

SEXUAL EXPLOITATION OF FEMALE HEADS OF HOUSEHOLDS AFFECTED BY WAR IN THE NORTH OF SRI LANKA

Background

Women can be victimized differently by corruption on account of vulnerabilities created by gender. Despite the prevalence of various forms of corruption that affect women more specifically, these acts often escape reporting or measurement because they are not always perceived as corruption and as a result of the shame associated with sexual crimes.

The end of the war in the North of Sri Lanka has brought new challenges to women. Reports of sexual exploitation (SE) of women by state and quasi-state officials, as well as state officials in charge of law enforcement and security have been documented by human rights organizations. This emerging trend of SE requires urgent attention from relevant authorities especially in the context of the government moving forward with post-war policy reforms.

This study provides an overview of the current legal framework for addressing sexual bribery in Sri Lanka and discusses 25 case studies of female heads of households (FHHs) from the war-affected Northern Province, in order to highlight contexts in which they are particularly at risk.



Definitions:

The laws that apply in relation to sexual exploitation or bribery may vary depending on the nature of the act and the context in which it occurs. This is evident from the diverse range of international and national legislation and case law relevant to this subject matter. However, for the purpose of this study;

- Sexual bribery (SB) can be defined as an “improper benefit” that is sexual in nature, demanded from a person (in our research, women who are heading their families) by men in positions of power in exchange for a service or a favour.
- Sexual exploitation (SE) means solicitation of a sexual act in exchange for remuneration. It is carried out against one’s will or knowledge, including by means of threat or use of force or other forms of coercion. It also involves abuse of power and one’s vulnerability or giving or receiving of payments/benefits to achieve the consent of a person having control over another person.
- Sexual exploitation is the overarching concept under which sexual bribery is categorized. Therefore, sexual bribery is a form of sexual exploitation.

Methodology

- This research was done after consultations with different stakeholders in the North where there have been complaints regarding SE.
- FHHs were the target group of this study because these women face more sexual harassment and are more susceptible to SE due to the lack of a male in the household.
- The study was conducted in all 5 districts of the Northern Province that were affected by the war.
- Puttalam district, of the North Western Province, was also included in order to capture the experience of the evicted Northern Muslim IDP women.
- 25 case studies were undertaken (21 Tamil & 4 Muslim women).
- 10 interviewers did the case studies. These interviewers are also women's rights activists while some of them were also trained in professional counselling.
- Targeted focus group discussions with government officials were also undertaken.

Findings

Reasons for increased sexual exploitation of women in the North:

- Stark increase in the number of FHHs due to death and/or disappearance of male family members.
- Increased militarisation after the end of the war.
- The failure to consider their experiences in designing resettlement and development plans.
- Failure to ensure participation and representation of FHHs at decision-making levels.
- Delays and lack of gender sensitivity in the justice system, combined with inactivity and corruption in law enforcement.

Victims' profile:

- The victims of such SE were predominantly between the age of 25-35 Tamil women who were married and subsequently widowed at a young age.
- Most had dependent children or elders and had assumed multiple roles as breadwinners and caregivers.
- Three Muslim women's issues were related to getting assistance through the Quazi courts.
- There are at least four cases in which the same officers had demanded SB.
- Nineteen women were mothers who needed to access state services to get housing or related support, livelihood assistance or jobs.
- Women felt that they were subject to SB because they did not have money or material assets to give.
- The interviewees stressed many times that it was their loneliness that let these men see them as being susceptible.
- Twenty two of the women we spoke to did not approach counsellors or seek professional help in overcoming their trauma.
- Only two of them said they had obtained counselling or sought help in psychological healing.
- Eight of them seemed to have suffered silently, and for them the suffering continues to date.
- Six spoke for the first time and felt relief even though there was initially a reluctance to talk about these incidents.

- Two of them, after talking, said they wanted to monitor the accused and collect evidence to get him punished.
- In two cases (in Vavuniya and Mannar), they have collected some evidence of the accused officer demanding sexual bribes from other women as well.
- Of the 25 cases detailed here, six women spoke for the first time about the incident to an outsider.
- Only seven women lodged official complaints.
- Those who had made complaints had male family members' support whereas those who did not have such support feared the mere exposure of the issue. These women also expressed that surveillance and social ostracization would only enable the officers who demanded SB to further harass them. They feared for the safety of their children and, if they had girl children, worried about the shame that would fall on them if the SB incident became public.
- None of the accused has been charged except for being transferred to another location.
- While many considered these experiences an overarching gender issue, some felt that it is not only gender discrimination but also ethnic discrimination.

Perpetrators/Accused

This research recognizes the vulnerability of women to sexual bribery and exploitation specifically in the post-war structures, connected mostly to return, rehabilitation, resettlement and development. Likewise, truth, justice and reparation have been the primary reasons for war-affected women to increasingly approach the state institutions. As a result, officials they approached for the above reasons subjected women to sexual exploitation.

1. State officials in charge of law enforcement and security, public services and legal services
2. Humanitarian aid worker
3. Psychiatric social worker
4. Religious leader
5. University lecturer

It is noteworthy that most of the officials who are mentioned in the case studies were already notorious for such SE and yet no action had been taken against them for such prior violations.

Circumstances of the victims that required the assistance of the aforesaid officers

- Government officials claim sexual favours from women in return for various government services – e.g., in exchange for providing certification of residence and character or documents that prove eligibility for various rehabilitation and resettlement assistance.
- The officials claim sexual favours in return for finding employment or livelihood assistance.
- Women who approached state officers to complain about issues such as a missing family member were asked for sexual favours by these officers.
- Law enforcement personnel subjected women to sexual exploitation when they were approached for official purposes as well. E.g., in obtaining permission for events etc.

- Court officers have demanded sexual favours in return for handling legal and other administrative matters of the victims.
- State officials have sexually exploited women by threatening them of actions that would affect them adversely if they failed to comply.
- There is also a tendency for officers to ask for sexual bribes when FHHs approach them for favours. E.g.: To expedite their access to services, to prioritise their names in beneficiary lists, to ignore their ineligibility and include them in assistance schemes, to obtain jobs for them or their children using political influence, to hide from some wrongdoing, etc.

Types of SE

- Rape (in some cases, multiple times).
- Sexual harassment and inappropriate physical behaviour.
- Verbal sexual harassment including demands for sexual intercourse.
- Verbal threats to behave in a particular manner/to put up with certain behaviour in order to get things done.
- Harassment via phone at night and often when the perpetrator was intoxicated.
- Asking the victim to meet the perpetrator alone in order to get what was needed.

Why women failed to seek relief or redress

- Language barrier caused them not to seek justice – E.g.: Bribery Commission staff had spoken to the victim only in Sinhala.
- The perpetrators are not ordinary people but people in powerful positions.
- Many did not have a clear idea of where to complain even though at least half of them knew SB is an offence under the Sri Lankan law.
- Twenty three of the 25 women interviewed said they don't have any confidence in the current structures to deal with SB issues.
- Many had grave concerns about making police complaints and in some of the group discussions the women kept talking about the corruption and sexism within law-enforcement structures.
- Social stigma:
 1. Many of the single women did not even want to talk about the incident to a close friend or a family member, fearing that they would be found at fault for behaving inappropriately.
 2. In at least five cases, women said their mother, neighbour or mother-in-law have found fault with them for their clothing or having got too close to the officer who demanded SB.
 3. Many single women feared that telling someone what happened would bring shame on them and cause community or family members to restrict their movements.
 4. At least three women in the case studies felt that since they had lived for a long time without men around them, that if they complained of sexual exploitation they would be perceived to be lying or fantasising.
 5. One woman went to the extent of cutting her long hair since she thought it was her hair that attracted men

Referrals for victims of SE

Listed below are the legal and institutional mechanisms in place that could provide relief or redress for FHHs who are victims of SE.

Legal:

- Human Rights Commission
☎ : 011-2689064
- Bribery Commission
011-2586257
- Legal Aid Commission
☎ : 011-5335329 /
011-5335281
- NGOs such as Women in Need that handle legal matters
- Public Service Commission
☎ : 011-2136600/
650/700
- National Police Commission
☎ : 011-5107722

Security:

- Women and Children Desk at all police stations
☎ : 011-2826444/
011-2768076
- Women Development Officers at the Divisional Secretariats
- Shelters run by NGOs and religious institutions that provide support to women
- GBV Desk of any government hospital

Medical:

Psycho-social support:

- National Committee on Women ☎ : 1938 or 011-2186063
- Child and Women Development Units of the Ministry of Women and Child Affairs
- Women's Organisations (NGOs/INGOs) functioning at regional and national levels

Counselling

- Women in Need
☎ : 011-4718585
- Women Development Center
☎ : 081-2234511,
081-2228158

Recommendations

1. The Bribery Act should be amended to include 'sexual gratification' as a specific form of gratification and penalties for sexual gratification should be enhanced.
2. Guidelines to address sexual harassment in state sector institutions developed by the Human Rights Commission of Sri Lanka should be amended to deal with sexual bribery complaints and the HRC should create a special complaint procedure to deal with it.
3. Fifty per cent or more female representation at all levels should be ensured in all post-war service delivery structures and proposed transitional justice mechanisms.
4. A sexual bribery inquiry mandate should be added to existing independent commissions, such as the Police Commission, Election Commission, Bribery Commission, and Public Service Commission.
5. Each of these Commissions should have a gender-sensitive and trusted procedure to investigate and handle cases of sexual bribery.
6. A public awareness campaign must be initiated on available redress mechanisms in the Public Service Commission, Police Commission, and Human Rights Commission so that women are aware of these mechanisms and how and for what they can approach them.
7. The Government of Sri Lanka (GoSL) should issue a circular to all heads of public administrative/service departments to adopt a zero-tolerance policy with regard to sexual bribery and sexual harassment, and any such breach should be subject to thorough investigation by a competent committee set up to handle such cases.
8. The state service and educational institutions should put in place

internal mechanisms and guidelines to prevent sexual bribery and to deal with such complaints. Such efforts should be combined with adequate awareness raising and a supportive environment so as to encourage women to file complaints and obtain redress.

8. Circular No. 919 issued by the University Grants Commission should be amended to include guidelines to curb not only ragging but also sexual bribery and sexual exploitation (SE).
9. A Code of Conduct must be put in place for officers that directly deal with FHH like Samurdhi Officers, Grama Niladharis, Development Officers, Public Health Officers and other government officers in relation to SB.
10. It should be mandatory that all government departments and institutions maintain records and databases of instances of sexual bribery.
11. The laws and applicable punishments against sexual bribery should be displayed in police stations, universities, prominent locations, public spaces, public transport, and in all government institutions in English, Sinhala and Tamil.
12. GoSL should initiate a public awareness campaign to inform people at the ground level of existing complaint mechanisms to report cases of sexual bribery and subsequently to alert people when any new legislation/administrative circular or mechanism is introduced in this regard.
13. All circulars and awareness programs should be in all three languages, but most importantly in Sinhala and Tamil. The investigation and complaints mechanisms put in place to deal with SB should be staffed with persons who are competent in both Sinhala and Tamil languages. Those proficient in both Sinhala and Tamil should staff institutions such as the Human Rights Commission, Public Services Commission and National Police Commission.
14. Women Development Officers should be made the focal points to deal with sexual exploitation and SB. They must be equipped with knowledge and facilities to provide referrals for psychosocial support.

15. Religious leaders must be made aware of the services women who encounter SE and SB related problems should access and these religious leaders should share this information with the wider community.
16. Psychosocial assistance needs to be widely available with awareness on how to access these services.

Conclusion

- Sexual exploitation and the extortion of sexual favours from women (or men) in exchange for service is not a new issue in Sri Lanka. In fact, it is widespread and increasing, partly due the prevalence of the culture of impunity related to violence against women.
- Nevertheless, this research was conducted in the North with the intention of integrating some preventive measures within the current transitional justice mechanisms that are being discussed in relation to accountability and end-of-the-war issues.
- This research is an early warning for the policymakers and legislators who are working towards reconciliation and lasting peace. It highlights the need to challenge traditional disparities and structural discrimination against women in the post-war context if one aspires to build an inclusive and equitable peace.
- The progressive realisation of women's rights and women's access to justice – the strengthening of laws dealing with all forms of violence against women and women's right to information and choice; making the victim- and witness-protection mechanisms trustworthy and gender-responsive; and the inclusion and participation of women, including FHH, at every level of the transitional justice process – must be seen as critical factors for meaningful reconciliation and sustainable peace-building in this post-war context by those responsible for policy and decision making.