LITERATURE REVIEW

The continued violence perpetrated against women and girls and the subsequent discrimination against adolescent victim-survivors living in government-run shelters is a social injustice caused by a long-standing and global phenomenon of gender inequality. This paper argues that human rights, namely women’s rights, are the most effective framework for designing NGO programs and interventions surrounding gender-based violence. This literature review focuses specifically on women’s rights (and not on children’s rights though relevant to the discussion) because women’s rights provide a context for eliminating gender-based violence. The Convention of the Rights of the Child, for example only refers to very general nondiscrimination.

This literature is organized into four subcategories of issues or topics that interplay with women's rights as relevant to this paper: post-colonialism, culture, sustainable development, and gender-based violence. Theory and practice of women’s rights in both a global context and within the South Asian context are presented through the writings of scholars and development organizations. Major issues reflected in this literature review are the power dynamics between the West and the South, the perception of rights-based development in South Asia and how, within the context of rights frameworks, culture fragments women’s identities. For example, women face the challenge of embracing rights frameworks that may conflict with religious of ethnic identities.

Women’s Rights and Post-Colonialism

Most development practitioners and scholars argue that human dignity is the undeniable right of every person, and that violence against women denies women of that right. There is dispute, however, over the best way to realize human dignity. While some scholars and development institutions see human rights as an effective vehicle toward human dignity, there is much debate about the effectiveness and appropriateness of human rights as an international development tool. Some see UN Conventions as a Western assumption that the Global South needs to be governed by outside forces rather than depending on their own legal institutions (Visweswaran, 2004). Women’s rights Conventions such as CEDAW are seen as an extension of the colonial agenda that works to enlighten the South where women are “victims of their culture” (Rajasingham, 1995; Coomaraswamy, 1995; Coomaraswamy, 2002). Women’s rights rhetoric, Visweswaran (2004) argues, is used to reinforce West-South power dynamics:

The language of universal human rights works to recreate patterns of deviance which fall disproportionately upon some nations or geographical areas and not others. Particular states then assume certain identities, not as democracies or dictatorships, but as bride-burners, honor-killers, or genital mutilators (p. 502).
In Visweswaran’s view, the West is therefore not only creating the standards of human dignity, but is also painting a picture of a world where the South plays the deviant to the West’s normative regulation. The rich feminist activism that does exist in South Asia is thereby dismissed by rights language which measures in universal standards and cannot see local level change as possible from the deviant South. Escobar (1995) illustrates this point in his writing when he distinguishes between “First World feminists” and “Third World women” discounting the existence of feminists in the developing world.

Rajasingham and Visweswaran highlight some of the more acerbic sentiments toward the West in their own implicit skepticism of the West’s perspective of South Asia. Rajasingham (1995) continues the argument by stating that the West victimizes South Asian women while claiming that gender equality is a Western conception and “a mark of civilizational superiority” (p. 243). Escobar questions this same point, when he wonders if the participation of women in developing countries within the current patriarchy, “entail[s] a certain idea of ‘liberation’ for women in the South” (p. 188). Here, he points to the Western “liberation,” or rights Conventions, falsely unifying women while helping to liberate women in the South.

Coomaraswamy (1995) expresses concern over this inevitable association of women’s rights Conventions coming out of the West with an “imposition of the western colonial project” (p. 215). She feels that this overarching skepticism of the Western agenda can give language and credence to fundamentalist movements in Asia that would further suppress women’s rights. Due to her perception of the intrinsic value in a “strong human rights tradition,” Coomaraswamy struggles to offer a solution to this dilemma (p. 216). Her solution is an appeal to move beyond merely the question of violence against women and broaden the cause as a fight for universal human rights and dignity. This opens a further debate between the universalism of human rights, and the right to national sovereignty and freedom from pressures from international rights norms and their underlying Western assumptions. Rajasingham (1995) posits that this universalism can “flatten” diverse female identities and cultural distinctions that women choose to preserve.

**Women’s Rights and Culture**

Culture is an especially difficult topic at the center of the debate on women’s rights because women are seen as central to maintaining cultural identity especially in the context of colonialism (Coomaraswamy, 2002; Rajasingham, 1995). Scholars discuss the external pressure as well as internal pressure on women to place preservation of culture over women’s rights (Schuler, 1995). Nussbaum (2002, p. 54) and Visweswaran (2004, p. 500) respectively describe perceptions of women being “alienated from their culture” or “splitting… from their cultures” when they support women’s rights. Rajasingham (1995) illustrates the issue of women protecting culture through the experience of a woman from India filing for divorce who was
caught between following secular or Muslim laws. When it was ruled that secular law overrode Muslim law and the woman was granted the divorce, violence broke out causing tensions between Hindu and Muslim populations in India. The woman herself asked that the verdict be overturned to prevent any further violence.

Post-colonial societies are especially prone to this predicament, as ethnic or religious tensions are often exacerbated or created by colonial constructs. This causes countries to prioritize protection of ethnic and religious freedoms over women’s freedoms (Rajasingham 1995). It is argued that this tension results in hesitation over the ratification of CEDAW as states, such as India, prefer to have policies affecting women’s lives come from local feminist advocates rather than a UN body that does not take into account the state’s ethnic or religious tensions that contribute to its cultural identity (Visweswaran 2004).

Nussbaum (2002), however, rejects culture as a roadblock to women’s rights. Rather than a stagnant concept of culture which post-colonial women must protect, Nussbaum posits that cultures are “scenes of debate and contestation” (p. 51), that they are fluid and changing constructs reflecting beliefs held at a particular moment in time. Nussbaum’s concept of culture contributes to the debate of universalism versus cultural relativism surrounding women’s rights (Coomaraswamy, 2002) by creating a universal ideal that can be adapted by cultural participation. Nussbaum calls for cross-cultural norms that indeed require a sense of universalism which she feels is necessary when some women are left without the capabilities to choose outside of their current situation (childhood marriage, for example). These cultural constructs, Greiff (2012) posits, are often a hegemonic culture being presented as authentic which are not therefore necessarily representative of all perceptions of local culture. In addition to Greiff’s desire to see beyond biased views of culture, Jaggar (2008) criticizes Nussbaum’s approach for ignoring the role of international development interventions in perpetuating violence against women. Nussbaum, Jaggar argues, looks too narrowly at culture and does not explore outside influences.

Many feminists feel that the universalism of rights can be detrimental to women (Bunch as cited in Dauer, 2006; Coomaraswamy, 2002) as universality can be used to create a victim role for women as a gender (Visweswaran 2004) and marginalize women and cultural minorities (Coomaraswamy, 2002). Visweswaran (2004) argues that because women cannot be separated from their cultural identities, women’s rights engagement as it currently stands actually endangers the true progression toward human dignity for women by creating situations such as the one in India. The issue scholars see here is the silenced voice of women in defining culture while culture actively defines women. Afkami (1995), for example, notes that, “in the traditional [Muslim] culture women are silent, but the culture is not silent about women” (p. 219).
Nussbaum’s culture, created through “debate and contestation,” depends on women having a voice in creating their own culture which scholars argue is a challenge. To this Sen (1999) contributes that any resolution to tradition that might be discriminatory requires participation from all groups represented. Though Nussbaum and Sen advocate for a capabilities approach to development that differs from a rights-based approach (which will be discussed further in this literature review) their call for engagement of women remains. Furthermore, Schuler (1995) argues that, much like Nussbaum’s ever-changing culture, rights also have a “dynamic character” and an “interactive quality” that allowed for the participation of women in the rights landscape resulting in CDEAW (p. 2).

Women’s Rights and Sustainable Development

Many scholars discuss power structures that exist in international development beyond the scope of a women’s rights framework (Freire, 1970; Escobar, 1995; Simmons, 1997; Sen, 1999; Scott-Villiers, 2004). Some scholars view a rights-based approach as a method to ensure all stakeholders are looking at those power structures – between donor and NGO, government and civilian, NGO worker and ‘beneficiary,’ to name a few – in order to learn how to build new power dynamics (Chambers and Pettit, 2004). Nongovernmental organizations, especially those focusing on women, have taken rights-based approaches to their programming in an effort to minimize some of the “arrogant gaze” that comes from Western development organizations (Coomaraswamy, 2002). This is likely in response to scholars like Simmons (1997) who harshly criticizes development, which she feels, “promotes over all other cultures a singular culture which has shown itself to be both destructive and unjust” (p. 251). Simmons and Escobar (1995; 2010) both stress the detriment that development practices have had on women especially by perpetually viewing women as marginal to the public arena (Simmons, 1997). Simmons stresses the importance of a different approach that moves past, “consultation and participation and empowerment, which smack of condescension when spoken by those in power…. [T]he choice must be totally under women’s control” (p. 252).

Freire (1970) too describes an unauthentic exchange of power inequality:

Any attempt to ‘soften’ the power of the oppressor in deference to the weakness of the oppressed almost always manifests itself in the form of false generosity…. In order to have the continued opportunity to express their ‘generosity,’ the oppressors must perpetuate injustice as well (p. 44).

It can be asked then what the best course is to a genuine exchange between developing and developed counties and between the women within them. To answer this question scholars and practitioners have many different answers with the common thread of ensuring voice and power to agents of change in the developing world. For Freire, the oppressed are liberated through a
praxis that is not led by the oppressor but trusted to the oppressed resulting in a freedom that is, “the indispensable condition for the quest for human completion” (p.47).

For rights scholars, this exchange can take the form of a rights-based approach to development where Freire’s oppressed are engaging the oppressors through a process of change (Hausermann as cited in Marks, 2001; Uvin, 2004). In fact, Uvin (2004) describes “an inseparability between human rights and development,” (p. 123) in other words saying that the true process of development requires a sense of improved capacity for the oppressed. Uvin does talk of criticism of a rights approach that may in fact more deeply furrow pre-existing power structures. As argued by Visweswaran (2004), Uvin cautions that rights-based development can mean that the West, not local societies, are deciding what kind of projects are being funded.

Huq (2000) argues, however, that women’s rights frameworks can serve as a tool to catalyze relevant, local change regarding violence against women. She continues to describe a successful activist organization, Naripokkho, out of Bangladesh which set out, “to obtain government accountability to women [through] a three-pronged approach… — voice, influence and impact” (2000, p. 76). Their method, which is a rights-based approach, dictates not only that women are voicing questions, but also that they are demanding answers from the government regarding women who are victim-survivors of gender-based violence. The organization worked to include the most marginalized voices in their efforts while building partnerships and alliances with community and government to create grassroots change that was sustainable. Part of this initiative was monitoring and reporting back to state institutions such as police departments regarding the management services for victim-survivors of gender-based violence. Measuring violations, Uvin (2004) articulates, is a possible solution to the complexities that lie within figuring out who exactly is the duty-bearer and to whom they are accountable. The demand is no longer general but specific and falls under the purview, in this example, of the police.

The complexity of defining duty-bearers and rights-holders that is part of the rights-based approach serves as an argument for Nussbaum (2002) who advocates instead for a capabilities approach to development. Nussbaum’s approach moves beyond the rights entitled to a woman and aims to understand a woman’s “opportunities and liberties” (p. 58). She outlines ten capabilities that can be specified as influenced by local communities. While rights scholar, Stephen Marks (2001), concludes that Nussbaum’s capabilities are visible in the Universal Declaration of Human Rights, he notes that Nussbaum touches on more complex elements of humanity for women especially. In Nussbaum’s (2003) ten capabilities, she explicitly calls for “bodily integrity,” the absence of sexual assault and domestic violence, which is not seen in the Universal Declaration of Human Rights and was only recently added as a Recommendation to CEDAW.
As argued by Huq (2000), CEDAW and a rights framework can give NGOs a foundation from which to demand change. Nussbaum, however, argues that NGOs may face challenges when using a rights-based approach because of the complexity of human rights history and perceptions people hold as discussed earlier in this literature review. The role of Western-run NGOs when engaging on rights issues is more complex perhaps than the local NGO Huq described, due to the preconceptions of rights as Western. The ability of a Western NGO to remove itself from power positions and act as a true change agent is the debate of several development organizations. To address this challenge some organizations are incorporating a rights framework into their internal practices (Pickup, William & Sweetman, 2001). NGO solutions and recommendations for navigating power structures will be further addressed in the discussion.

Literature suggests that no one answer exists as to how to effectively address violence against women in development. Blended techniques from women’s rights approaches and the capabilities approaches of Nussbaum and Sen are often seen as the answer to the challenges NGOs face in delivering metrics to donors and battling skepticism toward human rights (Schmitz, 2012). Escobar (2010) suggests that in order to move development forward the West must open itself to solutions outside of its own creation and awaken to, “the plurality of forms of knowledge and conceptions of that exist in the world” (p. 158). Kothari (2002), points to a change in development that may have begun this process. Kothari argues that gender and development has created awareness that women and men have different experiences based on their gender. However, this plurality is only one of several complex experiences that scholars argue must be explored in development.

Women’s Rights and Gender-Based Violence

Some feminists argue that the solution to gender-based violence, as Escobar implies, can only come from outside of the West. As Harcourt (2009) writes, “the colonized and eroticized female body underlies the subtext of the modernizing development project” (p.133). Visweswaran (2004) too posits that gender-based violence is a structural violence linked to gender imbalanced socio-economic activity on an international scale. Further critiques of economic-focused development argue that these projects perpetuate gender imbalances that cause gender-based violence (Pickup, Williams, & Sweetman, 2001). Kothari (2002) argues that the economic focus of development for so long excluded women as they were not seen as a part of the formal economy. This masculinist discourse, argues Kothari, puts women at a further disadvantage economically. Furthermore, cuts on social service programs at a global level (due to developing countries’ efforts to compete in a challenging global market) disproportionally affect women who are primary caretakers for children and elderly (Jaggar, 2008). Though many feminist scholars point to the West as creating the societal structures of gender-based violence during colonialism and after through rights frameworks, Rajasingham (1995) points to the
claiming or dictating of women’s sexual identity by institutions originating within South Asia. Culture, religion, politics and medicine, as well as Western hegemony all have a claim on women’s sexuality leaving women with little identity that is of their own formation.

This system of eroticizing and controlling women is part of what Freire (1970) more generally calls an, “unjust [social] order that engenders violence” (p. 44). In this case, a patriarchal social order prevents women from forming their own sexual identities and engenders systemic violence from men and institutions. According to some scholars, systemic violence is further perpetuated by not only eroticizing women but by victimizing them as well, given the fact that in development, female sexuality is often only discussed in the context of violence. Wieringa (1998), in her assessment of gender theorists, criticizes the lack of discussion of female sexuality in their writings. Her concern is that sexuality has become symbolic, and not central to development, creating the illusion that sex and sexuality are of no concern to women in the South except in the context of violence.

Structural violence is an important concept in literature regarding gender-based violence. Feminist scholars note the shift gender-based violence previously understood as a private matter and presently understood as a societal epidemic indicating structural violence instead of individual violence as a root cause (Coomaraswamy, 2002; Dauer, 2006; Kodikara, 2012). As Gil (2009) describes it, structural violence is the active pursuit of those in power and aims to “establish and maintain” inequalities leading to “ideological indoctrination” of entire societies (p. 3). In other words, power is an active pursuit by few that can eventually become an unconscious pursuit by society as a whole, including, for instance, by perpetrators of violence against women and girls. Gil’s “ideological indoctrination” is omnipresent in literature regarding women’s rights and gender-based violence where feminist scholars express shock at the inability of development and rights institutions to acknowledge discrimination that women experience at the hand of structural violence (Coomaraswamy, 2002).

Feminist scholars express dismay, however, at continued institutional blindness to gender-based violence. This structural violence successfully indoctrinates (to borrow from Gil) at the individual and community levels as practitioners and local women remain tied to the idea that violence is an (acceptable) private or family matter. One such example is from an Oxfam worker in Sudan who reports that by addressing rape and prostitution in their work, organizations would be meddling in women’s lives (Pickup, William & Sweetman, 2001). Kodikara (2012) writes about the perspective of women in Sri Lanka who report they deserve domestic abuse given certain behavior such as refusing to have sex with their husbands. Kodikara concludes that these attitudes stem from, “discursive tactics used by powerful actors in Sri Lanka to construct domestic violence as part and parcel of family life” (p. 22).
The misguided privacy afforded to violence against women is in sharp contrast to the structural violence in the institutionalization of adolescent girls where care becomes a mishandled public matter. While scholars and NGOs have argued that institutionalization of children has negative consequences on children (Bilson & Cox, 2007; Seneviratne & Mariam, 2011), states continue to use it as a solution for the protection of children from apparent harm. Literature suggests that a “rescue paradigm” (Bilson & Cox, 2007) perpetuates the notion of saving children from poor families. This rescue tendency, another form of control, resonates with literature that has pointed to society’s control of women’s identities and sexuality. Scholars argue that a focus on sexuality and sexual rights can illuminate parallels between controls placed on women’s bodies and “sexual violence and victimization, homophobia and compulsory heterosexuality” (Castaneda & Ulibarri, 2010, p. 85). There is a clear connection between sexual violence and the restriction or control put on women’s and girls’ bodies to protect or rescue them as institutions see fit. The literature does not directly connect this control as a type of gender-based violence because scholars discuss the cross-gender institutionalization of children. However, though there is a lack of literature on female, adolescent victim-survivors who are institutionalized, I will argue in my discussion that this connection does in fact exist.

Conclusion

The four topics analyzed in this literature review, post-colonialism, culture, sustainable development, and gender-based violence, all interact with women’s rights in important ways to consider when planning interventions. While scholars differ on the potential harms or benefits from universalistic approaches such as rights-based or capabilities approaches there is a resounding plea from scholars to look closely at context. The scholarly position appears to be one of cautious progress through local actors. This literature review reveals the swirling, dynamic context that scholars analyze in the context of violence against women. While these contexts must be understood, the debate over the influence of colonialism and the possibility of sustained colonialism in development seem to indicate a preference for argument rather than solution. It is apparent that women like Coomaraswamy would prefer action to analysis, however all scholars seem to agree that thoughtful action is required for true progress in the elimination of gender-based violence. It is the aim of the discussion and conclusion sections of this paper to create suggestions for action for US-based NGOs working in Sri Lanka, given the arguments presented in this literature review and case study.
DISCUSSION

This paper examines gender-based violence in Sri Lanka both as structural violence (e.g., the institutionalization of female, adolescent rape victim-survivors) and physical violence in the crime of rape itself. The literature review revealed that women’s rights as a framework can be effective at eliminating gender-based violence. This discussion section will use scholarly arguments from the literature review and detail the case study as a way to offer possible solutions to international (Western) NGOs working within the context of gender-based violence in the Western and Southern Provinces of Sri Lanka. A justification for women’s rights-based approaches introduces concepts important to NGO interventions, which are then related to the case study in elaborating suggested NGO initiatives for incorporating rights-based approaches in their work. In a critique of the NGO Emerge Lanka’s approach, a more effective praxis will be recommended considering cultural norms, discrimination rooted in the institutionalization and court processes, and dissonance between policy and practice in both institutionalization and treatment of women and girls.

The continued discrimination against and ill-treatment of adolescent victim-survivors living in government-run shelters is a grave social injustice caused by a long-standing, global phenomenon of gender inequality. In order to combat this injustice it is necessary to empower girls so that they are aware of the rights afforded to them under UN Conventions and Sri Lankan law as children, girls and as victim-survivors of rape. This paper proposes NGO initiatives that aim to improve government accountability. Specifically the focus will be on empowering youth and shelter staff to vocalize needs and tend to those needs. A rights-based approach will address the root causes of the poor conditions in the shelters and the maltreatment of the girls, ultimately a rights violation perpetrated by the government in their failure to protect the girls (Pogge, 2011).

The Problem and Current Interventions

Organizations that work with girls who are victim-survivors of sexual abuse, such as UNICEF, Save the Children Sri Lanka, and Emerge, state that abuse, especially incest, is severely under-reported in Sri Lanka. Women and Children’s desks at police stations as well as the National Child Protection Authority directly take reports of sexual abuse but do not collect data in standardized ways. These data discrepancies lead to an additional under-reporting of sexual assault. Varying reports of sexual abuse make the issue appear to be lesser than it is and also mask the root discrimination in society that causes violence against girls and additionally their unfair treatment as victims of violent crime through their institutionalization. In fact, Oxfam Great Britain suggest reporting of crime as a way to reduce gender-based violence as it helps raise awareness in communities (Pickup, Williams & Sweetman, 2001). Lack of proper reporting by duty-bearers further the challenge to raise awareness to the ongoing gender-based violence in Sri Lanka. Proper reporting is all the more important due to the severe under-reporting of the crime by women who often do not name perpetrators out of fear of further harm,
shame, or causing problems in their homes or communities (Pickup, Williams & Sweetman, 2001).

In January of 2012, Sri Lanka Solicitor General Palitha Fernando declared that by October 2012 new cases of child abuse would be handled by the legal system (as written in Penal Code) within six months (UNICEF, Sri Lanka, n.d.). While this appears to be a victory to victim-survivors and civil society advocates, there were 10,000 cases of child abuse in the court system as of August 2013 (Trivedi, 2013). In addition, the system of discrimination in the trial system has existed for many years. It is unlikely that cases of abuse will make it through the legal system so quickly. For years, studies have been written revealing the lengthy trial times for victim-survivors (Bilson & Cox, 2007; Seneviratne & Mariam, 2010). A recent report indicated that it took over five years for most cases of rape to make it to the courts (Lawyers for Human Rights and Development, 2012). This time measures the date of the crime to date of the commencement of a trial. Victim-survivors would have been institutionalized during this time while the perpetrators were likely free to live their lives as usual. This report also indicates that perpetrators were receiving lighter sentences for their crimes even in the face of stricter provisions written into Penal Codes in prior years (Lawyers for Human Rights and Development, 2012).

In addition, as early as 2003, Save the Children conducted a report declaring institutional care a rights violation (Seneviratne & Mariam, 2011). Though the proclamation by the Solicitor General is likely, in part, the result of the work of Save the Children and the National Child Protection Authority and their partners, these organizations are far from eliminating systemic gender-based violence. A survey done by the United Nations indicated that 66 per cent of men in Sri Lanka who reported that they had raped one or more women or girls were motivated by sexual entitlement (Fulu et al., 2013, p. 44). The report defines sexual entitlement as “men’s belief that they have the right to sex, regardless of consent” (Fulu et al., 2013, p. 3). This attitude helps uncover why gender-based violence persists despite policy ruling it unlawful and calling for punishment for such crimes. Beyond men’s entitlement there exists certain perceptions of gender norms supported by both women and men that uphold a system of gender-based violence. For example, 38 per cent of women and 27 per cent of men surveyed reported thinking that there were times when it was appropriate to beat woman (Fulu et al., 2013, p. 53). Furthermore, 58 per cent of women compared to 41 per cent of men feel that women should tolerate violence in the home in order to hold the family together (Fulu et al., 2013, p. 53). These beliefs help frame the importance of interventions that target youth. The continued, systemic violence against girls further entrenches them in beliefs that will keep them in a cycle of violence throughout their lives.
Multinational NGOs working to protect children against sexual violence in Sri Lanka, such as Save the Children, have created violence awareness programs and advocacy campaigns to change or uphold government policy. Smaller local NGOs working to rehabilitate and protect girls in shelters tend to focus heavily on ameliorating government care or providing their own care. However, many shelters receive aid from the government and are therefore equally strained for resources as state-run institutions (Roccella, 2007). This lack of resources to shelters means budgeting is not equitable for care-based services. As mentioned in the literature review, cuts to services are considered a form of gender-based discrimination, as these cuts tend to affect women (who take advantage of more social services) more than men (Jaggar, 2008).

**Why a Women’s Rights-Based Approach**

The argument made in the literature review was that development is perpetuating colonial attitudes and worsening poverty and structural violence in South Asia. It was argued that power and autonomy is being taken away from developing countries through Western frameworks. However, it is important to note, though their writings were cautionary, scholars did not advocate for eliminating women’s rights approaches to development. Their argument was that these frameworks can and have been used to perpetuate Western power structures over South Asia. However, these power constructs can also be torn down slowly and consciously by Western and local NGOs in Sri Lanka. Women’s rights frameworks can give NGOs the tools to shift power into the hands of those that may use it to shape their own empowerment.

One challenge of rights-based approaches lies in recognizing the limitations of organizations that approach interventions with biases, imposing (as argued in the literature review) Western values as solutions to gender-based violence in Southern contexts. NGOs can recognize that rights themselves may not be a Western concept, but that overlooking the complex interaction of women, their identities and women’s rights can lead to further societal disenfranchisement of women. Sri Lankan Supreme Court Justice Tilakawardane (2013) doesn’t see rights as being a Western post-colonial concept, and instead believes in a respect for humanity that she argues is cultivated by human rights. However, the concern that the Justice holds, reminiscent of scholars in the literature review, is that the UN and global powers coming from the West place a higher valuation on the lives of women in the West than in the South (Talakawardane, 2013.). This valuation of lives plays an important role in the continued discrimination against women and girls in Sri Lanka. Conceptions of poor women and girls being “less deserving” of care is seen through the example of institutionalization of victim-survivors of sexual assault (Seneviratne & Mariam, 2011). In addition, how NGOs process their biases or human valuation can prevent them from truly empowering the women and girls they work with during their projects.
Women’s rights-based approaches can work to regulate biased valuations of life that exist and work to end discrimination against women and girls. In addition, it is Nussbaum’s capabilities that can help NGOs think beyond policy reform to ask women and girls what their capabilities are to fully realize their rights. Integrating capabilities into rights frameworks can mean that women are voicing what changes need to take place to actually realize rights while simultaneously advocating for policy changes that meet those needs. Rights frameworks can also harness power from government and civil society in Sri Lanka—both NGOs and individuals—without worsening the position of local participants. The interplay between a demand for accountability and the empowerment of rights-holders on a local level increases the accountability for all stakeholders. As Sen wrote, “Political rights are important not only for the fulfillment of need, they are crucial also for the formulation of needs” (Sen as cited in Nussbaum, 2002, p. 67). The system itself is important for allowing people to formulate needs, to become integrated in the process of discovering their capabilities and fulfilling their needs.

As with the capabilities approach, a rights-centered approach calls for progressive and process-driven realization. The Universal Declaration of Human Rights preamble calls for adopting states to, “promote social progress and better standards of life in larger freedom... and by progressive measures... to secure... universal and effective recognition and observance [of human rights].” The use of “progress” in this preamble speaks to the acknowledgement that human rights cannot be instantly realized and that states must foster an atmosphere to encourage progression toward actualization. While granting of rights can be immediate, and CEDAW calls for immediate state response to discriminatory policies and laws, the realization of those rights comes over time. Thus the process of a rights-based approach is important to the realization of the rights themselves which means that weaknesses within a rights-based approach can be strengthened over time. Nussbaum (2002) criticizes the rights approach because she argues it has ignored women’s repeated claims to “bodily integrity.” This case study is a glaring example of the failure of rights to empower. However, sustainable change into a socially just society requires the progression of the mindsets of duty-bearers and rights-holders. It is not necessarily imperative to change the approach, but rather to improve upon it.

Women’s rights call for the participation of those currently discriminated against which better informs the rights and well-being of a greater society. Political philosopher Rawls (1971) describes this process of coming to well-being in society as similar to the process an individual would undergo. Well-being, he states, is “constructed from a series of satisfactions that are experienced at different moments in the course of [one’s] life” (p. 214). Women’s rights allow for this participation and experience of satisfactions that may not have been accessed previously. Society must realize the “net balance of satisfaction” according to Rawls which one can reason would be accomplished with the most participation in that process by all members of that society over time. In this case, time can be limited to a project increment in the hopes that society (stakeholders in the project) will move more efficiently toward well-being for victim-survivors.
thus finding that “net balance of satisfaction” (Rawls, 2013, p. 214). In this sense, rights-based approaches work well alongside a process-attained well-being.

The “series of satisfactions” described by Rawls, and the progressive and process-driven realization of rights blends with Moser’s concept of gender-based violence as continuum, who wrote that “Violence that starts in the home is spread and connected to violence permeating the street, community, country and across continents” (as cited in Greiff, 2012, p. 10). Integral to a rights-based approach is engagement of rights-holders, in this case women and girls, and their communities to demand an end to gender-based violence. This can be done in a way that communities themselves decide is safest and most productive. For example, an intervention could focus on households, larger communities or on a national level. The approach has the flexibility to remain effective along the continuum of violence.

As gender-based violence is perpetuated by so many power structures in Sri Lanka – gendered, cultural, religious, ethnic, socio-economic— its elimination depends on more than the mere presence of rights and policy. Despite the existing skepticism from South Asian scholars, Sri Lanka persists in using CEDAW to guide its policies regarding women’s rights. In a recent report to the UN Committee on the Elimination of Discrimination Against Women (2010), the Government of Sri Lanka outlined “great strides in introducing progressive policies to empower women and to improve the quality of their lives” (p. 61). However, policy itself is not enough to eradicate gender-based violence as seen in the court system. Huq (2000), when describing the success of the rights-based approach taken by the NGO in Bangladesh, still claims that only “small gains” were won by the organization (p. 82). Huq also reminds us that these interventions are experiments and that it takes time to watch how policy changes and advocacy progress into sustainable change (p. 82.).

Critique of Emerge Lanka

The emergence of “empowerment” in development has meant a less clear sense of what the word means in its multiple uses. In this paper, empowerment is defined by its direct link to rights-holder engagement. It is viewed not as what rights a girl or woman has but, as Nussbaum (2002) describes, a person’s “opportunities and liberties,” her capability to interact with and realize those rights. For Emerge Lanka empowerment means to, “equip… girls with tools and resources for their futures, enabling them to live healthy, self-sufficient lives and to end abuse in their own sphere of influence” (Emerge Global, 2013). This rhetoric of empowerment is integral to Emerge’s success in finding funding and becoming known in Sri Lanka as an empowering organization, but it is not clear that the organization is successful in empowering the girls who participate in their programming. The broadly defined goals for empowerment create a cloudy objective that is challenging to measure.
The organization identified indicators for measuring empowerment but had not effectively figured out how to measure if the following were achieved by the girls within the time of the “Beads to Business” curriculum: manage her finances responsibly; understand how a business works and plan her own; develop and demonstrate leadership skills; express increased confidence and sense of self-worth; set and achieve her own goals. Pre- and post-program surveys were given to the girls. These were often filled out in groups for an individual girl as the girls tended to work collaboratively with each other. While this was necessary at times due to poor literacy of some girls, the surveys were, as a result, not necessarily the self-assessment of the girl herself, but an amalgam of results from herself and her peers. In addition, these indicators do not address a girl’s perceived ability to “end abuse in [her] own sphere of influence” (Emerge Global, 2013). While Emerge aims to work toward Tilakawardane’s (2012) view of empowerment—the transformation of women from victim to actor in claiming her own economic and personal security, Emerge programming fails to accomplish their aim.

The survey conducted during my internship had the goal of empowering the girls to shape the “Beads to Business” curriculum to fit their perceived needs and goals. However, there were some weaknesses to how this survey was administered. Firstly, the survey time interrupted the girls’ time to make jewelry—an activity which most of them expressed happiness about. The translation from English to Sinhala tended to be leading, using examples of answers that may have swayed the girls’ responses toward those answers. The questions as intended were open-ended with the aim of having the girls provide answers we may not have anticipated. The survey responses revealed that the girls would not make any changes to the current curriculum though they individually complained about and/or struggled with one particular aspect of the curriculum—forming their own theoretical small business. Staff who were surveyed revealed that this section was not relevant to the girls and that they did not grasp all the concepts well enough to apply them to opening a new business. My assessment was that the curriculum was therefore not helping the girls claim economic security or become empowered actors in securing their futures. The girls, in my observation, were enjoying beading. Making necklaces was a quiet time to themselves in the chaotic shelter environment. Additionally, the Emerge shelter staff was kind and listened to the girls in a way they expressed did not happen with shelter staff.

Emerge provided the girls with financial skills that may have been useful to them when facing a society that discriminated against them. Girls can find themselves with few resources when they leave the shelters and often have had an interrupted education that can lead to lower levels of literacy. Even limited financial literacy can mean that a girl can be less vulnerable to entering situations of financial dependency that can lead to further abuse. One recent program participant said she was able to help improve her mother’s business using the business skills learned in the program. However, the economic empowerment, the ability of the girls to generate their own income when they leave the shelters, is limited by the income generating activity used by the program—that of making jewelry. The jewelry making is not something the
girls can continue to do once they leave for several reasons. The beads purchased are bought from outside Sri Lanka and most of the jewelry is sold in the United States because there is not a market for the jewelry in Sri Lanka. Emerge uses beading jewelry as an example business idea, but the activity does not work toward empowerment of the girls in the face of violence. In fact, the activity perpetuates gender roles encouraging the girls to stay inside and not to engage with civil society. Part of the possible outcomes of women participating in economic activity is that they can become engaged in the public sphere, both socially and politically (Pickup, Williams & Sweetman, 2001).

A further weakness of Emerge’s programming lies in the absence of demands of accountability from duty-bearers who leave these girls in a precarious position their entire lives. Tilakawardane (2013) argues that this comes not just from educating women but also sensitizing men and institutions to change societal models of masculinity as abuser. Empowerment can be made straightforward when using a clear framework. For a rights-based approach in this context, it would mean empowering girls in shelters to have their voices recognized when expressing needs for care and treatment, as well as in the expression of any changes to shelter conditions that are not meeting those needs. Furthermore, the girls’ empowerment could come from further engagement in their own legal process to demand shorter trial periods. Instead of engaging the government and shelter directors, Emerge circumvents them as much as possible. The lessons and programming taught to the girls is not approved by the individual shelters or the Probation Department. The contractual agreement Emerge has with each shelter gives the NGO the authority to teach the girls as they please.

**Suggested NGO Initiatives**

The following are suggested programmatic, rights-based approaches for Western based NGOs working in Sri Lanka. These initiatives can help organizations set and achieve empowerment goals based on rights-holder input. Solutions can work for smaller NGOs, like Emerge, that focus on victim-survivor services. Even these smaller organizations can, through strong working practices, help further rights and end discrimination against women and girls. Four initiatives focus on different participants in a rights-based approach. The NGO can be seen as a duty-bearer in this approach, but because the organization is serving as the vessel for interventions, there are initiatives unique to the NGO and to government duty-bearers. The suggested initiatives discussed in this paper are as follows: incorporating a rights-based approach into the NGO workspace; developing a monitoring, evaluation and learning method; NGOs engaging government, donors and/or their own organization in gender-sensitive budgeting; NGOs engaging community participants in solutions. Due to the inaccessibility of the girls’ families and communities, engaging outside community regarding violence against women is not possible while girls are in shelters. However, an alternative is engaging the girls in the shelters in informing their own empowerment.
1. Community engagement

The primary mode of preventing women’s rights approaches from perpetuating further injustices against women in developing countries is to engage communities in informing rights-based interventions. Community engagement and analyzing power structures are at the core of a rights-based approach that requires NGOs to move beyond the project programming they may have been doing. In this case study, the persistence of poor conditions in the shelters calls for an approach beyond making the girls forget about these violations for a few hours each week. An organization can instead aim to improve well-being for girls in shelters. Well-being will be indicated by improved conditions in terms of sleeping, nutrition, playtime, mental and physical health standards in accordance with Articles 19 and 24 of the Convention of the Rights of the Child. In this case, the CRC (rather than CEDAW) will serve as a more direct rights Convention to treat discrimination within the system of institutionalization. When the girls have increased access to rights knowledge and the ability to communicate needs, issue grievances, and then see needs met by duty-bearers, they will be empowered as rights-holders.

The benefit of engaging the girls, in what would result in institutional change, is that it creates the opportunity for each girl to vocalize her needs. Regardless of financial and human resource constraints of the shelters (which could be improved by gender-sensitive budgeting, as discussed later), NGOs can create systems for vocalizing grievances. This system alone is a start to uncovering the needs of the most vulnerable girls in the shelters who may be at the highest risk of re-entering a situation of violence upon leaving the shelter system, as some scholars note, writing that, “Regardless of the national or international law, the vast majority of women are still totally powerless to defend themselves in the home, when dealing with the police, or in court (Pickup, Williams & Sweetman, 2001, p. 74). This statement shows a disconnect so often seen between state policy and societal practice. While the helplessness of this statement reduces women to victims, the message of the need for individual empowerment is clear. To meet this aim, NGOs can also make girls aware of resources to which they have legal rights. Engaging girls in thinking of how they would hold institutions accountable to honoring those resources can empower victim-survivors individually and begin to shift societal norms.

In addition, engaging the girls in grievance reporting at the shelters and vocalizing needs is a positive way of reconnecting the body to the violations which have occurred. Whereas Emerge engages in activities completely outside the body, ignoring the physical harm occurring to the girls before and during their stays in the shelters, a system of grievances focuses on the physical and how it is connected to the political, or rights abuse. As Harcourt (2009) argues, “[t]he lived experience of the body, the identity and definitions attached to bodies, inform and are connected to all political struggles” (p. 23). This connection signifies that the “asks” of girls who have had their physical form violated would likely be motivated by their experience – one
that NGO workers likely do not have. Unique experience underlines the importance of solutions through the articulation of needs by the girls. The importance of participation has implications on development as well. As Oxfam Great Britain argues, “Violence is not an apolitical impediment to women’s participation in development; rather it is the ultimate means of enforcing unequal social, economic, and political relations between women and men, at all levels of society and in all countries of the world” (Pickup, Williams & Sweetman, 2001, p. 75). Therefore, the participation of the girls in their own development programming contributes to the reduction of systematic gender-based violence.

A challenge of this approach is working with the government and shelter staff to act on the girls’ vocalized needs. NGOs will likely be working with smaller groups of victim-survivors, similar to Emerge Lanka working with select girls from three area shelters in the Western Province. Smaller representation would create a challenge in engaging the government to make systematic change. However, without follow up on any grievances either from shelter staff or from government ministries, the rights approach is not fulfilling its intent. Creating allies and partnerships in the government and with other advocacy NGOs can improve the reach of a smaller NGO in helping to realize change. Another challenge when working with victim-survivors in shelters is the lack of access to their communities due to the protective privacy regarding the girls’ family and details of their court cases.

2. A rights-based approach in the workplace

A rights-based approach within an NGO begins with their own accountability to, in this case study, the victim-survivors in government shelters. Naturally, this requires balance between “upward” accountability to funders and “downward” and “horizontal” accountability to the shelter residents and the organization itself (Ebrahim, 2010). Working practices ideally should be dictated by the primary accountability to rights-holders (downward). However, funders, partners, and organizational needs can make this a challenge. An NGO can incorporate four fundamental components of accountability in order to hold themselves accountable to their priority stakeholders. The components are transparency, answerability or justification, compliance and enforcement or sanctions (Ebrahim and Weisband, 2007 as cited in Ebrahim, 2010).

These four components refer to treatment of accountability in all directions. In addition, components such as Compliance and Enforcement are internally focused to ensure all staff is on board with accountability goals and practices. NGOs can help ensure staff is accountable by checking for compliance and enforcing compliance when it is not seen. There are power dynamics within any office space and additional dynamics within an organization working in Sri Lanka, headed by an American. Accountability measures can ensure everyone is answering to the same demands regardless of power constructs within society or within the NGO.
3. Monitoring, evaluation and learning

Monitoring, evaluation and stakeholder feedback (through meetings, focus groups, and surveys) can play an important role in the success of project outcomes as indicated by the community. Compliance and enforcement of an NGO’s own promised deliverables makes them accountable to both duty-bearers (government ministries) and rights-holders (shelter residents). Measuring perceived impact of an NGO’s own programming or projects should be a priority for the organization itself and not merely for funders. Monitoring ties in to accountability which requires clear, attainable goals in order to monitor. Emerge Lanka had challenges in defining empowerment and translating their own view of empowerment into an achievable indicator. This makes the organization less accountable to the girls in the shelters as well as to their own organizational goals.

Monitoring and evaluation as well as an accountability structure can be challenging to maintain for smaller organizations with limited resources. However, for organizations working toward more intangible justice goals such as eliminating gender-based violence in a community, clear steps toward those goals are important to ensure positive impact. Consciousness of practice reveals biases and can deconstruct power relations that exist in an NGO that can be carried over into interventions (Pickup, Williams & Sweetman, 2001). The learning component of monitoring and evaluation means that an organization is building internal knowledge from monitoring their successes and challenges. This learning should help the NGO improve their approach and make them a more competent organization which is able to support requests for funding with tangible (qualitative or quantitative) data points.

4. Gender-sensitive budgeting

UNIFEM (2008) has created guidelines for gender-sensitive budgeting that are meant to look at state-level planning. However, gender-sensitive budgeting can be implemented by NGOs in their own budgeting. In addition, NGOs can advocate to government ministries and donors to look out for gender impact of funding. For example, oftentimes, social services are cut from budgets in favor of business services (UNESCO, 2008, p. 11). The government’s intention may be to serve the overall productivity of the state, but these cuts, usually of social services that serve the needs of women, can have negative effects on macro-economies as well. Cuts to government-funded programs can lead to an extra burden on health, education, and income generation within a household. The consequences can reinforce situations of poverty, especially for women because of, “social pressure for women to compensate for service cuts with their unpaid work” (UNESCO, 2008, p. 11). This can put women in more vulnerable situations in which they become prone to violence which may be especially true of girls leaving shelters with
educational disadvantages and social stigma to overcome. A human rights framework applied to macroeconomic budgeting would therefore ensure that budget cuts do not exacerbate gender-based violence and discrimination against women and girls.

The budget-making process is integral to ensuring whether or not a government budget is supporting non-discriminatory programs and practices. Participation is key to this process. To support a non-discriminatory funding process, UNIFEM (2008) calls for equal participation of women and men in forming government budgets. Efforts must be made to 1) increase the number of women participating 2) increase the capacity of those women as decision-makers and 3) incorporate a gender-sensitive approach to budget-making decisions (p. 16). Lastly, duty-bearer accountability must be addressed in budgeting practices. CEDAW outlines the duty-bearers responsibility to provide access to information (here UNIFEM specifies sex-disaggregated data) and to enable right-holders access to redress when budget guarantees are not met (p. 17). These measures of accountability must be honored to fully incorporate a rights-based approach to gender budgeting.

At the NGO level, gender budgeting can mean more appropriate funding sources. Funding sources must encourage rights-based, stakeholder involvement at the level of victim-survivor and shelter staff. This approach can contend with the “ruling class interests” (The Rank and Filer, 2011) of funders whereby projects are funded to serve macroeconomic, Western interests. NGOs can mitigate this risk by applying to funders that support women’s rights work. Setting very clear outcomes and offering transparency to both funders and stakeholders will help NGOs stay accountable and make their expectations for the project clear to funders.

CONCLUSION

Gender-based violence is a complex problem that touches on several areas of development work. The case study demonstrates the complexity of gender-based violence – how it has physical, emotional, and larger societal implications. Girls living in shelters have been victims of gender-based violence in their homes or communities and then are placed in a system that is discriminatory given that the shelters take the girls from school or work, the conditions are poor, and trial periods are excessively long. The discrimination against the girls begins and ends with societal views that women and girls can be treated as if they do not have the privilege of human rights. An added complexity explored in the literature review is that development interventions as well as methods such as the rights-based frameworks often come out of the West. These approaches do not always end up helping the intended beneficiaries and, as argued by some scholars, can actually make circumstances worse for women.
The implications of gender-based violence on women, girls and society must be explored for best possible interventions rooted in community input. Misguided development interventions alongside the impact of rape and incest and the institutionalization of victim-survivors on female adolescents should be further explored. General knowledge regarding the consequences of gender-based violence is useful but must be applied within context. For example, a research study shows that there is a correlation between risk of self-reported intimate partner violence and the average marital age of women in a country (Jayasuriya, Kumundu & Axemo, 2011). This indicates that women become more vulnerable to violence when they are in marriages – in Sri Lanka this would be around 25 year of age (Jayasuriya, Kumundu & Axemo, 2011). The implications of the apparent correlation between partner violence and marriage in this case study are that the girls exiting the shelters at the age of 18 are likely to re-enter a situation of violence when they get married. Due the girls’ missed education and interaction with society, as well as the stigma associated with both rape and institutionalization in Sri Lanka, the girls will likely have trouble procuring jobs when they leave the shelters. This increases their chances of entering into a marriage with a potentially abusive partner who appears to promise financial stability.

While Emerge Lanka’s programming may help girls living in shelters to navigate some of the challenges they will face when they leave (with money earned while in the “Beads to Business” curriculum), the organization does very little to hold accountable those responsible for the gender-based violence the girls encounter. This lack of attention to the system of violence has negative consequences on the countless girls that will come through the trial system and these shelters. Much effort from the organization is placed in giving girls skills that may not apply in their own contexts and the organization is unable to adapt programming for an individual girl, for example, who may speak Tamil (a language not spoken by any of the Emerge staff), is illiterate, or is emotionally overcome by their traumatic experience. The business concepts are not necessarily plausible for some girls in the program and are not as easily grasped by teenagers, many of whom are not focused on becoming entrepreneurs.

Alternatively, working to have the shelters hear grievances from the girls holds the government accountable to their duty to protect children and to not discriminate against girls. In addition, this approach ensures that the organization programming is being guided by the perceived needs of the girls. The initiatives suggested in the discussion section are meant to provide an opening for NGOs operating in this context to examine bias and deconstruct power systems that exist within their organization or in the system of violence in which they operate. Internal facing initiatives include having a strong monitoring, evaluation and learning component and using that system to ensure measures of accountability to program beneficiaries as well the organizations itself and its funders. Gender-sensitive budgeting can also be used internally to ensure that all programming has the necessary funding from donors that support rights-based approaches. If an NGO is in a position to engage with duty-bearers, advocating for gender-
sensitive budgeting can ensure that proper funding is allotted to government programs such as the institutionalization of children. This could vastly improve the care and protection of girls living in shelters.

Finally, the concept of participation and grassroots solutions are rooted in both sustainable development and a human rights approach. Outside intervention can work as kindling for change. However “it is the solidarity and courage of the community, both of women and men, that shape the change in responding to it” (Harcourt, 2009, p. 199). Community participation ensures that beneficiaries are able to vocalize needs through grievance systems, as shown in this case study. This vocalization of needs is integral to Nussbaum and Sen’s capabilities approach that calls for the discovery of capabilities. It is also at the core of a human rights approach that can have the most impact on deconstructing the system of gender-based violence in Sri Lanka when proper context is taken under consideration.
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