

SEXUAL BRIBERY OF MILITARY WIDOWS IN SRI LANKA

ANURADHAPURA, KURUNEGALA AND GALLE DISTRICTS

- BRIEFING PAPER -



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



INTRODUCTION

There are currently over 9,000 Sinhala military widows in Sri Lanka. A 'military widow' is a woman whose husband's death is a direct result of his service in the Armed Forces, including the Army, Navy, Air Force, Police and the Civil Defence Force. Given the large number of MIA (Missing in Action) in Sri Lanka, wives of these servicemen as well as wives of disabled servicemen are also included in the category of 'military widows'; all three contexts have resulted in women being the heads of households and bearing all socio-cultural and politico-economic responsibilities within 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.

Sinhala military widows, despite the privileged position they are supposed to be accorded in society as spouses of 'fallen heroes,' are also marginalized and exploited, albeit to a lesser degree than FHH, including war widows, from minority communities. Like Tamil and Muslim FHH in the Northern Province, a large number of Sinhala military widows too have complained of constantly facing sexual harassment as well as being coerced into sexual bribery and other forms of sexual exploitation as they have sought to apply for their husbands' salaries, procure bank loans, get documents certified and enroll their children in schools, from the military as well as various other state and private institutions.

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.

This research study provides an overview of the current legal and constitutional framework for addressing sexual bribery in Sri Lanka and discusses ten case studies of Sinhala military widows located in the districts of Kurunegala, Anuradhapura and Galle, in order to highlight contexts in which they are particularly at risk.

“

I have noticed that it is the woman who makes the complaint who ends up getting blamed for inviting such sexual advances.

”

LEGAL AND CONSTITUTIONAL IMPLICATIONS OF SEXUAL BRIBERY

- It is a violation of Sri Lankan law for public officials to solicit bribes. Unfortunately, private companies, institutions and individuals are not encompassed within these laws and are thus not punishable under the Bribery Act. Private companies and other individuals are covered under other applicable laws.
- 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. Private companies, institutions and individuals are not mentioned here.

METHODOLOGY

- This research study focused on ten Sinhala military widows who faced various, often multiple, instances of sexual bribery and other forms of sexual exploitation, in three districts in three different provinces of Sri Lanka —Kurunegala (North Western Province), Anuradhapura (North Central Province) and Galle (Southern Province).
- The selection of these three districts was based on previous research which indicated that the highest number of military widows were located in the Kurunegala district (28%) with Anuradhapura following closely with 25% of widows.
- The third highest population (19%) was in the Kandy district, but it had to be dropped from the study due to adverse weather conditions prevailing in the country, between May and July 2017, when the interviews were conducted. Kandy district was replaced by Galle district, which has 13% of military widows (Ibid).
- All the interviews for the case studies were conducted in Sinhala by an experienced researcher domiciled in the Kurunegala district. She was accompanied by a local activist, in each district, who had a long association and friendship with the military widows who were interviewed. This was essential in ensuring the interviewees’ trust and confidence.
- Though a detailed questionnaire was formulated, it was only used as a guide by the researcher, regarding which thematic areas should be covered in the interview, as she was well aware that open-ended conversations was the most fruitful method for collecting data for case studies.

“

I scolded him saying
who is going to sign
documents in the
middle of the night?

”

-
- Often, an interviewee was visited more than once in order to build trust as well as elicit further details of sexual bribery.
 - A very important aspect that had to be kept in mind throughout the research project was that military widows, unlike other Sinhala FHH as well as Tamil and Muslim FHH, have a clear cut, dependent relationship with the military, and by extension the state, due to them receiving either all or significant portions of their deceased husband's salary or military pension which is their primary source of sustenance.
 - While the cooperation and goodwill of military personnel and state officials, at a variety of administrative levels, is crucial for the military widow to receive this salary/pension, it is also these personnel who are most likely to sexually prey on her, so there is great fear and reluctance on the part of these women to speak about it let alone make a complaint.
 - Military widows were so fearful of reprisals that though 15 women were interviewed for this study, five of them requested that their case studies not be included in this report.





“

Until now I had thought that it was the sad reality of vulnerable, isolated women to face these kinds of harassments from men in positions of power.

”

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- The women who agreed to have their case studies included, requested that the names of sexual predators not be mentioned. They also begged that even the military camp or government office where the sexual predator was located should not be named.
 - The above requests were honoured and special care was taken to mask the identity of the interviewees by using pseudonyms and not listing the villages or the districts in which they are located.
 - Every effort was made to provide information and/or support to any interviewee who wished to make a complaint to the Human Rights Commission, wanted to follow up on a complaint she had lodged, was interested in pursuing a legal route or who wished to receive psycho-social counselling.

PROFILES OF MILITARY WIDOWS

- The majority of these women were extremely young when they were widowed and often had very young children dependent on them.
- Several women also had to support their parents and in one case, two siblings, in addition to their children, with their husband's salary.
- Many widows had to wait several months before they could start receiving their deceased husband's salary. Until then, they were dependent on their parents or in-laws, with the latter often treating them very cruelly.
- Two women only receive 75% of their husband's salary as 25% of it is allotted to their husband's parents. One woman had to wait five years before she could even receive this portion.
- The majority of these women only had a very basic level of education and no skills, resulting in them not being able to secure sustainable forms of employment.
- With the exception of one woman, all the others were unemployed and completely dependent on their husband's salary which ranged from Rs 10,000 to Rs 50,000 per month.
- Most women continued to be single as re-marriage would result in them losing their husband's salary.
- The majority of the women were burdened with debt, either accrued by their husband or which they had secured to build their house.
- However, most women had been able to build their own house or hut and live

independently with their children while also supporting ageing parents or other relatives.

- The majority of the women mentioned being very lonely and longing for love and companionship.
- They spoke despairingly of the sexual exploitation they have to face on a daily basis, not only from state and military personnel but also their colleagues, neighbours, relatives and in one instance, a Buddhist monk.
- Their psychological well-being was extremely poor with seven women noting that they were depressed. Of this group, four specifically mentioned that they often felt suicidal and one had actually attempted to kill herself and had to undergo psychiatric treatment. She continues to take medication.

“

My husband too was in the military so how can we publicise these unseemly aspects of the military?

”

ANALYSIS OF FINDINGS

- Different forms of 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. One woman summed it up well when she noted: “I have been very involved in social service activities as well as political activities but men never appreciate you for the work you do. You are merely a sexual object in their eyes.”
- 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 economically deprived widows and single women seek services from state and military institutions.
- Many women have faced multiple situations of sexual bribery. While the threat of many sexually exploitative situations have ended or been circumvented, some continue to loom large in these women’s lives, while yet others are ongoing.
- Most women had confided to a friend or relative about the incident of sexual bribery she had faced. However, with the exception of three widows, this was the first time they had spoken about it to an outsider.
- Of the 16 cases of sexual bribery that were mentioned by the interviewees, only two widows had lodged complaints - with the OIC (Officer in Charge) at the police station and with the Commanding Officer at an army camp. One widow’s mother had also directly confronted her daughter’s sexual predator.

- The fact that none of the complaints were taken seriously nor the perpetrators punished resulted in further disillusionment for the widows. In the context where the predator was directly confronted, it resulted in denials and further accusations that led to the widow’s mental stability being further jeopardised.
- Occurrences of sexual exploitation and sexual bribery have exacted a heavy psychological toll on the military widows. Interviewees noted that they experienced feelings of disgust, shame, sadness, anger and disillusionment during and after the incident. One had felt suicidal.
- Parents, siblings and close friends have played a crucial role in supporting these women to resist demands of sexual bribery. They have lent a sympathetic ear, offered advice, protected and even confronted sexual predators.
- Some women have also drawn on their inner strength and resolve, to struggle against sexual predation. One woman even attended a Human Rights workshop in order to better understand the kinds of behavior she had to deal with.

“

We live a life of great freedom now as there are no men to dominate us

”



“

I even tried to take
poison and kill myself

”

Perpetrators/Accused

The majority of sexual predators were representatives of the state:

Military personnel (5 cases)

Those working at the District Secretariat (3 cases)

- Policemen (2 cases)
- Manager of a State Bank (2 cases)
- Grama Niladari (1 case)
- Principal of a National School (1 case)
- Post Master (1 case).

Of the private individuals who have been sexual predators:

- three were associated with the military, including 2 relatives (one currently serving and one retired from the military) and a disabled soldier who was the President of the War Heroes' Association.
- the other private individual was a road contractor.

It is noteworthy that several officials who are mentioned in the case studies were already notorious as sexual predators. However, no official complaint had been made against them so they continued their sexual predation unscathed. When



“

My neighbours didn't suspect anything as he shows the world that he is an amazingly considerate human being

”

complaints were made against some officials, their senior officers took the accusation very lightly and offered excuses on their behalf or did not pursue the matter any further.

- **Circumstances that led to Sexual Bribery**
 - Occurrences of sexual bribery must be understood in the broader context of the lives of these widows which leave them vulnerable to sexual predation.
 - All these widows are dependent on their husband's salary. Three incidents of sexual bribery occurred when they sought to complete the paper work in order to receive this salary.
 - The central objective of most military widows has been to build a house for themselves and their children or to complete house building work/renovations initiated by their husbands. This has required them to seek housing loans either from the military or a state bank, resulting in the highest number of sexual bribery incidents (six cases).

- Ensuring a good education for their children resulted in three cases of sexual bribery.
- Widows taking on leadership roles and who are actively involved in community development work have also been targeted (three cases).

- **Types of Sexual Bribery**

- Visiting the widow’s home at night while intoxicated and demanding sexual favours.
- Sexual harassment and inappropriate physical behavior.
- Demands to start an affair.
- Demands for a one-off sexual encounter.
- Constant sexual harassment over the phone.
- Asking the widow to meet the perpetrator alone in the evening, outside the office or to go on a trip with him.
- Being subject to suggestive comments and sexual innuendo as well as intimate, probing questions being asked during routine interviews.
- Verbal threats and delaying tactics when sexual bribe is refused or avoided.

It is noteworthy that none of the widows admitted to actually acceding to any requests of sexual bribery. However, one woman was considering the possibility, out of sheer desperation.

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

- Abandoning the service/favour they sought.
- Giving a tongue lashing to the predator.

- Having him beaten up.
- Making a complaint.
- Avoidance.
- Changing the mobile number.
- Using a friend’s mailing address.
- Requesting help from more sympathetic military officers.
- Asking a male family member to accompany them to a rendezvous point.
- Having a male family member mediate on their behalf.

- **Why women failed to seek relief or redress**

Two key reasons why women did not lodge complaints were:

1. Fear of reprisals from the military and government officers in the form of delays in processing loans, ‘misplacement’ of crucial documents, withholding of disbursements, being committed to a mental asylum, stalking, threatening and harming the widow and her children.
2. Fear of social stigma and losing honour and respect: “it is the woman who makes the complaint who ends up getting blamed for inviting such sexual advances,” noted several women. Some military widows

“

I am now disgusted with the entire male race.

They have harassed me at every turn...

”

“

Who is going to believe that a much younger man desires me?

”

were also worried that their children, in-laws etc., would get to hear about these incidents and think less of them.

- » Women felt that they would not be believed because:
 - ✓ she was poor and powerless.
 - ✓ she had been propositioned by a much younger man.
 - ✓ it would be a case of “his word against mine”.
 - ✓ complaints are treated with “apathy and disinterest”.
- » One woman felt it would be a case of “my falling from the frying pan into the fire” i.e. getting into further trouble.
- » Another was fearful of being sexually harassed by the policeman or army officer taking down her complaint.
- » There was a general consensus among the women that law enforcement officers were corrupt and often the worst sexual predators.
- » Several women were not aware of independent, non-state authorities that they could appeal to for help and redress.
- » One woman who was aware of the Human Rights Commission noted that she did not

know how to go about making a complaint to them.

- » The majority of women were concerned that their children would be ridiculed and disrespected if these sordid details were made public.
- » Some were worried that their complaints would cast a bad light on their dead husbands as well as the military.
- » The majority of the interviewees were also skeptical that they could find any recourse through the legal system, which requires the expenditure of much time and money. One woman noted: “I have no confidence in this country’s laws.. If there were proper laws and moral codes in this country, people would not treat vulnerable women like us the way they do.”
- » Two women were open to taking a legal route for redress if they could do it as a collective, rather than as individuals.
- » Another said she would be willing to testify against her sexual predator if she could do it anonymously.
- » Another woman was of the opinion that there was “no point in meting out punishments to these kinds of men... they need to be taught how to behave humanely.”

“

He has taken revenge on me since that day...

”

RECOMMENDATIONS

- The Bribery Act should be amended to provide enhanced penalties for sexual gratification.
- FHH should be made aware of such penalties and other legal recourses that they can avail themselves.
- Free legal support should be provided to FHH who might wish to pursue legal measures.
- A code of conduct with regard to sexual bribery should be formulated for all state officials, including military personnel, and prominently displayed, in all three official languages, in all government offices.
- A supportive environment that encourages women to make complaints about sexual bribery should be provided in every government institution.
- Guidelines on how to address complaints of sexual bribery within the state sector should be developed by the Human Rights Commission and disseminated to all government offices.
- A special, gender sensitive complaint procedure should also be set up within the Human Rights Commission to deal with sexual bribery.
- All government offices should maintain a database of instances of sexual bribery and a yearly audit should be made of such instances to ensure that such incidents have been investigated and the sexual predators punished.
- A far reaching awareness campaign should be launched, commencing at school level, to not only discuss issues of sexual bribery but to also address the troubling stigmatisation of women who seek to raise such issues.
- There should be a significant attitudinal change towards women and widows in particular, among military personnel, government officers and society in general.
- The media should play a more proactive role in raising awareness about rampant sexual bribery within both the state and private sector in Sri Lanka.
- More women officers should be appointed to administer services to FHH.
- Regional offices should be set up so that FHH don't have to travel to Colombo to attend to various matters. FHH would then not have to depend on men to accompany them, mediate for them, and sexually bribe them in the process.
- A simple, quick and efficient process should be set up to issue the deceased husband's salary to a military widow, soon after his death, so that she can cover funeral expenses, maintain her household, make loan repayments without defaulting etc.
- A military widow should continue to receive her deceased husband's salary even if she decided to re-marry.
- Counselling centres that focus on both economic and psychological issues should be set up, independent from the military, so that military widows can share the difficulties they face in strict confidentiality and procure advice on how to address them.
- Psycho-social counselling should also be provided to offspring of deceased military personnel.
- Military widows should be strengthened mentally to figure out how to circumvent situations of sexual bribery.

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