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Seeker Are You Protected? Social Media and Protection Granted to Women in Sri Lanka

By Asha Hansinee Mendis¹

Abstract

Facebook, which revolutionized social networking, offers solid platforms for women freely to express and give life to their opinions on any subject they desire, from fashion to human rights, feminism to politics. As a result, a number of issues have arisen regarding the safety of social exposure, chief amongst them being the preservation of privacy. This study examines privacy concerns of female Facebook users in Sri Lanka (age group of 20-30) and the possible judicious measures that can be taken by government organizations regarding this matter. During the course of this research, a mixed methodology was adopted in data collection, which included 118 surveys and interviews. The general concern of Facebook privacy, attitudes and expectations was evaluated through the survey. Interviews were conducted with the goal of bringing attention to and evaluating the existing privacy protection mechanisms provided for Facebook users. The willingness displayed by many females to disclose personal views and information on Facebook has become a phenomenon which demonstrates breaking the silence and absolute freedom of expression. The survey revealed that a majority of the survey participants were pessimistic about Facebook security, even after the application of strict privacy settings. This paper concludes with a discussion of the proposed privacy protection, through amendments and reforms, which is viewed as part of the government's legal responsibility to uphold Facebook privacy and affirms the matriarchal cultural values of Sri Lanka, where the general expectation of young females is to raise a family that upholds virtue and family values. In turn, female mental and social security and the prevalence of freedom of expression ensure gender equality in Sri Lanka.

Keywords: Sri Lanka, Facebook, Right to Privacy, Legal Responsibility, Sri Lankan women.

Introduction

The cyber era has transformed social life significantly. Previously, seeking entertainment, making political maneuvers, building relationships, and buying and selling goods were challenging endeavors in far different ways. Today, digital networks monopolize human activities whether voluntarily or non-voluntarily. In the generational development of information technology as a paradigm to connect the social lives of humans throughout the world, there emerged the concept of Social Networking Sites (SNSs) as a milestone of digital networks. SNSs showcased a web-based platform for the world community to build resilience and partnerships across many different

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cultures. There are many SNSs available through the Internet, such as Facebook, Twitter, YouTube, Google+, Instagram, etc. However, Facebook is one of the most widely used SNS connections throughout the world. Both in the Sri Lankan context and worldwide, Facebook offers a solid platform for social networking, allowing free expression of political opinion and facilitating opinion creation. Despite the heavy taxes or high charges on Internet usage, the collective human need to increase connectivity for educational, occupational and recreational motives continues to rise.

Commencing in mid-2016, Sri Lankan membership on Facebook increased from four million to five million, and more women between the ages of 18 and 24 were on Facebook than men. This situation in Sri Lanka demands female security and the right to privacy. Female security conveys the underlying notion of sexual justice, reproductive health rights, gender equality and feminism. Women tend towards opinion creation through Facebook regarding security issues, which are gender sensitive, with more confidence than they express in public. In the physical world, a mere lowering of the voice or drawing of curtains can keep one's private life away from others, unlike in cyberspace, where protection of one's privacy is more difficult.

Facebook's privacy features give users a fair degree of flexibility in deciding who is allowed to see their information. Unshackled boundaries (cover photo setting must be viewable to public, government blocking social media in a particular territory, etc.) have put privacy on Facebook in the legal spotlight, which does not reflect cross-cultural values. Questions arise when one's privacy is threatened by another on cyberspace and one is subsequently left without legal means to respond, due to the fact that the existing privacy settings on Facebook or cyber laws of Sri Lanka have failed to achieve their purpose of legally protecting the privacy of female Facebook users. Concerning the online privacy of females, the government has a legal responsibility to uphold their privacy protection, which affirms the matriarchal culture, virtues and family values of Sri Lanka. In turn, the mental and social security of females, and their expressiveness, ensures gender equality in Sri Lanka. The challenge does not lie in achieving security or privacy, but simultaneously achieving both.

This research is organized into six chapters. The section immediately below considers definition of privacy and its applicability on the online platform of Facebook. It also examines privacy in the context of the right to privacy, specifically as a human right. The second section evaluates the role of women on social media, precisely on Facebook. The third section is based on the background to the research, which is comprised of research objective, research problem and methodology. The online survey and interview results are discussed with the objective of proving the growing concern regarding female Facebook privacy in the fourth section. The fifth section evaluates the research findings and has attempted to provide recommendations, both substantive and procedural. This is followed by a summary conclusory section.

Privacy and Facebook

The right to privacy is not merely an individualized agenda to achieve freedom of expression; it is a multilateral experience of preserving each other's mutual rights. According to Alan Westin's definition in *Privacy and Freedom*, it is "the desire of people to choose freely under what circumstances and to what extent they will expose themselves, their attitudes and their behavior to others" (Westin 1967, 7). A woman who has been raped and who is about to give evidence in court has the right to request to exclude the general public from the court room because

she has an interest in informational and communicational privacy, both of which could affect her mentally and physically. Similarly, for a woman who is raised within rigid, gendered cultural norms and beliefs², such as those found in Sri Lanka, an incident along the lines of, for example, the misuse of a photograph on Facebook by another can have serious implications on her standing within her society, which can be to the detriment of her current and future lifestyle. This is currently common in Sri Lanka; unfortunately, some cases result in suicide, leaving the perpetrator without any repercussion or punishment. These are real-life scenarios that depict threats to female privacy on Facebook; however, the legislature and judiciary have failed to define and penalize online privacy violations. The prime analysis of privacy on Facebook focuses on personal information revelation.

According to Tavani (2008, 2011), informational privacy is one of four kinds of privacy, the other three being physical or accessibility privacy, decisional privacy, and psychological or mental privacy. Nevertheless, a violation of the right to privacy of a Facebook user cannot be, on its face value, categorized under informational privacy. For example, if a female expresses her political or feminist (in opposition to the government's decision) views on Facebook and an intruder posts it in a publicly available page insulting the woman, it may lead to a situation where both her informational and decisional privacy are affected. Palen, Dourish, and Paul (2003) propose that privacy in a networked environment is a dynamic, dialectic process of negotiation that is conditioned by people's own expectations and experiences and by those of others with whom they interact. This definition faultlessly provides that people from different cultural backgrounds and from dynamic environments demand privacy in their network environment in a diversified manner. Thus, there is a need for a process of negotiation, the demand for which is rapidly rising as the right to privacy of female Facebook users becomes a greater concern.

Human rights jurisprudence has attempted to address the notion of the right to privacy of individuals in the physical world and on cyberspace. This was acknowledged by the United Nations Human Rights Council in their 2012 Resolution, which stated that the "same rights people have offline must also be protected online." In the physical world, people can be punished if they have directly or indirectly violated another person's human rights. On the other hand, it is impossible to trace the exact person behind an electronic device who violated the online privacy of another, making it dreadfully difficult to punish the perpetrator. The right to privacy is vital for online freedom, a fact which must be embraced without a doubt.

The right to privacy is recognized through a number of international treaties, including Article 12³ of the Universal Declaration of Human Rights, and in similar terms in Article 17(1) of the International Covenant on Civil and Political Rights. Though Sri Lanka has ratified the aforementioned international treaties, ratification alone is not sufficient to a dualistic approach country; it is also important to pronounce those international standards in a domestic context through incorporating them into domestic legislation.

² It is the cultural belief that women are to cater to children and household work rather than be engaged in politics or be an influential character in the social arena.

³ No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attack upon his honor and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Certain jurisdictions have also recognized the right to privacy as a fundamental right by the Constitution directly. For example, Article 14 (d) of the South African Constitution⁴ entails that every citizen has the right to privacy in the area of communication. This right is also recognized indirectly through judicial interpretation. In the Indian context, the judiciary interpreted that, “right to privacy is protected as an intrinsic part of the right to life and personal liberty under Article 21 and as a part of the freedom guaranteed by Part III of the Constitution.”

In synopsis, the right to privacy should not only be guaranteed in the physical world, but it should also be guaranteed in cyberspace, both in an international context as well as in Sri Lanka, where there is a high demand for privacy from social networking site users and specifically by Facebook users.

Women’s Role in Facebook Use

As mentioned above, the Sri Lankans’ number on Facebook increased from four million to five million in mid-2011⁶, and more women between the ages of 18 and 24 were on Facebook than men. This gender behavior is uniquely different from the global trend of one billion Facebook users, where men were the majority of every age group on Facebook.

In the pre-digital era in Sri Lanka, and especially during colonial times many decades ago, the social lives of women were a far cry from what they are now. However, with the advent of the free education system, most women tended towards obtaining an education. According to UNICEF, the literacy rate of female youth between 15 and 24 was 98.6% from 2008 to 2012. (UNICEF Statistics Sri Lanka, 2013). This also paved the way for females to socialize. The gender difference saga has played a huge role in restricting the ways in which women can express themselves in society, with men being typically associated with action, adventure, aggression, competition, and preoccupation with vehicles and weapons, while women have been portrayed as being more concerned for the welfare of others, interpersonally sensitive, emotionally expressive, open, empathetic, revealing, dependent and vulnerable. The bridging of this gap with the dawn of social media has led to women being more open to the public than men, which is contrary to the upbringing and traditional values of the early Sri Lankan society.

In general, female online communication signifies the desire for solidarity, cohesion and love, which depicts them as being expressive of their relationships and intimacy. Facebook has become a solid platform for their expressiveness and opinion creation. Significantly, women tend more towards online communication than face-to-face communication. This has resulted in women expressing their political views, opinion on gender issues (gender equality and gender security), health security demands (reproductive health rights) and many more thought-provoking subjects occupying the minds of the people of today’s society.

Women have always been portrayed as vulnerable within the society, especially in contrast to men. With the advent of social media platforms such as Facebook, women are breaking this stereotype, demanding equal rights under the umbrella of feminism and working toward becoming considered on par with men in every aspect possible. While this may be the order of the day in most developed countries of the western hemisphere, significant gender disparities still exist within Asian countries, Sri Lanka being one such country. Social networking sites, specifically Facebook,

⁴ Everyone has the right to privacy, which includes the right not to have—(d) the privacy of their communications infringed.

are now the greatest of means utilized by women to express their thoughts and opinions, while at the same time demands for their security and privacy, which by all means are their right.

Background to the Study

According to statistical data available in Sri Lanka, in 2016 there were 6,087,164 Internet users, some 29.3% of the total population, with 3.5 million of them being Facebook users. In February 2017, the statistics depicted that starting from mid-2016, the Sri Lankan populace on Facebook increased from four million to five million. It was also observed that more women between the ages of 18 and 24 were on Facebook than men. Consequently, this study was carried out to highlight the privacy insecurities of female Facebook users within the Sri Lankan context.

Most of the women were aware of gender disparities online, particularly through Facebook, and desired to change them, although they found it challenging to do so. Facebook is a worldwide social networking site with common privacy protection afforded to all Facebook users, which does not reflect any culturally sensitive privacy protection to any country or region around the world. The day-to-day life of Asians is highly dependent upon cultural and traditional values. Thus, in this context, the Sri Lankan society places great value on traditional gender stereotype beliefs. Rapid development of technology and digital social networking could not afford to keep up with domestic cultural demands for social security and privacy protection. It is clear that a female Facebook user of Sri Lanka cannot solely depend upon the default privacy settings provided by Facebook to secure their privacy. Objectives of this research were as follows:

- To identify the threat towards female Facebook users regarding the concern of privacy.
- To evaluate the existing legal privacy protection mechanisms provided for female Facebook users.
- To assess procedural means that can be taken to preserve privacy on Facebook.
- To identify laws that should be amended and be reformed to preserve Facebook privacy.
- To recommend amendments and reforms to be made in preserving Facebook privacy.

Research Problem

Existing privacy settings on Facebook or cyber laws of Sri Lanka have not achieved the goal of legally protecting the privacy of female Facebook users. The problem arises when their privacy is threatened by another on cyberspace and they are subsequently left without a legal means of dealing with the matter. Thus, the possible judicious measures that can be taken by governmental institutions are the main issue of concern addressed in this research.

Methodology

This was quantitative research in an exploratory design. Moreover, a mixed methodology was adopted. In order to evaluate the general concern of Facebook privacy, attitudes and expectations, an online survey (in English) was conducted with the participation of 118 female Facebook users between the age group of 20 and 30. The rationale behind the sampling of survey participants belonging to a specific gender and age group lay in the fact that they are the age group most exposed to the contemporary trends with the rapid development of technology and reportedly have greater usage of Facebook than men. The primary aim of the survey was to initiate an

exploratory study to gain initial insights as to whether there was a privacy concern and a threat to privacy through Facebook, and to identify associated problems they face. Questions in the survey were mainly based on the following main topics:

- Purpose for using Facebook.
- Extent of awareness of the issue.
- Means and methods that can be used to address this issue.

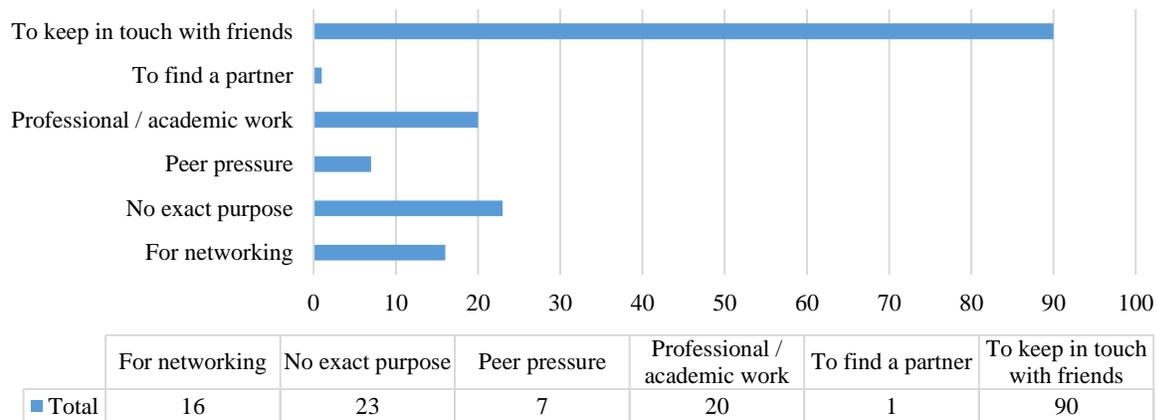
A doctrinal qualitative research method was also followed to determine and identify the lacuna of the existing law of the right to privacy in Sri Lanka. An interview with the Sri Lanka Computer Emergency Readiness Team | Co-ordination Center (SL CERT | CC) officials was conducted with the strategy of bringing attention to and evaluating the existing privacy protection mechanisms provided for Facebook users. The doctrinal research method then led to proposing possible changes to the law.

Results and Data Analysis

One hundred and eighteen Sri Lankan female Facebook users (N=118) between the ages of 20 and 30 took part in the online survey. The survey was conducted during the time period of 19th January 2017 up to 19th February 2017. Out of 118, 81% (n=96) were undergraduates or following a professional course, mainly because this age group is most commonly engaged in their professional studies. The following analysis is based on the scope of questions raised in the questionnaire.

Purpose for Using Facebook

In a world highly connected through social networking, seeking to discover the purpose of using Facebook is a challenging task. If a female Facebook user has concerns regarding her online privacy, there should also be a definable purpose for her to be on Facebook. In order to address the issue, multiple-choice type questions were administered, giving the choices peer pressure, to keep in touch with friends, for networking, to find a partner, professional or academic work, no exact purpose and other reasons.

Figure 1: Why Do You Use Facebook?

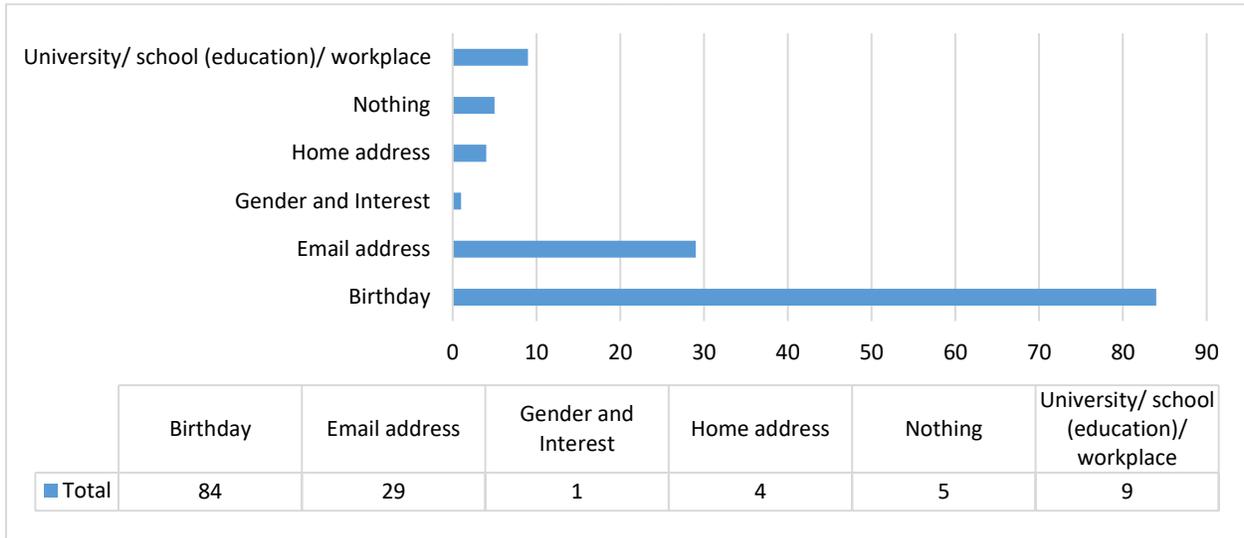
Due to the multiple-choice answer mode, participants could choose more than one answer, except if they answered no exact purpose. A majority of survey participants, 76% (n=90), used Facebook to keep in touch with friends, though 81% of them were undergraduates or following a professional course. Nonetheless, 15.2% (n=18) had a choice on both the accounts of using Facebook for professional or academic work as well as to keep in touch with friends. It was unpredictably revealed that 19.4% (n=23) participants did not have an exact purpose to be on Facebook, which was higher than the percentage of females using Facebook for professional or academic purposes 16.9% (n=20). Moreover, an unexpected result was derived from a single undergraduate or someone following a professional course, who was on Facebook to find a partner.

These results depict that a majority view of the survey participants had a clear understanding and a purpose to be connected to others through Facebook. The fact also remains that even if female Facebook users consider themselves to be choosing their friends wisely, they should continue to be vigilant about their privacy. Furthermore, 23 participants stated that they had no exact purpose in using Facebook, which points toward a lack of awareness or concern towards the privacy concern affecting female Facebook users.

Extent of Awareness of the Issue

The second objective of the research was to evaluate existing legal privacy protection mechanisms provided for female Facebook users. This objective could be extended to evaluate the awareness of female Facebook privacy threats. Revealing private information about a Facebook user was divided into two questions to evaluate the extent to which female Facebook user voluntarily put themselves at risk.

Figure 2: Which of the Following Personal Information Have You Made Visible to the Public?



According to the cluster bar (Figure 2) the majority of survey participants 71% (n=84) shared their birthday publicly, which does not have any threat to female privacy. However, it is observable that 4% (n=5) did not share even this minor detail of private information on Facebook publicly.

Figure 3: Which of the Following Personal Details Do You Freely Share on Facebook?

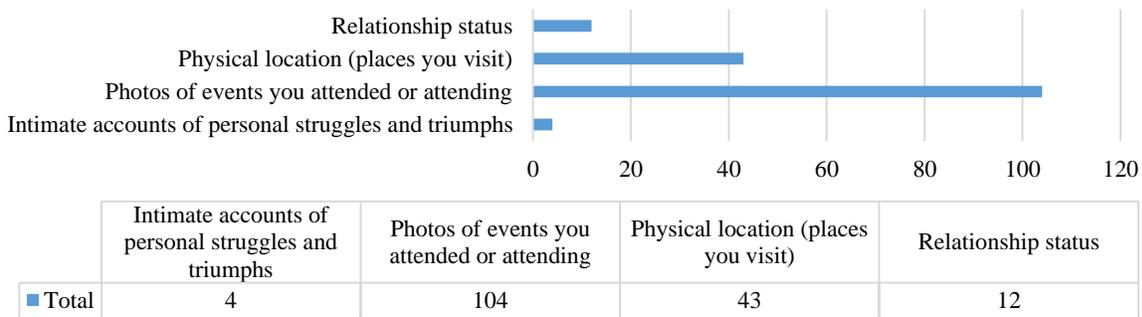
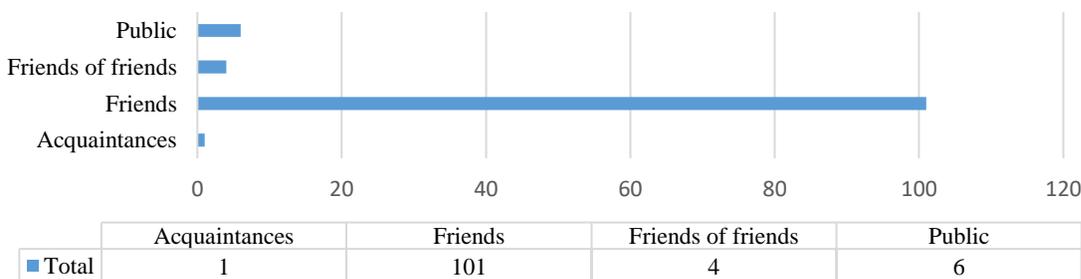


Figure 4: With Whom Do You Share the Above Information?



Figures 3 and 4 depict the extent to which sensitive privacy data were revealed. More often than not, in keeping with the traditional and cultural values of local society, Sri Lankan society females preferred to shield their relationship status and intimate relationship struggles from unnecessary exposure. If revealed, and an unknown person were to misuse this information through any source, it is commonly believed that the fault would lie with the female party. Though this is logically unsuitable and untimely, the duty-based approach rather than the right-based approach taken by society does not approve of the female standing up for her rights. This was clearly depicted by Figure 3, where only 10% (n=12) and 3% (n=4) of participants respectively reveal relationship status and intimate accounts of personal struggles and triumphs. Moreover, it is further established through Figure 4 that female respondents to the survey are reluctant to reveal their sensitive private details to the public 5% (n=6) as opposed to revealing them to their friends on Facebook 85% (n=101). Despite the multiple answers, five statements⁵ were also added by survey participants that indicated that female Facebook users were concerned of their privacy online.

Figure 5: Are You Satisfied or Confident Enough That Facebook Would Protect You From ‘Security Problems’ (Even After You Strictly Filter Your Profile with Privacy Settings)?

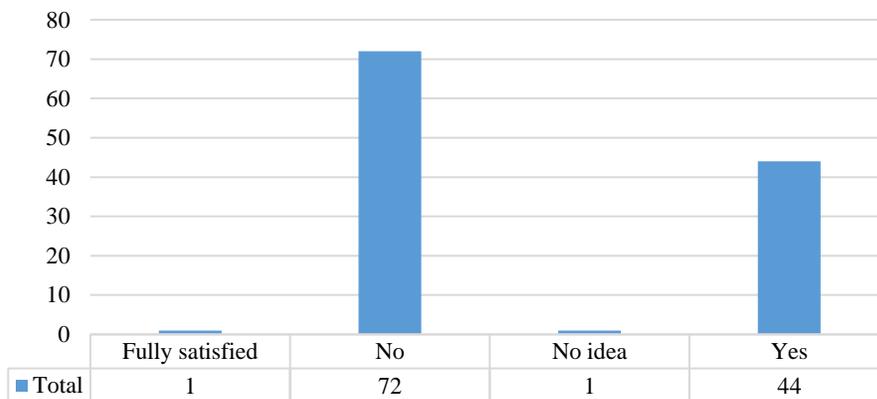


Figure 5 results disclosed that 61% (n=72) of participants were not satisfied with the default strictly filtered Facebook settings. Moreover, strong dissatisfaction is depicted through additional statements by participants.⁶ The response of no idea cannot be considered lightly under any circumstance because that indicates that there are female Facebook users who were unaware of the

⁵ 1) I do not want to make my personal things public. 2) I do not like to share my details with unknown people. 3) I do not like people who are not in my profile to see my posts. 4) Friends, because I have added only the people I know as friends on Facebook and I am comfortable sharing info with them only. 5) We should not share our personal things to people who we do not know.

⁶ 1) I wonder how Facebook protects us. I have selected my privacy settings, true, but I have heard bad stories. 2) There can be fake people who act as friends and so unnecessary things can happen. 3) There are still accounts that get hacked. 4) There are many hackers on Facebook. 5) There is a little bit of suspicion about security as it is electronic media. 6) Those filters do not work properly; only people who have mutual friends can send requests to me, but still I get requests from random people, and plus the reporting process is bad. 7) My account was hacked. 8) Nothing is private on the Internet. 9) No, because in online platforms there is always a mediator either visible or invisible where all data will be stored. So even if we delete a post, it will however be saved in the server, operator or mediator.

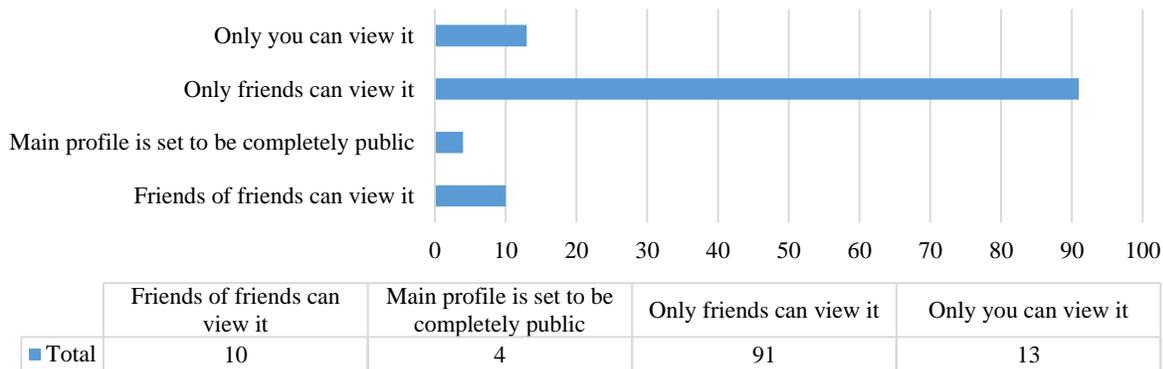
ways that their privacy could be threatened. Moreover, 37% (n=44) were satisfied with the privacy protection granted to them through Facebook settings. Just one participant out of 118 was fully satisfied with the Facebook settings which protect her privacy.

The above results clearly indicate that a majority of participants of the survey were aware of the threat to their privacy. However, Figure 5 shows that users cannot fully depend on Facebook settings to protect themselves. Thus, this calls for third-party involvement.

Means and Methods That Can Be Used to Address This Issue

It was an objective of this research to assess procedural means that can be taken to preserve privacy on Facebook. This object was addressed through the survey questionnaire. Apart from the online survey conducted, this objective was achieved by the interview with the SL CERT | CC official.

Figure 6: Have You Imposed Any of the Following Restrictions to Your Facebook Profile (Concerning Privacy Protection)?



Procedural steps taken by Facebook users to protect their own privacy depicted that 11% (n=13) of their profiles were absolutely private, where only the user could view the main profile. Also, 77% (n=91) of female respondents' profiles could only be viewed by friends. However, there were respondents whose main profiles were set to be completely public 3% (n=4).

Figure 7: Which of the Following Practices Do You Indulge In?

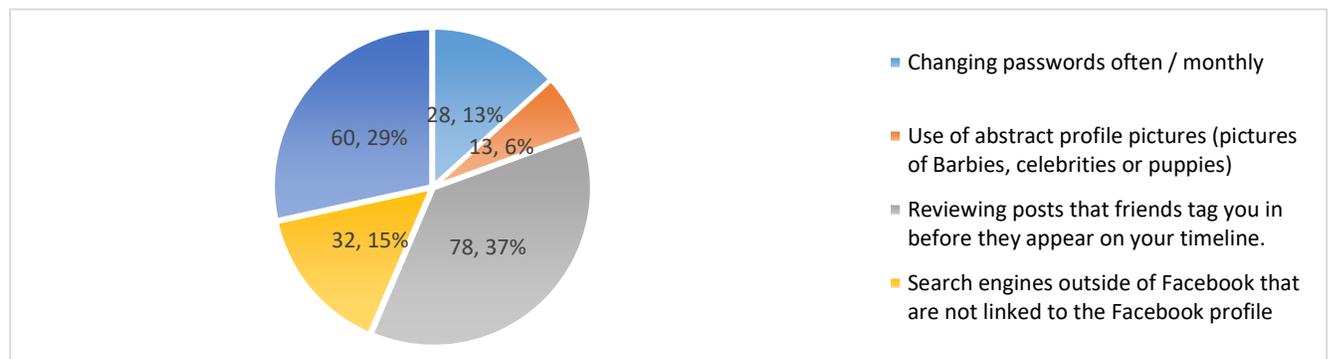


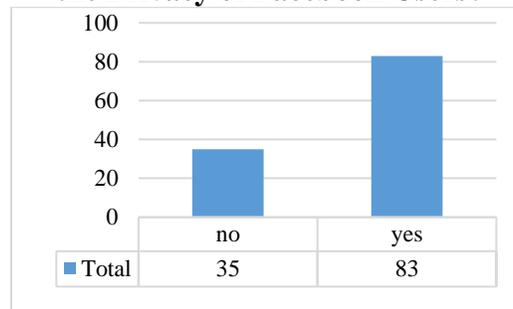
Figure 7 depicts means and methods used by the female Facebook users to protect themselves from privacy threats. It significantly represents two main procedural privacy measures taken even if the Facebook account owner has the liberty to choose her friends: 37% (n=78) of Facebook users review posts that friends tag them before they appear on timelines, and 50% (n=60) limit the people who can send them friend requests.

The interview with the SL CERT | CC officials revealed three main points, as follows:

- Sri Lanka does not have an independent State organization for law enforcement regarding Facebook privacy protection.
- Computer Crime Act No. 24 of 2007 (CCA 2007) does not address the right to privacy of a Facebook account.
- According to Facebook's privacy policy, identifying the person or party behind a Facebook account who is violating the privacy of another is impossible.

The essence of interview results was that the existing laws of Sri Lanka had no means and methods to address the issue of protecting the right to privacy of female Facebook users. The same was revealed through the responses to the online survey questionnaire.

Figure 8: Do You Think that the Sri Lankan Government Should Be Involved in Securing the Privacy of Facebook Users?



This depicts that it was the opinion of a majority of survey participants, 70% (n=83), that the government of Sri Lanka should be involved in protecting the right to privacy as a whole through legal means.

Legal Analysis and Recommendation

Though the survey-based questionnaire addressed the opinions of 118 participants only, it was presumed in this research that the right to online privacy on Facebook is a common problem for the whole nation of Sri Lanka. With the above understanding, recommendations will be delivered to cover the whole Sri Lankan legal system. Recommendations are twofold and categorized as substantive and procedural recommendations.

Substantive Recommendation: Guarantee Right to Privacy by the Constitution of Sri Lanka as a Human Right.

Sri Lanka ratified International Covenant on Civil and Political Rights Act, No. 56 of 2007 (ICCPR), which guaranteed the right to privacy, on 11th June 1980. When states ratify international

treaties or declarations, such as the one mentioned above, they put themselves under obligation to respect, protect and fulfill the rights enshrined within those instruments (The Right to Privacy and a Data Protection Act: Need of The Hour, 2017). The legislature of Sri Lanka enacted the ICCPR which came into effect on 16th November 2007. The legislature demonstrated its purpose in the Preamble by stating, “It has become necessary for the government of Sri Lanka to enact appropriate legislation to give effect to those civil and political rights referred to in the aforesaid covenant, for which no adequate legislative recognition has yet been granted”. However, this act does not contain a provision guaranteeing the right to privacy, which is enshrined in the ICCPR. Failure to give effect to the ICCPR by the Sri Lankan legislature affects the rights of the people at large, the right to privacy in the physical world and in cyberspace.

Judicial interpretation to recognize the right to privacy is still a possible approach to overcome this issue. In the case of Justice K Puttaswamy (retd.) and ANR. V. Union of India and ORS (India) Supreme Court held, “The right to privacy is protected as an intrinsic part of the right to life and personal liberty under Article 21 and as a part of the freedoms guaranteed by Part III of the Constitution” Moreover, it is stated that the right to privacy is a fundamental right, a right which protects the inner sphere of the individual from interference from both State, and non-State actors and allows the individuals to make autonomous life choices. Yet, the Sri Lankan Constitution does not guarantee the right to life, which again makes it infeasible to achieve the right to privacy through judicial interpretation.

The question to be addressed is whether the Sri Lankan Constitution guarantees no right to privacy. This unclear situation is explained by Althaf Masoof (2008):

“In Chapter III of the Sri Lankan Constitution, the fundamental rights of the people of Sri Lanka are exhaustively guaranteed. On the surface, it seems that Chapter III guarantees no right to privacy. Article 17 read with Article 126(1) of the Constitution makes it clear that an application may be made to the Supreme Court in relation to the infringement of an individual’s fundamental right by executive or administrative action.”

However, this does not cover the entire spectrum of possibilities that can be a threat to privacy in digital platform. Thus, it is evident that Sri Lanka should include and guarantee the right to privacy as a human right in the Constitution, which is open to interpretation by the judiciary and which could include the right to privacy for Facebook users. In a country that places high value on the traditional and cultural privacy of women, it is important to guarantee the right to privacy through the Constitution.

1st Procedural Recommendation: Establish an Independent State Organization to Investigate Crimes Relating to Social Network Sites

SL CERT | CC acts as the focal point for cyber security for the nation. It is the single trusted source of advice about the latest threats and vulnerabilities affecting computer systems and networks and a source of expertise to assist the nation in responding to and recovering from cyber-attacks. This is not a government organization because it is registered as a private limited liability company. This reduces its power to be a state body which could work together with sanctioning bodies of other nations to solve cyber-attacks. Although social networking and particularly using

Facebook is a private issue, it was suggested by the respondents of the online survey that government involvement in securing privacy of female Facebook users is the need of today.

Government involvement should first be regularized with the establishment of a state organ to investigate and pursue legal enforcement against the perpetrators since domestic legislation is lacking the legal provisions relating to the procedural need for international assistance and mutual assistance in dealing with criminal matters.

2nd Procedural Recommendation: Incorporate Provisions of the Budapest Convention into Sri Lankan CCA

Sri Lanka acceded to the Budapest Convention on Cybercrime on 29th May 2015. The following provisions of the Budapest Convention should also be incorporated into the Sri Lankan CCA 2007.

- Article 18–Data preservation and production order.
- Article 19–Search and seizure of stored computer data.
- Chapter III–International co-operation, including general principles relating to mutual assistance.

CCA 2007 is the existing domestic legislation that governs cyber security. Though the Budapest Convention was acceded by Sri Lanka, it comes into force in the domestic context only after the incorporation of the particular provisions to the domestic law (CCA 2007) due to the dualistic approach of the country. Articles 18 and 19 and Chapter III of the Budapest Convention give power to the domestic courts to order organizations such as Facebook to preserve, search, and seize data and provide mutual assistance with states to carry out investigations if they are involved with a violation of the privacy of a Facebook user. Since domestic law has no provision vesting this particular power to courts, governmental involvement becomes minimal. The amendment to the CCA 2007 with the provisions would provide the sufficient means to overcome this concern.

A question that would arise is whether Facebook would provide its data to a state or state organization. This uncertainty was cleared in the case of *The Public Prosecutor vs. Yahoo! Inc.* (Belgium). Yahoo! (domiciled in California) was requested by the public prosecutor in Belgium to hand over the IP addresses, but Yahoo! Inc. refused. Yahoo! Inc. requested that the prosecutor send the request via the regular international procedures for mutual assistance in criminal matters. On December 2015 Court of Cassation heard the case and held:

“...unlike Yahoo!’s opinion, there was no issue of extraterritorial jurisdiction at stake. Indeed, according to the Court, the request for disclosure to an operator of an electronic communication network or an electronic communications service provider who is active in Belgium does not imply any intervention outside the territory of Belgium, such as sending civil servants abroad. Finally, the Court of Cassation agreed with the Court of Appeal that Yahoo! “voluntarily” submits itself to the Belgian law because it actively participates in the economic life of Belgium, notably by using the domain name .be or by displaying ads based on the location of its users.” (Public Prosecutor Vs. Yahoo! Inc. 2012/CO/1054 Yahoo! Inc, 2013)

The same steps can be applied to Facebook as well, not as legal action against the organization of Facebook itself, but as a means to find out the real perpetrator behind a Facebook account. It is clear that if the Sri Lankan legislature takes the necessary steps, Facebook privacy protection is also a realizable issue.

Conclusion

With the desire for solidarity and expressiveness and with the expectation to be independent, women all over the world play a more active role in society today. Their voice is heard to a great extent through social media, specifically on Facebook, and thus, the threat to privacy is correspondingly the greatest on Facebook.

As previously stated, in Sri Lankan society and commonly throughout the Asian countries, women are insecure and vulnerable due to stereotypes and traditional cultural values. However, Facebook has become a popular platform for women to utilize to express their thoughts, while also becoming a threat to their right to privacy. With the understanding that this is not limited as a domestic issue to Sri Lankans but rather represents a demand from the global community, the research (online survey and interview) indicates that there is a high demand for privacy—a demand which has not been met. Thus, this paper highlights the need for the right to privacy and security on Facebook and the possible means of achieving this goal.

The online survey conducted with the participation of 118 Sri Lankan female Facebook users between the age group of 20 and 30 primarily aimed to initiate an exploratory study on the aforesaid issue and to evaluate their privacy concern. Interviews were conducted to determine and identify the lacuna of the existing laws regarding the right to privacy in Sri Lanka. The results gathered through the above methods were analyzed to arrive at a justifiable solution.

There are several limitations to this study. The research did not include an in-depth review of historically developed cultural values. The sample size of the study group (survey participants) was limited to 118 female Facebook users. This limits the potential for a greater, number female Facebook users' opinions on the matter. However, efforts were made to include the entire group by broadening the definition and through the recommendations provided. It is possible for future researchers to address a larger sample size that includes a majority of female Facebook users. At the same time, identifying each and every female Facebook user behind a Facebook profile would be an impossible task. However, recommendations are presented considering all female Facebook users as a whole.

In conclusion, the research demonstrates through the recommendations the need for state involvement through a government organization for law enforcement and technical know-how. The research has also identified the lacuna of domestic law (Constitution and CCA 2007) that has not taken steps to reflect the needs of the 21st century. The recommendations of this research are twofold as substantive and procedural recommendations for a better future for women on Facebook, social media and at large in the society. Social media platforms such as Facebook are imperative if we are to continue building partnerships, facilitating dialogues and overcoming the stereotypes that so limit the potential of societies for growth. Thus, the daunting task of ensuring online privacy is one which must be taken very seriously indeed.

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