

# ASKING FOR MY SOUL

## A STUDY ON SEXUAL BRIBERY IN THE HEALTH AND JUSTICE SECTORS IN SRI LANKA

BRIEFING PAPER



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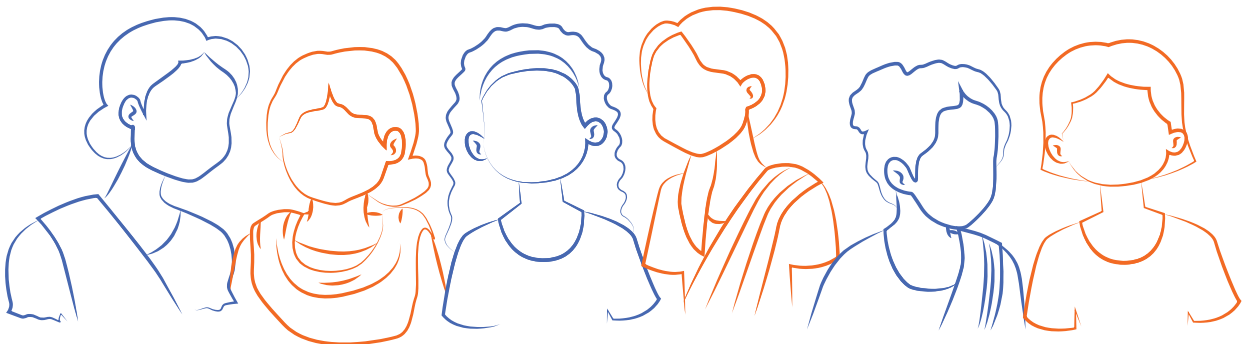
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THE HEALTH AND JUSTICE SECTORS  
IN SRI LANKA

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This briefing paper highlights the key insights on sexual bribery as identified through a qualitative study undertaken by CEJ from 2021 to 2022. The detailed report of the study is available with CEJ.

## WHAT IS SEXUAL BRIBERY?

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Sexual bribery occurs when a public officer makes sexual demands for the provision of any state service. Individuals are made to believe that unless they give in to the sexual demand, the service will not be provided. Examples include visitation rights to family members in remand custody, acting on police complaints, and accessing a clinic at a public hospital. The International Association of Women Judges describes sexual bribery as ‘sextortion’ and defines it as **‘an explicit or implicit request to engage in sexual activity in exchange for a government benefit.’**<sup>1</sup> Transparency International describes it as corruption where **‘sex, rather than money, is the currency of the bribe. It is not limited to certain countries or sectors but can be found wherever those entrusted with power lack integrity and try to sexually exploit those who are vulnerable and dependent on their power.’**<sup>2</sup>

Globally, it is now acknowledged that sexual bribery must be recognised as a grave issue that requires targeted action. Currently, the United Nations Convention Against Corruption (2004), does not specifically recognise or prohibit sexual bribery. But the United Nations<sup>3</sup> and other leading international bodies such as the International Bar Association have recognised that sexual bribery is a form of corruption. It is also a human rights violation and a crime.<sup>4</sup>

In Sri Lanka, the Bribery Act (1965) declares that soliciting or providing ‘gratification’ for obtaining a public service or for influencing the performance of public service amounts to a bribe.<sup>5</sup> The Act defines ‘gratification’ broadly.<sup>6</sup> It is possible, therefore, for law enforcement authorities and for the judiciary to interpret the Bribery Act to include a prohibition on sexual bribery. The Court of Appeal has decided in 1998 that ‘gratification’ under the Bribery Act ‘is used in its larger sense...The craving...for sexual intercourse is an example of mental and bodily desires, the satisfaction of which is gratification which is not estimable in money.’<sup>7</sup> This was a case where a male Senior Security Manager of the National Housing Development Authority was convicted under the Bribery Act for soliciting a sexual bribe from a female security guard. This is the only reported case in Sri Lanka where sexual bribery was recognised as falling within the Bribery Act. The studies conducted by the CEJ, including the study conducted in 2021/ 2022 reveal that sexual bribery is a serious problem. The lack of prosecutions and convictions, despite these reports of sexual bribery, is an indication that an implicit prohibition is not adequate or effective in dealing with sexual bribery. To prevent and remedy sexual bribery and to recognise it as a form of corruption, a criminal offence and as a human rights violation, the law must explicitly prohibit sexual bribery. CEJ has advocated for amending the Bribery Act to specifically criminalise sexual bribery. Participants in this study too were of the view that a clear, specific and strong law is necessary to prevent and remedy sexual bribery.

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<sup>1</sup> Naming, Shaming, and Ending Sextortion: Toolkit (International Association of Women Judges 2012) 9

<sup>2</sup> Breaking the Silence around Sextortion: The links between power, sex and corruption 8 (Transparency International 2020)

<sup>3</sup> The definition of corruption by two United Nations Conventions can be interpreted as including sexual bribery; the United Nations Convention Against Corruption and the United Nations Convention Against Transnational Organised Crime. Sri Lanka ratified these Conventions in 2004 and 2006 respectively.

<sup>4</sup> Sextortion: A Crime of Corruption and Sexual Exploitation (International Bar Association 2019)

<sup>5</sup> Bribery Act of 1954 as amended.

<sup>6</sup> Section 90 of the Bribery Act.

<sup>7</sup> Kathubdeen v Republic of Sri Lanka [1998] 3 Sri LR 107, 117. The Court cited H S Gour, Penal Law of India, (Law Publishers India) Vol 1 (edition not specified in the judgement).

## BRIBERY & CORRUPTION IN SRI LANKA

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According to studies conducted so far, bribery and corruption are systemic and entrenched in Sri Lanka. Sexual bribery has been identified as a significant issue with over 60% reporting first-hand or secondary knowledge of instances of sexual bribery.<sup>8</sup> Sri Lanka ranks 102 out of 180 countries on the Corruption Perceptions Index and Sri Lanka's score for 2021 is 37 out of 100.<sup>9</sup> According to the Global Corruption Barometer, 79% think that government corruption is a 'big problem' and 16% of public service users had paid a bribe in the previous 12 months (as per data available as of 2020).<sup>10</sup>

The 'Global Corruption Barometer 2019 Sri Lanka' report offers insights on the incidence of sexual bribery (sextortion) in the country. According to this report over 60% had first-hand experience with demands for sexual bribes or knew of persons who had experienced it.<sup>11</sup> 46% of respondents 'felt sextortion happened occasionally, often or very frequently.'<sup>12</sup> Urban respondents perceived sextortion to be more prevalent than rural respondents. Notably, half of the participants in the sample from the Estate sector had felt that 'sextortion occurred frequently or very frequently.'<sup>13</sup>

A study on women's experiences in accessing the public service, conducted in 2014, found that 52.3% of women had

experienced bribery and corruption in the preceding 6 months. This study was conducted among 501 households and 10 major sectors in the public service. Corruption was reported at 58.1%, 30.9% and 28% in the legal sector, Divisional Secretariat and health sector respectively. The study found that women from the plantation sector (65.6%) and conflict-affected areas (64.8%) were more at risk of being approached for bribery or corruption. In the study, more women in rural areas (68.2%) reported being subjected to bribery and corruption than urban women (38.6%). Finally, female-headed households (59.7%) were found to be more susceptible to bribery and corruption than male-headed households (49.6%).<sup>14</sup> The average amount paid as a bribe was calculated by this study as SLR 1,429.00.

CEJ has carried out three studies in the last several years on the issue of sexual bribery. The study 'Sexual Exploitation of Female Heads of Households Affected by War in the North of Sri Lanka' (March 2016) was based on twenty-five case studies of the experiences of victim-survivors of sexual bribery. These victim-survivors were from the war-affected Northern Province and the Puttalam district. 'Shrouded in Secrecy: Sexual Bribery of Muslim Women in Post-War Districts' (July 2018) is a study based on ten interviews among Muslim women about the incidence of sexual bribery. The participants in this study were from Batticaloa, Ampara, Trincomalee, Polonnaruwa and Puttalam districts. 'Sexual Bribery of Military Widows in Sri Lanka' (July 2018) is a study based on ten case studies

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<sup>8</sup> Global Corruption Barometer 2019 Sri Lanka' (Transparency International 2019) 30

<sup>9</sup> <https://www.transparency.org/en/countries/sri-lanka>

<sup>10</sup> <https://www.transparency.org/en/countries/sri-lanka>

<sup>11</sup> Global Corruption Barometer 2019 Sri Lanka' (Transparency International 2019) 30

<sup>12</sup> 'Global Corruption Barometer 2019 Sri Lanka' (Transparency International 2019) 19

<sup>13</sup> Global Corruption Barometer 2019 Sri Lanka' (Transparency International 2019) 19

<sup>14</sup> 'Women's Experience of Corruption in the Public Service' (Transparency International, Sri Lanka, June 2014) 42

from Anuradhapura, Kurunegala and Galle districts. The report, 'Amending Law and Policy to Address Sexual Bribery in Sri Lanka' (August 2020) and 'Ending Sexual Bribery in Sri Lanka, Legal and Procedural Reforms, Part II' (April 2022) by the CEJ makes recommendations for reforming Sri Lanka's law to specifically criminalise sexual bribery.<sup>15</sup>

## THE STUDY BY CEJ

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CEJ undertook a study from 2021- 2022 in continuing its efforts to understand the incidence and nature of sexual bribery in Sri Lanka. The study focused on two significant sectors in the public service, justice and health and on two specific groups, women and members of the LGBTIQ community. Except for the Southern Province, CEJ excluded provinces that had previously been targeted for study on sexual bribery. This study therefore included 19 in-depth interviews from the Central, Western, Uva, Southern and Sabaragamuwa provinces and five focus group discussions. The insights gathered were further complemented by twelve interviews with key informants in the justice and health sectors at the national and regional levels.

Women and persons of sexual and gender minorities experience discrimination in Sri Lanka. Moreover, because of the interpretation given to Section 365 of the Penal Code in Sri Lanka, sexual and gender minorities have been assumed to engage in criminal activities when they engage in sexual activities.<sup>16</sup> This serious issue has

led to other forms of discrimination against members of the LGBTIQ community in accessing rights to employment, housing, legal remedies etc.

## RESEARCH PARTICIPANTS

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### PROFILE OF PARTICIPANT VICTIM-SURVIVORS

The study involved a range of women and members of the LGBTIQ community and some of their key attributes are summarised below.



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<sup>15</sup> <https://drive.google.com/file/d/1FAgyawl4rR0wkSf2y7BXI0YovZxdUAU/view?usp=sharing>

<sup>16</sup> 'Knowledge, Attitudes and Perceptions Survey Report: Sri Lankan society's views about sexuality and LGBT people's experiences in Sri Lanka' (Social Scientists' Association 2021); 'Rethinking laws and policies that leave LGBTIQ+ Sri Lankans behind' (Westminster Foundation for Democracy 2021)

Province	District	Age (At time of narration)	Other details
Central Province	Kandy	49	Widowed mother
	Hatton	49	Mother (Married), spouse unwell
	Matale	50	Mother (Married. The incident occurred when husband was working overseas)
	Matale	23	Woman (homemaker)
	Kandy	23	Woman (homemaker)
	Kandy	32	Woman (homemaker)
	Matale	49	Woman (co-owner of a small tea plantation)
Sabaragamuwa Province	Ratnapura	38	Mother
	Ratnapura	43	Mother, self-employed
	Ratnapura	46	Mother, co-owns food business with husband
Southern Province	Hambantota	22	School student
	Hambantota	39	Mother
	Matara	42	Woman with physical disabilities working in the health sector
	Hambantota	29	Female medical student
	Galle	44	Female migrant domestic worker
Western Province	Colombo	38	Transgender sex worker
	Gampaha	40	Female sex worker
	Colombo	22	Transgender sex worker
	Colombo	23	Transgender sex worker

## PROFILE OF PARTICIPANT KEY INFORMANTS

Health Sector	Justice Sector
Consultant Psychiatrist	Chief Inspector of Police
Postgraduate Medical Trainee	Police Inspector
Medical Doctor and Academic	Officer of the National Authority for the Protection of Victims of Crime and Witnesses
Public Health Midwife	Legal Practitioner
Public Health Midwife	Officer of CIABOC
Retired Nurse and Academic	Legal Practitioner

## TYPES OF PERPETRATORS IDENTIFIED AND REASON FOR SEXUAL DEMANDS

All perpetrators that were identified by the victim-survivors were male. However, a key informant from the justice sector noted that women too have been identified as perpetrators on some occasions. A key informant from the health sector too made this observation. Nevertheless, it is important to note that the dominant view among the key informant interviews was that perpetrators are men.

Alleged Perpetrator	Service Offered/Trigger Incident
<b>Justice Sector</b>	
Male Lawyer	Seeking legal advice due to land dispute within the extended family
Male Police Officer	Due to police complaint about daughter failing to return home
Male Police Officer	Obtaining bail for remanded husband
Male Police Officer	Making a police complaint in order to replace lost identity card
Male Lawyer	Seeking legal representation regarding a land dispute which gave rise to the need to obtain bail
Male Lawyer	Seeking legal representation regarding a land dispute
Male Police Officer	Law enforcement in divorce proceedings
Male Prison Officer	Seeking visitation to remanded husband



Alleged Perpetrator	Service Offered/Trigger Incident
Male Police Officer	Obtaining approval for Family Benefit Report prior to departure for migrant work
Male Police Officers	To refrain from pressing charges, to release from custody
Male Police Officers	To release husband from custody
Male Police Officers	To refrain from pressing charges and to release from custody
<b>Health Sector</b>	
Male Nurse	Extra care provided to husband while receiving in-hospital care
Male Hospital Attendant	Obtaining a number for clinical consultation at the hospital for mother
Male Hospital Attendant	Obtaining an early appointment for clinical consultation at the hospital for mother
Male Doctor	Seeking medical advice
Male Public Officer in Health Sector	Seeking to prevent a transfer
Supervising Doctor	Seeking recommendation for hostel facilities during training
Male Hospital Attendant	To obtain a pass to visit a patient in a hospital in violation of applicable rules

## METHODS USED FOR SOLICITING SEXUAL BRIBES

Perpetrators used a range of methods for making sexual demands. These included verbal and direct requests, verbal but indirect requests, phone calls and text messages. In some instances, the victim-survivor was forced into sexual bribery. Physical sexual violence by perpetrators was reported frequently by members of the LGBTIQ community who participated in this study.

## RESPONSES OF VICTIM-SURVIVORS TO DEMANDS FOR SEXUAL BRIBES

Most victim-survivors who participated in this study refused to give in to the demand for sexual bribes. Sex workers of the LGBTIQ community who participated in this study gave into the demands and had no opportunity to escape or avoid the perpetrators. Victim-survivors expressed anger, frustration, fear, and anxiety about being subjected to a demand for sexual bribery.

# SEXUAL BRIBERY: A THREE-DIMENSIONAL PROBLEM

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Sexual bribery is a complex, multi-dimensional problem. The study focused on three interrelated aspects: sexual bribery as a form of corruption, as a human rights violation and as a criminal offence. These aspects are closely interrelated and overlap.

## 1. SEXUAL BRIBERY IS CORRUPTION

‘

This is the lowest form of bribery. This is similar to asking for someone’s soul. ’

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Jeeva (Matale district, Central Province)

‘

After this incident, I was really scared to talk too much with a man. Let alone look at their faces when speaking. I was afraid to talk about this issue even with a government officer. ’

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Seetha (Hatton, Central Province)

The incidences of sexual bribery examined for this study are a particularly egregious form of abuse of power. Agents of the state abuse the authority and discretion vested in them by law, to demand sexual bribes

in order to provide services. that they are obliged to provide, by law. The in-depth interviews reveal that perpetrators act with impunity. Victim-survivors are left to deal with the trauma/stigma and they do not have effective legal remedies available to them.

Sexual bribery, therefore, is evidence of entrenched corruption. It is evidence of a failure on the part of the state to perform its core function – that is to use its unique authority and power to serve its people. Sexual bribery is also an indication that democracy is failing. Representatives and agents of the people are not only failing to perform their duty within the limits of the law but are actively abusing the authority they derive through the ballot and the law.

## 2. SEXUAL BRIBERY IS A HUMAN RIGHTS VIOLATION

‘

My mind was set on doing anything for my job. However, I had to sacrifice my whole life for my job. He called me for two days. I agreed to comply on the second day as I was helpless and did not have any other option. He was thrilled when I told him that I would come wherever he wanted me to. ’

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Iromi (Matara district, Southern Province)

‘

I was absolutely dejected [by the incident]. Because I had done nothing wrong. I am not a person who would even wear revealing clothes. After the incident, I don't sleep well, I can't concentrate and I have become very forgetful. I wonder why such things happen to me as similar incidents had happened even before. I keep thinking of such previous events. Since that day [Sexual bribery incident], until today, I still think of those incidents [cries]. ,

‘

After this incident, with all the previous memories storming my mind, I have even considered taking my own life [cries]. ,

Manori (Gampola, Central Province)

‘

Actually, I was really angry and sad with that policeman. Because he did this when I was alone and helpless. I was extremely helpless. I haven't even done anything wrong. ,

Manori (Gampola, Central Province)

Victim-survivors have reported that sexual bribery violates their human dignity. It is sexual harm that carries trauma and stigma. It is a violation of a person's bodily integrity and the right to privacy. Several victim-survivors noted mental and physical health issues that they had to deal with because of sexual bribery. They also noted how it has had a long-lasting impact on how they perceive public officers. In many cases, sexual bribery prevents victim-survivors from enjoying other rights such as the right to access public services, the right to a livelihood and their rights as family members of persons in custody.

Sexual bribery, therefore, violates civil and political rights as well as the economic, social and cultural rights of victim-survivors. In this study, it was evident that most victim-survivors could not seek remedies for the wrong they suffered. There were no effective remedies available to them. This issue is discussed further below.

### 3. SEXUAL BRIBERY IS A CRIMINAL OFFENCE

Sexual bribery is a grave and irreversible harm caused to the bodily integrity of victim-survivors. It is also harm caused to an individual's privacy and the social fabric. When service providers of the state make sexual demands from those who come to them seeking their services, it erodes the effectiveness and sustainability of public institutions and of the rule of law. In many instances, social media and mobile phones were used to solicit sexual bribery. Perpetrators targeted victim-survivors through phone calls at home and at night time, leaving victim-survivors with no options for avoiding them. These practices are examples of criminal behaviour for which perpetrators should be punished. Consent is a central issue in sexual bribery. Some victim-survivors attempt to refuse

verbally, and some are compelled to use physical violence to say no, often with no success. In other instances, the consent or lack of it is immaterial to the incident. Perpetrators use coercion or violence to engage in sexual violence. In such instances, it is essential that the crime is understood as sexual bribery as well as sexual violence.

It was evident from the study that perpetrators acted with impunity in soliciting sexual bribes. Victim-survivors failed to make complaints due to fear, stigma, lack of confidence in the criminal justice system, lack of support and because they felt helpless. Many victim-survivors felt overwhelmed and devastated by the experience of sexual bribery. They were already navigating complex social realities such as poverty, discrimination due to gender and caregiving responsibilities. They did not have the emotional, financial or social resources to pursue legal action against the sexual demand made of them.

A critical finding of the study is that the very personnel who are vested with discharging criminal justice have been identified as perpetrators by victim-survivors. This came out very clearly in the in-depth interviews and focus group discussions with members of the LGBTIQ community. When police officers or prison officers are alleged to be perpetrators of sexual bribery, victim-survivors feel victimised by the justice sector. They note that the law favours the powerful and victimises them. Victim-survivors think that there is no hope of justice or accountability.

‘  
Then he asked me, "Then what do you have that you can give us? Stay with us [implied: sexual] if you don't

want to take this to the courts. Entertain us". I am telling [you] all this, so this won't happen to someone else. ’

Nuzrath (Colombo, Western Province)

‘  
I don't want to go to police stations and courts for nothing. The law favours them. At the end of the day, we just get shamed. ’

Gayani (Hambantota, Southern province)

‘  
Now I am scared to even ask for directions from a policeman' and 'Even today, my heart would start beating fast when I get a call from an unknown number. ’

Jeeva (Matale, Central Province)

‘  
I thought that it is definitely a big offence for a person, who is there to protect the law, to be behaving like this. ’

Lalitha (Matale, Central Province)

# KEY FINDINGS

## PERSONAL IMPACT

- Sexual bribery has a deep psychological and emotional impact on victim-survivors.
- Victim-survivors experience internal stigma and stigma in the community due to the incident.
- The forms of sexual bribery reported by sex workers from the LGBTIQ community were severe and inhuman.
- Sexual bribery is a barrier to accessing public services. As persons fear being approached for sexual bribes, they discontinue accessing public services, such as attending a clinic or try to avoid seeking public services unless absolutely necessary.
- Sexual bribery prevents victim-survivors from enjoying their economic rights such as the right to a livelihood and the right to ownership of land.
- Victim-survivors had not spoken about their experience except with a trusted person. Therefore, many of them welcomed the opportunity to participate in the study and recall the incident on the basis of confidentiality to an empathetic listener.
- Victim-survivors are unaware and do not have the resources to access psycho-social support for dealing with the trauma and stigma they experience due to sexual bribery.

## COMMUNICATION TECHNOLOGY

- Communication technology and social media were used by perpetrators to make sexual demands and to continue

to demand sexual bribes that they had made in person. Communication technology was a common method for soliciting sexual bribery.

- Victim-survivors felt pursued and hunted by perpetrators because of the way in which perpetrators could persist with their sexual demands through mobile phone technology and social media.
- The right to data privacy and the right to privacy of victim-survivors had been breached by perpetrators to solicit sexual bribes. Personal information of victim-survivors was used by public servants for sexual bribery, a criminal offence.

## IMPACT ON MEMBERS OF THE LGBTIQ COMMUNITY

- Members of the LGBTIQ community who are sex workers feel routinely targeted for sexual bribery.
- The severity of the stigma, trauma and economic hardship caused by sexual bribery is compounded for victim-survivors of the LGBTIQ community. They are already victimised due to the criminalisation of 'voluntary carnal intercourse against the order of nature' and 'any act of gross indecency' sex in Sri Lanka.
- Members of the LGBTIQ community think they have no recourse in the law for the offence of sexual bribery because of their marginalised status in society.

## IMPACT ON FAMILY AND COMMUNITY

- When family members are caught up in the incident of sexual bribery such

family members are placed at risk as they could be targeted for harassment.

- Sexual bribery makes victim-survivors fearful of their security and the security of their family members. They feel that they or their family members may be approached again with sexual demands. Victim-survivors feel hunted by perpetrators.
- When victim-survivors keep the incident of sexual bribery a secret from their loved ones, it has a negative impact on personal relationships and therefore on their well-being.
- In some instances, the only source of support and comfort for victim-survivors is their close and trusted social support.

## **FACTORS THAT LEAD TO VULNERABILITY TO SEXUAL BRIBERY**

- Key informants from the justice and health sector were of the view that sexual bribery occurs in their sector and many had second-hand knowledge of such incidents.
- In the case of women, the absence of their spouse from the home (due to employment or due to being held in detention) places them at risk of sexual bribery.
- Involvement in illegal activities, such as the distribution of illegal substances or activities that are perceived as being illegal, such as being a sex worker also places women and members of the LGBTIQ community at risk of sexual bribery.
- Poverty and disabilities are two other factors that make women and members of the LGBTIQ community vulnerable to sexual bribery.

- In some instances, the very act of seeking services from the public sector had placed victim survivors at risk of sexual bribery. Key informants identified trainees, junior employees and service recipients as victims of sexual bribes.

## **VICTIM-SURVIVOR PERCEPTIONS OF SEXUAL BRIBERY**

- Victim-survivors categorically viewed sexual bribery as ethically and morally wrong.
- Many were unsure as to whether the law explicitly prohibited sexual bribery but were of the view that it should be a criminal offence.
- Victim-survivors described feeling fear, helplessness and anxiety due to the experience of sexual bribery.
- Victim-survivors had a sense that they were one among many other victims.

## **PERCEPTIONS OF PERPETRATORS (AS REPORTED BY VICTIM-SURVIVORS)**

- Victim-survivors were objectified and reduced to a source of sexual pleasure by perpetrators, regardless of consent on the part of the victim-survivor.
- Some perpetrators have an extremely casual and transactional (quid-pro) attitude about sexual bribery. They seem indifferent or oblivious to the impact their demand has on victim-survivors.
- Many victim-survivors refused consent explicitly or implicitly but in several of those instances, the perpetrator was indifferent to the lack of consent by the victim-survivor.



- Sex workers from the LGBTIQ community state that perpetrators disregard their consent. They say that their consent was immaterial to the perpetrators. The assumption seems to be that because they are sex workers, they should give into sexual bribery.

## PERCEPTIONS ABOUT REMEDIES FOR SEXUAL BRIBERY

- The impunity enjoyed by perpetrators was identified by key informants as a reason for the unwillingness of victim-survivors to seek legal remedies for sexual bribes.
- Victim-survivors did not perceive the law, legal personnel and legal institutions as defending their rights. Their lived experience was that the law protected the perpetrators and personnel working in legal institutions who demanded sexual bribes.
- Victim-survivors did not think the law or legal institutions could provide them with an effective remedy for sexual bribery.
- Victim-survivors were of the view that any investigation into sexual bribery, even if it was carried out, would not be impartial or confidential.
- The public nature of a complaint, inquiry and investigation deterred victim-survivors from seeking any legal remedies. Available procedures were not viewed as victim-friendly.
- Perpetrators had abused the discretion vested in them by law to demand sexual bribes from victim-survivors.
- Because of the criminalization of sexual acts against the 'order of nature' and the arrest of sex workers under the Vagrants Ordinance, sex workers and members of the LGBTIQ community

took the view that they could not expect the law to offer them any protection, remedy or justice.

## IMPACT OF THE PANDEMIC

- The restriction of movement during the pandemic offered some protection to victim-survivors. They could avoid contact with the perpetrator.
- In the case of sex workers from the LGBTIQ community, the pandemic made them more vulnerable to sexual bribes. They were compelled to violate curfews in order to engage in their livelihood and consequently were targeted for sexual demands.



# RECOMMENDATIONS

## RECOMMENDATIONS FOR THE STATE

- Guarantee the independence of the Commission to Investigate Bribery or Corruption through the re-introduction of an independent Constitutional Council.
- Adopt enabling legislation to give domestic legal effect to the UN Convention Against Corruption.
- Explicitly prohibit and criminalise sexual bribery or sexual forms of gratification through legislative reform.
- Repeal section 365 of the Penal Code that criminalises 'unnatural sex' among consenting adults.
- Repeal the Vagrants Ordinance.
- Explicitly recognize equal rights of sexual and gender minorities in all areas including access to public places and public services.
- Enact legislation to legalise and regulate commercial sex work after a process of consultation.
- Conduct studies to inquire into the reasons for the incidence of sexual bribery.
- Publicly share the findings of such studies.
- Create awareness among the public on sexual bribery and its severity.
  - Awareness raising must occur at all levels from the national to the community level.
  - Ensure that women and sexual and gender minorities are reached through such programmes.
- Involve theatre and the arts in awareness raising.
- Use social media such as Facebook to create awareness.
- Create community-level awareness through public servants and at community-level meetings such as meetings for Samurdhi recipients.
- Implement targeting awareness-raising programmes among future potential perpetrators such as public officials and the police.
- Adopt specific policies at the national level to prevent, investigate and prosecute and remedy sexual bribery. Such policies must be developed through an inclusive and participatory process involving all stakeholders. In particular, women and members of the LGBTIQ community who are at higher risk of being subjected to sexual bribery should be consulted in drafting a national policy. The national policy must be subject to periodic review.
- Educate and empower victim-survivors to speak publicly about their experiences of being victimised for sexual bribery. This will create awareness and reduce the stigma that is attached to victim-survivors of sexual bribery. Such public engagement might also encourage them to seek justice.
- Proactively work towards a change of mindset about the stigma related to sexual bribery among public servants as well as among the public.
- Train police officers to create awareness about the complicity of some of their colleagues in the incidence of sexual bribery. Such training should be aimed at preventing the occurrence of sexual bribery through the police and establishing a zero-tolerance policy for sexual bribery.



- Train lawyers to create awareness about the complicity of their colleagues and some personnel in the justice sector in the incidence of sexual bribery. Such training should equip lawyers to use and consider existing legislation such as the Bribery Act, public law remedies (fundamental rights and writs) and even private law remedies to seek legal remedies for victim-survivors of sexual bribery.
- Offer a tailor-made course aimed at training stakeholders and the public at a higher education level such as the university level. Such a programme of study should be designed to address sexual bribery as a human rights violation, as a criminal offence as well as as a manifestation of corruption.
- Review the CIABOC Act and the Human Rights Commission Act to identify whether these legal regimes should be amended to authorise the two Commissions to investigate or inquire into complaints of sexual bribery.
- Fully implement the Assistance to and Protection of Victims of Crime and Witnesses Act.
- Amend the Victims and Witnesses Protection Act to specifically provide for victim protection, particularly in public reporting of crimes and complaints of crimes.
- Review procedures for making complaints about sexual bribery so that intermediaries may make complaints on behalf of victim-survivors.
- Establish a confidential hotline to make complaints.
- Employ undercover sleuths to identify perpetrators of sexual bribery.
- Court proceedings relating to sexual bribery should be held on camera.
- Reform the Bribery Act to ensure that punishment for sexual bribery includes a heavy fine.
- Implement a ban from employment for perpetrators in the public service for a period proportionate to the gravity of the sexual bribe.
- Provide effective compensation for the victim-survivor.
- Provide effective monetary compensation for victim-survivors.
- Provide counselling for police officers.

## RECOMMENDATIONS FOR CIVIL SOCIETY

- Undertake studies and assessments to review the fulfilment of state responsibility to prevent sexual bribery.
- Monitor the effectiveness of the current legal regime and remedies in the prevention of sexual bribery.
- Civil society organizations should proactively create awareness among the public about the incidence of sexual bribery and the severity of its impact.
- Women's groups can take collective action to make complaints about sexual bribery.
- Sexual and gender minorities could collectively organize and mobilise to seek remedies for sexual bribery and to prevent its occurrence in the future as they generally experience discrimination.
- Cultivate a network of solidarity and support among victim-survivors.

## RECOMMENDATIONS FOR PRIVATE SECTOR, PROFESSIONAL BODIES

- Implement a zero-tolerance policy on sexual bribery.
- Review and revise professional codes of conduct to explicitly prohibit sexual bribery and to provide for a robust and fair complaints mechanism.
- Support efforts by civil society to monitor the incidence of sexual bribery.
- Support and sponsor efforts to lobby for law reform to explicitly criminalise sexual bribery.
- Ensure transparency and accountability when inquiring into complaints about sexual bribery at an institutional level.
- Contribute to funds to support victim-survivors of sexual bribery.
- Lobby for law reform to ensure effective remedies for victim-survivors of sexual bribery.



**Your Rights  
No Conditions**

Sexual bribery is an unacceptable  
form of corruption

 **1954**  
to report sexual bribery

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## CENTRE FOR EQUALITY AND JUSTICE

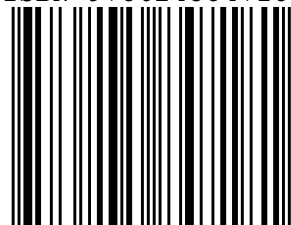
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