

# **‘THE SOCIAL SCAR’**

**Stigma Arising from Conflict Related  
Sexual Violence in Sri Lanka**







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We humbly acknowledge  
the men and women  
who shared their stories.

**Centre for Equality and Justice**

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## EXECUTIVE SUMMARY

Using qualitative data gathered from interviews conducted with 32 victim survivors, 8 representatives of victim survivors and 9 service providers this study maps the impact of stigma on victim survivors of conflict related sexual violence. Stigma is a concept that captures the negative perceptions that are generated through social, cultural and religious attitudes in a given community or wider society.

Victim survivors of conflict related sexual violence have been identified as experiencing severe forms of stigma. They experience it in relation to their perceptions of self, in their relationships with family and friends, in relation to their community and in relation to the world at large. Conflict related sexual violence includes a wide range of incidents such as rape, domestic violence, sexual bribery, sexual slavery and harassment. Men, women and children may be subjected to conflict related sexual violence by those holding public office, members of the armed forces, paramilitary, family members or strangers.

The stigma attached to victim survivors leads to trauma, silence, self-doubt, and withdrawal from social interactions. Due to stigma, victim survivors of conflict related sexual violence rarely access essential services. These experiences make the victim survivor vulnerable and in most cases stigma pushes the victim survivor into a vicious and tragic cycle of violence, victim survivorhood and stigma. Moreover, family members of the victim survivor and children born due to conflict related sexual violence experience stigma because of their association with the victim survivor. The life cycle of victim survivors and their family members are often shaped exclusively by the stigma they face due to conflict related sexual violence. Effective responses to this tragic phenomenon include anti-stigma mobilization by community based organizations and counselling. Victim survivors who have been supported by local women's organizations in an empathetic manner have been able to heal to a certain degree. Regular and effective counselling has been essential for victim survivors who have experienced some form of healing in their lives.

Of the victim survivors who participated in this study, one has been effective in seeking criminal justice. However, her success in court has not reduced the stigma she continues to experience. It seems that pursuing criminal justice further stigmatised the victim survivors. Within this context, victim survivors of conflict related sexual violence are not engaging with measures for reparations, investigations and prosecutions or reconciliation in general. Victim survivors of stigma when consulted as to how anti-stigma responses should be designed and implemented make several suggestions.

These recommendations include creating public awareness regarding the devastating impact of stigma, taking stigma into consideration in determining forms of reparation and recommendations for structural reform to ensure that state services are empathetic to the phenomenon of stigma.

## **Abbreviations**

CRSV	Conflict Related Sexual Violence
IDP	Internally Displaced Persons
OHCHR	Office of the High Commissioner for Human Rights
OISL	Office of the High Commissioner for Human Rights Inquiry on Sri Lanka
SCR	Security Council Resolutions
SRSV-SVC	Special Representative of the Security General on Sexual Violence in Conflict
UK	United Kingdom
UN	United Nations



## BACKGROUND

The incidents of conflict related sexual violence (CRSV) have been identified, studied and in limited cases addressed in Sri Lanka. The *Krishanthy Kumarswamy* case (1996), the *Maradana* rape case (2001) and the more recent cases such as the *Vishvamadu* rape case (2010) and the trial-at-bar for the gang rape of a teenager in Jaffna (2015) are examples of how the criminal justice system addressed CRSV under exceptional circumstances.<sup>1</sup> Sexual violence in the context of the armed conflict in Sri Lanka has been documented in domestic and international reports with the report of the OHCHR (Office of the High Commissioner for Human Rights) Investigation on Sri Lanka being one of the more recent examples. These reports suggest that reporting of CRSV is minimal in Sri Lanka.<sup>2</sup>

Conflict related sexual violence (CRSV) has been defined as including ‘*early or forced marriage, sexual exploitation, rape, gang rape, sexual abuse, sexual harassment, continuous checkpoint harassment, domestic violence, trafficking, unwanted pregnancies, forced contraception, sexual torture, marital rape, sexual harassment and violence and harassment during military surveillance*’.<sup>3</sup> The *UN Action against Sexual Violence in Conflict* defines conflict related sexual violence as follows:

*Conflict-related sexual violence refers to incidents or (...) patterns of sexual violence, that is rape, sexual slavery, forced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity, against women, men, girls or boys. Such incidents or patterns occur in conflict or post-conflict settings or other situations of concern (e.g., political strife). They also have a direct or indirect nexus with the conflict or political strife itself, i.e. a temporal, geographical and/or causal link. In addition to the international character of the suspected crimes (that can, depending on the circumstances, constitute war crimes, crimes against humanity, acts of torture or genocide), the link with conflict may be evident in the profile and motivations of the perpetrator(s), the profile of the victim survivor(s), the climate of impunity/weakened State capacity, cross-border dimensions and/or the fact that it violates the terms of a ceasefire agreement.<sup>4</sup>*

<sup>1</sup> For a discussion of these cases see in general, Kumari Jayawardene & Kishali Pinto-Jayawardene (eds) *The Search for Justice: The Sri Lanka Papers* (Zubaan 2016).

<sup>2</sup> Report of the OHCHR Investigation on Sri Lanka (OISL) (A/HRC/30/CRP.2, 16 September 2015).

<sup>3</sup> ‘Post-war Sri Lanka: Specific Needs of Sexual Violence Victim Survivors and Children Born of Rape’ p. 9, Shyamala Gomez, in ‘Conflict Related Sexual Violence in Asia- Pacific: Putting Victims/ Survivors First, UN Women, 2017.

<sup>4</sup> UN Action Against Sexual Violence in Conflict ‘Analytical & Conceptual Framing of Conflict-Related Sexual Violence’

Stigma has been defined in one international consultation as follows – stigma *‘include three elements: problems of knowledge (ignorance or misinformation); problems of attitudes (prejudice); and problems of behaviour (discrimination)’*.<sup>5</sup> In a recent study stigma is categorized as self-stigma, family stigma and stigma in the community.<sup>6</sup>

While these normative developments have taken place at the international level, the stigma associated with being a victim survivor of conflict related violence has not been identified or directly addressed at state level thus far in the Sri Lankan context, except in the report issued by the Consultation Task Force for Mechanisms for Reconciliation (CTF).<sup>7</sup> The experiences of victim survivors of conflict related sexual violence has not been studied adequately except in limited form by civil society.<sup>8</sup> As a result the stigma they experience, its long-term impact on the lives of the victim survivors or how stigma serves as a medium for the continuation of the conflict has not been effectively captured and/or understood in Sri Lanka. There are no express legal provisions or policies that address stigma related to sexual violence in Sri Lanka.

For the purpose of this study, victim survivors are defined in terms of the *UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power*, which defines victims as follows:

*“Victims” means persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are in violation of criminal laws operative within Member States, including those laws proscribing criminal abuse of power.*

*A person may be considered a victim, under this Declaration, regardless of whether the perpetrator is identified, apprehended, prosecuted or convicted and regardless of the familial relationship between the perpetrator and the victim. The term “victim” also includes, where appropriate, the immediate family or dependants of the direct victim and persons who have suffered harm in intervening to assist victims in distress or to prevent victimization.<sup>9</sup>*

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accessed at <http://gbvaor.net/wp-content/uploads/2015/03/Analytical-and-Conceptual-Framing-of-Conflict-Related-Sexual-Violence-UN-Action-against-Sexual-Violence-in-Conflict-2011.pdf>

<sup>5</sup> ‘Responding to the Psychosocial and Mental Health Needs of Sexual Violence Survivors in Conflict-Affected Settings’ (28-30 November 2011, France) 16.

<sup>6</sup> ‘Stigma against Survivors of Conflict-Related Sexual Violence in Bosnia and Herzegovina – Research Summary’ (UNFPA).

<sup>7</sup> Report of the Consultation Task Force on Reconciliation (2017).

<sup>8</sup> See for instance ‘Accountability and Reparations for Victim survivors of Conflict Related Sexual Violence in Sri Lanka’ Discussion Paper (Centre for Policy Alternatives July 2016). Report on workshop on ‘Preventing Sexual Violence: Tackling Stigma in Sri Lanka’ (8<sup>th</sup> November 2016 FOKUS WOMEN, Sri Lanka).

<sup>9</sup> *UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power* (General Assembly 29 November 1985)



This definition has been reproduced in the *Draft UN Convention on Justice and Support for Victims of Crime and Abuse of Power* of 2010 as well. The broader definition of the victim is used in this study.

At the domestic level, knowledge of the prevalence of stigma related to CRSV and of its impact is low. For instance, the National Policy on Reconciliation and Coexistence of 2017 does not acknowledge a state obligation or a societal responsibility to address stigma due to conflict related sexual violence in bringing about reconciliation and/or coexistence. It is noteworthy that the reference to the need for transitional justice in the National Policy on Reconciliation and Coexistence emphasizes civil and political rights with hardly any reference to economic, social and cultural rights. However, the cross-sectoral principles that are declared by the Policy include conflict sensitivity, victim survivor centeredness and gender responsiveness.

The report of the inquiry mandated by the Office of the High Commissioner for Human Rights - the OISL report – provides an in-depth analysis of sexual and gender-based violence as it occurred in relation to the last stages of the armed conflict. 19 men and 12 women had been interviewed for this report. The incidents analysed in the report include sexual violence that took place during interrogation, screening and in certain instances during pre-trial detention of suspects.<sup>10</sup> Reference is made to the ‘trauma of sexual violence’, which impacts the victim survivor as well as his/her family and they note instances in which victim survivors of sexual violence committed or attempted to commit suicide.<sup>11</sup> Explicit details of the forms of sexual violence that have been reported are documented in this report and the OISL recommends, among other things, that any investigation into sexual violence must ‘take into account risks of re-traumatisation.’<sup>12</sup>

The report of the Consultation Task Force (CTF) on the proposed mechanisms for reconciliation in Sri Lanka makes certain observations and recommendations that are relevant in addressing the issue of stigma due to CRSV. The Task Force recommends reparations for physical violence and injury, including sexual violence and disability, and for psychosocial impact and trauma.<sup>13</sup> The report calls for victim survivor friendly procedures to be adopted to ensure their access to justice and to avoid re-traumatisation of victim survivors.<sup>14</sup> In that regard it is further recommended that training on transitional justice for and CRSV be provided to judges and lawyers.<sup>15</sup> The report recommends the establishment of an independent Special Victim survivor and Witness Protection Unit<sup>16</sup> the establishment of a National Commission on Women. Furthermore, the

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<sup>10</sup> Section X of Report of the OHCHR Investigation on Sri Lanka (OISL) (A/HRC/30/CRP.2, 16 September 2015).

<sup>11</sup> Para 579, *ibid.*

<sup>12</sup> Para 631, *ibid.*

<sup>13</sup> Para 7, Report of the Consultation Task Force on Reconciliation (2017).

<sup>14</sup> Para 30, *ibid.*

<sup>15</sup> Para 1.24 (b) *ibid.*

<sup>16</sup> Para 2.3 *ibid.*

Task Force recommends that the state guarantee economic, social, political, legal and cultural rights of women, ‘irrespective of any constraints on the bases of custom, caste’ etc.<sup>17</sup>

A report published by UN Women points out that stigma generated by CRSV can take different forms based on context. The report notes that the stigma experienced by children born of war in Sri Lanka is reportedly very different to the stigma experienced by children born of rape.<sup>18</sup>

Inspired by the *Principles for Global Action: Preventing and Addressing Stigma Associated to Sexual Violence in Conflict* proposed by the Government of the United Kingdom through their foreign policy, this report aims to provide an analysis that identifies the stigma that victim survivors of conflict related sexual violence experience, examine its impact on the lives of the victim survivors, their families and the wider community and make recommendations for addressing this stigma as a human rights violation.

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<sup>17</sup> Para 1.31 *ibid.*

<sup>18</sup> ‘Post-war Sri Lanka: Specific Needs of Sexual Violence Victim Survivors and Children Born of Rape’ p. 9, Shyamala Gomez, in ‘Conflict Related Sexual Violence in Asia- Pacific: Putting Victims/ Survivors First, UN Women, 2017.



# 2

## STUDY DESIGN

This report is based on qualitative data gathered from war-affected areas in Northern, Eastern, North Central and the North Western provinces in Sri Lanka. These interviews were conducted in Ampara, Anuradhapura, Jaffna, Killinochchi, Kurunegala, Mannar, Polonnaruwa, Puttalam and Vavuniya. 53 semi-structured interviews were conducted in Sinhala and Tamil among victim survivors of conflict related sexual violence, with representatives of such victim survivors, and with service providers on the condition of confidentiality.<sup>19</sup> The participants were identified through the snowballing method. 40 victim survivors and victim representatives were interviewed. Of them, 2 victim survivors were men. 13 service providers were also interviewed. One of the victim survivors of rape had successfully concluded the judicial proceedings with a verdict in her favour.

The victim survivors of CRSV who participated in the study were questioned with regard to their perceptions of stigma, how stigma affects their access to public services, how stigma impacts the victim survivor's quality of life as well as the life of a community. The interviewers were advised to avoid asking direct and/or personal questions but to ask open ended questions, which the victim survivors could respond to if they felt that they wanted to. The service providers were interviewed for the purpose of identifying the processes that are available for victim survivors of CRSV who experience stigma and to capture their experiences in responding to the needs of victim survivors of CRSV. Guiding questions were given to interviewers for their interviews with victim survivors, victim representatives and service providers. The anonymised transcripts of the interviews were used as the basis for the study.

Victim survivors of CRSV related stigma are a vulnerable population. Therefore, attempting to understand their life experiences is difficult. As far as possible, steps were taken to prevent the re-traumatisation of victim survivors, to preserve their privacy and to respect their personhood during the interview. Informed consent was ensured before the actual interview and participants were approached only through individuals that they trusted and had confidence in. Interviewers were briefed on how to carry out the semi-structured interview. They were provided guidance notes on the topics to be discussed. The study acknowledges that capturing the deep emotions that are experienced due to stigma and analysing the long term and pervasive impact of such experiences is extremely challenging and that the tools employed for the research study are limited.

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<sup>19</sup> See list of interviews annexed to this report.

A primary challenge encountered in designing the study was identifying victim survivors of CRSV. Due to stigma and fear of reprisals, victim survivors of CRSV were unwilling to participate in a study of this nature. It must be noted that the findings are based on the accounts of the victim survivors, representatives of victim survivors and service providers. Except for one victim survivor, the others who participated in this study had not taken any form of action regarding the CRSV that they had experienced due to both the stigma associated with making such complaints and the fear of reprisals. However, the focus of this study is the stigma that they have experienced due to sexual violence, rather than the incidents of sexual violence. Therefore, the identity of the alleged perpetrators of the CRSV or the specific details of the incident was not taken into account in this study.





# 3

## INTERNATIONAL LEGAL STANDARDS

Internationally, stigma is now identified as a debilitating phenomenon that has to be addressed immediately. The United Nations, its agencies and the United Kingdom have given leadership to the development of international consensus and soft law on the need to combat stigma arising out of CRSV.

Conflict related sexual violence has been defined by the Secretary General of the UN in 2017 as follows:

*(...) rape, sexual, slavery, forced prostitution, forced pregnancy, forced abortion, enforced sterilization, forced marriage, and any other form of sexual violence of comparable gravity perpetrated against women, men, girls or boys that is directly or indirectly linked to a conflict (...) The term also encompasses trafficking in persons when committed in situations of conflict for the purpose of sexual violence/exploitation.<sup>20</sup>*

The same report identifies stigma as a *'strikingly consistent concern'* and identifies that survivors of sexual violence are *'twice traumatized'* – first by the perpetrator and then by society and the State. Furthermore, it is pointed out that shame and stigma are *'integral to the logic of sexual violence'* as perpetrators are aware that it would ostracize victim survivors and affect the social fabric.<sup>21</sup>

The impact of stigma is listed out in the report by the Secretary General and includes the following:

- diminished reproductive capacity and prospects for group survival
- stigma of *'guilt by association'* with the perpetrator and their group
- fear of suspected sexually transmitted infections

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<sup>20</sup> *Conflict Related Sexual Violence*, Report of Secretary General (15 April 2017, s/2017/249), 3.

<sup>21</sup> 6, *ibid.*

- perceived dishonour of lost chastity/virginity
- stigma of maternity out of wedlock, specifically with regard to ‘children of the enemy’
- homosexuality taboos in the case of male rape
- shame of being unable to defend oneself and loved ones.<sup>22</sup>

Due to the above, several harmful consequences can be evidenced in conflict-affected societies, including:

- Underreporting of sexual violence
- Higher rates of post-traumatic stress and depression
- Lethal retaliation
- ‘honour crimes’
- Suicide
- Untreated diseases
- Unsafe abortion
- Economic exclusion
- Indigence.<sup>23</sup>

With growing awareness and the development of a deeper understanding of CRSV, the UN has now identified stigma due to conflict related sexual violence as demanding critical, immediate and sustained interventions. The establishment of the Office of the Special Representative of the SG on Sexual Violence in Conflict (SRSG-SVC) since 2009, the establishment of the UN Action against Sexual Violence in Conflict Network and the appointment of 34 women’s protection advisers in eight different missions, are examples of the commitment of the UN in this regard.

A report by UN Women studying the impact of CRSV in Indonesia, Nepal, Timor Leste and Philippines identifies stigma as one of the ‘enduring consequences’ of CRSV.<sup>24</sup> This report points to the need to develop a contextualised understanding of stigma as its form is ‘relative to each

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<sup>22</sup> Ibid.

<sup>23</sup> Ibid.

<sup>24</sup> UN Women and Foreign & Commonwealth Office ‘Furthering comprehensive approaches to victim survivors/survivors of conflict-related sexual violence: An analysis of National Action Plans on Women, Peace and Security in Indonesia, Nepal, Philippines, and Timor-Leste’ (2017) 12. Also see UN Women and Foreign & Commonwealth Office ‘Practical, cultural and political roadblocks: A way forward for addressing the needs of conflict-related sexual violence victim survivors/survivors and their children’ (2017).



social context.<sup>25</sup> It is further noted that in contexts of political violence, reporting of sexual violence is low partly due to stigma.<sup>26</sup>

More specifically on CRSV in Sri Lanka, the report of the SG notes the sociocultural stigma associated with widowhood and sexual violence in Sri Lanka. It further notes the findings of the Committee against Torture on findings of torture of a sexual nature in Sri Lanka, and the documentation of sexual violence by the International Truth and Justice Project in 2015.

## Principles for Global Action

The *Principles for Global Action* developed and presented by the UK Government, has had a normative impact in identifying, and in addressing stigma arising from CRSV. The principles have been developed with several objectives. It calls for ‘deeper’ understanding of stigma and for such understanding to be integrated into measures that ‘address and prevent’ sexual violence ‘in and beyond conflict’.<sup>27</sup> It offers a ‘go-to tool’ for governments, donors and other actors to address stigma. The Principles provide the following definition of stigma that is experienced due to conflict related sexual violence:

*Stigmatisation is a social process that leads to the marginalisation of individuals or groups.*

*SVC-related stigma is socially and culturally constructed around dominance and gender inequality and is associated to emphasising and embedding social ‘difference’ and subordination. Stigma and stigmatisation occur within the context of violence and social inequality, leading to the creation, condoning or compounding of social exclusion for those that are (or are perceived to be) victim survivors/survivors of sexual violence in conflict or children born of rape.*

*Stigma involves penalising or placing blame on individuals, groups or communities for bringing shame or ‘transgressing’ from the standards of their community or society. SVC-related stigma is not only the expression of individual values, beliefs or attitudes – it is the forceful expression of social norms that are cultivated within a given society through the behaviours and actions of groups of people and institutions and is an extension of the stigma that is present in pre-existing conflict.*

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<sup>25</sup> UN Women and Foreign & Commonwealth Office ‘Furthering comprehensive approaches to victim survivors/survivors of conflict-related sexual violence: An analysis of National Action Plans on Women, Peace and Security in Indonesia, Nepal, Philippines, and Timor-Leste’ (2017) 20.

<sup>26</sup> UN Women and Foreign & Commonwealth Office ‘Furthering comprehensive approaches to victim survivors/survivors of conflict-related sexual violence: An analysis of National Action Plans on Women, Peace and Security in Indonesia, Nepal, Philippines, and Timor-Leste’ (2017) 19.

<sup>27</sup> *Principles for Global Action: Preventing and Addressing Stigma Associated to Sexual Violence in Conflict* (Draft for Consultation, March 2017).

The principles seek to provide guidelines for stigma mitigation, its prevention and for responses to the same. The principles focus on bringing about a normative shift by addressing five ‘key areas’ –

- 1) addressing stigma’s root causes,
- 2) avoiding the reproduction of stigma,
- 3) reducing stigma-related risk,
- 4) ensuring that victim survivors are at the centre of these efforts and
- 5) pursuing effective stigma prevention and responses.

The core recommendations made in these principles include resourcing and sustainability of measures for addressing stigma, the establishment of victim survivor networks, guarantee of protection and security for victim survivors/survivors' children born of rape and recognition of the need for urgency of action.

# 4

## FINDINGS

The qualitative data gathered for this report, reveals the difficult, traumatic and daunting challenges faced by victim survivors of CRSV due to stigma. It points to a pattern through which stigma continues to victimize the victim survivor, trapping him/her survivor in a vicious cycle. Stigma has an all-pervasive impact on the victim that reaches both internally towards his/her physical and mental health as well as externally towards his/her family, community and wider society. Stigma reaches out through time, affecting the victim survivor's future as well as her past. The findings of this study establish a compelling case for immediate and effective interventions to address these issues.

### 4.1. Typology of victim survivors

From those interviewed for this study, stigma was experienced by a wide range of victim survivors of conflict related sexual violence. As mentioned above, except for two men the victim survivors that were interviewed were women. While a considerable body of evidence suggests that women are the primary targets of sexual violence during a conflict, it should be noted that the prevalence of sexual violence against men during the armed-conflict in Sri Lanka is still unknown due to the lack of systematic investigation into its prevalence.<sup>28</sup> As observed below by a male victim survivor of CRSV, stigma impacts men and it impacts them in different ways posing unique challenges to any initiatives that seek to address stigma that affects men.

*Being in a male dominated community, the sexual violence committed on a male isn't always seen as a violence. People use different terms for that like torture, molestation, and bad touch. People are still confused as to how a man can be raped? Because it is believed that men are the ones who rape, and women are the ones who get raped. There is a stigma that if you are a victim of rape then you must be a female. As the male dominance in the country still prevails, it would be shameful to say that I am a victim of sexual violence. Also, that would give further points for the bullies and society in general to call names, disgrace and disown the victims.<sup>29</sup>*

<sup>28</sup> For a recent report on the prevalence of sexual violence against men, please see *All Survivors Project Legacies and Lessons Sexual violence against men and boys in Sri Lanka and Bosnia & Herzegovina* (All Survivors Project, 16 May 2017).

<sup>29</sup> Male victim survivor of alleged rape (26).

The victim survivors who were interviewed for this study claimed that they had been subjected to sexual violence by a range of alleged perpetrators that include – married partners, other immediate family members, members of armed forces, public officers, police officers, men in the community and strangers. In one instance, the perpetrators, members of the armed forces, were punished through the criminal justice system but in the other cases, the victim survivors had not lodged complaints with the police. Sexual violence perpetrated by parties not directly linked to the conflict, such as family members and men in the community, can be included within CRSV in certain instances. One instance is where conflict related sexual violence makes victim survivors vulnerable to sexual violence by parties not directly related to the conflict. The other is where sexual violence by intimate partners, family members etc make victim survivors vulnerable to conflict related sexual violence. Another condition is where due to conflict related social vulnerabilities girls enter into and/or are forced into underage marriage.

The types of alleged sexual violence include a range of actions that have been well recognised as sexual violence in conflict. This includes rape, sexual advances by public officers, sexual violence experienced by sex workers, being forced into sexual slavery, rape of children, sexual bribery, sexual harassment and underage marriage.

Most victim survivors described being subjected to multiple forms of sexual violence in their lifetime. As discussed elsewhere in this section, much of that violence can be attributed to the stigma that is associated with CRSV. It is also noteworthy that most of them remain silent about the violence they were subjected to. They would only speak of it with trusted friends.

In assessing the stigma experienced by the victim survivors of CRSV, their wider context must be borne in mind. In most instances, the CRSV took place in contexts where the victim survivor was extremely vulnerable and often reliant on the alleged perpetrator for security, such as in a camp for Internally Displaced Persons (IDPs), or in a home which was susceptible to attacks during the war. Often, the victim survivors are already experiencing other forms of conflict related trauma such as forced displacement, death of family members, disappearance of family members, and loss of property. Widowhood, lack of livelihood opportunities, being subjected to surveillance are other types of hardship that some of these victim survivors experience in addition to the stigma associated with CRSV. These realities have a compounding impact on individual lives, their families as well as on the community.





## 4.2. Stigma as a socio-religious construct

Stigma is a sort of labelling. How society treats the victim and how the individual suffers. With regard to housing, neighbours would not talk to the victim, a victim is looked at sympathetically, people are scared to associate with them. Factors contributing to stigma are fear, culture, social norms, and power structures in society.<sup>30</sup>

Stigma is generated by social norms and perceptions about womanhood. These social norms are influenced by religious beliefs as well as by cultural practices. These norms seek to determine the 'value' or identity of a woman in terms of her body/sexuality. A service provider described stigma as follows:

*The society has a belief system of how it should function, how men and women should be, etc. If something happens out of that belief system, it will be considered wrong. Pressures of the society to ensure it is considered wrong are what stigma is in my opinion.*<sup>31</sup>

A victim survivor spoke of feeling condemned by cultural norms because she had lost her 'virginity' due to the sexual violence inflicted upon her.<sup>32</sup> She mentioned that women lose their cultural worth and value when their 'virginity' is lost and that men regard such women as being 'worthless'. She further mentioned that she feels condemned by religion as the violence that she experienced could be attributed to her bad karma, which essentially means to her that religion perceives her as a sinner.<sup>33</sup> Victim survivors of underage marriage talked about the cultural/religious perception that rape within marriage is acceptable and that women who do not accept it are made to feel like they are wrongdoers.<sup>34</sup>

One victim survivor observed that *'there was no escape'* from *'religion, the law or even the community.'*<sup>35</sup> Another victim survivor expressed similar sentiments and added family and parents to this list.<sup>36</sup> Yet another victim survivor rejects religious practices as being useless as she has ceased to find any solace in them.<sup>37</sup> Another victim survivor stated that she consciously avoids going to the village temple as she feels unwelcome there and that she is made to feel like a criminal.<sup>38</sup> Victim survivors mention that religion even condemns womanhood as being

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<sup>30</sup> Service Provider – Psychiatrist.

<sup>31</sup> Victim survivor (21).

<sup>32</sup> Victim survivor (10).

<sup>33</sup> Victim survivor (10).

<sup>34</sup> Victim survivor (17).

<sup>35</sup> Victim survivor alleged rape (1).

<sup>36</sup> Victim survivor (4).

<sup>37</sup> Victim survivor (5).

<sup>38</sup> Victim survivor (9).

a result of bad karma in a previous birth. One victim survivor observed that even her mother reminds her that women must learn to bear these types of experiences and harms.

Being made ‘worthless’ by virtue of the loss of ‘virginity’ or due to experiencing sexual violence is the direct impact of stigma on lives of victim survivors. As evident in the discussion below, the immediate stigma that victim survivors are labelled with due to sexual violence has very serious and life threatening consequences for the victim survivors. Moreover, victim survivors of stigma are preoccupied with the negative aspects of religious practices rather than the more redeeming aspects of those practices, possibly because society uses the more judgemental aspects of religion to promote stigma.

### **4.3. Impact on the victim survivor’s perception of self**

*The victims suffer from serious psychological effect, depression, self-harm, substance abuse, and it pushes them further into poverty and to undergo stigma. It is not just victims who suffer but other family members as well.<sup>39</sup>*

*After this incident, the villagers started to treat me differently. If I stand in the bus halt they won’t come there. If I go to the village market they won’t talk to me. My relatives didn’t want me to visit them in their homes. I began to feel the difference. Some even told me directly [that they were avoiding me]. I started to avoid going out.<sup>40</sup>*

*I couldn’t find peace afterwards. It remains as a raw and unhealed wound in my life.<sup>41</sup>*

The accounts of victim survivors, taken as a whole, suggest that stigma has a devastating impact on their lives. Stigma also has a direct impact on the lives of those who are intimately associated with them, such as elderly parents or children.

Victim survivors speak of unbearable trauma, fear and guilt due to stigma and CRSV. Most victim survivors remain silent about the incident as they fear the stigma and shame they would face if the incident is discussed publicly. Some of them fear for their security and safety as well and therefore remain silent.<sup>42</sup> A victim survivor uses the Sinhala equivalent of ‘shrivelling up’ and confining herself to her immediate family due to what happened to her.<sup>43</sup> Another reason for the silence is that victim survivor-mothers do not want their children to know of the incident and/or be tarnished by it. A service provider described this impact as follows ‘It leads to depression, a

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<sup>39</sup> Service provider - Psychiatrist.

<sup>40</sup> Victim survivor (6).

<sup>41</sup> Victim survivor of alleged rape (29).

<sup>42</sup> Victim survivor (8).

<sup>43</sup> Victim survivor (12).



*feeling of guilt, an inferiority complex, self-hate, going into isolation, and suicidal thoughts’.*<sup>44</sup> A victim survivor of underage marriage spoke of often attempting suicide.<sup>45</sup> A male victim survivor of CRSV described feeling ‘impotent’, being unable to carry out activities on a day-to-day basis, being unable to be in public etc due to CRSV and stigma.<sup>46</sup> He stated that it has affected him ‘in every single way’ and has led to an inferiority complex.

Conceiving a child due to CRSV is a distinct problem leading to specific forms of trauma and stigma for the mother as evident in the observation below.

*When I found out that I was going to have a child due to the rape I got very scared. When everyone found out that I was going to bear a ‘fatherless’ child they began to ostracise me. My family chased me away. I couldn’t face the village. Since these things happened I have gone back to the village only once. My father tried to kill me, he chased me away. Even my friends in the village shunned me. Thereafter I never went back to my village.*<sup>47</sup>

It was pointed out that being labelled by society in this manner can also lead to confused decision making and choices by victim survivors. The example of victim survivors choosing to engage in sex work was used by a counsellor to explain this mindset of victim survivors. Feeling condemned by the immediate family, the community and wider society, victim survivors often fall prey to the exploitative sex trade. Another service provider noted that the immediate consequences of CRSV and stigma traps victim survivors in a vicious cycle of trauma, stigma and poverty.<sup>48</sup>

It was noted by a service provider that stigma related to CRSV is a continuing reality for victim survivors regardless of the end of the armed conflict.<sup>49</sup> Another service provider describes the stigma as something that a victim survivor experiences for a lifetime.<sup>50</sup> In a post-armed conflict when there are improvements and changes in many other aspects of the life of the community, the quality of life of victim survivors of CRSV often remains the same.

Another victim survivor pointed out that CRSV cannot be proven after the fact except perhaps through remaining scars on the body.<sup>51</sup> As such, the harm that leads to trauma and stigma cannot be visualized by others. This has a compounding effect on a victim survivor’s life and reduces the possibilities of recovering from the trauma of CRSV and of dealing with stigma.

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<sup>44</sup> Service Provider – psychosocial worker.

<sup>45</sup> Victim survivor (16).

<sup>46</sup> Victim (32).

<sup>47</sup> Victim survivor of alleged rape. She gave birth to a child conceived purportedly due to the rape (27).

<sup>48</sup> Service Provider -Psychiatrist.

<sup>49</sup> Service provider – community based women’s organization.

<sup>50</sup> Service provider (7).

<sup>51</sup> Victim survivor (25).

Another victim survivor stated that during the war she felt that women were treated like animals and that the war was in fact against women.<sup>52</sup> A victim survivor spoke of the anger that she feels towards men in general because of what she experienced.<sup>53</sup> This emotion was expressed by another victim survivor who vowed to act in self-defence if she was subjected to further sexual violence.<sup>54</sup> Another victim survivor talks of not being able to speak about the incident of sexual violence even with her mother and of feeling angry towards her mother and blaming her mother for (in her opinion) being an enabler of the violence.<sup>55</sup>

Victim survivors speak of feeling judged, isolated and cut off from their community to the point where the victim survivor herself is ultimately blamed for the harm that was caused to her. Another spoke of how everyone else in the community has been able to ‘move on’ while she feels left behind to deal with the trauma and stigma on her own.<sup>56</sup> Her feeling of isolation was affirmed to her by the fact that she enjoyed no other close relationships.

Victim survivors felt that they were being considered as ‘prey’ if they had previously been subjected to CRSV and/or if they were single or widowed.<sup>57</sup> There was an instance in which the perpetrator, who himself was from the community, created the impression in the community that she was a woman of ‘loose morals’.<sup>58</sup> Another victim survivor described how she feels about a scar that she carries on her face.<sup>59</sup> The scar was caused during the CRSV and she states that she does not like to see her face in the mirror as it would remind her of the incident. She also mentioned that she feels extremely disturbed if someone asks her about the scar. She states that she often cannot remember the false explanation that she gives in such situations. Another victim survivor described the different forms of physical harm and deformation that she continues to experience/bear due to the violence that she experienced.<sup>60</sup>

Victim survivors of underage marriage from Puttalam describe their experiences of CRSV as well as violence. They speak of feeling angry and frustrated about the violence that they experience within the marriage, not having access to family planning and the lack of support they receive in raising children. One victim survivor had given birth to three children before she reached the age of 20.<sup>61</sup> Two of the victim survivors of underage marriage had gone through a divorce before they reached the age of 20. Consequently, they were single mothers with more than two

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<sup>52</sup> Victim survivor (1).

<sup>53</sup> Victim survivor (2).

<sup>54</sup> Victim survivor (7).

<sup>55</sup> Victim survivor (4).

<sup>56</sup> Victim survivor (5).

<sup>57</sup> Victim survivor (7).

<sup>58</sup> Victim survivor (12).

<sup>59</sup> Victim survivor (8).

<sup>60</sup> Victim survivor (25).

<sup>61</sup> Victim survivor (15).



children. Such victim survivors are faced with the stigma of being a divorcee in addition to the numerous other difficulties they have to cope with in caring for themselves and their children.

#### 4.4. Impact on the victim survivor's aspirations

Victims are surrounded by an environment which has gender discrimination ingrained in their societal values. If the victims don't receive justice for what they've experienced it is only stigma that follows them. Therefore they suffer within themselves. This ruins their wellbeing. Even favourable opportunities are lost and an environment where such opportunities can be created is also lost. It obstructs a healthy society from flourishing.<sup>62</sup>

As mentioned above, CRSV and stigma affects the life cycle of the victim survivor. Some victim survivors develop some form of resilience over time while others remain trapped in a cycle of self-blame, helplessness and hopelessness. Predictably, social-economic factors have a considerable impact on their ability to develop resilience.

Despite the trauma and stigma that is recounted by the victim survivors, at least some nurture aspirations of hope, justice and continue to experience a sense of empowerment. One victim survivor talked about her desire to live an independent life and her conviction that she should not give up on life.<sup>63</sup> Another victim survivor stated that she feels a sense of relief and comfort due to her income and employment.<sup>64</sup> A victim survivor of underage marriage spoke of the need to develop courage and self-confidence so that she can move forward in life.<sup>65</sup> A victim survivor expressed a strong sense of agency despite her victim survivor status. She was determined to explore all possible avenues to rebuild her house and to support her children who were born out of wedlock. Another victim survivor who had to leave her village and resettle elsewhere with only her mother and a few other family members due to the stigma that she experienced because of her advocacy against stigma associated with CRSV speaks of developing a sense of empowerment.<sup>66</sup> This woman's entire life was disrupted and adversely affected but she speaks of how some girls in the younger generation look up to her and the ways in which even her mother is empowered due to the experiences they have faced.

A service provider spoke of how victim survivors are compelled to change their life aspirations due to their experience of sexual violence. Some have had to leave their homes and have lost their means of income generation.<sup>67</sup> Another victim survivor spoke of feeling helpless and dependent on her family that was compelled to support her. She described herself as an *'invalid*

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<sup>62</sup> Service provider – community based women's organization.

<sup>63</sup> Victim survivor (1).

<sup>64</sup> Victim survivor (34).

<sup>65</sup> Victim survivor (16).

<sup>66</sup> Victim survivor (28).

<sup>67</sup> Service Provider – Lawyer.

*coin’* a term used in the Sinhala language to describe a life that has lost its value from society’s point of view.<sup>68</sup>

Other victim survivors spoke of losing hope and being discouraged from thinking of and/or planning for their future. Victim survivors of CRSV and stigma who had taken up sex work because they were compelled to or because they were completely rejected by society, often express a feeling of hopelessness about their future. This is an example of the manner in which stigma can have a devastating impact on the life of a victim survivor of CRSV as it keeps challenging the victim survivor’s agency and sense of purpose. It has a draining impact on the victim survivor’s perception of self.

*I sometimes wonder whether this is my karma. But maybe not. People are difficult to understand. When someone falls into trouble they bring them down even further. Not only will they not help they will not even look at my face. They will understand when this kind of thing happens to them.*<sup>69</sup>

While recognising these deep and troubling perceptions that the victim survivor may have of herself/himself, that recognition must not be conflated with a ‘sympathetic’ or ‘charity’ approach to dealing with stigma. Victim survivors require empathetic support, which will help them to exercise their autonomy by rebuilding their self-worth.

#### **4.5. Stigma leading to a cycle of violence**

Due to stigma being a socio-cultural construct and due to the pervasive impact it has on a victim survivor stigma often leads to a pattern of violence in the life of a victim survivor. For instance, a service provider noted that when victim survivors of CRSV do not have means of addressing the psychological impact of stigma that they could become violent themselves and/or will continue to experience further violence due to the incident and due to the stigma she/he experiences.<sup>70</sup>

In several interviews it was evident that the stigma associated with CRSV had made the victim survivor vulnerable to other incidents of CRSV. For instance a victim survivor who was allegedly raped at a young age speaks of being subsequently raped by her husband and of being sold for sexual services by her husband to other men.<sup>71</sup> Another victim survivor spoke of how men in her village made sexual advances when she was by herself.<sup>72</sup> She also spoke of how posters were put up with disparaging remarks about her in the village.<sup>73</sup> Yet another victim survivor spoke

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<sup>68</sup> Victim survivor (5).

<sup>69</sup> Victim survivor of alleged rape (13).

<sup>70</sup> Victim survivor (21).

<sup>71</sup> Victim survivor (11).

<sup>72</sup> Victim survivor (12).

<sup>73</sup> Victim survivor (12).





of allegedly being raped by a police officer when she sought the services of the police with her complaint of being raped by a family member.<sup>74</sup> A victim survivor of underage marriage describes undergoing an abortion due to early experiences of sexual violence and of being stigmatized by her family because of the abortion.<sup>75</sup> She states that she was subsequently ‘targeted’ by other men including her own father. At the age of 19 her husband left her. Another victim survivor had to leave her village with a young daughter and had to relocate to another village. She changed her religion, her identity and her way of life after the experience of rape.<sup>76</sup> She is now re-married and has a new family.

This cycle of violence that victim survivors of stigma are caught up in is tragic and unacceptable. Having been traumatized by CRSV, they are pushed into a vicious cycle of stigma generated by society. This signifies the failure of institutions to effectively deal with violence and prevent its recurrence. It is also a tragic indication of the failure of social networks and families to help the victim survivor heal and recover as much as possible from CRSV.

#### 4.6. Impact on family members/dependents of victim survivor

*What happened to us [the incident of sexual violence experienced by his mother] is something that we cannot forget till we die.<sup>77</sup>*

*I was married. I had two children. They began to get frustrated after this incident. My husband started to insult me and scold me. Because I couldn't bear that treatment anymore I separated from him.<sup>78</sup>*

The failures of the immediate family in empowering and supporting victim survivors of CRSV and stigma could be partly attributed to the stigma that they encounter due to the CRSV that the victim survivor experiences. Due to the stigma experienced by the victim survivor, the victim survivor's relationships suffer and his/her ability to relate to and care for family members is reduced. Distinctive from this - is the stigma that family members experience, simply by virtue of being a family member of a victim survivor of CRSV.

A victim survivor observed that the armed conflict was a time when victim survivors were unable to even protect their children from sexual violence. On the other hand they also speak of how family members disown them and disassociate themselves from the victim survivor. A victim survivor refers to her attempt to consult her brothers regarding some compensation that was to be paid to her and she states that her brothers refused to even advise her on that matter.

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<sup>74</sup> Victim survivor (13).

<sup>75</sup> Victim survivor (16).

<sup>76</sup> Victim survivor (25).

<sup>77</sup> Victim representative - Child of elderly mother who was alleged raped and murdered (3).

<sup>78</sup> Victim survivor of alleged rape (12).

Another victim survivor was eventually abandoned by her husband, and her adult children.<sup>79</sup> A victim survivor of CRSV, who is now a sex worker, describes her feeling of abandonment and being cut off from all social links and relationships. She wonders what would happen to her remains upon her death – whether religious rites would be performed at her funeral or whether ‘her remains would be eaten by animals.’<sup>80</sup>

Some of the women interviewed for this study conceived children consequent to the sexual violence they were subjected to. Such victim survivors talk about the stigma experienced by the child due to the negative and stigmatising attitudes and behaviour of the family members towards the child. Victim survivors talk about feeling extremely self-conscious in going out with the child as well.<sup>81</sup> Another victim survivor spoke of the emotional issues experienced by her children and her concern for their wellbeing.<sup>82</sup> She was deeply concerned that unless her children came out of the cycle of poverty, instability in their relationships, etc that they too will be similarly victimised. A service provider noted that children of victim survivors of CRSV are stigmatised in school and that they are sometimes targeted for bullying.<sup>83</sup> Another victim survivor of CRSV had to give up her baby for adoption soon after birth due to the stigma associated with raising a child conceived due to CRSV.<sup>84</sup> The child had to be separated from the child’s biological mother due to the stigma that both the mother and the child would have experienced.

The son of a murdered victim survivor of CRSV observed that although they will not be able to get over what happened to their mother for as long as they live, that they generally avoid talking about the incident. This silence arises from a sense of hopelessness and purposelessness in articulating their traumatic feelings and experience. This interviewee described religious practice as a method of seeking release from their pain and the anger they feel towards the offenders. Religious practice was also viewed as a method of generating ‘merit’ for their deceased mother.<sup>85</sup>

A victim survivor of a gang rape spoke of the effect of the violence on her family.<sup>86</sup> Even though she was able to pursue criminal justice successfully, her husband became an alcoholic and has abused her several times. Her brother has developed a mental illness subsequent to the event. Due to the breakdown in family relationships, she and her husband no longer run the shop they used to operate together.

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<sup>79</sup> Victim survivor (12).

<sup>80</sup> Victim survivor (13).

<sup>81</sup> Eg - Victim survivor (2).

<sup>82</sup> Victim survivor (7).

<sup>83</sup> Service provider (22).

<sup>84</sup> Victim survivor (27).

<sup>85</sup> Child of elderly mother who was alleged raped and murdered (3).

<sup>86</sup> Victim survivor (29).



Domestic violence was spoken of by some victim survivors as a regular experience in their lives as well as in the lives of other married women.<sup>87</sup> Being subjected to domestic violence was described as a lifelong reality that married women had to come to terms with and as a problem for which there was no solution. The regular occurrence of domestic violence was given as an example of the perception that even though women are victim survivors of violence, they are often made to feel marginalised and ostracised by society while the male offender is accepted by society.<sup>88</sup> Another victim survivor was forced to leave her matrimonial home because she refused to be abused by her husband and because she refused to be subjected to sexual slavery by other men, to whom she was being sold to by her husband.<sup>89</sup> As a result she lost her links with her children. Because she left the village she also lost her sense of community and lost touch with her family and friends.

A victim survivor of underage marriage spoke of her grandmother being her only source of support and love.<sup>90</sup> She felt neglected by the rest of her family. Another victim survivor of underage marriage observed that rape within a marriage is not recognised as sexual violence. She was advised by some of her relatives that it is a duty to respect her husband's wishes and that failing to do so is morally wrong.<sup>91</sup>

These accounts capture the way stigma affects the multiple relationships of the victim survivor which possibly disables them from assisting the victim survivor to cope with the CRSV and to face the stigma.

#### **4.7. Impact on relationships of the victim survivor with community**

According to the accounts of those who participated in this study, the stigma that victim survivors experience in society is very strong and tragic. The victim survivor is visible and available to be stigmatised whereas most often the alleged perpetrator is unknown and beyond the gaze of society. The multiple and complicated levels of impact of this stigma is captured in the observations made by victim survivors.

*I used to be a person who had good relationships with people in the village. Now I don't go out. I am scared to go out carrying my child [born due to the sexual violence experienced]. My future has been destroyed.<sup>92</sup>*

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<sup>87</sup> Victim survivor (4).

<sup>88</sup> Victim survivor (4).

<sup>89</sup> Victim survivor (9).

<sup>90</sup> Victim survivor (15).

<sup>91</sup> Victim survivor (16).

<sup>92</sup> Victim survivor (2).

*When society gets to know that there is such a woman who has been affected in such a manner, the environment is such that society turns against her, while no action is taken against the perpetrator. When society gets to know of someone who has been affected, she becomes more victimized because of society.<sup>93</sup>*

*Although the injustice happened to me without my consent, the society and culture fails to accept the justice the victim deserves. My neighbours view me as a stigmatized and a scarred individual. They are sympathetic towards Vidya since she passed away. But they think of me as a humiliation to the society since I am alive.<sup>94</sup>*

*This situation has affected the victim [sic] to relate with others, she was shy and was scared to share the incident, she was not sure how others will receive her, that is the very reason she had to keep the incident a secret. When she discovered her pregnancy, she had to leave the village, she had to keep herself away from those she was in contact with. This shows that there is no support for victims of this nature, and finally it will have a negative impact on the women, and people in the community will start spreading rumours and discussing about her. She had to escape from all these and be in a safe house where she will not encounter unwanted attention from the community.<sup>95</sup>*

*Because I am a female head of household, this has had a great impact. If I reveal the incidents that have happened, it could affect the future of my children, because of which I fear to speak out about these incidents.<sup>96</sup>*

All victim survivors interviewed noted that the CRSV was a critical incident in their life, if not the most critical incident. It marks a turning point in their image of themselves and in their relationships with family/friends as well. Most disturbingly, it represents a moment in which their place in their community is almost exclusively determined by the CRSV. Their victim survivor status does not attract sympathy or support but rather judgement, condemnation and the victim survivor becomes a permanent target for violence, particularly sexual violence.

It was noted that often the victim survivor is known by the incident of sexual violence that he/she was subjected to. The public identity of the victim survivor is therefore determined by the incident and his/her personhood is reduced to that discrete event. A service provider observed that *'Society will not allow them to move forward with life.'*<sup>97</sup> Another service provider noted that even in situations where victim survivors work hard towards overcoming their trauma; are financially independent and are seeking justice through legal proceedings, they are nevertheless

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<sup>93</sup> Victim survivor (7).

<sup>94</sup> Victim survivor of rape (29).

<sup>95</sup> Representative of victim survivor of alleged rape with a child born due to the alleged rape (33).

<sup>96</sup> Victim survivor of alleged sexual harassment (37).

<sup>97</sup> Service Provider – psychosocial worker.



considered as being unsuitable for marriage.<sup>98</sup> Another consequence is that their actions and interactions in the public sphere are viewed only from the viewpoint of the ‘identity’ that society gives them. A service provider from a religious institution observed that *‘the victim feels dehumanized.[sic] Feels ashamed to go in public.’*<sup>99</sup>

Counsellors note that victim survivors are reluctant to dress attractively or speak to men in public as they feel judged by society. The reductionism and sexualisation of their identity means their conduct is viewed through that lens and is misunderstood. Consequently, victim survivors are restrained in their transactions, engagements and interactions in the public sphere. A victim survivor noted how she has trained herself to walk to the shop at times when there are less people on the road. She did so to avoid the public and judgemental gaze upon her.<sup>100</sup> She stated that she had got used to ignoring the insults that people would make when she was out in public.

Another victim survivor spoke of how her community insults not only her but also her mother and noted the pain of mind that is caused by such insults.<sup>101</sup> This prevents them from accessing services essential for the enjoyment of their freedoms and for providing for their needs as well as the needs of their dependents. Another victim survivor spoke of feeling that people avoid her in the bus halt and at the village market.<sup>102</sup> She spoke of feeling unwelcome in homes in her community and she eventually ceased to go out at all. A sex worker who is a victim survivor of CRSV mentioned that even a simple transaction in a shop is sexualized as shopkeepers try to take advantage of women like her.<sup>103</sup>

Another victim survivor spoke of a sense of worthlessness and being perceived that way by men.<sup>104</sup> She compares herself with other women in her community and is deeply saddened by the lack of acceptance of her by her community. Yet another victim survivor spoke of being looked down upon by other women.<sup>105</sup> A woman who was gang raped when she was very young spoke of how older women made her feel as if her conduct contributed to the incident.<sup>106</sup>

Avoiding society and maintaining silence regarding the traumatic incident is identified by service providers and victim survivors alike as the response of victim survivors to the stigma they experience. A service provider described the impact of stigma as ‘victimising the victim

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<sup>98</sup> Service provider – lawyer.

<sup>99</sup> Service provider - religious worker.

<sup>100</sup> Victim survivor (1).

<sup>101</sup> Victim survivor (6).

<sup>102</sup> Victim survivor (6).

<sup>103</sup> Victim survivor (9).

<sup>104</sup> Victim survivor (6).

<sup>105</sup> Victim survivor (9).

<sup>106</sup> Victim survivor (10).

survivor’.<sup>107</sup> Most relationships of the victim survivors are affected by the experience of CRSV. It was noted that such victim survivors are not considered to be suitable for marriage and are not allowed to attend family events as they are considered to be symbols of bad luck. Associates of victim survivors are also stigmatized and considered to be ‘tarnished’ simply by virtue of their association with victim survivors. Another victim survivor spoke of how her helplessness resulted in her being unable to care for her father who was dependent on her. The same victim survivor spoke of the trauma that her child experienced due to sexual violence that the mother encountered.<sup>108</sup> Yet another victim survivor described how her mother relentlessly sought for justice on her behalf.<sup>109</sup>

A victim survivor of a gang rape described feeling fearful for her safety and angry at society for the way in which it made her feel uncomfortable.<sup>110</sup> In her case, two of the three offenders had been punished but she nevertheless experienced stigma due to what had happened. She mentioned feeling ostracised by society and eventually avoided going out.

Victim survivors perceive society negatively. A victim survivor described society as marginalizing her, ostracizing her and as actively preventing her from rebuilding her life. Several victim survivors spoke of avoiding public events, including religious events, as they feel that they are not welcomed at such gatherings.

*In my view, sexual violence can be physical and psychological violence women face by an individual / individuals. Society, culture and religion stop the victims from exposing this violence to the outside world and from accessing remedies for the violence faced.*

*I think society, at most times, tries to cover up and not talk about the violence faced by women.*

*Women are unable to access justice and relieve themselves from the trauma and the effect due to the higher pedestal given to women by the society, considering them to be pure. Even the family of the victim is unable to live in peace with dignity. Many perpetrators of sexual violence are roaming around freely in the society because of this very culture. That is, our culture breeds impunity because of the entrenched culture of patriarchy.<sup>111</sup>*

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<sup>107</sup> Service Provider – lawyer.

<sup>108</sup> Victim survivor (1).

<sup>109</sup> Victim survivor (4).

<sup>110</sup> Victim survivor (10).

<sup>111</sup> Representative of victim survivor (36).





A service provider makes an insightful comparison between two recent and widely publicized cases of CRSV.<sup>112</sup> The two cases are the *Vishvamadu* rape case and the case of the rape of *Vidhya*. Both crimes were prosecuted and the perpetrators were convicted. The service provider observes that in the *Vishvamadu* case the community perceived that maybe the woman was to blame for what happened to her. But she observes that with the *Vidhya* case, perceptions of the community were different. She attributes the difference to the ‘image’ of *Vidhya* that was available in the public domain – a girl in school uniform with religious markers on her face. The service provider observes that if *Vidhya* was portrayed as someone who was ‘stylish’ that perhaps perceptions about her would have been different. She further notes that society believes that victim survivors of sexual violence should not marry.

A male victim survivor of CRSV pointed out that in the community there is a lack of empathy, understanding and willingness to listen to what happened to him.<sup>113</sup> He noted that society is only interested in sensationalizing victim survivor accounts. He further notes that in a patriarchal society, sexual violence by men against men is not perceived as violence. Claiming to have been raped as a man by a man, he notes, leads to a form of stigma in which you are perceived to be weak and ‘woman-like’. He comments that a male victim survivor’s masculinity would be questioned if he were to complain of sexual violence.

Intuitively, one would expect that a victim survivor of CRSV would be met with sympathy by the community, empathy and support by the family members, and effective responses from social and state institutions. Lived experiences of victim survivors however points to a different reality. Their experience is one of being re-victimised, indefinitely, due to stigma that affects them in an all-pervasive and debilitating manner.

*It’s bad enough that someone is being sexually violated, but it is worse when they are violated by their own community all due to lack of understanding of the subject matter. And another more important thing is trusting the victim. No matter what, trusting the victim and their narration would change so much of suffering of the victim. Because, I think the first thing most of the victims expect is to be believed. Help, corroboration, cross checking, all that comes later. Trust comes first.<sup>114</sup>*

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<sup>112</sup> Victim survivor representative (22).

<sup>113</sup> Male victim survivor of alleged rape (26).

<sup>114</sup> Male victim survivor of alleged rape (26).

## 4.8. Impact on accessing services

*Most incidents of sexual harassment, sexual bribery, and sexual violence are not getting reported even though many people faced them. Hence, there are little or no service providers for these issues.<sup>115</sup>*

*I did not seek any medical care because of fear.<sup>116</sup>*

Most interviews carried out for the study suggests that the impact of stigma on victim survivors of CRSV often prevents the victim survivors from seeking help and/or from seeking remedies for the harm that they have experienced. Several victim survivors speak of not even thinking about seeking assistance or of thinking about vindicating their rights. In certain cases, seeking remedies has led to the victim survivor being subjected to further sexual violence.

Several victim survivors noted that they did not access any services when they experienced CRSV. The general environment was one in which people had to cope with innumerable hardships and threats to their life and wellbeing. In that context victim survivors of CRSV enjoyed access to services only in marginal contexts such as if they required emergency medical treatment.

A service provider noted the gap in services for victim survivors of CRSV and stigma. It was observed that while targeted services are not available even in health care, additionally, service providers have experienced threats to their personal safety when providing services to victim survivors of CRSV and stigma. It was noted that victim survivors are subject to surveillance and that often their movements are closely watched. Due to this surveillance and due to the perception/awareness of the lack of sensitivity/empathy within state services, it was noted that victim survivors are generally unwilling to approach Judicial Medical Officers or even the Human Rights Commission.<sup>117</sup> A victim survivor stated that she only accesses the maternity and early childhood clinic and that she avoids state services as much as possible. One reason for this reluctance is that she does not want to face society and the other is that she said she is extremely saddened by the lack of support that she received from state services when she was victimized.<sup>118</sup> Another victim survivor stated that seeking assistance by way of accessing services was not something that even crossed her mind when the incident happened to her.<sup>119</sup>

Accessing services in certain cases has made victim survivors more vulnerable to sexual violence. A service provider noted that a military widow who was interviewed for this study stated that in getting the paper work completed she was subject to sexual violence by a member of the

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<sup>115</sup> Victim representative (21).

<sup>116</sup> Victim survivor (30).

<sup>117</sup> #2 Service Provider – Psychiatrist.

<sup>118</sup> #2 Victim survivor (2).

<sup>119</sup> #8 Victim survivor (8).



armed forces, which led to a pregnancy. This victim survivor is illiterate and had to file a police complaint when she eventually found out that a public officer had been taking a portion of the benefits that was owed to her.<sup>120</sup> A military widow interviewed for this study recalled that after an incident of CRSV she experienced in seeking to apply for benefits that she was entitled to, she decided never to pursue those benefits.<sup>121</sup> Due to the trauma that she carried with her and due to her financial needs, she had to seek employment overseas. Consequently, she had to be separated from children and family and experience numerous other hardships.

According to another service provider, counselling, psychosocial support, livelihood support, economic, physical and medical assistance are available, even in limited form, for victim survivors of CRSV. In certain instances, victim survivors have had access to safe houses being maintained by non-state organizations. In certain other instances, security has to be provided to ensure the safety of the victim survivor.<sup>122</sup> A victim survivor representative spoke of how a safe house was arranged for a victim survivor of CRSV who had wanted to leave the village when she discovered that she was pregnant due to the incident.<sup>123</sup> Due to the counselling and support she received at the safe house, arrangements were made for her child to be adopted by her own brother.

*If the staff is highly sensitive about it only, they will be able to listen to the victim properly. The staff should be able to make the victim understand that it is not her fault. Such people are very rare. Hence trainings are of paramount importance. The trainings should not be one-day or two-day trainings. They should be proper TOT trainings. That is what I think.*<sup>124</sup>

It was further stated that personnel delivering these services and the structures through which these services are being provided have to be re-evaluated as they may 'carry with them' negative ways of 'looking at victim survivors'.<sup>125</sup>

*When we make visits to the places they live, they get highlighted in the society. Talks like 'So, this is the house' cannot be avoided. Hence, they have to come to us. They have to come out of their houses. They face many problems when they do so. Because of this, we cannot visit them in vehicles. When we go to their houses and have a conversation with them, their neighbours will come and stand there. Pressures from the society is high.*<sup>126</sup>

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<sup>120</sup> Representative of a military widow victim survivor (39).

<sup>121</sup> A military widow victim survivor (40).

<sup>122</sup> Service Provider (3).

<sup>123</sup> Victim survivor representative (33).

<sup>124</sup> Service provider (21).

<sup>125</sup> Service Provider (3).

<sup>126</sup> Victim representative (21).

It was noted during the interviews that professional well-trained counsellors are required to respond effectively to the issue of stigma. Victim survivors will access these services only within a context of trust. Counsellors point out that regular and professional counselling is often essential to support the victim survivor to continue with his/her life.

Furthermore, services providers, particularly counsellors, require peer support and guidance from more experienced counsellors in developing their counselling services. Counsellors noted that they often consult their supervisors in handling some of their clients. Providing counselling support for victim survivors of CRSV and of stigma can be traumatising for counsellors. Well-structured peer support systems are necessary to ensure that the counsellors are well equipped to offer sustainable services. It was mentioned that repeated training programmes too were conducted once in three months.

Victim survivors noted that the health care services that they received were good. A victim survivor who had been allegedly gang raped when she was young noted that the health care service providers treated her well and that they were very kind towards her.<sup>127</sup> She said *‘I was in shock at that time. When they came and spoke to me and advised me I felt a huge relief. The fear in my heart reduced.’* A victim survivor of CRSV who is now a sex worker speaks positively about her experience in accessing health care services.<sup>128</sup> A victim survivor of underage marriage spoke of the family planning advice that she had received from a hospital which was helping her to prevent additional pregnancies.<sup>129</sup>

A victim survivor of rape claims that she was allegedly raped by a police officer when she sought to make a complaint. She states that seeking services (in this case criminal justice) is what ultimately led to her being further victimised, being rejected by her family and resulted in her resorting to sex work.<sup>130</sup> Another sex worker notes that she and others in her community never seek medical services when they are raped.<sup>131</sup> Some other victim survivors mentioned that they did not seek any services due to fear.<sup>132</sup> Where the perpetrator is someone with power, victim survivors are fearful to make the violence known.

The comments by victim survivors stated above illustrate that stigma and the possibility of stigma often prevents them from accessing essential services. These are services that they need to deal with the physical and psychological impact of CRSV and to seek justice. The inability to access services presents a point at which victim survivors are pushed back again into a cycle of trauma, violence and stigma. This is a tragic state of affairs in which society and institutions inadvertently work together to further victimise the victim survivor. The tragedy is compounded

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<sup>127</sup> Victim survivor (10).

<sup>128</sup> Victim survivor (14).

<sup>129</sup> Victim survivor (15).

<sup>130</sup> Victim survivor (13).

<sup>131</sup> Victim survivor (14).

<sup>132</sup> Victim survivor (30).



if and when, as alleged by the victim survivors, service providers themselves subject such victim survivors to further acts of sexual violence.

#### 4.9. Impact on accessing Criminal Justice

*Impunity also has to be addressed. The more the law and order let the perpetrators walk free the more it contributes to the violence, cycle of abuse and the trauma of the victim.*<sup>133</sup>

*No, I never sought the protection of the law. I didn't even think about seeking the protection of the law.*<sup>134</sup>

*I never looked for remedy due to fear. There is no possibility of receiving justice for what happened. The army has a lot of power and influence. No one challenges them. Therefore, I constantly live in fear.*<sup>135</sup>

*Victim has never thought of seeking remedy for this violence, mainly due to stigma and fear of exposing the perpetrator.*<sup>136</sup>

*Whenever I walked down the street after that I feared. When I see someone going in a motor bike, I would always wonder if it was them. I felt shame when I made a complaint at the police, because there were only male translators. He later said, he considers me as his sister and to speak without being shy. He inquired with care. Therefore, that state reduced little by little.*<sup>137</sup>

Stigma associated with being a victim survivor of CRSV often prevents victim survivors from seeking criminal justice. They are fearful and anxious of what they have experienced and how society may perceive them because of what happened to them. Seeking criminal justice is a public process and therefore is one which such victim survivors would rather avoid. Seeking criminal justice, to them would add to their trauma and generate added stigma. Moreover, the criminal justice system is focused on establishing facts 'beyond reasonable doubt' and in that process all parties, particularly the victim survivor, becomes a means to an end.

One victim survivor stated that she had no confidence that the criminal justice system would provide her with a suitable remedy or solution to what she experienced. She said that she was too scared to even think about going to the police or to pursue legal actions. Victim survivor

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<sup>133</sup> Male victim survivor of alleged rape.

<sup>134</sup> Victim survivor of rape. A child was born to her purportedly due to the rape (33).

<sup>135</sup> Victim survivor (30).

<sup>136</sup> Representative of victim survivor of rape. A child was born to her purportedly due to the rape (33).

<sup>137</sup> Victim survivor of alleged sexual harassment (38).

perception is that the state will not look out for their concerns and issues. Similarly, another victim survivor of alleged gang rape did not go to the police as one of the perpetrators was a member of the armed forces.<sup>138</sup> Another victim survivor spoke of attempting to file for divorce from an abusive husband who was selling her to other men forcibly.<sup>139</sup> She states that the police did not proceed with her complaint and sought to take advantage of her. Sex workers who have been victim survivors of CRSV state that they do not approach the criminal justice system to vindicate their rights.<sup>140</sup> Several of them state that they are rejected by the system.<sup>141</sup>

A victim survivor of underage marriage notes that she complained to her religious institution about the violence that she was experiencing but with no results.<sup>142</sup> She had complained to the police as well but she was advised by the police to file for maintenance support from her abusive husband rather than pursue an action regarding domestic violence. Another victim survivor of underage marriage spoke of being pursued by the police for sexual favours.<sup>143</sup> She had complained to the police about sexual violence during the marriage and she states that the police used the information she had provided in the complaint to contact her and to approach her for sexual favours. A victim survivor representative speaking mostly on issues related to sexual bribery stated that very often women do not wish to make complaints due to the stigma they anticipate upon making the complaint.<sup>144</sup>

A victim survivor interviewed for this study had been successful in pursuing criminal justice. She describes being ill treated by police officers and about being placed under surveillance.<sup>145</sup> She further notes how she took part in the litigation process secretly. When she set out for court visits she would not reveal this fact to anyone in her community.

Except for the above-mentioned instance, victim survivors noted that they had no access to the criminal justice system. A victim survivor noted that if court cases are to be pursued they need financial support for court visits, etc. These comments reveal the need for better programmes providing legal aid. Legal aid has to be designed more broadly in these instances to include such financial aid, psychosocial support as well as provision for safe houses. The lack of such support services leads to women giving up on the process.

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<sup>138</sup> Victim survivor (12).

<sup>139</sup> Victim survivor (9).

<sup>140</sup> Eg - Victim survivor (9).

<sup>141</sup> Eg - Victim survivor (14).

<sup>142</sup> Victim survivor (15).

<sup>143</sup> Victim survivor of underage marriage (17).

<sup>144</sup> Victim survivor representative (31).

<sup>145</sup> Victim survivor (29).

#### 4.10. Impact on victim survivor's engagement with transitional/transformational justice

*As a result this incident becomes something that will bring about a great change to one's family, society and life. For example, when a young woman remains unmarried, her future is affected. In her own community she is subjected to more exploitation. People who have been subjected to such annoyances have been forced to leave their own homes and have been displaced to outside regions. This causes a person to belittle herself, stay within one's shell and doesn't help a person to come out of what she has experienced. This has even led victims to commit suicide. Factors that contribute towards stigma would include, lack of awareness and enlightenment, lack of responsible officers, cultural and social values and girls being viewed as secondary which are still prevalent in society.<sup>146</sup>*

The comments made by the victim survivors and service providers during the interviews suggest that stigma prevented them from engaging in any public processes let alone processes for transitional justice/transformational justice. A service provider noted that state intervention was essential to address the stigma associated with CRSV. Furthermore, it was noted that CRSV and the stigma victim survivors experience almost on a daily basis could be an obstacle to the establishment of peace.<sup>147</sup>

*I think that when something like this happens, we should be able to return to our former life situation and live the way we lived before. Discrimination by the community, insults from the community, treating us in offensive ways must be stopped. If we go before the law, the law must protect us. Society must stop stigmatising us.<sup>148</sup>*

*The society should demand justice on behalf of the victim or the person subjected to abuse. An impactful change has to happen in the society. The change cannot be brought in by the laws. But a collective of individuals from the society coming together can bring that change. The perpetrators can only be punished when everyone in the society stands together collectively and demands justice. That is when the justice could either be accessed or achieved. It was not military alone, but many men perpetrated sexual violence on women. It was in the body of women, the men showed bravery, victory, defeat, vulnerability, frustration and anger. It will be forceful and strong only when the society comes together and demands justice against patriarchy. It will only cause problems when the affected women alone demand for justice. The society should demand justice for women who are*

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<sup>146</sup> Service provider (7).

<sup>147</sup> Service provider (4).

<sup>148</sup> Victim survivor (10).



*affected by sexual violence during war as the society is demanding justice for the missing persons. This isn't easy because there are many problems from the victims identifying themselves to accessing justice.<sup>149</sup>*

More discussions need to take place with victim survivors of CRSV and other stakeholders in developing suitable processes for including them in transitional and/or transformational justice processes. If the issues related to stigma arising from CRSV are not recognised and addressed, stigma could potentially be a form in which the conflict continues at an individual and at a community level with serious implications for those affected. Sustainability of any transitional and/or transformational justice processes would require therefore that the impact on victim survivors of CRSV be taken into account.

#### **4.11. Role of Community Based Organizations**

*The challenges we have faced are numerous. From finding temporary shelter (safe houses) for the victims, accompanying them to court, accompanying them through checkpoints, shielding them from the community and from exposure in the media. When media writes the court proceedings it creates more stigma.<sup>150</sup>*

*Through the network ... we have, we are able to provide support in all ways to the women who have been affected. In integrating them to society, we provide medical, legal, psychological assistance. Until they are able to return to their old life, we are a stronghold for them and they remain with our staff workers. Even so, sometimes we face opposition and warnings from the perpetrators of such incidents, because they are either members of the government party, or opposition or paramilitary.<sup>151</sup>*

Women's organizations were identified by several victim survivors as meeting a gap in state services by providing accessible and effective services for victim survivors of CRSV and related stigma. However, as was pointed out by a victim survivor, offering assistance in these situations through community based organizations has to be undertaken cautiously as that too can lead to stigma.<sup>152</sup>

One victim survivor stated that the village level society assisted her financially to build a house. However, as the house has not been completed, she spends the night elsewhere as she feels insecure to sleep in that house.<sup>153</sup> The same victim survivor, however, also spoke of how some public officers have been supportive and helpful towards her.

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<sup>149</sup> Representative of victim survivor (36).

<sup>150</sup> Service provider – lawyer.

<sup>151</sup> Service provider (7).

<sup>152</sup> Victim survivor (21).

<sup>153</sup> Victim survivor (6).



Victim survivors of underage marriage spoke of the sense of empowerment they developed due to the support they received from a local women’s organization.<sup>154</sup> They access the *Quazi* Courts and the police with the support of community-based organizations.<sup>155</sup> Another victim survivor who was successful in pursuing criminal justice stated that the support and presence of women’s organizations was key to her success in court proceedings.<sup>156</sup>

*Women organizations and Muslim Women Organizations supported me. They used to come with me to court and it was a great support and strength for me and gave me confidence. But they don’t come anymore. It was a scary period to walk into the Vanni during the resettlement times. CID intimidated and threatened us. But they didn’t mind any of those and was supportive of us.<sup>157</sup>*

These experiences need to be taken into account in designing anti-stigma measures. Empowerment and activism at the community level through community-based organizations can be used as a tool in maintaining support systems for victim survivors of CRSV and their family members.

#### **4.12. Risks in Advocating against CRSV and Stigma**

Stigma can be accompanied by risks to liberty and security as well. A victim survivor recounted the risks to life and security that she and her siblings experienced due to the fact that she spoke out against stigma associated with sex work.<sup>158</sup> She said the community stigmatised her and the other women in her family by labelling them as sex workers. Property owned by her was destroyed and the men in their community lobbied with others to cut them off from the community. Their property was burnt down as well. The victim survivor’s sister’s marriage was affected by the stigma generated due to the victim survivor’s public statements regarding sex workers and ultimately resulted in divorce. Her sister had attempted suicide many times. The victim survivor had to leave her village.

Similarly, representatives of victim survivors spoke of risks that they took to provide support to those who experience CRSV. Within the context of armed conflict, CRSV is not an issue that can be addressed publicly as it has a direct impact on all parties to the conflict. Therefore, those who allege CRSV and those who have access to information related to CRSV often find that they are at risk. These issues add an additional set of barriers in combating stigma.

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<sup>154</sup> Eg - Victim survivor (16).

<sup>155</sup> Eg - Victim survivor (24).

<sup>156</sup> Victim survivor (29).

<sup>157</sup> Victim survivor of rape (29).

<sup>158</sup> Victim survivor (28).

# 5

## **CRSV AND RELATED STIGMA AS A GENDER JUSTICE CONCERN**

The accounts of victim survivors of CRSV and stigma as discussed above demonstrate the crosscutting, devastating as well as the compounding impact that it has on victim survivors. It has a chilling effect on the victim survivor’s agency, self-worth and even the intention to live. It prevents the victim survivor from accessing the institutional structures and services that are available. Over and above, the stigma that is experienced by the victim survivor affects his/her family members or dependents as well. Stigma has a debilitating impact on the victim survivor and those closest to her/him. This impact continues regardless of whether armed hostilities are concluded or even whether the conflict is resolved. For instance, in talking about the impact of stigma, a victim survivor observed that *‘even though the war is over, the hardships are not over.’*<sup>159</sup>

Recognising this debilitating impact of stigma on victim survivors and their families, the *Global Principles on Stigma* categorise the impact of stigma as internal, interpersonal, at the community level, and at the structural level. As the *Global Principles* declare, gender inequality is a root cause of stigma. It is essential therefore that stigma due to CRSV is considered to be a gender justice concern. It is a justice issue as it impacts the victim survivor at a personal, community and wider level across time to prevent the victim survivor from the enjoyment of his/her human rights and freedom.

A critical issue in acknowledging stigma and in addressing instances of CRSV are the legal issues relating to criminal justice. Due to trauma, stigma and security concerns, victim survivors very often do not complain about the sexual violence they are subjected to. ‘Victimhood’ in the case of sexual violence can be recognised publicly and addressed through formal institutional processes and structures only if due process has been followed. Due process includes a police complaint, a medical examination and further investigations. As evident in this report many victims are unable and/or unwilling to access these public and formal processes due to stigma at the internal and interpersonal level but also due to the stigma produced by the very act of participating in these public processes. This dilemma needs to be recognised by the state in addressing the issues related to stigma arising from CRSV. Even in this study, victim survivors are considered to be purported victims and the concerned acts are ‘alleged’ acts of sexual violence. In a report issued by the Sectoral Oversight Committee of Criminal Justice of the Parliament,

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<sup>159</sup> Victim survivor (4).



it was concluded that it takes 17 years on average for a case to be concluded.<sup>160</sup> Even in the instances where victim survivors access the criminal justice system, uncertainty as to the legal outcome could potentially extend for an extremely long time, thereby further compounding the impact of stigma on victim survivors and their family members. These legal and structural factors need to be taken into account in understanding how stigma impacts victim survivors and also in developing anti-stigma measures.

Viewing stigma due to CRSV as a gender justice concern expands the analysis of stigma for a deeper understanding of its impact including how it ultimately affects the dignity and autonomy of victim survivors and those closest to them. It allows to account for not only the 'social' impacts but also the structural, the legal and ultimately the ways in which stigma operates as a barrier to the exercise of autonomy and the enjoyment of human dignity.

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<sup>160</sup> Report by the Sectoral Oversight Committee on Criminal Justice of Parliament, August 2016.

## 6

# CONCLUSION

Relying on anonymised transcripts of interviews conducted with victim survivors of CRSV and some service providers, this report has illustrated the pervasive impact of stigma of CRSV. The impact of stigma is a human rights issue as it affects individual autonomy, dignity and an individual's relationships with self, family and society. Stigma seems to be a barrier that keeps victim survivors from accessing the services that they need, including criminal justice. It is essential therefore that transitional justice measures take due account of stigma in designing processes, particularly in designing schemes for reparation. Systematic, and sustained anti-stigma programmes should be implemented so that victim survivors are able to engage in transitional justice processes and benefit from them. The *Global Principles* can be used as a policy framework in developing such anti-stigma programmes and interventions.

# 7

## RECOMMENDATIONS

Internationally, anti-stigma community mobilization and anti-stigma actions<sup>161</sup> have been identified as methods of addressing stigma as a mental health concern. In a set of proposals for tackling stigma experienced by children in the United Kingdom for instance, several areas have been recommended for anti-stigma actions and anti-stigma community mobilization. Those include – mainstreaming, language and definition, information, education, communication, effective systems, media as allies, and citizenship and participation.<sup>162</sup>

The *Global Principles* identifies several strategies that can be adopted in ‘preventing and tackling stigma’. The principles call for anti-stigma approaches that address stigma’s root causes and use a ‘stigma lens’ in all human rights approaches. Furthermore, the *Global Principles* call for a cautionary approach that seeks to avoid the reproduction of stigma and one that reduces stigma-related risks. It advocates for placing victim survivor/survivors at the centre of all anti-stigma approaches and for the development of approaches that are culturally relevant.

During the interviews conducted for this study, participants were given the opportunity to make recommendations for addressing stigma related to sexual violence. The recommendations given below are based on the comments received from participants on the basis of their lived experience (in the case of victim survivors) and on the basis of their work experience (in the case of service providers). A victim survivor was extremely cynical and stated that there was no point in making recommendations since ‘nothing would be done’ to address the plight of persons like herself.<sup>163</sup>

### For the Central Government and Policy Makers

- Ensure the design and implementation of structural change in state systems and processes to ensure that victim survivors of CRSV are treated with empathy and support. State institutions including hospitals, police stations, courts, administrative offices at the community level

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<sup>161</sup> See in general ‘Responding to the Psychosocial and Mental Health Needs of Sexual Violence Survivors in Conflict-Affected Settings’ (28-30 November 2011, France).

<sup>162</sup> National CAMHS Support Service ‘tackling Stigma – A Practical Toolkit’ (Royal College of Psychiatrists)7, available at <https://www.rcpsych.ac.uk/pdf/RT%20tackling-stigma-a-practical-toolkit.pdf>

<sup>163</sup> Victim survivor (5).

should be capable of responding effectively to the barriers and problems faced by victim survivors of stigma.

- Design and implement a reparation scheme for victim survivors. This scheme should take the impact of stigma into account in determining the forms and extent of reparations.
- Ensure the enjoyment of equal rights and respect for victim survivors of CRSV.
- Prohibit underage marriage by law and in practice.
- Design and implement specific support programmes for children born to women who have suffered from sexual violence and CRSV.
- Make available livelihood support that is accessible and viable. Livelihood support must be subject to periodic review. It should include counselling and support so that victim survivors of stigma are supported and empowered to engage in the process.
- Design social integration programmes for victim survivors of stigma in consultation with them. The objectives of such integration programmes must include the objective of restoring the victim survivor to the ‘pre-victim survivor’ stage in life, as far as it is possible.
- Train public officers on how to deal with victim survivors of CRSV and the stigma they experience.
- Develop specific programmes to address stigma associated with sex work so that human rights and freedoms of sex workers can be guaranteed.
- Broaden the definition of rape in order to criminalise sexual intercourse without consent regardless of the gender of the victim or offender.
- Strengthen social security programmes for women who have no family support or income.
- Policies and measures for Transitional Justice and reconciliation should address concerns of victim survivors of CRSV and stigma.

### **For the Ministry of Health**

- Ensure that basic health, education and peace and order services are available and accessible, particularly in under-served conflict affected areas.
- Identify and provide additional targeted services such as specially trained counsellors and police officers to the conflict affected areas.
- Facilitate professional and empathetic counselling services for victim survivors.





### **For the Ministry of Education**

- Implement relevant sexual and reproductive health programmes for schools as a preventive and empowering measure for children.
- Allow girls to return to school after pregnancy/delivery, and sensitize teachers about how to reintegrate students recovering from sexual violence.<sup>164</sup>

### **For the Ministry of Media**

- Partner with the media in preventing stigma that is generated due to unethical reporting and handling of CRSV.
- Memorialize the pain and trauma of victim survivors of CRSV and create public spaces for victim survivor accounts to be made public and recognised. Victim survivors of CRSV need community recognition as individuals with dignity and rights.

### **Department of Police**

- Impunity for CRSV should be addressed with prompt investigations and prosecution.
- Specialised training for dealing with victim survivors of CRSV to help them understand and deal with their complex guilt and self-blame.
- Ensure that victim survivors are able to narrate the incident of CRSV and its impact on their lives in a non-judgemental, empathetic and trustworthy environment.
- Ensure that the identity of the victim survivor is kept confidential as far as possible in dealing with CRSV at all levels.

### **Ministry of Justice, Legal Aid Commission**

- Ensure access to justice for victim survivors of CRSV. This should include support in making police complaints, support during the litigation process, including financial support if needed, and legal literacy to empower victim survivors of CRSV and stigma regarding their legal rights.
- Maintain safe houses for victim survivors of CRSV.
- Make available counselling services so that informed choices can be made by victim survivors regarding pregnancies due to CRSV.

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<sup>164</sup> Recommendation made at the workshop on 'Preventing Sexual Violence: Tackling Stigma in Sri Lanka' (8<sup>th</sup> November 2016, FOKUS WOMEN, Sri Lanka).

### **For the Judiciary**

- Provide training for the judiciary to sensitise them on conflict related sexual violence.

### **For the Legal Profession**

- Implement Continuous Professional Training programmes that include sensitization on conflict related sexual violence and client counselling for victim survivors.

### **For community based organizations**

- Design and implement workshops and/or programmes for attitudinal change among youth regarding stigma. Work towards the development of a positive attitude among this target group about seeking counselling services for addressing mental health issues.
- Generate public discussions about stigma and work on the issue for longer periods to bring about sustainable attitudinal change within society.

### **For religious organizations**

- Implement and design meaningful programmes for inter-communal relationships, taking into account the impact of stigma due to the armed conflict.
- Engage religious leaders, institutions and communities to raise awareness on how religious practices may promote stigma. Partner with this community to develop religious programmes, meditation programmes, etc to support victim survivors of stigma, to heal.







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