of males reporting being computer literate and only 32.6% of females; this disparity has held steady over the last three years[66]. More worryingly, a 2018 UNICEF study reported that while 67% of boys in Sri Lanka between 11 and 18 years old had access to the internet, only 33% of girls did; this finding was confirmed in focus group discussions, which revealed that even though many girls technically had access to digital devices

[64] Kemp, S. (2024, February 23). Digital 2024: Sri Lanka. Kepios. Retrieved from https://datareportal.com/reports/digital-2024-sri-lanka
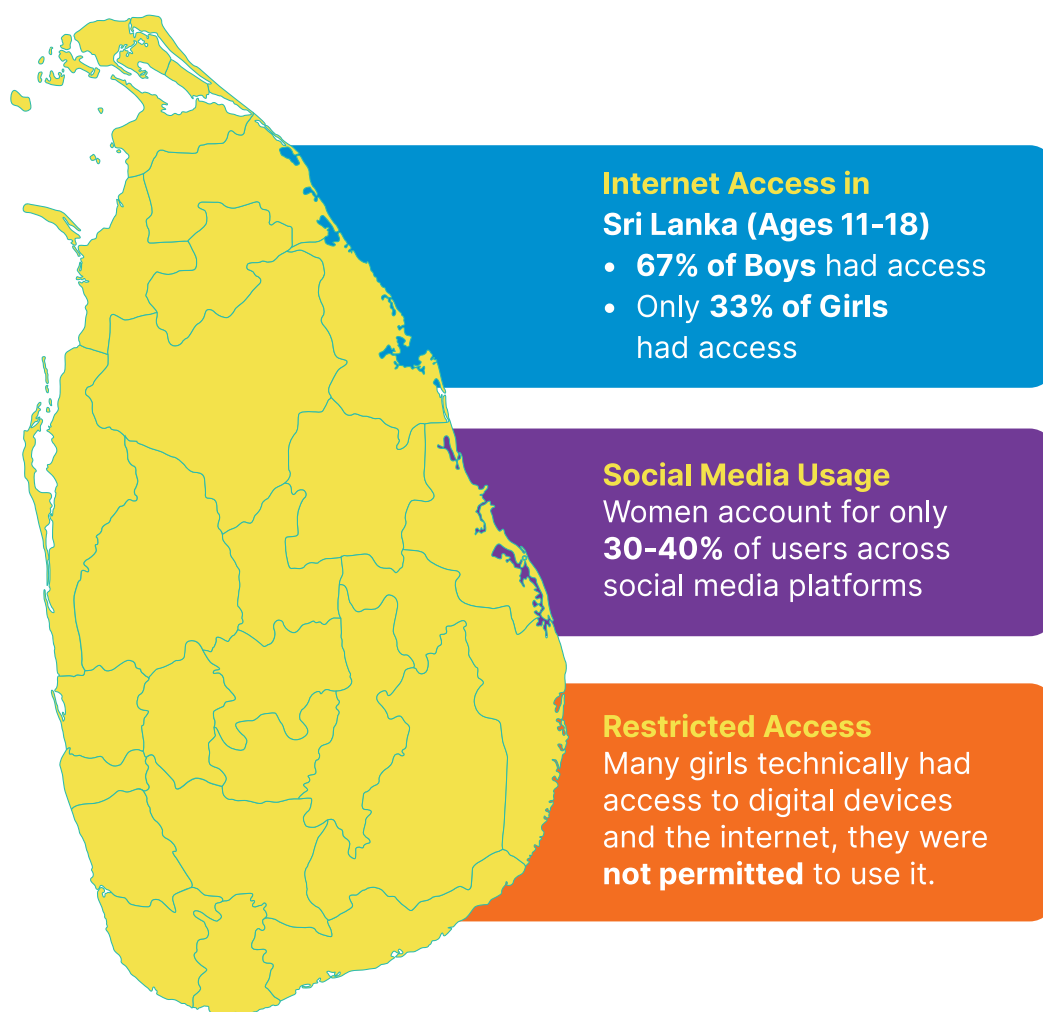
[65] Thilina, D. K., Guruge, M. C. B., & Nanayakkara, N. W. O. K. D. S. P. (2020). A descriptive analysis on digital behavior of young adults in Sri Lanka. International Journal of Business and Management Invention (IJBMI), 9(6), 58-67. Retrieved from https://www.ijbmi.org/papers/Vol(9)6/Series-5/I0906055867.pdf

[66] Ministry of Finance, Economic Stabilization and National Policies, Department of Census and Statistics (2021). Computer Literacy Statistics 2021. Annual Bulletin. http://www.statistics.gov.lk/ComputerLiteracy/StaticalInformation/Bulletins/2021-Annual

and the internet, they were not permitted to access the internet. While the UNICEF study is several years old, current information on social media use confirms this trend. Data from 2024 shows a significant gender gap in social media use, with women accounting for only 30 – 40% of users across social media platforms[67].

This disparity may be attributed to global causes of the digital gender divide, such as financial constraints, limited free time, or social norms favouring men[68]. Regardless of the reason, the disparity means that despite relatively equitable digital literacy rates, young men in Sri Lanka have significantly greater access to the benefits of internet use, such as accessing information, building social relationships, identifying and seeking economic opportunities, and accessing alternative forms of further education[69]. Furthermore, increased use and familiarity may also equip young men with the skills and experience to navigate personal safety concerns online, leaving young women in a particularly vulnerable position.

Relatedly, a study by Women in Need found that 'gender power relations influence actual choices and actions, despite what individuals believe to be acceptable'; for instance, women in Sri Lanka are more careful than men with their interactions online, but they share more personal details with their intimate partners and, consequently, increase their risk of being victims of CSGBV[70].

The Women in Need study, conducted in 2019 included qualitative interviews in the Colombo, Matara, Anuradhapura, Batticaloa and Jaffna districts and a national quantitative survey with 1,533 participants, revealing that women in Sri Lanka experience a range of CSGBV, including threatening or violent telephone calls and messages via social media applications to them personally or indirectly to their family; this online abuse includes sharing private or manipulated photos to humiliate women, intimidation, blackmail, hacking accounts, revealing personal details like addresses, and sending unwanted sexual content. This reflects a global pattern of online violence against women.

The same study showed that nearly 1 in 4 individuals in Sri Lanka have a friend who has experienced online harassment of a sexual nature, with a gender disparity where far more women, 1 in 3, know a victim-survivor; this pattern holds across ethnic groups (Sinhalese – 31.6%; Sri Lankan Tamil – 35.8%; Muslim - 30.8%; Up-Country Tamil – 34.9%)[71]. Some analyses indicate that most online hate speech in Sri Lanka

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[67] Kemp, S. (2024, February 23). Digital 2024: Sri Lanka. Kepios. Retrieved from https://datareportal.com/reports/digital-2024-sri-lanka

[68] Antonio, A., &amp; Tuffley, D. (2014). The gender digital divide in developing countries. Future Internet, 6(4), 673–687. https://doi.org/10.3390/fi6040673

[69] Antonio, A., &amp; Tuffley, D. (2014). The gender digital divide in developing countries. Future Internet, 6(4), 673–687. https://doi.org/10.3390/fi6040673

[70] Women in Need. (2022). Women In Need: Anti Cyber Violence Initiative Combatting Tech Facilitated Gender Based Violence In Sri Lanka. Supported by Women in Need and USAID. Retrieved from https://www.winsl.net/anti-cyber-violence-initiative/

stems largely from young people and is often expressed in Sinhala[72], the presiding language in the country. Discussions with collaborators highlighted that CSGBV content is most prevalent on Facebook, TikTok, and YouTube, the most frequently used social media platforms in Sri Lanka.

An interesting finding is that while many surveyed individuals did not actively share intimate pictures or videos of someone else without consent, they did report viewing this content, making them participants in the act of violence and party to the violation of privacy, whether they are conscious of this abuse or not[73]. During discussions with collaborators for this report, individuals shared that there is a knowledge gap regarding what can be considered violence, only identifying the most egregious and apparent forms as an issue. For example, people may remain in a WhatsApp group where nonconsensual images of women are shared, but they do not consider this to be violent content or behaviour. Interviewees commented that this may be because people tend to feel detached from the content and do not identify their behaviour as problematic or criminal. This type of behaviour once again reinforces the fact that online patterns of violence reflect offline norms, including the bystander effect.

A study conducted by the Centre for Policy Alternatives, Hashtag Generation, and Ghodah Women in 2017, demonstrated this trend after examining how women are discussed on Facebook, the most used social media platform in Sri Lanka, by monitoring 52 Facebook pages in English, Sinhala, and Tamil for six months. The findings revealed a high prevalence of sexist, misogynist, and objectifying language and content that targeted women and persons with diverse SOGIESC[74]. The sexist posts were classified by content that showed discrimination or the devaluation of women solely because they were women; the misogynist content expressed general hatred, dislike, or mistrust of women; and the objectifying content reduced individuals to the status of an object, often with sexual connotations[75].

The targets of hate speech in Sri Lanka include ethnic minorities, religious minorities, women, and persons with diverse SOGIESC[76]. Interviews with collaborators for this report revealed that trends related to CSGBV targets are closely related to offline trends and change rapidly, with a life cycle of about 1-2 weeks. This timeframe may

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[71] Women in Need. (2022). Women In Need: Anti Cyber Violence Initiative Combatting Tech Facilitated Gender Based Violence In Sri Lanka. Supported by Women in Need and USAID. Retrieved from https://www.winsl.net/anti-cyber-violence-initiative/

[72] Hattotuwa, S., & Wickremesinghe, R. (2022). Hate Speech and Social Media in Sri Lanka. In S. Narrain (Ed.), Acts of Media: Law and Media in Contemporary India (Vol. 2022, pp. 141–163). Sage. https://doi.org/10.4135/9789354795626

[73] Women in Need. (2022). Women In Need: Anti Cyber Violence Initiative Combatting Tech Facilitated Gender Based Violence In Sri Lanka. Supported by Women in Need and USAID. Retrieved from https://www.winsl.net/anti-cyber-violence-initiative/

[74] Centre for Policy Alternatives, Hashtag Generation, & Ghosha women. (2019). Opinions, B*tch: Technology Based Violence Against Women in Sri Lanka. Retrieved from https://drive.google.com/file/d/16ohQ7P2K08qz-kgiQUfSr0JCGvxDLHNR/view

[75] Centre for Policy Alternatives, Hashtag Generation, & Ghosha women. (2019). Opinions, B*tch: Technology Based Violence Against Women in Sri Lanka. Retrieved from https://drive.google.com/file/d/16ohQ7P2K08qz-kgiQUfSr0JCGvxDLHNR/view

[76] Hattotuwa, S., & Wickremesinghe, R. (2022). Hate Speech and Social Media in Sri Lanka. In S. Narrain (Ed.), Acts of Media: Law and Media in Contemporary India (Vol. 2022, pp. 141–163). Sage. https://doi.org/10.4135/9789354795626

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seem short; however, it is enough time for content to spread quickly and snowball into calls for offline violence and action. Individuals commented that the base misogyny is the same across characteristics such as ethnicity, language, and religion; however, minority identities are often weaponised and included in sexist commentary for women who are not Sinhala Buddhists. For example, posts attacking a Muslim woman regarding gender may also mention hijabs, even though this is irrelevant to the main topic of the post. Similarly, Tamil women being targeted using misogynist claims may attract comments with completely unrelated commentary related to the LTTE.

Another study indicated that hate speech targets also include politicians, government officials, and law enforcement[77]. Furthermore, the Centre for Policy Alternatives, Hashtag Generation, and Ghodah Women demonstrated that individuals with intersectional identities or specific characteristics were more likely to be targeted, such as persons with diverse SOGIESC, women in politics, activists, journalists, and other public figures. Targeted online violence and hate speech is one of the reasons Sri Lanka only scored 3 out of 5 points on Freedom House's question, "Are individuals subject to extra-legal intimidation or physical violence by state authorities or any other actor in relation to their online activities?" stating that female activists, persons with diverse SOGIESC, lawyers, and politicians faced threats and intimidation online[78]. Furthermore, there is a sense that once content is online, it is there forever, and unfortunately, this is mainly true. This can be seen in comments on Sri Lankan celebrity's pages that refer to the leaking of nonconsensual images from months or years ago, even though the post content is irrelevant. These trends, coupled with restricted access to resources and insensitive public officials, often lead to women choosing to censor themselves rather than risk further CSGBV.

This is particularly true for women who may experience social stigma and shame. The Women in Need study showed that the impact of CSGBV includes psychological and emotional harm, reinforcement of prejudices, stereotypes and discrimination against women, damage to reputation and self-esteem, economic loss, self-censorship, damage to family relationships, and restrictions to mobility[79]. One respondent noted that they would not report an incident of CSGBV, even if it happened to their own daughter, because they were afraid of the negative impact and consequences it would pose to their daughter's reputation[80]. In another case, a female lawyer working on behalf of the families in an enforced disappearance case was threatened with violence and sexualised abuse on social media[81]. These anecdotes highlight how

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[77] Samaratunge, S., & Hattotuwa, S. (2014). Liking violence: A study of hate speech on Facebook in Sri Lanka. Centre for Policy Alternatives. Retrieved from https://www.cpalanka.org/liking-violence-a-study-of-hate-speech-on-facebook-in-sri-lanka/

[78] Freedom House. (2021). Freedom on the net 2021: Sri Lanka. Retrieved from https://freedomhouse.org/country/sri-lanka/freedom-net/2021

[79] Women in Need. (2022). Women In Need: Anti Cyber Violence Initiative Combatting Tech Facilitated Gender Based Violence In Sri Lanka. Supported by Women in Need and USAID. Retrieved from https://www.winsl.net/anti-cyber-violence-initiative/

[80] Women in Need. (2022). Women In Need: Anti Cyber Violence Initiative Combatting Tech Facilitated Gender Based Violence In Sri Lanka. Supported by Women in Need and USAID. Retrieved from https://www.winsl.net/anti-cyber-violence-initiative/

socially imposed shame and stigma silence women in Sri Lanka, demonstrating that Sri Lanka is no exception to the global cycle of CSGBV leading to restricted FOEAA for women.

Finally, interviews with collaborators confirm that public sentiment is in favour of restricting FOEAA under certain circumstances, such as people who are open about their diverse sexual orientation or gender expression. As a result of decades of politicised speech, many view principles of gender equality and minority rights as Western ideologies that should not be shared in Sri Lanka. This attitude leads to victim-blaming, calls for restrictions to FOEAA, and often self-censorship, ultimately creating a more homogenous online sphere.

## 4.3 | Overview of the CEJ Online Poll, Including Background Information on the Poll and Key Findings[82]

CEJ conducted an online rapid poll to examine gendered aspects of the digital public sphere and learn more about Sri Lankans' experiences, including their opinions and the dynamics they encounter online. The poll also explores the relationship between gender, CSGBV, and FOEAA. The target population for the study was "individuals above the age of 18, working in the public sector and private sector/self-employment across Sri Lanka"[83]. The survey was conducted in English, Sinhala, and Tamil using a Google Form shared on CEJ's social media pages and via WhatsApp campaigns; some content was boosted to target audiences to achieve a nationally representative sample. Data was collected from 18 October to 28 November 2023. The survey has three main sections: (1) a demographic profile of the respondents, (2) questions on experiences of SGBV, and (3) questions related to respondents' opinions and thoughts on how to address SGBV.

A total of 502 responses were collected, with 277 in Sinhala (55%), 137 in Tamil (27%), and 88 in English (18%). 58.6% of the respondents identified as men, 40.0% as women. 0.4% (2 people) as transgender, 0.4% (2 people) as queer or questioning, and 0.6% (3 people) preferred not to disclose their gender. Since the survey was conducted online, respondents were relatively heavy internet users, with 90% indicating daily engagement and 6% reporting using the internet several times a week.

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81 Freedom House. (2021). Freedom on the net 2021: Sri Lanka. Retrieved from https://freedomhouse.org/country/sri-lanka/freedom-net/2021

82 Centre for Equality and Justice (CEJ), Sri Lanka. (2024). Report on Online Rapid Poll on the Gendered Aspects of the Digital Public Sphere, With Emphasis on Gender and Sexual and Gender-Based Violence In the Context of Rights to Freedom of Expression, Association, and Assembly.
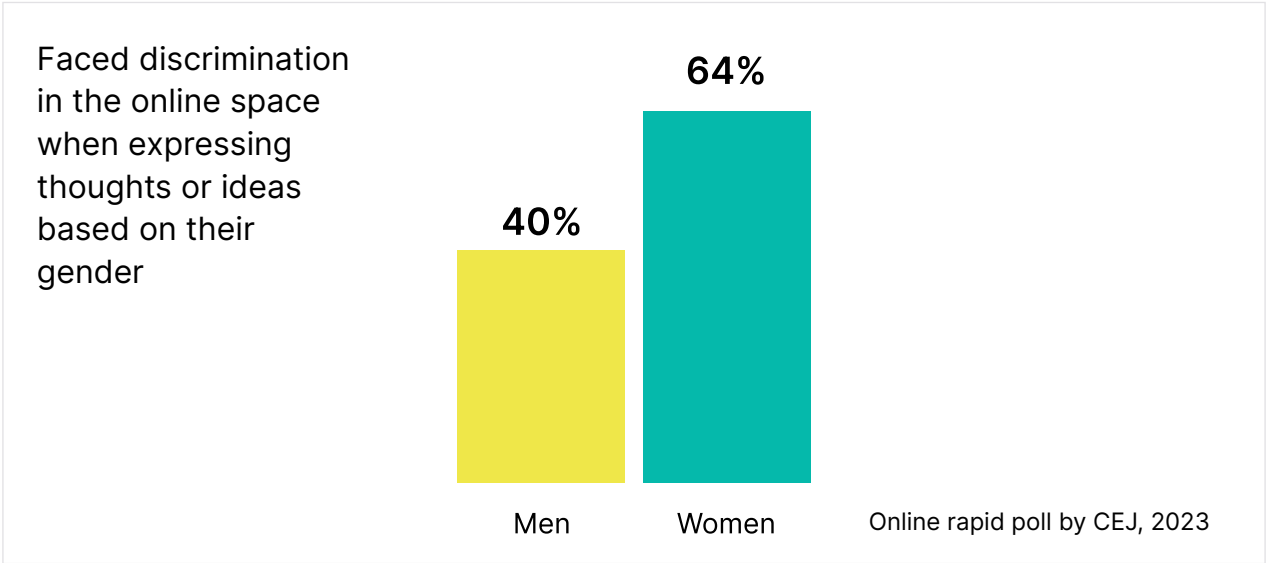
83 Centre for Equality and Justice (CEJ), Sri Lanka. (2024). Report on Online Rapid Poll on the Gendered Aspects of the Digital Public Sphere, With Emphasis on Gender and Sexual and Gender-Based Violence In the Context of Rights to Freedom of Expression, Association, and Assembly.

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The type of SGBV content observed ranged from text posts and images/ or infographics (19% each) to videos, podcasts, memes, and comments on online publications (14 – 16% each). Notably, 2% mentioned webinars and live streams. Text posts were the most prominent type in Sinhala (78%) and English (68%), while Tamil speakers reported a more balanced distribution across text posts, images or infographics, and videos or podcasts. Predictably, observations of CSGBV increase with increased internet usage. Similarly, for most questions, older people were less likely to have experienced or witnessed discrimination; however, this could possibly be attributed to less time online in general or different behaviour patterns that focus more on interpersonal connections with known individuals. Throughout the survey, some regional variations indicate that geographic context may influence beliefs and experiences in Sri Lanka.

The survey revealed that people experience and witness CSGBV and repressions of FOEAA frequently in Sri Lanka across demographic lines. Half of the respondents (50.2%) had experienced or knew someone who faced discrimination in the online space when expressing thoughts or ideas based on their gender; this experience had a gender disparity, with 64% of women and all surveyed transgender individuals experiencing or knowing someone and only 40% of men. Furthermore, 44.2% of all respondents indicated that they or someone they know had experienced discrimination in the online space when trying to obtain services based on their gender, with a similar gender disparity of 53% of women, 50% of transgender individuals, and 37% of men reporting having this experience.

The survey also confirmed that self-censorship is gendered in Sri Lanka. 56.4% stated that they have personally refrained from expressing their opinions online or know someone who has due to the fear of backlash based on gender. 67% of women and 100% of transgender individuals experience this, but only 49% of men. Notably, the percentage increases substantially to 75% for people involved in online activism or advocacy, suggesting that gender may be being weaponized to suppress FOEAA.



Faced discrimination in the online space when expressing thoughts or ideas based on their gender

40% Men

64% Women

Online rapid poll by CEJ, 2023

42% of respondents indicated they have either witnessed or personally experienced online censorship or restrictions related to discussions on gender and SGBV in Sri Lanka. 46% of Sinhala speakers, 52% of Tamil speakers, and 37% of English speakers reported witnessing or experiencing censorship.

In the same vein, there is a gender gap in who reported taking action to safeguard their online privacy or security, or knowing someone who did, and 59.2% of all respondents said they have. This included 67% of women, and 54% of men. Among those who reported refraining from expressing opinions online, 72% also reported taking steps to protect online privacy or security.



Refrained from expressing their opinions online or know someone who has due to fear backlash based on gender

49% Men
67% Women
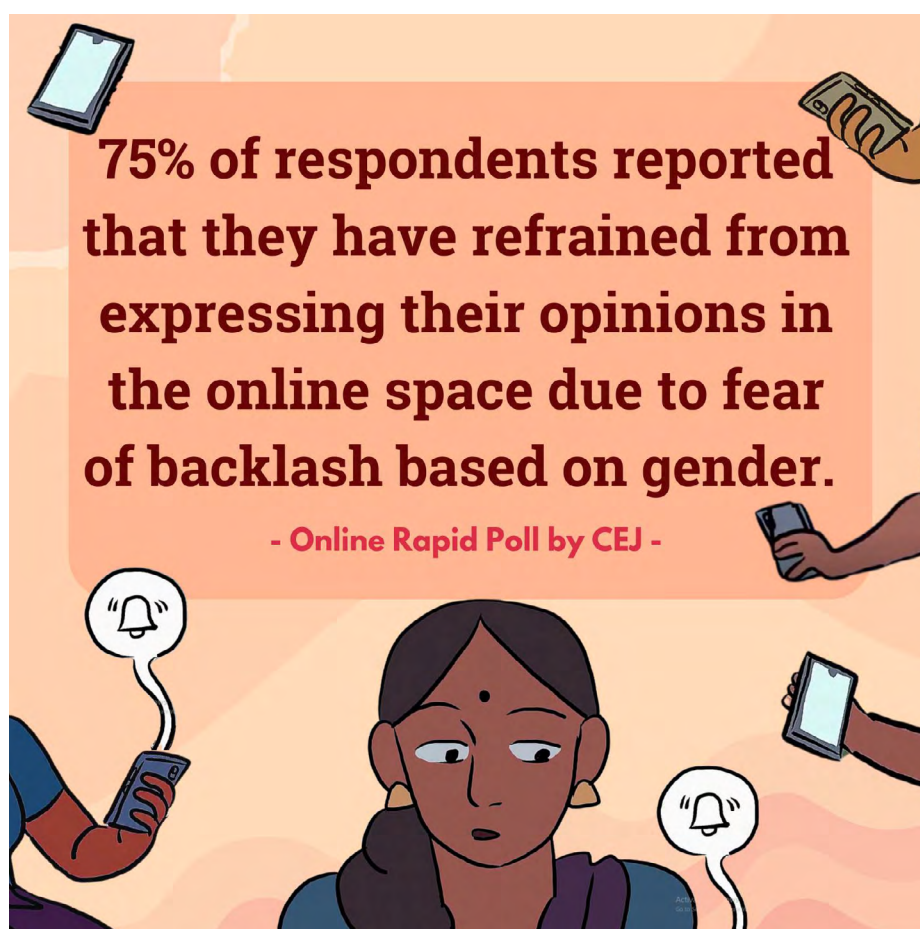
Online rapid poll by CEJ, 2023
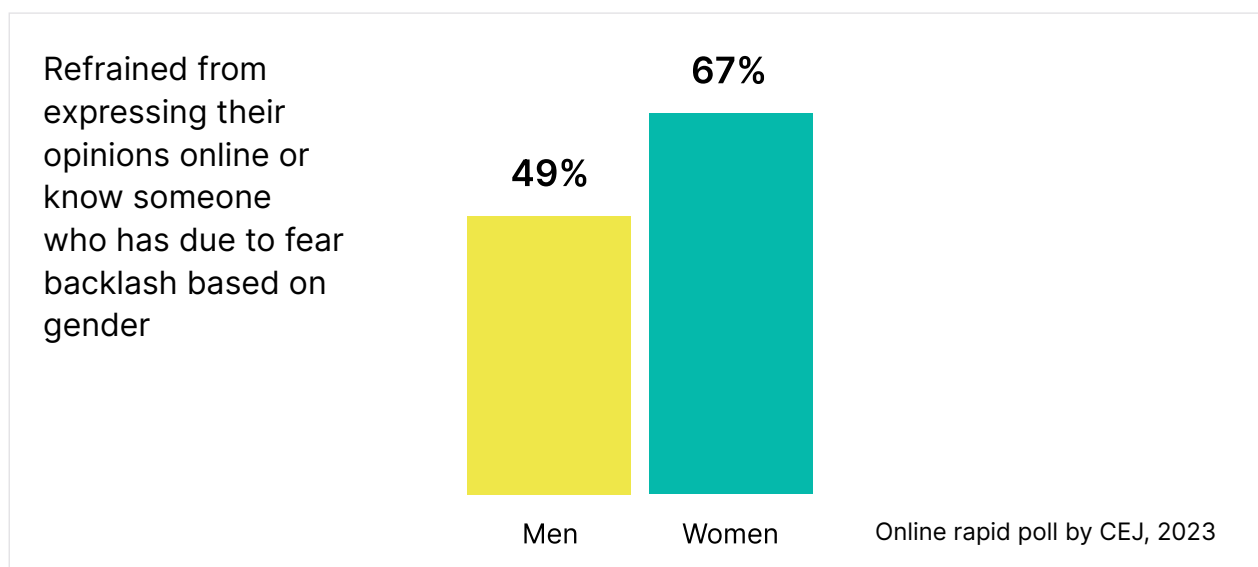
Questions on respondents' perspectives of online inclusivity and the promise of the internet as a forum for safe expression were also revealed. Only a quarter (25%) believe that individuals of diverse genders always feel comfortable expressing their views openly online, and 29% think they sometimes feel at ease. 36% state that they believe individuals of diverse genders rarely or never feel comfortable, and 10% express uncertainty about the comfort levels of individuals of diverse genders in online spaces.

Reports of online activism were relatively low, with only 18% stating they actively participated in or observed online campaigns and 24% expressing occasional observation. 58% reported rarely or never participating in or observing such online campaigns. Women were more likely to engage in or observe online activism (27%) than men (11%). Similarly, about 19% of respondents stated they actively participated and contributed to discussions and initiatives advocating for gender-inclusive policies and representation. An additional 17% occasionally joined discussions or signed petitions in support, and 38% expressed an interest in participating in the future. Notably, 5% indicated that they had participated in the past but had stopped out of fear. Again, there is a gender divide, with women reporting being more active and interested in future participation.

Views on the potential use of digital platforms to create communities showed that 22% believe the digital public sphere offers valuable platforms for sharing stories and accessing support networks, and 54% state that there are opportunities, but more needs to be done to ensure inclusivity and accessibility. More women (64%) than men (49%) agreed with this sentiment. A relatively high 24% stated that the digital public sphere often fails to provide safe and supportive environments for marginalised genders and SGBV victim-survivors.

Regarding the next steps to make online spaces safer and more accessible, an overwhelming 73% believe there is insufficient awareness and education on CSGBV, and a decisive 92% feel there should be more efforts to address and combat gender-based issues in the digital public sphere. These beliefs were reinforced by the respondents' lack of awareness regarding existing resources and laws. No more than 20% were aware of any of the surveyed policies, including the Prevention of Domestic Violence Act and the Computer Crimes Act No. 24 of 2007. Similarly, nearly a quarter (24%) admitted they are unaware of reporting mechanisms for SGBV.

On a positive note, 75% of respondents either strongly agreed or somewhat agreed that a zero-tolerance policy for online and offline SGBV in Sri Lanka is essential. This indicates that people feel this issue is important, and that action should be taken to protect victim-survivors and reduce incidents.



75% of respondents reported that they have refrained from expressing their opinions in the online space due to fear of backlash based on gender.

- Online Rapid Poll by CEJ -

# 5| Laws, Policies, and Community Guidelines

## 5.1 | Global Policies and Select Country Examples

Numerous global laws, policies, and standards address gender, online violence, and FOEAA separately and at the nexus of two or more of the subjects. As early as 2013, The UN Commission on the Status of Women called on countries to develop mechanisms to combat CSGBV[84].

The UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) is one of the most well-known legal tools to protect women and girls globally. First enacted in 1979, CEDAW did not mention violence against women until the adoption of general recommendation no. 19 in 1992[85] and, in 2017, general recommendation no. 35, recognised that gender-based violence against women includes violence that occurs in "technology-mediated environments, such as contemporary forms of violence occurring in the internet and digital spaces[86]". Furthermore, Article 72 of CEDAW General Recommendation No. 36, also enacted in 2017, on the right of girls and women to education, says countries must "enact legislation that defines and penalises information communication technology (ICT) based and online harassment of women and girls in all its forms[87]".

In the *report of the Special Rapporteur on violence against women, its causes and consequences on online violence against women and girls from a human rights perspective*, Dubravka Šimonović states that "Even though the core international human rights instruments, including those on women's rights, were drafted before the advent of ICT, they provide a global and dynamic set of rights and obligations with transformative potential, and have a key role to play in the promotion and protection of fundamental human rights, including a woman's rights to live a life free from violence, to freedom of expression, to privacy, to have access to information shared through ICT, and other rights.[88]"

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84 Lu, A., Posetti, J., & Shabbir, N. (2022, November). Legal and Normative Frameworks for Combatting Online Violence Against Women Journalists. UNESCO. Retrieved from https://unesdoc.unesco.org/ark:/48223/pf0000383789

85 McQuigg, R. J. A. (2017). The CEDAW Committee and Gender-Based Violence against Women: General Recommendation No 35. *International Human Rights Law Review, 6*(2), 263-278. Retrieved from https://pure.qub.ac.uk/en/publications/the-cedaw-committee-and-gender-based-violence-against-women-gener

86 Centre for Policy Alternatives, Hashtag Generation, & Ghosha women. (2019). Opinions, B*tch: Technology Based Violence Against Women in Sri Lanka. Retrieved from https://drive.google.com/file/d/16ohQ7P2K08qz-kgiQUfSr0JCGvxDLHNR/view

87 Delete Nothing. (n.d.). Definitions & L. Retrieved from https://deletenothing.org/support/definition-laws/

88 Šimonović, D. (2018, June 18). Report of the Special Rapporteur on violence against women, its causes and consequences on online violence against women and girls from a human rights perspective. United Nations Digital Library. Retrieved from https://digitallibrary.un.org/record/1641160?v=pdf

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Similarly, a UN Human Rights Council report in 2018 concluded that international human rights law related to women in public and private life are fully applicable in digital spaces and further stated that laws and policies used to eradicate CSGBV should respect other human rights, denoting that they should not unnecessarily infringe on FOEAA[89].

Policies related to preventing CSGBV while preserving FOEAA have become the norm in the recent past. In 2021, the Human Rights Council passed a Resolution (UNESCO, 2022) that condemned online attacks against women and girls, including sexual and gender-based violence and abuse of women, particularly when women engaging in public debate or discourse are targeted for their expression[90].

As stated before, Article 19 of the Universal Declaration of Human Rights states that "everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers[91]". However, it is understood that freedom of expression is not limitless, and the International Covenant on Civil and Political Rights clearly states that FOEAA cannot be used to justify abuses of the rights of others[92].

The United Nations also has guiding principles on business and human rights that state that companies should respect human rights, outlining foundational principles, operational practices, and a requirement for due diligence[93]. This means that non-state third-party platforms, like social media companies, have an obligation to protect human rights as outlined in core international treaties and policies, such as women's rights and the right to FOEAA; in doing so, businesses should not violate human rights themselves, cannot facilitate human rights violations, and must resolve any violations that occur[94].

Finally, the Sustainable Development Goals address CSBGV in goal 5, achieving gender equality and empowering all women and girls, and goal 16, promoting peaceful and inclusive societies for sustainable development, providing access to justice for

[89] Lu, A., Posetti, J., & Shabbir, N. (2022, November). Legal and Normative Frameworks for Combatting Online Violence Against Women Journalists. UNESCO. Retrieved from https://unesdoc.unesco.org/ark:/48223/pf0000383789

[90] Lu, A., Posetti, J., & Shabbir, N. (2022, November). Legal and Normative Frameworks for Combatting Online Violence Against Women Journalists. UNESCO. Retrieved from https://unesdoc.unesco.org/ark:/48223/pf0000383789

[91] United Nations. (2015). Universal Declaration of Human Rights [PDF]. Retrieved from https://www.un.org/en/udhrbook/pdf/udhr_booklet_en_web.pdf

[92] Lu, A., Posetti, J., & Shabbir, N. (2022, November). Legal and Normative Frameworks for Combatting Online Violence Against Women Journalists. UNESCO. Retrieved from https://unesdoc.unesco.org/ark:/48223/pf0000383789

[93] United Nations Human Rights Office of the High Commissioner. (2011). Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework. Retrieved from https://www.ohchr.org/sites/default/files/documents/publications/guidingprinciplesbusinesshr_en.pdf

[94] United Nations Human Rights Office of the High Commissioner. (2011). Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework. Retrieved from https://www.ohchr.org/sites/default/files/documents/publications/guidingprinciplesbusinesshr_en.pdf

all, and building effective, accountable, and inclusive institutions at all levels[95].

Beyond UN policies and international human rights, several regional and country-level policies address CSGBV and FOEAA. For example, in Norway, a publicly financed service called SlettMeg.no ("DeleteMe") provides information on contacting internet and social media services to remove or de-link unwanted content[96]. Singapore focuses on promoting cyber wellness within the education system with a course in the formal curriculum, which aims to train schoolchildren on how to identify harmful content, protect themselves, and refrain from amplifying said content[97]. Several countries like Germany, Slovakia, and the UK use criminal laws that are not specific to the digital sphere to prosecute perpetrators of CSGBV[98].

## 5.2 | Laws, Policies, and Community Guidelines in Sri Lanka

Sri Lanka has ratified CEDAW and is, therefore, obliged to interpret, amend, or introduce laws to implement the convention fully; similarly, as a United Nations member state, Sri Lanka has agreed to work towards the Sustainable Development Goals, including those that address CSGBV[99].

Foundationally, the preamble of the Sri Lankan constitution assures all its people freedom, equality, justice, and fundamental human rights[100]. Furthermore, Article 14 states that every citizen is entitled to the freedom of speech and expression, including publication, the freedom of peaceful assembly, and the freedom of association[101]. The constitution also states that FOEAA has restrictions, as outlined in Article 15, which include restrictions based on statute, emergency regulations, and in the interests of racial and religious harmony, national security, public order, and the freedom of others[102].

Policies and laws that directly address gender in online spheres are minimal. In fact, one report shows that in the e-government policy (2009), there is only one section which addresses gender-based violence through information communication

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95 United Nations Department of Economic and Social Affairs Sustainable Development. (n.d.). Transforming our world: the 2030 Agenda for Sustainable Development. Retrieved from https://sdgs.un.org/2030agenda

96 Council of Europe. (n.d.). Norway: Action against cyberviolence. Cyberviolence, Initiatives, policies, strategies. Retrieved from https://www.coe.int/en/web/cyberviolence/-/norway-action-against-cyberviolence

97 Council of Europe. (n.d.). Singapore: Cyber wellness. Cyberviolence, Initiatives, policies, strategies. Retrieved from https://www.coe.int/en/web/cyberviolence/-/singapore-cyber-wellness

98 Council of Europe. (n.d.). Examples of initiatives on online hate speech. Cyberviolence, Initiatives, policies, strategies. Retrieved from https://www.coe.int/en/web/cyberviolence/online-hate-speech-and-hate-crime

99 Delete Nothing. (n.d.). Definitions & Laws. Retrieved from https://deletenothing.org/support/definition-laws/

100 Parliament of Sri Lanka. (2023). Constitution. Retrieved from https://www.parliament.lk/constitution/main

101 Parliament of Sri Lanka. (2023). Constitution. Retrieved from https://www.parliament.lk/constitution/main

102 Parliament of Sri Lanka. (2023). Constitution. Retrieved from https://www.parliament.lk/constitution/main

technology; this section applies only to government work and prohibits the use of email to disseminate content that is offensive to any ethnic group, gender, accepted religion, culture, or tradition[103]. However, in line with international norms and other countries' approaches, experts suggest that even without laws specific to CSGBV, the Sri Lankan legal system has several frameworks that can be applied to counter hate speech and online violence[104].

The following sections of the penal code can be used to address CSGBV: section 345 on sexual harassment, section 372 on extortion or putting a person in fear of injury to commit extortion, section 483 on criminal intimidation, section 388 on criminal breach of trust, and section 399 on cheating by personation[105]. Furthermore, within the Computer Crime Act, No. 24 of 2007, section 3 on securing unauthorised computer access and section 7 on dealing with data can be applied to specific CSGBV incidents[106]. The Obscene Publications (Amendment) Act (No. 22 of 1983) and the Prevention of Domestic Violence Act, No. 34 of 2005 are also applicable[107].

In 2020, Women in Need worked with the Sri Lanka Police and Grassrooted Trust to develop and launch a standard operating procedure (SOP) for policing cyber violence. The SOP was created to guide all law enforcement officials who may respond to a complaint of online violence; it aims to build trust with the public, ensure an empathetic and non-judgemental victim-survivor-centred approach, and mitigate common challenges and bottlenecks[108]. The SOP covers everything from recording the complaint to interviewing victim-survivors to nonlegal actions that can be taken, such as working with CERT to remove online content while preserving and documenting evidence in police records for prosecution purposes, to the different aspects of the investigation[109]. The SOP is a comprehensive and powerful tool that empowers police officers, including the Women and Children's desk, to process complaints competently and efficiently while avoiding holdups in the cybercrime division and reducing victim-survivors re-traumatisation.

A notable issue with many of these laws and related laws surrounding the rights of persons with diverse SOGIESC is that they are vaguely worded and open to interpretation. For example, obscenity, profanity, and public performance laws

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[103] Kottegoda, S., Maunaguru, S., Perera, S., &amp; Emmanuel, S. (2012). Women and New Media in the Margins of the Sri Lankan State. https://www.gender-is-citizenship.net/sites/default/files/citigen/uploads/SLDraft_cover.pdf

[104] Hattotuwa, S., & Wickremesinghe, R. (2022). Hate Speech and Social Media in Sri Lanka. In S. Narrain (Ed.), Acts of Media: Law and Media in Contemporary India (Vol. 2022, pp. 141–163). Sage. https://doi.org/10.4135/9789354795626

[105] Delete Nothing. (n.d.). Definitions & Laws. Retrieved from https://deletenothing.org/support/definition-laws/

[106] Delete Nothing. (n.d.). Definitions & Laws. Retrieved from https://deletenothing.org/support/definition-laws/

[107] Delete Nothing. (n.d.). Definitions & Laws. Retrieved from https://deletenothing.org/support/definition-laws/

[108] Women In Need & Royal Norwegian Embassy. (2020). Policing Cyber Violence: Standard Operating Procedure For The Sri Lanka Police. Retrieved from https://www.bakamoono.lk/admin/wp-content/uploads/2016/06/Policing-Cyber-Violence-A-Police-Handbook-2020..pdf

[109] Women In Need & Royal Norwegian Embassy. (2020). Policing Cyber Violence: Standard Operating Procedure For The Sri Lanka Police. Retrieved from https://www.bakamoono.lk/admin/wp-content/uploads/2016/06/Policing-Cyber-Violence-A-Police-Handbook-2020..pdf

impact FOEAA, especially for persons with diverse SOGIESC. However, while the Obscene Publications Ordinance No. 4 of 1927 states that it is an offence to produce, possess, import, export, carry on, take part in a business, or advertise the availability of obscene publications, it does not define the term 'obscenity'[110]. This ambiguity extends to other procedural and regulatory frameworks related to surveillance in Sri Lanka, making it difficult for citizens to interpret their rights and giving authorities undue discretion when executing the law. Even if these laws are not routinely enforced, the fear and uncertainty have led to self-censorship and limited participation in online activities, effectively limiting FOEAA[111].

Some scholars argue that Sri Lanka needs to enact laws and policies that specifically protect groups and facilitate participation among minority groups. For example, a law that explicitly identifies hate speech based on sexual or gender identity would enable greater online participation for persons with diverse SOGIESC[112]. Similarly, one report noted the absence of laws that address the unauthorised dissemination of private content as a significant barrier to justice because, currently, if an intimate picture or video is shared online without consent, the only avenue for legal action is the Obscene Publications Act, which places undue emphasis on the picture or video provided by the victim-survivor as 'obscene' and too little importance on the perpetrator's abusive and criminal behaviour[113].

Other scholars argue that the laws in Sri Lanka are sufficient, and the issue is that they are rarely or selectively evoked[114]. For example, in 2015, the Government of Sri Lanka introduced a law to criminalise hate speech in the penal code explicitly; however, it never proceeded as it faced criticism from human rights activists concerned that the law could be utilised to suppress freedom of expression[115]. While laws explicitly outlawing hate speech must be implemented carefully and precisely, there is a consensus that protections must be enacted to ensure undue repression is detected and addressed.

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[110] Women and Media Collective & Association for Progressive Communications. (2017, December). Disrupting the Binary Code: Experiences of LGBT Sri Lankans Online. ISBN 978-955-1770-33-4. Retrieved from https://womenandmedia.org/wp-content/uploads/2018/02/Disrupting-the-Binary-Code-_-for-web.pdf

[111] Women and Media Collective & Association for Progressive Communications. (2017, December). Disrupting the Binary Code: Experiences of LGBT Sri Lankans Online. ISBN 978-955-1770-33-4. Retrieved from https://womenandmedia.org/wp-content/uploads/2018/02/Disrupting-the-Binary-Code-_-for-web.pdf

[112] Women and Media Collective & Association for Progressive Communications. (2017, December). Disrupting the Binary Code: Experiences of LGBT Sri Lankans Online. ISBN 978-955-1770-33-4. Retrieved from https://womenandmedia.org/wp-content/uploads/2018/02/Disrupting-the-Binary-Code-_-for-web.pdf

[113] Women and Media Collective & Association for Progressive Communications. (2017, December). Disrupting the Binary Code: Experiences of LGBT Sri Lankans Online. ISBN 978-955-1770-33-4. Retrieved from https://womenandmedia.org/wp-content/uploads/2018/02/Disrupting-the-Binary-Code-_-for-web.pdf

[114] Hattotuwa, S., & Wickremesinghe, R. (2022). Hate Speech and Social Media in Sri Lanka. In S. Narrain (Ed.), Acts of Media: Law and Media in Contemporary India (Vol. 2022, pp. 141–163). Sage. https://doi.org/10.4135/9789354795626

[115] Hattotuwa, S., & Wickremesinghe, R. (2022). Hate Speech and Social Media in Sri Lanka. In S. Narrain (Ed.), Acts of Media: Law and Media in Contemporary India (Vol. 2022, pp. 141–163). Sage. https://doi.org/10.4135/9789354795626

# 5.3 | The Online Safety Act

The Online Safety Act, No. 9 was certified on 1 February 2024. The Act establishes an Online Safety Commission; the commission's responsibility is to (1) provide safety from the damage caused by the communication of 'prohibited statements, (2) prohibit the usage of inauthentic online accounts for prohibited purposes, (3) flag specific online platforms and websites as 'declared online locations' for the propagation of false statements, and (4) suppress the financing and other support of communication of prohibited statements[116]. The commission will consist of five members appointed by the Executive President who are deemed to be experts in one of the following fields: information, technology, law, governance, social services, journalism, science, technology or management. Additionally,  the President has the power to remove individuals from the commission[117].

The government introduced the Online Safety Act very quickly, and without sufficient consultations with citizens, relevant stakeholders, and experts. The process was not inclusive or transparent, and since it was introduced with an expedited timeline, legal experts and other relevant stakeholders did not have sufficient time to respond appropriately. Furthermore, the limited time for debate means that most Sri Lankans are unaware of the law's content or implications.

The Centre for Policy Alternatives notes that the Online Safety Act lists the following key offences: (1) false statements which pose a threat to national security, public health or public order or "promotes feelings of ill will and hostility," (2) online communication of false statements that intentionally provoke a riot and even false statements that cause "disturbance" to religious ceremonies, (3) statements made to outrage the religious feelings of any class of persons, and (4) the circulation of a false report to cause mutiny of armed forces, sailors, etc. or 'alarm' or 'fear' to the public or against 'public tranquillity'; and highlights that  the clauses on harassment and child abuse are vague and prone to arbitrary application in practice, which will reduce the Act's ability to address CSGBV effectively[118].

The Centre for Policy Alternatives also stated that they believe the Online Safety Act violates the fundamental rights of Sri Lankan citizens because the outlined offences are overly vague and only enforceable in an ad-hoc or arbitrary manner, the structure of the commission, including the appointing of members by the President, gives unverified citizens the status of an expert and unreasonable powers of surveillance

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[116] Centre for Policy Alternatives. (2023, December). Questions & Answers: Online Safety Bill. Retrieved from https://www.cpalanka.org/wp-content/uploads/2023/12/OSB-FAQ-V7-Final-English.pdf

[117] Centre for Policy Alternatives. (2023, December). Questions & Answers: Online Safety Bill. Retrieved from https://www.cpalanka.org/wp-content/uploads/2023/12/OSB-FAQ-V7-Final-English.pdf

[118] Centre for Policy Alternatives. (2023, December). Questions & Answers: Online Safety Bill. Retrieved from https://www.cpalanka.org/wp-content/uploads/2023/12/OSB-FAQ-V7-Final-English.pdf

and censorship, and the Act unlawfully restricts constitutional rights to FOEAA[119]. Activist Priskila Arulpragasam and attorney Shelani Palihawadana echo this sentiment in an opinion piece where they argue that the Online Safety Act poses a significant threat to FOEAA and will inevitably lead to self-censorship without supporting CSGBV victim-survivors[120].

The proposal and passage of the Act were met with significant public outcry and condemnation from scholars, activists, human rights defenders, and others. Many of whom expressed the view that the Act is draconian and will be ineffective in achieving its touted aim of protecting women and children from CSGBV.

During discussions for this research report, individuals shared that they felt the Act uses the rights of women and children as scaffolding to pass a surveillance law that will criminalise FOEAA at an unprecedented scale, noting that the commission's responsibilities do not mention women and children or CSGBV. Individuals also expanded on how online surveillance and violence have gone together in the recent past in Sri Lanka. Natasha Edirisooriya's arrest highlights this well. Natasha was performing a comedy act, and a clip referencing the Lord Buddha was taken out of context and circulated; following which, a focused citizen-driven campaign was launched calling for violence against her, including sexual violence, and sharing her personal details online. Natasha was arrested; however, those who engaged in CSGBV and called for offline violence were largely undisciplined. Many believe that if the Online Safety Act is not enacted in good faith, it will reinforce this type of injustice and could lead to further human rights abuses.

That being said, under the Online Safety Act, to prove an offence, one must show that a false statement was made. The false statement should be known or believed by the maker to be false, which is a very high threshold. In other words, it is difficult to prove that a statement is disinformation rather than misinformation. Some activists and professionals argue that if lawyers are able to effectively argue this and hold authorities accountable for good faith application of the law, there are some sections which can be used to prosecute CSBGV.

Nonetheless, the general consensus among scholars and activists is that the Online Safety Act is harmful, deceptive, and, at the same time, toothless. Many pointed out that the offences outlined in the Act are already deemed illegal under other Sri Lankan law, highlighting the law's redundancy and arguing that instead of creating new legislation, policymakers should focus on institutional reform, modify existing laws, and more effectively implementing policies to support CSGBV victim-survivors while protecting FOEAA.

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[119] Centre for Policy Alternatives. (2023, December). Questions & Answers: Online Safety Bill. Retrieved from https://www.cpalanka.org/wp-content/uploads/2023/12/OSB-FAQ-V7-Final-English.pdf

[120] Arulpragasam, P., & Palihawadana, S. (2023, October 24). Proposed Online Safety Bill: Threatening freedom of expression. *The Morning*. Retrieved from https://www.themorning.lk/articles/JzyL0xyrGZZkitk2zT4I

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# 5.4 | Response Mechanisms in Sri Lanka

The main state response mechanisms available for CSGBV victim-survivors are the Cybercrimes unit of the Criminal Investigation Department (CID) of Sri Lanka Police, the Sri Lanka Computer Emergency Readiness Team Coordination Centre (SL CERT CC), and the National Child Protection Authority (NCPA), for victim-survivors under 18 years old[121]. There is a dedicated unit within the NCPA for cybercrimes. The Women and Children's Bureau or desk of the Police Department are also empowered to receive complaints using the SOP. Several nonprofit and civil society organisations support victim-survivors, including organisations like Hithawathi, which works with individuals and social media platforms to remove harmful content from the digital sphere, and Grassroots Trust, which connects victim-survivors with legal support. However, criminal proceedings must eventually go through the official process.

Many individuals working in the field and numerous victim-survivors note that while the legal framework in Sri Lanka may be sufficient, the lack of high-quality and accessible response mechanisms is a significant barrier to seeking support and justice. People experience long wait times and bottlenecks and face insensitive officials who often espouse patriarchal and misogynist rhetoric and beliefs, further traumatising victim-survivors.

One report showed that individuals who attempt to seek redress face numerous barriers, including accessibility issues since most response mechanisms for CSGBV are in Colombo and services are often not provided in all local languages, problems reporting content to social media companies due to language barriers, and a general lack of resources to address the volume of cases[122]. In one case, a Sri Lankan journalist reported an identity theft case to CERT, who directed her to their Cyber Crimes Division, who said they were unable to help her because they had never encountered such a complaint before, and it had not caused her financial loss; she then went to the Telecommunication Regulatory Commission of Sri Lanka, who referred her back to the Cyber Crimes Division, resulting in an endless loop with no real solution or justice[123].

With the available legislation and response mechanisms, victim-survivors should be able to access support easily; however, systemic issues leave many without redress.

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[121] Centre for Policy Alternatives, Hashtag Generation, & Ghosha women. (2019). Opinions, B*tch: Technology Based Violence Against Women in Sri Lanka. Retrieved from https://drive.google.com/file/d/16ohQ7P2K08qz-kgiQUfSr0JCGvxDLHNR/view

[122] Centre for Policy Alternatives, Hashtag Generation, & Ghosha women. (2019). Opinions, B*tch: Technology Based Violence Against Women in Sri Lanka. Retrieved from https://drive.google.com/file/d/16ohQ7P2K08qz-kgiQUfSr0JCGvxDLHNR/view

[123] Lu, A., Posetti, J., & Shabbir, N. (2022, November). Legal and Normative Frameworks for Combatting Online Violence Against Women Journalists. UNESCO. Retrieved from https://unesdoc.unesco.org/ark:/48223/pf0000383789

# 6| Beyond the Law: Additional Approaches to Countering SGBV and Promoting FOEAA

Appropriate legislation and accessible response mechanisms are crucial to countering CSGBV while protecting and promoting FOEAA; however, multiple studies show that these methods are insufficient alone. Accordingly, additional approaches must be considered and implemented to address root causes.

## 6.1 | Public Education and Capacity Building

Education and capacity building are crucial to preventing CSGBV. Education can deter perpetrators from committing crimes and dissuade individuals from contributing to a culture of gendered online violence through passive consumption or active sharing by raising awareness of the consequences; it can also enable victim-survivors to reduce their risk of experiencing CSGBV. Education related to digital literacy, sexual education, gender equality, and related issues would benefit all members of society. Education can be informal or formal, and many agree that starting as early as possible, in elementary school or before, would be the most beneficial as current and future generations are digital natives who should learn how to thoughtfully navigate online spaces from a young age.

During interviews with contributors to this research project, individuals discussed how certain well-funded schools in Sri Lanka proactively contact organisations to provide training or courses for their students on digital literacy. They noted that institutionalising this practice would be highly beneficial to the next generation and could dramatically shift their online experience. In other interviews, individuals said that schools have a mandate to teach and ensure child protection, which reasonably includes digital literacy and comprehensive sexual education; however, principles often do not have the time to implement these subjects within the curriculum, and teachers frequently lack the skills to teach such subjects.

Similarly, the National Institute of Education is working with UNICEF to integrate digital citizenship development into a digital literacy module that will be part of the grades 2 – 11 curriculums. Digital citizenship refers to people using the internet legally, safely, ethically, and responsibly by exercising judgement, thinking critically, and complying with norms and laws[124]. The module will include information on gender and how to identify hate speech and information and will encourage children to

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[124] Raising Children Network (Australia). (2023, February 6). Digital citizenship: Teens being responsible online. https://raisingchildren.net.au/pre-teens/entertainment-technology/digital-life/digital-citizenship

develop social action programmes to counter issues they learn about and observe. This module is being pre-tested and piloted in the Uva and Central provinces, with hopes of expanding it nationally.

Informal education is also an effective way to build capacity among critical audiences. It can reach people outside of schooling age or institutions and can often be enacted more quickly than revising curriculums. For example, many children's clubs in Sri Lanka conduct programmes on hate speech prevention and how to use online platforms to create social cohesion rather than participate in furthering community divides.

Education and capacity building can reduce CSGBV and help promote FOEAA. For instance, a study conducted by the Centre for Policy Alternatives, Hashtag Generation, and Ghodah Women notes that high rates of online violence are often used as justification for restricting women and girl's access to the internet[125]. The authors argue that only when this faulty cause-and-effect paradigm is exposed, can institutions in Sri Lanka support gender parity in meaningful internet use.

## 6.2 | Investment in Strengthening Emotional Intelligence

Several scholars and research reports note that the content of online gendered posts and the language used indicate that viewers lack an understanding of fundamental concepts like consent, autonomy, and even privacy[126]. In interviews for this report, several contributors noted that most Sri Lankans are aware of online violence and CSGBV; however, they only consider the most obvious examples to be problematic. Many people fail to recognise a broad spectrum of content as violent or abusive, including the non-consensual sharing of intimate photos, gendered harassment of public figures, and calls for violence against women; instead, people tend to blame the victim-survivor for sharing intimate pictures in the first place, or they view content as humorous rather than criminal.

In response to this concerning trend, several contributors stressed the importance of socio-emotional learning in addition to raising awareness and building capacity. Socio-emotional learning involves teaching people how to apply critical thinking and values to everyday situations and how to adopt behaviours that enable action on values and beliefs more often[127]. This includes concepts like self-awareness, self-

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[125] Centre for Policy Alternatives, Hashtag Generation, & Ghosha women. (2019). Opinions, B*tch: Technology Based Violence Against Women in Sri Lanka. Retrieved from https://drive.google.com/file/d/16ohQ7P2K08qz-kgiQUfSr0JCGvxDLHNR/view

[126] Centre for Policy Alternatives, Hashtag Generation, & Ghosha women. (2019). Opinions, B*tch: Technology Based Violence Against Women in Sri Lanka. Retrieved from https://drive.google.com/file/d/16ohQ7P2K08qz-kgiQUfSr0JCGvxDLHNR/view

[127] UNESCO. (2023, October 6). What you need to know about global citizenship education. https://www.unesco.org/en/global-citizenship-peace-education/need-know

[128] UNICEF. (2019). Learning Social and Emotional Skills in Pre-School: Building foundations for the future. https://www.unicef.org/northmacedonia/learning-social-and-emotional-skills-pre-school

worth, empathy, respect for diversity, and fairness. Research indicates that these skills should be developed at a very young age and are being incorporated into curriculums as early as preschool and kindergarten[128].

Sri Lanka has acknowledged the importance of socio-emotional learning and developed a handbook for teachers to support integrating the development of this skill set into lessons. The handbook is available to teachers across the country and covers five key areas: (1) self-awareness, (2) self-management, (3) social awareness, (4) relationship skills or interpersonal relationships, and (5) responsible decision-making[129]. The development of this handbook and the recognition within the Ministry of Education of the importance of socio-emotional learning is an excellent first step. To maximise the impact of this critical skill set, the country should work towards making this content mandatory for the youngest students.

To address CSGBV and FOEAA, socio-emotional learning can touch on related topics such as trust and consent, how they can be manipulated and misused, how to identify when people are crossing a personal or criminal line, and what actions can be taken.

## 6.3 | Institutional Capacity Building

Similar to public education, it is crucial to improve the capacity of government offices responsible for identifying and investigating cases of CSGBV and FOEAA, those charged with prosecuting cases, and those responsible for supporting victim-survivors. Numerous surveys and countless case studies demonstrate that victim-survivors encounter resistance, a lack of empathy, long delays, bottlenecks, and other barriers that cause many to abandon their quest for justice. Interviews with collaborators for this report reveal that many victim-survivors are re-traumatised during their encounters with public officials, and several have felt intimidated or dismissed.

Institutional capacity building covers two main areas: (1) The ability of assigned staff to complete tasks quickly and efficiently and (2) staff's capacity to treat victim-survivors with empathy and compassion. Given the prevalence and fast-paced nature of CSGBV, assigned agencies, particularly in the legal and judicial sectors, should be equipped and empowered to respond to cases quickly to ensure the action taken is impactful and beneficial to the victim-survivor[130]. Furthermore, responsible officers must be trained to treat victim-survivors without judgement and with an

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[129] Ministry of Education, Sri Lanka. (2022). Socio Emotional Skills Approach. Retrieved from https://moe.gov.lk/wp-content/uploads/2022/05/english-book.pdf

[130] Centre for Policy Alternatives, Hashtag Generation, & Ghosha women. (2019). Opinions, B*tch: Technology Based Violence Against Women in Sri Lanka. Retrieved from https://drive.google.com/file/d/16ohQ7P2K08qz-kgiQUfSr0JCGvxDLHNR/view

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understanding of gender, sexual orientation, and power dynamics[131]. This approach and attitude will improve the efficiency and effectiveness of response mechanisms and enhance the support available to victim-survivors.

# 6.4 | Using Technology

The same technology that drives and facilitates CSGBV can also prevent or reduce it. In Sri Lanka, several individuals have developed and tested systems that conduct text analysis to detect hate speech in English, Sinhala, and Tamil with impressive accuracy[132].These tools can identify and respond to accounts and posts that maliciously spread divisive language online. Additional methods to identify problematic content include sentiment classification, topic modelling, social network analysis, image analysis, and surveys[133]. Popular platforms like Watch Dog are available to counter misinformation; similar platforms could be developed to support the reporting of CSGBV and the efficient processing of crimes via the Sri Lankan criminal justice system or by working with platforms and local civil society organisations.

Activists can lobby social media platforms to refine their algorithms and machine learning models to identify and remove CSGBV content more quickly and accurately. Platforms can also enable non-English speakers to manage their data privacy and safety by providing relevant guidelines in more local languages, thereby empowering users to make more informed decisions about the content they reveal[134]. Similarly, platforms can adopt community content guidelines that leave no room for CSGBV while maintaining human rights standards for FOEAA[135].

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[131] Centre for Policy Alternatives, Hashtag Generation, & Ghosha women. (2019). Opinions, B*tch: Technology Based Violence Against Women in Sri Lanka. Retrieved from https://drive.google.com/file/d/16ohQ7P2K08qz-kgiQUfSr0JCGvxDLHNR/view

[132] Hewapathirana, Isuru. (2023). A Review on Current Trends and Applications of Social Media Research in Sri Lanka. Cloud Computing and Data Science. 223-242. https://doi.org/10.37256/ccds.4220233257

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[134] Delete Nothing. (2023). Digital Shadows: Understanding Online Gender-Based Violence in Sri Lanka. [PDF document]. Retrieved from https://drive.google.com/file/d/1O6jV20Ahx_g4DnO7VUXQcT5GBMuHBcGq/view

[135] Delete Nothing. (2023). Digital Shadows: Understanding Online Gender-Based Violence in Sri Lanka. [PDF document]. Retrieved from https://drive.google.com/file/d/1O6jV20Ahx_g4DnO7VUXQcT5GBMuHBcGq/view

## 6.5 | Advocacy and Awareness-Raising Campaigns

In addition to focused training and capacity building, more general advocacy and awareness-raising campaigns can effectively counter CSGBV while promoting FOEAA. At the core, raising awareness of CSGBV and infringements on FOEAA has the potential to create a broader base of supporters for reform, which in turn, may facilitate the passage of policies to support victim-survivors in a range of ways, from curriculum reforms to officer capacity-building to holding platforms accountable, and beyond.

Widespread advocacy campaigns also help keep the topic at the forefront of individuals' minds, which may help change their actions. Research on behaviour change indicates that repetition, attitude, and perceived control are all crucial to changing someone's behaviour patterns[136]. Therefore, advocacy campaigns could be a cost-effective way of influencing a large group of people, helping them understand the issue, its root causes, and its impact. Advocacy campaigns can also spur people to reflect on their own behaviour, and depending on the campaign content and goals, it could prompt people to analyse secondary aspects of their lives, like how they raise their children or the politicians they support, leading to a cascade of potential benefits.

Finally, awareness-raising campaigns are crucial to sharing information people can use to protect themselves and seek justice. This can include campaigns to raise awareness of common forms of CSGBV and how to reduce the risk of exposure by adjusting privacy settings and other tactics. Similarly, the campaign could focus on available resources and relevant departments to contact for support.

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[136] Celestine, N. (2021, August 14). What Is Behavior Change in Psychology? 5 Models and Theories. Positive Psychology. https://positivepsychology.com/behavior-change/#theories

This image depicts the importance of language rights in accessing justice for victim-survivors.

# 7| Recommendations

These recommendations are informed by the literature review of relevant local and international studies, suggested by civil society organisations in Sri Lanka, and insight from collaborators to this report. To effectively counter CSGBV while maintaining and promoting FOEAA, Sri Lanka must take a multi-prong approach that includes a range of stakeholders and entities. Any effective response must address root causes for sustainable impact while recognising that the dire situation warrants immediate action. The recommendations of this report are divided into two areas: investment and advocacy. This dual categorisation simplifies a complicated topic into actionable items.

**Invest in:**

**Strengthening existing systems** – Sri Lanka has comprehensive laws that can be used to prosecute cases of CSGBV and detailed SOPs to support officials in responding to reported crimes. Furthermore, international conventions and practices provide ample templates that can be replicated to apply existing policies to support victim-survivors. Investment in the judicial and legal systems is crucial to ensuring these institutions have sufficient resources to process cases efficiently.

**Capacity building** – Sufficient resources will be ineffective if the assigned officers cannot satisfactorily perform their duties. Training in SOPs, digital literacy, social issues like gender and sexuality, victim-survivor-centred approaches, power dynamics, and other relevant topics will help officials process cases ethically and appropriately.

**Education** – We live in a world where technology is nearly ubiquitous. Accordingly, a comprehensive course on digital literacy must be incorporated into the national curriculum. Children should start learning about online spaces at a very young age, and the skills taught should include appropriate use, safety, privacy, options for support, and more. Additionally, to address root causes, children should learn comprehensive sexual education with courses to help them understand gender, sexuality, and power dynamics, including lessons on consent, autonomy, and other related topics.

**Socio-emotional learning** – In addition to knowledge, young people must cultivate socio-emotional skills that will help them develop core values and learn how to act on them consistently. These skills will enable children to treat themselves and others with kindness, empathy, and respect, countering many of the core instincts that lead to CSGBV and unjustified repression of FOEAA.

**Monitoring** – Independent organisations and government institutions must invest in monitoring online trends related to hate speech, misinformation, and CSGBV. This knowledge is valuable in detecting dangerous situations, responding proactively to removing violent content, and preventing the spread of harmful content. This information will also be useful when tailoring education and advocacy campaigns to ensure content is relevant, resonates with intended audiences, and adequately prepares and protects individuals.

**Coalition building** – Civil society organisations, private companies, and government institutions must invest time, money, and resources to work together and amplify their impact.

**Awareness raising** – Ensuring people know about CSGBV, its different forms, how to protect oneself, and available resources, will help reduce incidents and enable victim-survivors to seek redress. Similarly, it provides victim-survivors with avenues for support beyond self-censorship, allowing individuals to thrive online without sacrificing safety. Awareness-raising campaigns focused on education also have the potential to reach a wider audience than school curriculum and can support positive behaviour change.

**Advocate for:**

**Coalition building** – Coalition building must also be advocated for in addition to being invested in. Many organisations operate in silos for a variety of reasons; however, collective action can be much more powerful by reaching wider and diverse audiences.

**Platform policy changes** – Advocating for social media and other platforms to live up to their due diligence and change policies to be more responsive to both instances of CSGBV and unjustified repressions of FOEAA is crucial for significant and sustainable changes. The channels of dissemination themselves must fundamentally change to facilitate robust outcomes. This can include embracing responsible technology principles by updating machine learning models, constantly checking and revising algorithms, incorporating community forum input, and providing information related to privacy, security, and available resources in accessible formats for their global audience, amongst other things. This level of change may only be possible with worldwide advocacy and a shared commitment to affecting companies' profits if they fail to adjust their standards.

**Appropriate and equitable application of the law** – Sri Lanka has historically had the legal infrastructure to meaningfully combat CSGBV while promoting FOEAA. There are a few areas where the law should be refined (e.g., using the obscenity law to prosecute the nonconsensual dissemination of intimate pictures); however, the central issue is that these laws are not being implemented consistently and equitably. Current laws should be fully implemented to protect victim-survivors. Furthermore, advocates should lobby for the appropriate application of laws to reduce the possibility of suppressing FOEAA under the guise of protecting women and children from CSGBV.

**Zero tolerance for CSGBV and repression of FOEAA** – With the complete and consistent application of existing laws, the government should commit to zero tolerance for CSGBV or the repression of FOEAA. Including zero tolerance for criminal behaviour by government employees who commit or enable crimes or for officials' refusal or negligence in pursuing cases quickly and in a manner that supports victim-survivors.

**A transparent and pluralist society** – Advocating for a fair, transparent, and pluralist society is vital to addressing the root causes of CSGBV, FOEAA, and their overlap. Tolerance for opposing opinions and expressions that do not infringe on others' rights is fundamental to free and open communities that protect individuals and hold perpetrators accountable.

**Women's rights and the rights of persons with diverse SOGIESC** – Lobbying for equal treatment for women and persons with diverse SOGIESC will reduce power imbalances that allow crimes to go unreported and unpunished. Supporting and empowering individuals enables them to seek justice without fear of stigma, leading to greater accountability and safer online spaces.

**The inclusion of expert and community voices when revising laws, policies, or guidelines** – To ensure a policy is responsive to the ground reality and based on evidence, it is crucial to include community and expert perspectives, including those of civil society organisations, when amending or drafting legislation or guidelines. This process reduces the likelihood of unenforceable or irrelevant legislation that can be manipulated for nefarious causes without facilitating its intended purpose.

**Victim-survivor-centric approaches** – Responses to cases of CSGBV victim-survivors should prioritise the victim-survivors preferences and priority actions. Many victim-survivors' primary goal is to remedy the situation rather than pursue a court case; this should be honoured and supported. Counselling on additional avenues of action and gathering and archiving evidence for potential future prosecution may also be appropriate to ensure victim-survivors are aware of their options and can pursue charges at a later date while respecting whatever course of action they choose.

**Additional support for victim-survivors** – The provision of support beyond legal action will holistically address the needs of victim-survivors. This could include emergency shelter, mental health counselling, support with reporting information to platforms, guidance on adjusting privacy settings, and others. Additional support provides the opportunity to help victim-survivors protect themselves and flourish after incidents of CSGBV.

# 8| Conclusion

The internet can be considered a neutral platform that may facilitate positive progress or feed negative cycles of repression and violence. The digital sphere allows access to unprecedented resources and provides avenues for people to connect and collaborate across the globe, sharing experiences and supporting the enjoyment of human rights. It is also a place where misinformation can be spread with an alarming likeness to valid sources, and hate can be sold as a solution to social issues. Therefore, while the internet should be available to everyone, as restrictions on access will inevitably lead to increased inequality, such a powerful tool should be approached with intentionality and awareness. However, advances in technology and infrastructure mean access to the digital sphere is often literally a tap away and in one's pocket at any given time.

Like most of the world, Sri Lanka has experienced a digital boom over the past thirty years. Current and future generations are digital natives, many of whom have access to mobile phones and the internet throughout their lives. Whether they will have online experiences is more of a question of when than if. In this context, appropriate response mechanisms, including responsible laws and education, should be a national priority, focusing on local approaches and international coalition building.

Of particular interest is the use of online platforms to perform or amplify acts of CSGBV and repress FOEAA. Patterns of violence that typically target girls, women, and persons with diverse SOGIESC in online spaces cause harm ranging from personal distress to offline violence to loss of livelihoods. Perhaps most egregiously, CSGBV often leads to stigma, shame, and self-censorship, causing people to refrain from sharing content, limit their interactions, or leave platforms and resulting in less diverse and vibrant spaces that fail to capture the range of human experiences and instead promote incomplete narratives.

This report outlines various approaches to prevent and reduce CSGBV and hold perpetrators accountable without restricting individuals' fundamental right to FOEAA, including investing in systems by strengthening laws, providing sufficient resources, and building the capacity of responders to enforce policies efficiently and equitably. The importance of developing comprehensive education that covers digital literacy, digital citizenship, socio-emotional skills, sexual education, and other relevant topics was discussed at length, including the use of awareness-raising campaigns to share messages beyond institutional walls. The report highlights the importance of building coalitions to encourage platforms to take responsibility and fundamentally alter their platforms' policies to support FOEAA while preventing CSGBV through appropriate monitoring, updated algorithms, greater resource access, and enhanced accountability. The need to include community voices and expert insight when

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developing laws, curricula, and advocacy documents was also noted. Finally, this report explores the importance of maintaining a transparent and pluralist society by enforcing zero tolerance for CSGBV or suppressing FOEAA, promoting the rights of women and persons with diverse SOGIESC, and comprehensively supporting victim-survivors.

Employing these approaches and others will address the prevalence of CSGBV and the intersecting restriction of FOEAA to create a safe digital space for women, men, and persons with diverse SOGIESC that enables participation and benefits everyone.

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