

Documenting The Impact Of Conflict On Women Living in Internally Displaced Persons Camps in Sri Lanka: *Some Ethical Considerations*

Shana Swiss, M.D. and Peggy J. Jennings, Ph.D.
Women's Rights International

In December 2005, The Asia Foundation invited Women's Rights International (WRI) to Sri Lanka to conduct an assessment of the infrastructure for supporting a population-based random-sample survey of the impact of the conflict on Sri Lankan women¹. The goal of the survey would be to use statistical sampling methods to interview women selected at random in order to estimate the scope of human rights violations, including sexual violence, as well as a broader scope of long-term direct and indirect economic and health consequences of the conflict. The survey would complement ongoing efforts by the Human Rights Accountability Coalition to document political and ethnic violence in Sri Lanka.

The December 2005 assessment addressed the following issues:

- The level of need for initiating a new effort to document the impact of the conflict on women
- The quantity and quality of existing documents or records that reflect the impact of conflict on women
- The current capacity among local organizations for supporting a documentation effort

The findings from this two-week assessment were that the level of need, the quality of existing resources, and the current local capacity for supporting a documentation effort were all quite high. Given that these three factors provide the foundation for a successful data collection effort, there was reason to be optimistic that a survey about the impact of the conflict on women could be conducted among Sri Lankan women.

In February 2006, WRI returned to Sri Lanka to (a) identify a specific site and local partner for conducting a survey in conjunction with local program development, (b) assess relevant safety issues, ethical considerations, and factors that might affect data quality, and (c) evaluate other

technical and practical aspects of conducting a survey.

During this six-week assessment of safety issues and ethical considerations, three main concepts based on ethical standards for biomedical research² served, among others, as our guiding principles: (a) respect for the autonomy of individuals, (b) the obligation to provide beneficial outcomes commensurate with risk, and (c) the imperative to distribute the receipt of benefits and the burden of risk fairly and justly. In the course of addressing the safety, ethical, and data-quality issues, it became evident that the environment in Sri Lanka for women's fundamental rights is so difficult, particularly in the displaced persons camps and resettlement areas, that we found that it was neither safe, ethical, nor feasible to conduct a survey on sensitive issues by selecting women at random and encouraging them to disclose experiences of sexual violence, either related or unrelated to the conflict. These conclusions came as the result of meetings with a number of NGOs serving women, NGOs serving internally displaced people, women's rights activists, lawyers, physicians, legal aid organizations, women's empowerment groups, and women and girls living in displaced persons camps. These meetings took place in Colombo, Vavuniya, Batticaloa, Moneragala, Katunayaka, and Kandy.

The Social and Legal Context in Sri Lanka Does Not Support Women's Autonomy

Throughout our discussions with Sri Lankan women and the staff of NGOs working on their behalf, and throughout our reading of existing research, analysis, and documentation of issues affecting Sri Lankan women, there were two main themes with respect to the legal, social, and cultural context for women in Sri Lanka that led to the conclusion that random-sample survey

¹ Portions of this document appeared in a *March 2006 Consultant's Report to The Asia Foundation* by Shana Swiss, MD, and Peggy Jennings, PhD.

² *The Belmont Report: Ethical Principles and Guidelines for the Protection of Human Subjects of Research*. US Department of Health, Education, and Welfare: The National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research, 1979.

research on sensitive topics could be ethically carried out only under very limited conditions. The first and primary factor was the significant social consequences of 'shame' or losing face for Sri Lankan women. If a woman reveals, or it becomes known, that she has been raped or sexually abused, she runs the very real risk of ostracism from her family, her community, and Sri Lankan society in general. Among the other consequences she may face, depending on the situation, are being unable to marry (if she is not yet married), being rejected and abandoned by her husband and in-laws (if she is already married), indefinite detention in 'protective' custody by the State, suicide of either herself or a family member or both, or retribution from the perpetrator that could be as severe as maiming from acid burns or even murder.

The second factor was the fact that the current state of the law enforcement and justice system in Sri Lanka is such that women who come forward with a complaint or charge of sexual abuse cannot yet rely on adequate protection or redress. Women face significant obstacles to receiving adequate treatment at every step in the process, from lodging a complaint with the police, to receiving appropriate service from lawyers, prosecutors, judges, and the prison system, to seeing the case brought to court in anything less than 6 to 10 years or more. Sri Lankan laws themselves are such that a woman is at a disadvantage in nearly every legal situation, whether it is a case of land rights, "vagrancy," domestic violence, or sexual assault.

As far as we know, one of the most vulnerable positions in Sri Lankan society is to be a girl or woman alone. The potential consequences of a Sri Lankan girl or woman who is 'shamed' or has lost face is that she may very likely find herself alone without family, husband, community, social support, or justice – the target of societal and institutional predation. Choosing women at random and encouraging them to participate in a survey in which they are asked to disclose information about rape, incest, sexual abuse, or other topics that may cause her or her family to lose face, with the potential that this information could become known to others, would in our view be asking women to take on a very high level of risk. It would be ethical to ask women to undertake such a high level of risk only in a situation in which the immediate tangible benefits were of a similar magnitude.

Some Sri Lankan women do, in fact, choose to come forward and disclose sexual violence in

order to seek justice or medical treatment. We believe that, from an ethical standpoint, a woman who chooses to face these risks does so because she perceives that the significant and direct potential benefits of seeing the perpetrator brought to justice or receiving necessary medical or psychosocial services warrant the risks. A random-sample survey, however, would solicit information about sexual violence from women who have not previously volunteered it. It is our view that the indirect and intangible benefit of using a random-sample survey to gain an estimate of the scope of violence against women in Sri Lanka does not, by itself, meet the standard of significant and direct benefit to offset the tremendous risks each participant would face in disclosing those experiences.

The Vulnerable Status of Displaced Women Does Not Support Their Autonomy

Random-sample survey research is even less advisable, in our view, for women living in displaced persons camps or resettlement areas. Their position in Sri Lankan society is extremely vulnerable because they are dependent on the State, with little ability to determine the course of their own lives. A large majority of the women living in displaced persons camps in Sri Lanka have lived in displacement for 10 years or more under conditions in which basic dignity and fundamental rights are merely ideals. Their ability to freely make decisions about their own best interests has been curtailed nearly completely. They have no access to land, few options for income-generation, and only within the past few years have they been able to move freely in and out of the camps without requiring authorization from camp officials. Neighbors live side by side in 10-foot by 10-foot rooms, separated only by plywood or fiberboard. Privacy is difficult to obtain even for toileting and bathing, let alone for a confidential interview. At any moment, depending on the decree of government military or police officials, people living in displaced persons camps can find themselves living essentially in detention, under imposed curfew, or under a number of other limits on their basic freedoms. Poverty, unemployment, alcoholism, sexual abuse, and domestic violence are widespread in the displaced persons camps.

During our discussions with NGO staff who work in the displaced persons camps, we heard that people living in the camps had grown skeptical and resentful about participating in interviews and surveys because they had revealed their experiences of abuse many times and their

expectations of benefit were not realized. Further, short of persuading each woman to disclose the details of the abuses she has suffered over the past 20 years of conflict and displacement, details she may have chosen to keep hidden for her own sake, there is much that has already been documented about the impact of the conflict on women living in displaced persons camps. Although the findings from many of the previous surveys tend to be kept within the organization that collected the data, some very good studies have been published that lay out very clearly the issues facing women living in displacement in Sri Lanka. Yet the grave problems for women in displaced persons camps remain unsolved. Unless an NGO that plans to conduct a survey on sexual violence against displaced women can provide immediate useful benefit for those women who participate, the risk/benefit ratio of conducting a survey of randomly selected displaced women is, in our view, unacceptably high.

Barriers to Sharing Data Increase Risks

In Sri Lanka, partly as a result of the decades-long conflict in the north and east, and the devastating tsunami that affected much of the coastline in 2004, there has been a prolonged presence of international, national, and local non-governmental organizations to provide assistance and intervention. Most if not all of these organizations must collect information in order to carry out their mandates. If these multiple non-governmental organizations do not communicate with each other and do not share information, the people living in displacement are asked to provide the same information, including details about human rights violations, to a number of different organizations for a number of different purposes. The importance for organizing coalitions of NGOs is especially pressing in emergency situations where the magnitude, urgency, and unpredictability of the crisis often preclude careful planning, communication, and forward-looking organization. We have also observed that in a setting where the emergency situation is repeated or prolonged, information takes on a particular value that makes organizations reluctant to share their data freely. When funding for programs is limited, NGOs may be compelled to compete with each other in order to have exclusive information that supports a unique proposal for funding or continued funding.

An environment in which individuals and organizations that need to collect information on human rights violations must compete with each other creates additional risks for the vulnerable

individuals who provide that information. A safer environment is one in which coalitions of NGOs work together, communicate and coordinate with each other, and use creative new options for generating safe and shared use of existing data in the interests of protecting the individuals who provide human rights information. Any effort to share data must be done with the utmost consideration for protecting the safety of the individuals who provide human rights information. We recommend that NGOs who share data formulate and adopt a Data Security and Monitoring Plan, a set of agreed-upon principles and specific practices under which data will be shared without compromising the safety of individuals. A coordinated data-sharing effort within an NGO consortium could facilitate the use of these Data Security and Monitoring Plans among their member NGOs.

One remarkable example of an NGO consortium has formed in one of the conflict affected areas of Sri Lanka. The member NGOs meet regularly, communicate clearly about their objectives and program, and have organized themselves into networks that handle particular subspecialties. In the context of this kind of consortium, for example, an NGO that planned to carry out a survey could present the proposal to the consortium, find out what existing data is already available among the NGO members, and the survey effort could be consolidated so that the information needs of the other NGOs could be incorporated into a well-planned, well-designed survey using sound ethical practices that could maximize benefits and minimize risk to the participants.

Ethical and Safety Considerations Warrant Seeking Alternatives to Random-Sample Surveys for Documenting Women's Human Rights Violations in Sri Lanka

In the context of research ethics, then, three issues compel us to recommend that new efforts to conduct population-based random-sample surveys on sexual violence, be avoided, especially in the displaced persons camps or resettlement areas. The first issue is the extremely vulnerable position of women living in displacement. It is implausible to expect that a woman living under the extreme hardships of displacement could freely and autonomously, without the presence of coercion, weigh the risks and benefits of disclosing sexual violence in a survey that she may perceive as being linked to aid. The second is the imbalance in the ratio of risks and benefits associated with a survey on sexual violence and

other human rights violations. The third compounding issue is a matter of data quality and tangible benefit. There is little reason to expect that a survey using ordinary interviewing techniques would be able to collect accurate data on sensitive topics in which a woman may have fear of shaming herself or her family. Because the risks are so high, most women will likely choose not to disclose sensitive information. Therefore if most women in the sample population choose not to disclose sensitive information, the results of the survey will be inaccurate and potentially harmfully misleading. To compound the problem, if the resulting survey data are inaccurate, and useless for advocating for displaced women's rights, women who do choose to disclose will have taken risks (and potentially endured harm) for no benefit whatsoever. It would be unethical to put any Sri Lankan woman at additional risk for findings that will be of limited use, at best, and more likely harmful.

Using Research to Advocate For Women in a Setting Where Silence is Protective

It is clear that only a small fraction of the true number of human rights abuses, to men, women, or children, are reported to authorities in Sri Lanka. The consequences of reporting human rights abuses are potentially grave, even many years later, particularly while the situation that gave rise to the abuses still exists, or while the perpetrators are still in positions of authority. Such is the case in Sri Lanka. Sexual violence against women, then, is even less likely to be reported to authorities because not only are there few or no remedies available to women, but the perpetrators are often still in positions of authority in their villages. The consequences for publicly disclosing sexual violence are very serious for Sri Lankan women and as a result, women do not disclose the sexual violence in their lives, except under extreme or unusual situations.

Despite the risks, and because of the risks, there is an urgent and pressing need to document the scope of violence against women in Sri Lanka. Accurate and systematic documentation is needed to dispel the strictly enforced culture of silence and acceptance around violence against women in Sri Lanka. Until we can find a way to break the silence without requiring Sri Lankan women to endure the substantial risks of coming forward, identifying themselves, and disclosing their secrets before it is safe to do so, the problem of sexual violence against women will continue to be denied and ignored.

We recommend two general strategies that should be given priority in situations in which the risks for women are too great to justify a random-sample survey: Maximize the use of existing information, and collect survey data in the context of strong community-based NGO coalitions that use the data for tangible benefits.

First, all possibilities for using quantitative methods on existing records to unveil the scope and reality of violence in women's lives should be explored and fully considered. The analyses of existing legal, medical, and social service records could in some cases be done by supporting local organizations and institutions to use their existing documents in a safe and ethical manner to generate de-identified data and to share that data with other organizations. We must maximize the use of the existing data from women who chose independently to bear the risks of disclosure. In addition, we must be creative in identifying and using existing data that was not originally collected for human rights purposes. For example, Shana Swiss and her colleagues used hospital records about women who became pregnant as a result of rape to obtain an estimate of the number of women raped in the former Yugoslavia.³ In our view, the potential for using existing data to shed light on the scope of sexual violence in Sri Lanka is an avenue that deserves significant exploration.

Second, if a survey is conducted, it must be done by a well-established, respected local NGO that is working with women in that community, in order to support their programmatic objectives. In Sri Lanka there are a number of community-based NGOs that have built up substantial credibility over long years of service and advocacy. We must provide these strong local organizations with the technical support they need to collect data within these ethical guidelines to meet their own programmatic needs. In addition, we recommend facilitating stronger linkages between community-based NGOs so that through partnerships and mentoring, these NGOs can work together to improve their data collection methodology to reduce the risks to women and enhance the potential benefits of future survey efforts.

³ 'Report of the team of experts on their mission to investigate allegations of rape in the territory of the former Yugoslavia from 12 to 23 January 1991.' UN Commission on Human Rights, Publication E/CH 50 (Annex II).

Third, we recommend providing technical support to NGOs, particularly to NGO consortia and coalitions, to improve their ability to protect confidentiality and to enhance security of their computer files and paper documents where security of individuals is a concern. Facilitating the open sharing of de-identified data must only be done in a context where protection of individual identities can be appropriately accomplished. Sharing data will reduce the risks associated with face-to-face interviews, but may increase the risk of breach of confidentiality of data.

Before we approach individual women selected at random to endure risks, we must leverage existing data to challenge and repair the system that keeps women silent and we must respect their willingness to endure risks by providing tangible benefits as quickly as possible. We must also take a long-term view in helping local organizations obtain the technical support they need to collect and share information in ways that protect women's safety and allow women to advocate more powerfully on their own behalf. In our view, it is only after we have succeeded in reducing current risks, increasing potential benefits, and securing increased autonomy for Sri

Lankan women that we can ask them to participate in random-sample survey research on sexual violence.



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Women's Rights International
P.O. Box 4275
Albuquerque, NM 87196-4275

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