



SHROUDED IN SECRECY

SEXUAL BRIBERY OF MUSLIM WOMEN
IN POST WAR DISTRICTS

- BRIEFING PAPER -

FOREWORD

The research for this study commenced while FOKUS WOMEN was in operation in Sri Lanka. The study was finalized and printed by the Centre for Equality and Justice in April 2018.

FOKUS WOMEN (now Centre for Equality and Justice – CEJ) undertook a series of research studies in 2015 which flagged the many challenges faced by women in the post-war context. The sexual exploitation of women, by those including government officials and members of the security forces, is a phenomenon that has surfaced after the war. Female heads of households are particularly vulnerable. These women are targeted by unscrupulous officials who abuse their authority and exploit these women.

FOKUS WOMEN (now CEJ) conducted a study on the sexual exploitation of female heads of households in the North and documented 25 such cases in 2016. This research revealed the pervasive nature of the problem and the need to explore the incidence of sexual bribery further. In order to understand the prevalence and the nature of the incidence of sexual exploitation among Muslim women, this study documents ten in-depth case studies of women who have faced sexual bribery at the hands of public service officers at various levels of authority. In the absence of their husbands, these women are targeted by men in power who abuse their authority and exploit these women. The study also provides an analysis of the case narratives and recommendations to relevant stakeholders on how to tackle the issue.

We thank Shreen Saroor, Activist, for undertaking this study and for her commitment and perseverance. The experiences of the women who have been documented in these case studies must be taken into consideration by the state in designing codes of conduct for government officials and also to pave the way for the systematic handling of such cases by agencies such as the Human Rights Commission of Sri Lanka and the Bribery Commission. The Centre for Equality and Justice hopes the study will also contribute to law and policy reforms on sexual bribery. This report is a tribute to the women who told their stories.

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Centre for Equality and Justice

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* This is the third in a series of research studies on sexual bribery of war affected women from Sinhala, Tamil and Muslim communities.



INTRODUCTION

This study focuses on the sexual exploitation and sexual bribery of Muslim women primarily located in the Eastern Province (Trincomalee, Batticaloa and Ampara) as well as in Puttalam (North Western Province) and Polonnaruwa (North Central Province). It builds on the research that was conducted among war-affected Tamil women in the North (FOKUS WOMEN 2016) and Sinhala military widows in the South (FOKUS WOMEN 2017).

It is important to keep in mind that many Muslim communities in the North and East have suffered mass killings and evictions, prolonged displacement, 'disappearances', abductions and loss of livelihood & land. Some of the Muslim women who were part of this study had been displaced due to the war while one woman had lost her first husband during the war.

Though this study did not specifically focus on female heads of households, seven out of ten women interviewed for this study were single and heading the family as its chief income provider. However, they refused to identify themselves as 'head of the household', possibly due to cultural norms; they preferred to identify an older relative - mother, mother-in-law or male relative- as the head of the household.

Extensive research, over several decades, has clearly shown that female heads of households (FHH) are particularly vulnerable to sexual harassment, sexual exploitation and sexual bribery due to the lack of a male in the household. Their economic survival and socio-political status is often dependent on the cooperation of state representatives whose support and services are essential. This in turn exacerbates their vulnerability.

The United Nations' definition of sexual exploitation is "any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting

monetarily, socially or politically from the sexual exploitation of another." Sexual bribery is a particular form of sexual exploitation where a solicitation of sexual conduct is made in exchange for rewards and favours or the provision of services of any kind.

Like their Tamil counterparts in the North and Sinhala counterparts in the South, Muslim women in the East too complained of constantly facing sexual harassment as well as being coerced into sexual bribery and other forms of sexual exploitation as they sought to apply for government jobs, tried to lodge complaints or procure records from the police station, visited the District Secretariat to apply for a grant, approached the grama niladari (local government official) to get documents certified, interacted with a Probation Officer, and appealed to a member of the Provincial Council to upgrade a local school.

The findings of this study disproved common assumptions held by government officers such as Women Development Officers as well as Muslim community workers and activists that Muslim women were less vulnerable to sexual bribery, unlike Sinhala and Tamil women, because they were more modest in dress and behavior and rarely ventured out to seek government assistance due to lack of awareness of available resources and male domination of families.

This briefing paper provides an overview of the current legal and constitutional framework for addressing sexual bribery in Sri Lanka, sets out the methodology used for the research study, contextualises the women featured in the ten case studies, summarises key points drawn from the case studies and concludes by offering a variety of recommendations.

LEGAL AND CONSTITUTIONAL IMPLICATIONS OF SEXUAL BRIBERY

- It is a violation of the Bribery Act for public officials to solicit bribes. Private companies, institutions and individuals are not encompassed within this law and are thus not punishable under this law. Other legal frameworks provide punishment for sexual harassment in the private sector.
- While sexual bribery is not specifically mentioned in the Bribery Act, the definition of “gratification” as “including any favour or advantage of any description whatsoever” could be interpreted as encompassing sexual favours as well.
- The Sri Lankan Penal Code also emphasizes that the word “gratification” is not restricted to pecuniary gratifications or to gratification estimable in money. Therefore, it can be interpreted as including sexual gratification.
- Sexualized forms of bribery are encompassed within the fundamental rights chapter of the Sri Lankan Constitution as any form of sex-based discrimination is a violation of fundamental rights. It is conditional on the party committing such an act belonging to the executive or administrative branch of the state.

‘He came close to me, rubbed his body against mine and said he would like to help me.’

METHODOLOGY

- This research was conducted during a period of heightened insecurity for Muslim women, especially activists, who were being closely monitored by Muslim religious leaders who sought to stop them lobbying for the reform of the Muslim Marriage and Divorce Act (MMDA). This resulted in many women who had experienced sexual bribery being afraid to approach the researchers.
- Therefore, this research study had to be limited to ten Muslim women from three provinces of Sri Lanka – Eastern, North Western and North Central. This is a fraction of the many Muslim women who may have experienced sexual bribery.
- Though we were informed of two Muslim women who had lodged complaints against the police, for sexual bribery, and one woman had even gone to court, they could not be interviewed as they could no longer be located. One woman had moved out of the district in order to avoid intimidation by those whom she had accused, as well as censure from her neighbours.
- Of the ten women interviewed, eight were from the Eastern Province, a region severely affected by the three decade-long civil war.
- Of these eight, four were from the Trincomalee District, three from Batticaloa District and one from Ampara District.
- One woman from Puttalam (North Western Province) as well as another from Polonnaruwa (North Central Province) were also part of this study.
- Additionally, five district-based focus group discussions with activists who have been working with the Muslim community were conducted in



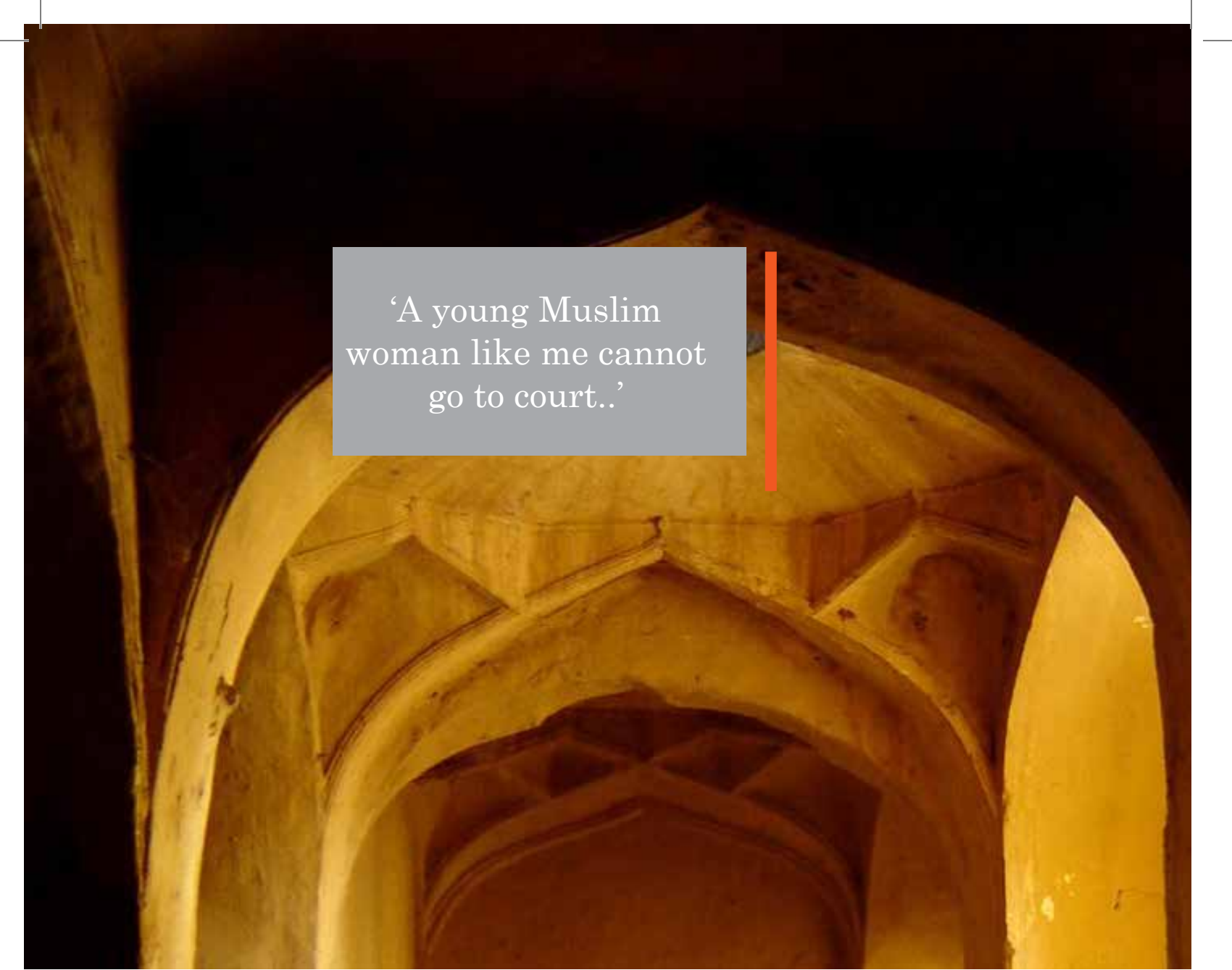
‘Almost two years have passed, but I am still suffering from this incident and feel unable to tell anyone the entire story. I am not even sharing all the details with you.’

Vavuniya, Puttalam, Batticaloa, Trincomalee and Ampara. Eight one-on-one meetings with lawyers and human rights activists were also conducted.

- Upon completion of the focus group discussions and one-on-one meetings, an individual from one of these groups was picked to serve as the main researcher for each district. This individual was then linked with three local activists (with counseling experience) who were hired as research assistants.
- The main researcher trained the research assistants to have initial discussions with affected women and to obtain their consent to be part of this study. These women were then asked to fill a detailed questionnaire before the one-on-one interviews began.
- It was difficult to persuade the women to share their own experiences of sexual bribery, at the onset of the interviews. Therefore, the researchers worked with either a community

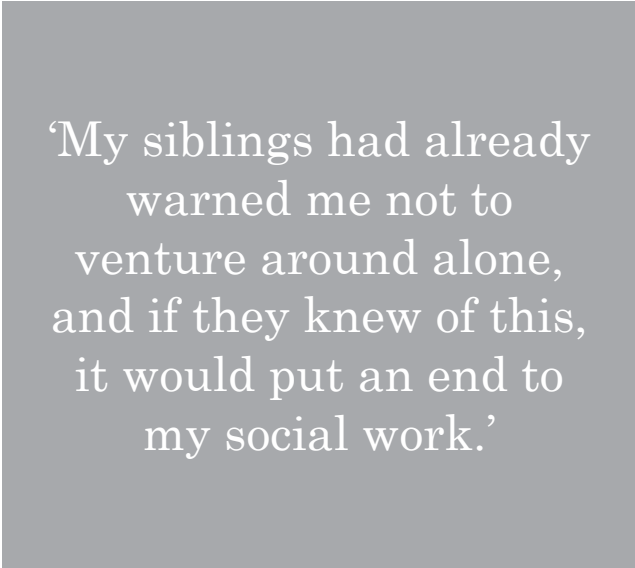
mobiliser or a women’s rights activist who had already established a connection with these women or had assisted these women in some capacity, in each district, in order to gain their trust and confidence.

- Many visits were required before an interviewee would be willing to share confidences. Long discussions were held about cases that had already been documented and the advocacy work already carried out, based on the study of women in the North, before women felt free to talk about their own experiences.



‘A young Muslim woman like me cannot go to court..’

- In some instances, women were reluctant to provide details regarding their own experiences with sexual bribery, despite several preliminary conversations. These interviews could not be included in the final report.
- Interviews often took place in the presence of other family members, which was not a very conducive environment for the sharing of intimate details.
- Two women wanted the researcher to mention the names of the government officials who had abused their power and solicited sexual bribes from them. However, after considering the power that these men enjoyed and their proximity to their accusers, it was decided to omit the names.



‘My siblings had already warned me not to venture around alone, and if they knew of this, it would put an end to my social work.’

- Information that directly connected the interviewee to the perpetrator was excluded in all ten cases.
- Some of the women who were interviewed were subsequently provided with counseling services.

CONTEXTUALISING INTERVIEWEES

- The majority of the women interviewees were single and had young children or elderly parents who were dependent on them.
- Out of the ten women interviewed, six of them had either been divorced or abandoned by their husbands. One woman's marriage did not last more than a week. The women pointed to Muslim men's right to polygamous relationships as the reason for the high rate of domestic violence, divorce and abandonment within the Muslim community.
- The majority of these women only had a very basic level of education as they had been married off when they were very young or had to start working at a young age due to the death of the main breadwinner.
- Only one young, unmarried woman had been continuing to study while working as a project officer in a NGO but her career goals had to be abandoned when a sexual bribe was solicited from her.
- The majority of these women had no skills sets resulting in them not being able to secure sustainable livelihoods. They earned a living through sewing, making short-eats and breakfast foods, cleaning cashew nuts, working as a cleaner etc. One woman even had to give up one her children for adoption due to poverty.

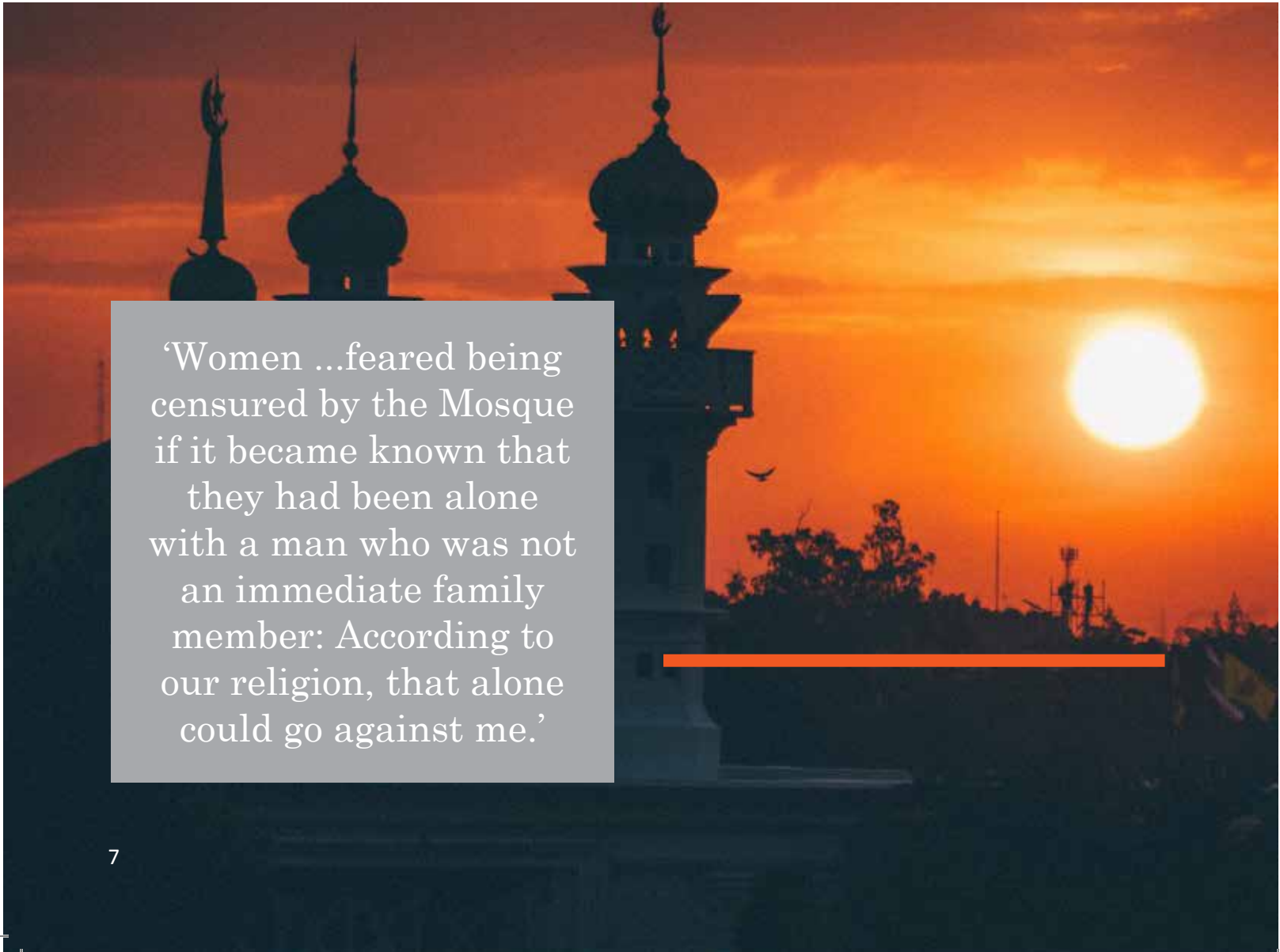
- Two women were involved in social work which had earned them the respect of the community at large.
- Several women had been married multiple times as they had been unable to sustain themselves and their children on their own or because their parents felt they were too vulnerable as single women.
- Some women had suffered or continued to suffer abusive marital relationships.
- Seven of the women were either thirty years of age or younger when they experienced incidents of sexual bribery.
- Five of the women observed that it was their perceived loneliness and vulnerability that had elicited demands of sexual bribery.

ANALYSIS OF FINDINGS

- Sexual exploitation and sexual bribery must be understood within the broader context of Sri Lankan society which is patriarchal and does not adequately value or respect women. For example, when one woman complained of being repeatedly beaten by her husband to the all-male, Muslim Qazi court, their only response was that she needs to adjust herself to this life as if not, her husband would marry another woman.
- Men perceiving widows and single women as particularly vulnerable, malleable and open to sexual predation is a common phenomenon among all strata of Sri Lankan society. It is further exacerbated in contexts of power inequality such as when impoverished women or single women seek various services from state representatives and institutions.

‘He told me that he would look after all my child’s expenses and also make my position permanent in the school, if I fulfill his needs from time to time.’

- Some women have faced multiple situations of sexual bribery while others have sought to escape compromising situations by marrying, re-marrying or going overseas to work as a housemaid. While the threat of many sexually exploitative situations has ended or been circumvented, some continue to loom large in these women’s lives despite many years having lapsed or if the predator continues to live or work in their vicinity.
- Most women had confided to a friend or relative about the incident of sexual bribery she had faced. However, this was the first time most women had spoken about it to an outsider. Then too, some of them felt embarrassed to reveal all the details of the distressing and embarrassing situations they had faced.



‘Women ...feared being censured by the Mosque if it became known that they had been alone with a man who was not an immediate family member: According to our religion, that alone could go against me.’

- Women were particularly shocked and upset when those who solicited sexual bribes were known to them or from their own community, i.e., Muslim men. One woman noted, 'I had thought that he would be respectful to the Abhaya that I wear.'
- Of the 10 cases of sexual bribery that were mentioned by the interviewees, only three women had lodged complaints – one woman had lodged a complaint with the OIC (Officer in Charge) and the Women's Desk at the police station, another woman had lodged a complaint with the OIC, a women's group and the Human Rights Commission while a third woman had lodged a complaint with the international donor of the NGO where she worked.
- The fact that none of these complaints were taken seriously nor the perpetrators punished resulted in further disillusionment for the women.
- Occurrences of sexual exploitation and sexual bribery have exacted a heavy psychological toll on the women. Interviewees noted that they experienced feelings of disgust, shame, sadness, anger and disillusionment during and after the incident.
- One woman vomited soon after the incident while another felt weak and lifeless while yet another had frequent nightmares of being raped by her sexual predator. Another woman didn't leave her house for an entire year and had trouble eating. Yet another described her experience which could never be undone as giving her a 'wound that was even worse than cancer'.
- Parents, friends and in some instances, mere acquaintances, have played a crucial role in supporting these women to resist demands of sexual bribery. They have lent a sympathetic ear, offered advice and encouragement and even helped to circumvent the sexual predator's power.

- However, the woman who confided in her husband ended up getting beaten by him due to him assuming that she had encouraged the perpetrator.
- Some women have also drawn on their inner strength and resolve to struggle against sexual predation. Two women had sought counselling while another noted that she had moved on and was confident that Allah would punish her perpetrator.

Perpetrators/Accused

- All the sexual predators were representatives of the state:
 - Police officers (3 cases)
 - The District Secretary (1 case)
 - Member of a Provincial Council (1 case)
 - Secretary to a member of the Provincial Council (1 case)
 - Probation Officer (1 case)
 - Grama Niladari (1 case)
 - Administrator of a government school (1 case)
 - Employee of the Eastern University (1 case)
- It is noteworthy that several officials who are mentioned in the case studies were already notorious as sexual predators. Two of the interviewees complained of experiencing sexual bribery when visiting the same police station.

'I would wake up in the middle of the night and have frequent nightmares of him raping me.'

- Even though official complaints had been made against some government officers while others had already acquired a reputation as a sexual predator, this did not deter them from continuing their sexual predation.
- When complaints were made against police officers, their colleagues did not take the accusations seriously. One officer refused to take down the complaint and prevented the woman from meeting with the OIC. In another instance, a complaint was made to the OIC but he scolded the complainant and told her that he didn't have time for someone like her. Disappointingly, even a complaint that was made to a woman police officer at the Women and Children's Desk, who was known to the complainant, was not taken seriously. The woman police officer informed the woman that she 'fights a lot and is making up these stories'. Even a complaint to the Human Rights Commission had not elicited any response.

‘ I was scared that on one hand that he would kill me if I complained, and on the other hand that everyone would have something to talk about now because, until now, the men could not find fault with me. ’



Circumstances that led to Sexual Exploitation and Sexual Bribery

Occurrences of sexual exploitation and sexual bribery must be understood in the broader context of the lives of these women which leave them vulnerable to sexual predation.

- Four instances of sexual bribery occurred when the women were seeking to uplift themselves economically – seeking government employment that offers a pension or trying to migrate to the Middle East as a house maid.
- Three incidents of sexual bribery occurred when women sought the services of the police, the upholders of law and order and their primary recourse for justice in the context of a land dispute, non-payment of child maintenance and the certification of a murder.
- Two incidents occurred when women were involved in social service - one woman was trying to get a toilet built for an impoverished woman while another woman sought to have her local school upgraded.
- One incident occurred when a woman was seeking medical help for her young daughter who had cancer.

‘He is from my community, and I had thought that he would be respectful to the Abhaya that I wear.’

Types of Sexual Exploitation and Sexual Bribery

- Visiting the woman’s home at night and demanding sexual favours.
- Visiting the woman’s home during the day time on various pretexts and trying to touch and grab her.
- Sexual harassment and inappropriate physical behavior.
- Demands to have sexual relations.
- Demand for the woman to live with the predator.
- Making the woman stay in office till late in the evening or requesting her to visit him in office after working hours.
- Being subject to suggestive comments, sexual innuendo and abusive and insulting language; being the butt of jokes uttered.
- Facing verbal threats of harm being done to her if she made a complaint or informed anyone.
- Penalizing her for not acceding to his demands by taking her child away.

‘He spoke with me for a long time and asked why I was living a lonely life. He openly asked me whether I would sleep with him that night.’

It is noteworthy that none of the women admitted to actually acceding to any requests of sexual bribery as they always managed to flee the scene. However, some women did refer to having their 'private parts' groped and refused to offer further details of the sexual assault.

The majority of the interviewees who resisted sexual predation shared a variety of useful tactics they had mobilised to halt or circumvent a dangerous situation. Such tactics spanned a broad range and some have been more successful than others:

- Abandoning the service or documentation they sought.
- Hitting the predator with the attendance register.
- Pushing aside the predator and running away.
- Scolding, shouting and throwing things at the predator.
- Keeping a three-wheeler waiting so she could make a quick getaway.
- Escaping to a neighbour's house.
- Making a complaint to his superior officer as well as to the Women's Desk, women's groups and the HRC.
- Avoidance.
- Asking the help of friend.
- Seeking help from a friend's mother.
- Getting help from other government officers.
- Requesting help from a woman police officer.

'I should have spat on his face and hit him but he is a policeman from our own community'

'He said that no one from the Muslim community would support me as I was a convert to Islam and asked me to consider living with him.'

Why women failed to seek relief or redress

- Two key reasons why women did not lodge complaints were:

- Fear of social stigma and losing honour and respect within the Muslim community. All the women noted that it is they who would be perceived as the wrong doer.

Women also feared being censured by the Mosque if it became known that they had been alone with a man who was not an immediate family member: 'According to our religion, that alone could go against me'.

One woman feared that if her siblings heard about what had happened to her, they would stop her travelling alone resulting in her not being able to continue her social service.

- Fear of reprisals from the perpetrator especially since he was more powerful, both economically and socially, than the woman. Most of the women were afraid to even name the institution where the perpetrator worked. However, they were also concerned that the perpetrator, if unpunished, would continue to demand sexual bribes from other women.
- Women felt that they would not be believed because:
 - she was poor and powerless.
 - she was perceived to be sexually loose and immoral.
 - she had been propositioned by a very powerful political figure.
 - she had been propositioned by someone who was well respected and renowned for his charitable activities.

- there were no witnesses.
- complaints are treated with either disinterest or ridicule.

- Several women were also fearful that the person taking down her complaint would also sexually harass her.
- There was a general consensus among the women that law enforcement officers were often the worst sexual predators (also see page 8 point No. 4 for references to how other officers, OICs and even women police officers treated these women).
- Most of these women had been rarely exposed to NGOs and rights based activism and had limited knowledge of how to access legal institutions or even independent, non-state authorities that they could appeal to for help and redress.
- Two women who had faced solicitations of sexual bribery by police officers were aware of the Human Rights Commission (HRC) and one woman had even lodged a complaint with the Commission, to no avail. The other woman noted that if she went to the HRC they would investigate the issue with the help of the same police officers who had perpetrated the atrocity so she had no faith in that process.
- The majority of the women were clear that the perpetrators should be punished but they did not see this happening through the current legal system that does not even recognize sexual bribery. They therefore preferred to invoke divine justice by calling upon Allah or considering the possibility of public punishment such as stoning the perpetrator to death as is done in Saudi Arabia.

RECOMMENDATIONS

- There should be a vetting system for government officers eligible for promotions. The system should include a review of complaints of sexual bribery and sexual exploitation against such officers. Officers with an untainted record of character and service should be promoted while those who have solicited sexual bribery should be promptly dismissed.
- Trusted officers with proven track records of impartiality and gender sensitivity should be appointed to investigate sexual bribery complaints within either the Bribery Commission or Human Rights Commission. The structure should be easily accessible, be responsive and, most importantly, treat affected women with dignity and without moral judgment. Mechanisms should also be set up to safeguard the identity of victims.
- The government should promote change in societal attitudes through education and mass awareness campaigns designed to combat biases around the issue of sexual exploitation and sexual bribery.
- The government should set up an efficient redress structure which victims of sexual bribery can access or be referred to.
- Government officers should be educated on laws and redress structures related to sexual bribery.
- Police officers should be trained to treat women equally.
- The Penal code should be revised to include harsher punishment for sexual bribery. Further there should be stronger laws (eg: harsher punishment equivalent to rape or attempted rape) against sexual bribery.
- Firm action should be taken against perpetrators and those mechanisms should be publicized in order to act as a deterrent for other perpetrators.
- The government should provide legal aid to victims of sexual bribery so that they can pursue complaints or legal cases.
- The government should provide counseling to victims to cope with social stigma when they decide to openly share their experiences.
- The Public Services Commission should include sexual bribery within its mandate.
- An independent commission should be established to deal with sexual bribery complaints from women while ensuring utmost confidentiality.
- An online platform should be created to report incidents of sexual bribery.
- Transparency International Sri Lanka and other like-minded organizations should take the initiative in dealing with sexual bribery and provide referrals to relevant state institutions when cases are reported.
- 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. The Human Rights Commission should also create a special complaint procedure to deal with it.
- Fifty percent or more female representation (at all levels; top to bottom) should be ensured in all post-war service delivery structures and proposed Transitional Justice mechanisms.
- A sexual bribery inquiry mandate should be added into existing independent commissions, such as the Police Commission, Election Commission, Bribery Commission, and Public

Service Commission. Each of these Commissions should have a gender sensitive and trusted procedure to investigate and handle cases of sexual bribery.

- A wide public awareness campaign must be initiated on available redress mechanisms in the Public Service Commission, Police Commission and the Human Rights Commission so that women are aware of these mechanisms and the procedures behind them.
- The government 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.
- State services and educational institutions should put in place internal mechanisms and guidelines to deal with such complaints and prevent sexual bribery. Such efforts should be combined with adequate awareness raising and a supportive environment so as to encourage women to file complaints and obtain redress.
- 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.
- A Code of Conduct that also refers to sexual bribery must be put in place for government officers who deal directly with women such as Grama Niladaris, Probation Officers, Samurdhi Officers, Development Officers and Public Health Officers.
- It should be made mandatory that all government departments and institutions maintain records and databases on instances of sexual bribery, exploitation and harassment.
- 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.
- The government should initiate a public awareness campaign to inform people at grassroot 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.
- 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 sexual bribery should be staffed with persons who are competent in both Sinhala and Tamil languages. Institutions such as the Human Rights Commission, Public Services Commission and National Police Commission should be staffed by those with proficiency in both Sinhala and Tamil.
- Women Development Officers should be made the focal points to deal with sexual exploitation and sexual bribery. They must be equipped with knowledge and facilities to provide referrals for psychosocial support. In addition, they must have the authority to directly inform the nature of the abuse to high-level complaint handling mechanisms.
- Religious leaders must be made aware of the services that should be accessed by women who encounter sexual exploitation and sexual bribery related problems and be encouraged to share this information with the wider community.
- Psychosocial assistance needs to be widely available to those who have experienced sexual exploitation and bribery along with awareness being raised on how to access these services.

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