Lakshman Salgado Oration
Sexual and Gender-based Violence in Sri Lanka
Interdisciplinary, Intersectional and Integrated Perspectives
by
Maithree Wickramasinghe
Professor of English
University of Kelaniya
16th February 2024

Thank you for inviting me to deliver the Professor Lakshman Salgado Oration this year. It is, indeed, a great privilege and of course, a singular pleasure to address this distinguished gathering – of academics, professionals, public service officers, members and invitees of the Medico-Legal Society of Sri Lanka.

Professor Lakshman Salgado – Consultant JMO Galle; Chief Judicial Medical Officer; Professor of Forensic Medicine; Chairperson of the Board of Study in Forensic Medicine; Expert Witness; President of the Medico-Legal Society; the President of the Sri Lanka Medical Library; President of Indo Pacific Association of Law Medicine and Science (INPALMS); Member and Chair of numerous committees including that of amending the Penal code with regard to Grievous Hurt, and law reform pertaining to the offence of committing miscarriage; Husband; Father; Friend; Colleague; and Mentor.

I could go on, but given the introductory video dedicated to the life, achievements, and contributions of Prof Luxshman Salgado shown earlier, I will confine my homage to him *vis-a-vis* the topic at hand. Unfortunately, I did not have the honour of meeting Professor Lakshman Salgado during his lifetime. However, your invitation prompted me to research this personage of great integrity, pioneering professionalism, and scholarly distinction – at some length. Therefore, most of my knowledge of Prof Salgado come from print and paper (and comments from a couple of Prof Salgado's friends and colleagues).

From these accounts, Professor Salgado seems to have been an individual driven fundamentally by a sense of ethics; professional and social responsibility; and a great deal of empathy, above and beyond his profession. In turn, he seems to have evoked a bounty of love, respect, and a great deal of devotion from his colleagues, friends, and mentees, who speak and write of his friendship, consideration, and generosity of spirit. In an era when political and social influencing has become a norm (subservient to the integrity of one's conscience and professionalism), it is to Professor Salgado's credit that he remained completely un-swayed by socio-political prompting; in fact, he often went so far as to take professional precautions to circumvent and defy such interventions.

For instance, in the case of the Kuttimani assault and murder in the Welikada prison, when Professor Salgado had been coerced to amend his forensic report by interested parties, he had speedily dispatched a copy of his findings to the eminent British forensic pathologist Prof. Bernard Knight with the request that he publish it in the event of Prof.

Salgado's untimely demise. In another similar case, when Prof Salgado requested the body of a man who had died in police custody (in Wallasmulla) to be brought to Galle for the post-mortem, the police concerned had refused, and complained to the Inspector General of Police (IGP) who, in turn, had informed the very powerful Minister of Justice at the time. When the minister concerned had phoned Professor Salgado and exerted pressure on him to go to Walasmulla for the post-mortem, he had categorically refused to do so - provoking the ire of this politician.

In the words of Dr. Senerath Colombage, who had been one of his postgraduate trainees, cited by the journalist, Kumdini Hettiarchchi (2019) in one of her articles – (I quote)

"Of particular note is the esteem with which he was held as an expert witness by the judiciary, as well as both the prosecution and the defence lawyers who relied heavily on his unbiased, unwavering and scientifically formulated evidence".

Several newspaper articles refer to how Prof Salgado's forensic work was able to reveal the truth (I must confess that I am a little diffident to use the word truth in this postmodern, post-truth world that we are compelled to live in…nevertheless), the truth in a homicide-suicide – in Moratuwa - of a reputed couple in the garment industry. What had previously been considered a case of a husband murdering his wife and committing suicide thereafter turned out to be one of a wife murdering her husband and committing suicide as per Professor Salgado's findings.

If I am to speculate, then, it is quite possible that dominant and stereotypical perceptions of gendered characteristics and behaviours may have led to the initial understanding of the crime as one of men's aggression and women's victimisation. Indeed it is to Professor Salgado's credit that he was able to apply his superior forensic knowledge, skills, and experience – independently, without allowing presumptions or prejudices about gender to taint or distract him from his conclusions.

On this topic, Professor Salgado's CV details an important paper on the "Patterns of Injuries seen in Deaths due to Battering", in 1986. Clearly, this has direct bearing on cases of sexual and gender based violence. I am assuming that it was his vast forensic knowledge and experience in these matters that led Prof. Salgado to initiate some key administrative changes in medical-legal processes. This includes the expansion and formalisation of the Medico-Legal Examination Form used for patients who have been subjected to assault, accidents, and abuse. As per international standards, the form now prompts for a greater amount of detail relating to the history of the patient as well as close examinations of recent injuries, healing wounds, and scars from repeated violence. When necessary, the forms are to be supported by photographic documentation of wounds and scars with the special consent of the victim. Such information then is vital evidence when it comes to the types, extent, and in some instances, the recurrence, if not, escalation of sexual and gender based violence.

Let us all salute Professor Luxshman Salgado for a life lived with honour, valour, and devotion to his family, profession, and country.

Politics of Naming

From positivist frameworks of understanding, if an action or phenomena does not have a name, and if it is not discernible to the human senses, then, chances are that it does not exist. The capacity, therefore, to conceptualise and to name an act of atrocity that violates the autonomy of another person or people has a transformative power that can trigger movements towards justice. I would like to ease into this oration by briefly underscoring the power of naming or the politics of naming - when it comes to the phenomenon understood as sexual and gender based violence.

Historically, acts of violence relating to women as a sex/gender did not have names. This did not mean that they did not occur; but for centuries worldwide, these acts were considered interpersonal actions between individual men and women. As such, they were not conceptualised as social practices that were transgressive; and therefore, they did not have labels, definitions or deterring legislation; let alone any chance of redressal or justice.

In fact, I remember conducting research for the ILO on sexual harassment in the workplace in the late 1990s. Some of our respondents working in the private sector did not quite grasp the concept of sexual harassment in Sinhala discussions until we gave particular examples of sexual and gender-based harassment at workplaces.

Another such offensive act or practice against women, which had historically remained unidentified, but which came into fruition as a conviction recently, was the crime of forced pregnancy. In May 2023, Munyololo Mbao (also known as Ndarumanga), the former leader of a faction of the Raia Mutomboki, an armed group in the Democratic Republic of Congo (DRC), was given the sentence of life imprisonment by a Military Tribunal for crimes against humanity. This includes the first ever conviction for the crime of forced pregnancy before a national court under the list of war crimes of the International Criminal Court (ICC)[1].

The Rome Statute defines Forced Pregnancy as:

“the unlawful confinement of a woman forcibly made pregnant, with the intent of affecting the ethnic composition of any population or carrying out other grave violations of international law”.

The crime of forced pregnancy is grounded in the woman’s right to personal and reproductive autonomy, and the right to family (Ochab 2023). Consequently, it could be argued that this very act of naming can initiate change not only in judicial standards but also in medical, social, cultural, gender and in today’s context, cyber/digital norms and mores – presumably for the better.

[1] Pursuant to Article 8(2)(e)(vi)) and crimes against humanity (Article 7(1)(g).

At a recent public discussion against sexual and gender based violence, a gentleman was heard to say:

“All of us are born from a mother, some of us may have wives, daughters and sisters but why is it that women still get battered?”.

Very often, speakers position themselves as gendered-beings within the family, and make a fundamental appeal to familial relations – principally the mother, and other female family members, as a deterrent against violating women. You will agree with me that this fosters an image of all relationships with women as primarily familial (commonly perceived in the utilisation of terms such as ‘akka’, ‘malli’ ‘aunty’ etc., in Sinhala amongst non-related friends and colleagues in certain class and language contexts in Sri Lanka). Well and good. However, it could be argued that such allusions to family could inadvertently undermine or even negate an understanding of a woman as an independent entity - who has the fundamental human right to live a life free from violence – and specifically, violence that is sexual and gender based – in other words, violence that arises from being a woman.

Public discussions of SGBV may also spotlight and sensationalise the most horrendous brutalities (rape, wife battery, child-abuse) on the assumption that these are isolated incidents ‘that happen’ to women.

Take the latter part of the sentence I quoted earlier, “why is it that women still get battered?”.

Here, note that the speaker does not say: “All of us are born from a mother, some of us may have wives, daughters and sisters but why is it that only men batter women?” or “why is it that men still batter women?”.

Other examples taken from newspaper reportage in recent times refer to: “she was murdered in the bedroom; the woman was raped; the violence occurred in the early hours of the morning”. Semantically-speaking, the focus of these and other public discourses on SGBV often tend to centre on the victim and the violations, while the roles of the perpetrators in executing these brutalities have been erased from these sentences. A study undertaken by us from Centre for Gender Studies at the University of Kelaniya and UNFPA (Edirisinghe et al, 2021) also indicated this linguistic expurgation of perpetrators in Sinhala and Tamil news reports.

The germinal work of Julia Penelope, as far back as in 1990, illustrated gender biases in language structures – in this instance, how grammatical reversals from active voice to passive voice in the reportage of SGBV in English, can create an overall discourse that blames the victim (she gets battered / murdered / raped), apart from removing the perpetrator from the equation. She also argues as to how normalised such semantic structures are in daily discourses, leading to the subconscious perception of SGBV as crimes sans perpetrators.

Now, I have no doubt that the gentleman who posed the rhetorical question cited earlier was trying to be helpful. Yet unfortunately, such statements can also reduce SGBV to physical violence (without much consideration of the psychological, economic, and other dimensions of violence), and confine it to the personal realm or the domestic sphere.

Revisiting Gender and SGBV

As you are aware, my allotted topic of interest this evening is sexual and gender-based violence – to be approached from interdisciplinary, if not post-disciplinary; and intersectional, if not integrated perspectives.

Why?

Feminist scholars have long argued that if we are to have more than a facile understanding of the complex phenomenon that is SGBV, then it is critical that we take into account the economic, social, political, psychological, cultural, discursive, ideological, gender, and sexual dynamics of the individuals concerned. In other words, that in addition to the personal, we also consider the structural – in particular, the diverse intersections of the structural, discursive as well as symbolic contexts and conditions under which SGBV is perpetrated - frequently by men.

Similar to how a gender analysis of the discourses pertaining to SGBV communicates the gendered structure of language, the gendered structure of language can conjure signs or images that can, in turn, influence our overall understandings of SGBV in ways that are gender unequal and inequitable in a cyclic process.

Apart from language, other structures of society such as the educational, religious, economic, ideological, cultural, et cetera, can harbour violence that has been institutionalised or that has become systemic as argued by scholar Johan Vincent Galtung (in 1969). Thus social structures or institutions can prevent the fulfilment of the fundamental rights of individuals due to inherent manifestations of inequities/inequalities and violence; such as racism, sexism, nationalism, state violence, etc. While theorizing on the relationship between personal violence and structural violence, he points out that structural violence is roughly organized in relation to ideas of actor, system, structure, rank and level; and may often be *a priori*, latent, indirect, persistent, and alienating. Consequently, in conceptualising, understanding, engaging with and responding to SGBV we need to move beyond the medical and the legal; and beyond the attainment of legal justice.

But before that, let me offer some concise definitions and parameters of gender as well as SGBV to ensure that we are all on the same page. While gender has been looked at in multiple ways over the decades, it is still predominantly understood as an analytical category founded on the socially-constructed binary between the two sexes - men and women as the principle division, grouping, or stratification in societies.

Early sociological accounts see gender as a governing component of a person's identity reliant on gender socialisation. Feminist theorists like de Beauvoir (1972), Oakley (1972), Nancy Chodorow (1979), Walby (1997) have discussed the gender differential values, norms, behaviours and roles of social conditioning and social construction.

Gender is also argued to be located in activities or a series of acts - and at this point - not considered a possession of individuals – giving rise to the idea that we can 'do gender'. This notion of gender performativity then - in terms of how individuals either conform to or reject certain social scripts of gender (though not always consciously) has been qualified by Queer theorist Judith Butler (1990): "Performativity is a matter of reiterating or repeating the norms by which one is constituted". Such constitution may involve the ideology and practice of dominant versions of masculinities or femininities within institutions of society and through everyday interactions argues Kimmel (2000). Yet it does not necessarily follow that individuals will always conform to what is socially and culturally expected of their biological sex. Today we can observe the subscription to and performativity of an assortment of genders including gender neutrality and gender fluidity.

Moreover, theorists like Connell (1987) and Risman (1998) also urge us to look at gender as a social structure or institution - one that organises social relations and the distribution of resources. These varying theoretical insights, allow us to consider the ways in which gender interacts and operates at the individual, interpersonal and structural levels in societies (Ridgeway and Correll 2004; Risman *ibid*.).

As in the case of gender, there are diverse articulations of sexual and gender based violence – depending on the experiences and disciplinary training of the writer or speaker. I have chosen the definition provided by the United Nations' Office of the High Commissioner for Human Rights' Committee on the Elimination of Discrimination against Women (CEDAW). The UN CEDAW General Recommendation 19 defines gender based violence as: "violence that is directed against a woman because she is a woman or that which affects women disproportionately". It includes acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty.

However, not all violent acts against women are gender-based; moreover, not all victims of gender based violence are women. While the concept of SGBV also encompasses men being targeted for violence due to their gender (take in instances of warfare and genocide, or within religious structures of churches/temples or due to dominant perceptions of masculinities, or heteronormative beliefs).

Let me reiterate - my central focus this evening will be SGBV in relation to women - given its sheer numbers, length and breadth of prevalence (since SGBV excessively affects women), the continuum of violence involved, and the overall vulnerability and lack of accountability when it comes to violence against women – in general. For instance, Edirisinghe et al (2021) demonstrates that a majority of femicides (42%) were perpetrated by intimate partners - husbands (28%) and ex- lovers (14%). This was

followed by family members (20%). Moreover, a majority of femicides have been committed by known parties (84%) within the sanctity of women's own homes (75%) during daytime hours (47%) (*ibid*.) demolishing predominant myths pertaining to femicide of women being murdered by strangers in dark lonely places.

Now as far as the medico-legal community is concerned, your professional engagement with SGBV is often in relation to a single individual, or event, or series of events usually related to a single source - depending on the case concerned. However, it must be remembered that women may be vulnerable or have the potential to be exposed to different categories of violence, from different sources, throughout their lifetime – if not physically, then discursively, or symbolically; and in most instances, they do not have access to any form of redress.

Thus the international acknowledgement of violence against women as a crime in 1993 at the UN World Conference on Human Rights was a decisive moment in the struggle for recognition of these atrocities against women. The UN Declaration on the Elimination of Violence against Women, adopted by the UN General Assembly in (Article 1) defines violence against women as a form of gender-based violence and includes sexual violence. Article 2 expands that violence against women needs to be understood in relation to location and to encompass, but not be limited to, the following:

1) Physical, sexual and psychological violence occurring **in the family** (let me detail some within the Sri Lankan context – battering, incest and sexual abuse of female children in the household, forced marriages to perpetrators after rape, marital rape, female genital mutilation, intimate partner violence, violence related to economic exploitation, as well as abuse of elderly women).

2) The second category of violence under Article 2 involves the physical, sexual and psychological violence occurring within **the general community including institutions** (Examples in Sri Lanka include rape and gang rape, sexual abuse, sexual harassment in public transport, in free-trade zones; violence against sex workers, harassment and intimidation at workplaces; ragging in educational institutions; trafficking in women and forced prostitution).

The third category consists of physical, sexual and psychological violence **perpetrated or condoned by the State,** wherever it occurs (this includes rape and sexual abuse of women in conflict affected areas; custodial rape, violence against migrant women, to underline a few instances in this country).

Henrica Jansen from the UNFPA Asia Pacific regional office provides the following definition for Sexual Violence/Abuse (Jansen 2016): "Sexual violence refers to any sexual act or attempt to obtain a sexual act, or unwanted sexual comments or acts to traffic, that are directed against a person's sexuality using coercion by anyone, regardless of their relationship to the victim, in any setting, including at home and at work".

Nevertheless, despite the existence of concepts of sexual and gender based violence in the collective public consciousness for virtually half a century, it would seem that there is still some confusion or lack of clarity pertaining to the purview SGBV. A couple of years ago, when we launched our research on *Fatalities - the Unnatural Deaths of Women and Girls*, I was accosted by a gentleman who had a problem with our definition of the term femicide “as the intentional and unintentional murder of women and girls”. He argued that the term homicide was widely accepted and adequate to cover the killings of both men and women. Therefore, why are we making this distinction? For the sake of clarity then, I thought it best to reiterate some of the rationales which are under discussion.

Firstly, there is a simple issue of semantics - of the need to distinguish between the deaths of men and the deaths of women – without merely assuming that the normative linguistic term ‘homicide’ is gender neutral. Secondly, the term ‘femicide’ was used by Diana Russell at the first International Tribunal on Crimes Against Women held in Brussels in 1976 in precise recognition of the concept of violence against women as a particular social practice; and the ‘term’ femicide as that of gender-related killings – in this instance, "the killing of females by males *because* they are female". Consequently, the gender of the victim becomes extremely relevant to the crime as argued by Russell and Harmes (2001). Yet the gender of the perpetrator is also equally important due to the fact that a majority of femicides are committed by men.

The gender of the victim and perpetrator are also critical in the practice of androcide - the killing of men by men because of their gender. Let me take this opportunity to thank Ms Bimba Tillakaratne for pointing me in the direction of research on androcide. While androcides are less prevalent in societies, they are often associated with situations of warfare when men who are perceived as potential combatants are targeted; or genocide when civilian men of a reproductive age group are eliminated; or in relation to homophobic or transphobic killing of gay or transmen – when these men are perceived as being gender non-confirmative as per the dominant perceptions of masculinity in societies.

For instance, take the patterns of rape and other brutal forms of abuse of men and boys perpetrated while in detention by state security forces under anti-terror legislation during the protracted conflict in Sri Lanka (All Survivors Project, 2017). Narratives of the nexus between gender and genocide in Darfur, Sudan have been recorded in the research of Ferrales, et al, (2016) in what came to be known as the first genocide in the 21st-century. They discuss how SGBV in this instance, involved homosexualization, feminization, genital injury, and sex selective killing of victims. They argue that through these acts, perpetrators were performing masculinity according to hegemonic gender norms in Sudan (*ibid*.).

Thirdly, while femicide is considered to be practised intentionally, killing can also occur during the course of certain gender-specific and harmful practices in societies: such as genital cutting (clitoridectomies) that can lead to renal failure, septicaemia and death; or in some instances of intimate partner violence – when the severity of violence can

escalate over a period of time resulting in death. What needs to be emphasised here then is the recognition that such gender-centred killings are not isolated incidents; committed by rare individuals who are assumed to be born 'naturally' malignant or mentally ill but rather, these individuals may be my uncle or your husband or his brother or her son. Moreover, societal structures and practices of families, the law and implementation systems, culture and gender ideology often condone the acts of violence against women by not holding perpetrators accountable.

An Intersectional Approach to SGBV in Sri Lanka

If we are to consider SGBV in Sri Lanka today – as per the here and the now - as well as historically, we need to recognise and account for the radical paradigm shifts in our realities in recent times. The ontological polycrisis – (or the realities of the multiple crises facing us locally and globally: the pandemic COVID-19 and its resultant consequences; acute economic collapse – not only in Sri Lanka but of other neo-liberal economies as well; globalization and the consequence of Russia-Ukrainian and Middle Eastern wars and conflicts; and frequent ecological disasters of mounting temperatures, increment rains, flooding and landslides.

Furthermore, we have, as yet, not been able to sufficiently deal with or mitigate the more adverse impacts of the alternative realities brought about by IT and the digital realms and now, AI. These include extreme connectivity of individuals and technologically powered younger generations. Moreover the advent and normalization of performative cultures amongst citizens (that sanction partiality, outrage, revolt, belligerence, polarization, cancellation as well as reactivism) often prevent dialogue, debate, and consensus. I use the term reactivism to refer to the instantaneous responses to a single socio-political viewpoint of events (often in but not confined to social media), before the full dimensions pertaining to the event are known.

As a result, an intersectional approach to SGBV seems more appropriate given the need to take into account not only a) the fluidity and evolving nature of the personal practice of SGBV, but also b) its intersecting social structures and institutions that often tacitly sanction SGBV, as well as c) the intersecting ontological forces, conditions, changes and resistances that continue to define and shape SGBV.

Feminist theorist, Kimberley Cranshaw's theory of intersectionality published in 1989, titled "Demarginalizing the Intersection of Race and Sex," focuses on legal cases that combined the issues of both racial discrimination and sex discrimination and argued that there are conceptual limitations in single issue analysis. Her article deals not with violence but with structural discrimination, for instance, in the case of DeGraffenreid v. General Motors in 1976:

"Five black women sued General Motors for a seniority policy that they argued targeted black women exclusively. Basically, the company simply did not hire black women before 1964, meaning that when seniority-based layoffs arrived during an early 1970s recession, all the black women hired after 1964 were subsequently laid off. This

company policy cannot be analysed solely as gender or race discrimination. Crenshaw argues in her paper that “by treating black women as purely women or purely black, the courts, as they did in 1976, have repeatedly ignored specific challenges that face black women as a group” (*ibid*.).

Over 30 years later, Cranshaw’s theory has travelled far and wide and has been adopted in many disciplines of study - fundamentally to convey that issues can no longer be looked at from a singular perspective, but from multiple and intersecting perspectives that are relevant to the issue.

SGBV and the Structural Intersections of Women, the Pandemic and Economic Status

Let’s take the case of COVID-19 – those of you working in the field know that during the pandemic and its aftermath, cases of domestic and intimate partner violence have augmented and is commonly referred to as a shadow pandemic. UN Women also refers to an increase in human trafficking, sexual bribery, exploitative sex work, rape and femicide. A number of studies globally and locally, (including Kitulwatte et al, 2023) relate the increase in intimate partner violence to national lockdowns that led to long periods of social isolation which, in turn, surfaced a number of stressors – including restrictions on mobility, drastic reductions in incomes, and disaster-related insecurity as well as limited options of care and support for those being victimised. While IPV is commonly understood to be an individual interpersonal act, it cannot be discounted that the above factors did provide conditions and opportunities as well as stressors for perpetrators to commit SGBV – perhaps, with a sense of impunity.

In taking a structural view of SGBV during the pandemic, the work of Kitulwatte et al (*ibid*.) on patterns of IPV against women admitted to a tertiary hospital during lockdown and the post lockdown periods indicate that of the 27% of IPV admissions that took place during lockdown involved women who had no income. However, in the post lockdown period, 48% of victim-survivors were engaged in a salaried occupation (*ibid*.). Fifty fiver per cent of victims admitted during lockdown were living separately in rented houses while in the post-lockdown period, in 42% of IPV admissions, women were residing in their own homes (*ibid*.). I am presenting these examples to highlight the observable intersections of gender, the pandemic and women’s economic status on IPV. Structural inequities leading to the economic dependency of women seem have aggravated IPV during the pandemic. Consequently, it is important to note that the predisposed, diverse, intersecting, and hierarchical advantages and disadvantages as well as privileges and vulnerabilities of individuals can vary - depending on changes in identities, social structures and ground realities.

The Political Economy of Violence

Similarly, researchers, Samuel and Gunesekere (2019) working on violence and conflict argue for an intersecting framework based on the political economy of conflict particularly in relation to women in the North and East of the island. They point out the necessity of:

"'reading' or 'mapping' how patterns of violence against women are produced and reproduced in the broader relations between the national and global economy, as well as in political (and military) relations of conflict shaped by prevalent internal and external ideological and political paradigms and geo-political contentions" (Samuel and Gunesekere 2019).

Such an analysis, surmounts the understanding of SGBV as an interpersonal issue between individuals within the private realm to one which involves social and political power in the public sphere. The structural nature of violence is stressed - spanning multi-layered global and local interactions of conflict, war, globalisation, neoliberal economic transactions, models of development, etc.

In today's context, such structural violence is also a feature in the intersection of what Dutton (2009) calls the 5th estate or the digital realm. This is despite the fact that the rise of the Internet, the World Wide Web as well as related digital technologies and apps are heralded as having created the space, power and capacity for individuals to engage in democratic processes as never before – especially in terms of the speed and scope of connectivity. The information age and the entry of Artificial Intelligence (constituting large language models (LLMs) and generative artificial intelligence), as well as evolving new technologies have not only created opportunities for technology facilitated sexual and gender based violence online but they also provides a digital structure for off-line violence de Silva de Alwis (undated).

A study on online violence against children in urban and semi-urban settlements in Sri Lanka by Fernando et al (in 2021) found that over 28% of the child participants in the study had experienced some kind of online violence. This means three out of every ten children interviewed. Of the respondents, a slightly higher proportion of victims were girl children (29%) as opposed to 27% boy victims.

Currently, types of online violence against children consists of receiving links as well as indecent text messages, pictures, advertisements, clip-arts, video, scripts, audio clips, emails as well as cyber extortion and sexual harassment. On the whole, further research is required to grasp the length, breadth and depth of SGBV online – especially from an economic perspective.

As De Silva-de Alwis (undated) points out, "In the final analysis, not all isolated acts of online violence meet a legal threshold, we need to see these acts as a part of a continuum of offline violence that call for new forms of discourse and a dynamic application of international women's human rights norms into evolving categories of violence". Thus the digital realm, is not only a site of criminality but also a methodology, culture and an income forum that aggravates the threat of SGBV.

Responding to SGBV

I have hitherto considered interdisciplinary, multisectoral and integrated ways and means of conceptualizing SGBV given the interpersonal, structural, and ontological

dimensions of the problem. Thus in conceiving and devising responses, there is no doubt that the emphasis should be on holistic measures and recommendations.

Here, the *Action Plan of the Task Force on the Prevention of Violence against Women and the Girl Child of 2016*, is particularly relevant as it details multisectoral initiatives: a) to ensure the accountability as well as the rehabilitation of perpetrators of SGBV; b) to facilitate for the protection of and support for survivors; c) to ensure appropriate responses, sensitization, awareness and education on SGBV; and d) to institute a systematic framework for data collection on SGBV across all relevant state institutions along with the maintenance of databases.

Let me also remind you briefly of possible measures that may be of use to rectify the urgent drawbacks and lapses that retard the Sri Lankan medicolegal and judicial processes when it comes to SGBV.

I am extracting some of the research and recommendations of our research on *Fatalities* – primarily because we approached the topic from interdisciplinary and multisectoral perspectives of medicine, health, law, judicial processes and the media.

Currently, the main procedural laws dealing with SGBV include the Criminal Procedure Code; the Evidence Ordinance; the Judicature Act; the Prevention of Domestic Violence Act; the Prohibition of Ragging and Other Forms of Violence in Educational Institutions Act; and the Protection of Victims of Crime and Witnesses Act. I believe that there is a Gender Equality Bill and a Women's Commission Bill before Parliament while a Gender Budgeting Bill is also currently being drafted.

However, as a society we are aware that passing legislation alone is inadequate to guarantee justice. Professional and public awareness with regard to laws such as the Protection of Victims of Crime and Witnesses Act is still largely inadequate. Cases filed under the Prohibition of Ragging and Other Forms of Violence in Educational Institutions Act are minimal; and even then, after years of attrition, sentences are often suspended. I need not accentuate to you, the injustice of attrition. Work by Edirisinghe et al. (2011) conveys that the average time taken to give medical evidence in the High Courts in child abuse cases was six and half years while Kodagoda (2017) concludes that it generally takes about 10 1⁄2 years to conclude a criminal case in High Courts.

Furthermore, laws needs to be revised regularly due to changing ontologies and evolving forms of SGBV – as discussed earlier. Legislation needs to be implemented and concluded in a timely manner - devoid of gender partialities and prejudices towards or against victims or perpetrators; and devoid of gender partialities and prejudices in concepts within injustice that are deemed acceptable.

For instance, a legal concept like 'grave and sudden provocation' implicitly blames the victim – even when there is a history of intimate partner or domestic violence. Thus, victim-blaming especially in relation to femicide exhibits a gender-biased practice within courtrooms. Similarly, allowing for the exploitation of a loophole such as mental illness

in the mitigation of the pleas of perpetrators who have a history of abuse is also highly problematic. The provision for suspended as well as minimal sentences with regard to SGBV also exhibit the partiality of the courts towards perpetrators.

Another vital sectoral and intersecting measure is that of stimulating gender sensitivity and responsiveness through education and training. The much quoted CARE study by de Mel et al (2014) on Masculinities, finds:

- one in three ever-partnered men reporting that they had committed physical and / or sexual violence against an intimate partner in their lifetime;
- thereby, underlining this practice within average households as a high probability rather than an exception;
- only 13% of women who experienced IPV and 8% of women who experienced non-partner violence reported it to the police; and
- even more disturbing is the culture of impunity that prevents perpetrators from experiencing any consequences for their actions (76% received no consequences at all).

Therefore, the significance of mainstreaming gender into early formal and informal education curricula becomes imperative.

Let me conclude this oration by stressing on how judicial processes can become compromised when yet another intersecting field – that of the media - comes into play. Our research (Edirisinghe et al 2021) depicts how the press, in particular, identify victims, perpetrators, and their families through direct or indirect references and details - defying legal and ethical standards – habitually implying that victims are being identified by the police for the benefit of the investigation. Newspaper coverage continue to refer to the sexuality or the sexual behaviour of victims of SGBV (specially in headlining), as well as the clothing and demeanour of victims. Social media may go as far as to post comments and rhetorical questions that blame the victim from any and every angle - thereby victimising the victim further.

Interdisciplinary, intersectional and integrated perspectives are thus critical in addressing the complex practices, structures and realities pertaining to SGBV. The issues highlighted here are not only for urgent medico-legal action or progressive journalistic or editorial ethics and codes; or sensitive and responsible self-regulation on the part of the social media citizen. Rather, they are for all of us given that they are, in fact, issues of humaneness.

References

All Survivors Project (2017) *Sexual Violence Against Men and Boys in Sri Lanka and Bosnia & Herzegovina - Legacies and lessons,* UCLA School of Law Health & Human Rights Project posted at https://williamsinstitute.law.ucla.edu/wp-content/uploads/Sexual-Violence-Sri-Lanka-Bosnia-May-2017.pdf accessed on 12th May 2024.

Butler, Judith (1990) *Gender Trouble: Feminism and the Subversion of Identity*, Routledge, New York.

Chodorow, Nancy J (1979) *The Reproduction of Mothering - Psychoanalysis and the Sociology of Gender,* University of California Press, Berkely / New York / London.

de Beauvoir, S. (1972) *The Second Sex*, Vintage, New York.

Connell, R W (1987) *Gender and Power*, Polity Press, Cambridge / Oxford / New York.

Cranshaw, Kimberley (1989) "Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory, and Antiracist Politics," *University of Chicago Legal Forum*: Vol. 1989: Iss. 1, Article 8 at http://chicagounbound.uchicago.edu/uclf/vol1989/iss1/8" accessed on 21st May 2024.

De Mel Neloufer, Peiris Pradeep, Gomez Shyamala (2013), *Broadening gender: Why Masculinities Matter - Attitudes, Practices and Gender-based Violence in Four Districts in Sri Lanka*, CARE International/Partners for Prevention, Colombo at https://www.care.org/wp-content/uploads/2020/05/Broadening-Gender_Why-Masculinities-Matter.pdf accessed on 21st May 2024.

De Silva de Alwis, Rangita (undated) "A Rapidly Shifting Landscape: Why Digitized Violence is the Newest Category of Gender-Based Violence", *Public Law and Legal Theory Research Paper Series Research Paper* No. 23-43 at https://ssrn.com/abstract=4648409 accessed on 17th May 2024.

Dutton, William H. (2009) *The Fifth Estate Emerging through the Network of Networks*, *Prometheus*, Vol. 27(1):1-15. DOI: 10.1080/08109020802657453 accessed on 12th May 2024.

Edirisinghe, P., Kitulwatte, I., Sihanada, A. & Bulathsinhala, B. (2011). "Justice delayed – Justice denied; a study on time intervals of medico-legal examinations, reporting and giving evidence in cases of alleged child abuse victims", *Medico-Legal Journal of Sri Lanka,* 1(1), pp.20–26. DOI: http://doi.org/10.4038/mljsl.v1i1.7266 accessed on 19th May 2024.

Edirisinghe, Anuruddhi, Wickramasinghe, Maithree, Kodithuwakku, Manikya, (2021) *Fatalities - Accidents, Suicides, Femicides of Women and Girls in Sri Lanka*

University of Kelaniya / UNFPA, Colombo (Pgs. 108) at https://srilanka.unfpa.org/en/publications/fatalities

Fernando, N., Hakeem, M.A.M., Seneviratne, W., De Silva, M., Cooray, J (2021), *Online Violence Against Children in Urban and Semi-urban Settlements in Sri Lanka: A Research on Incidence, Nature and Scope,* Save the Children (Sri Lanka) and World Vision Lanka, Colombo.

Ferrales, Gabrielle, et al (2016) "Gender-based Violence Against Men and Boys in Darfur - The Gender-Genocide Nexus", *Gender and Society*, vol. 30, no. 4, pp. 565–89. JSTOR, http://www.jstor.org/stable/24756217. Accessed 1 Feb. 2024.

Galtung, Johan (1969) "Violence, Peace, and Peace Research". Journal of Peace Research. 6 (3): 167–191.

Hettiarachchi, Kumudini (2019) "He Left Nothing Unturned to Uncover the Truth' in the Sunday Times, Sunday, September 08, 2019 at https://www.sundaytimes.lk/190908/news/he-left-nothing-unturned-to-uncover-the-truth-367555.html

Jansen Henrica A F M (2016) *Measuring Prevalence of Violence Against Women*, UNFPA Asia and the Pacific Regional Office.

Kimmel Michael (2000) *The Gendered Society*, Oxford University Press, Oxford.

Kitulwatte, G Indira Deepthi; Wijewardena, H P; Edirisinghe, P A S; Senarathne, U D, (2023) "Analysis of Medicolegal Examination in Alleged Sexual Abuse Presented to a Tertiary Care Hospital in Sri Lanka", J*ournal of Forensic Science and Medicine* 9(2):p 120-129, Apr–Jun 2023, DOI: 10.4103/jfsm.jfsm_44_22 accessed on 20th May 2024.

Kodagoda, Y (2017) "Criminal Justice System of Sri Lanka: A Pragmatic Approach to Enhancing its Efficacy, *Junior Law Journal* 8, BASL, 30-34.

Oakley, A (1972) *Sex, Gender and Society,* London: Temple Smith.

Ochab, Ewelina U, (2023) "DRC Court Secures The First Ever Domestic Conviction For The Crime Of Forced Pregnancy", in Forbes Daily, https://www.forbes.com/sites/ewelinaochab/2023/05/25/drc-court-secures-the-first-ever-domestic-conviction-for-the-crime-of-forced-pregnancy/?sh=39e534de3b55 accessed on 12 May 2024.

Penelope Julia (1990) *Speaking Freely: Unlearning the Lies of the Fathers' Tongues*, Pergamon Press.

Ridgeway, C. L., & Correll, S. J. (2004) “Unpacking the Gender System: A Theoretical Perspective on Gender Beliefs and Social Relations”, *Gender & Society,* 18(4), 510-531 at https://doi.org/10.1177/0891243204265269 accessed on 21st May 2024.

Risman, Barbara J. (2004) “Gender as a Social Structure: Theory Wrestling with Activism” in *Gender and Society*, vol. 18, no. 4, 2004, pp. 429–50, JSTOR, https://www.jstor.org/stable/4149444 accessed on 21 May 2024.

Russell, Diana E. H., Harmes, Roberta A. (2001) *Femicide in Global Perspective,* Teachers College Press.

Samuel, Kumudini and Gunsekere (2019) “Introduction: Framing a South Feminist Analysis of War, Conflict and Violence Against Women: the value of a political economy lens”, *DAWN Informs*, Development Alternatives with Women for a New Era,

Seneviratne, Luxshman (2020) *Sexual and Gender-based Violence in Sri Lanka: An Analysis of the Available Literature & Annotated Bibliography*, UNFPA, Colombo, at https://srilanka.unfpa.org/en/publications/sexual-and-gender-based-violence-sri-lanka-analysis-available-literature-annotated accessed on 20th May 2024.

UN General Assembly, “Rome Statute of the International Criminal Court” (last amended 2010), ISBN No. 92-9227-227-6, UN General Assembly, 17 July 1998, https://www.refworld.org/legal/constinstr/unga/1998/en/64553 accessed 12 May 2024.

UN Women, The Shadow Pandemic: Violence against women during COVID-19 posted at https://www.unwomen.org/en/news/in-focus/in-focus-gender-equality-in-covid-19-response/violence-against-women-during-covid-19 accessed on 12th May 2024

UN Women, *United Nations Convention on the Elimination of Discrimination against Women (CEDAW)* https://www.un.org/womenwatch/daw/cedaw/

Walby Sylvia (1997) *Gender Transformations*, Routledge, London / New York.