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**Understanding the Nature and Scope of Trafficking of Women in Sri Lanka for Sex Work:
What Needs to Be Done?**

by

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Understanding the Nature and Scope of Trafficking of Women in Sri Lanka for Sex Work: What Needs to Be Done?

Dinishika Sumuduni Vithanage

The purpose of this research is to understand the nature and scope of sex work in Sri Lanka, and the circumstances under which women are being trafficked to become sex workers. Sex work is a booming industry in present day Sri Lanka. Even though the term trafficking is new to the general dialogue of Sri Lanka, the country has a history of sex work. This research attempts to bring a definition of what sex trafficking is for Sri Lanka rather than relying on the definitions created by the western academia. Thus, the research looks into the current condition of sex work, how women are being trafficked for sex work and how norms like patriarchy work toward favoring the oppression of women in Sri Lanka. Even though Sri Lanka has not been highly affected by HIV/AIDS, there have been incidents where victims of HIV carriers have been found. Sex work is in the forefront of one of the primary mode of transmitting the virus. Therefore, this research conducts a dialogue on sex work, trafficking, and social conditions it generates in the society in Sri Lanka.

Table of Contents

Chapter	Page
I. INTRODUCTION	4
Statement of the Problem	8
The Purpose of the Study.....	14
II. LITERATURE REVIEW	17
Social Background of Sri Lanka.....	17
III. RESEARCH METHOD AND DESIGN	25
Report 1: The Continuum Complete International Encyclopedia of Sexuality: A Report on Sri Lanka.....	25
Report 2: UNGASS Report Sri Lanka (2008-2009).....	30
Report 3: Building Partnerships on HIV and Sex Work	34
IV. DATA ANALYSIS AND REPORT RESULTS	39
V. DISCUSSION AND RECOMMENDATIONS	45
References	50

CHAPTER I

INTRODUCTION

Simone De Beauvoir once said, “A woman is a human being with a certain physiology, but that physiology in no way makes her inferior, nor does it justify her exploitation” (cited in Brison, 2013, p. 192). Beauvoir, being an erudite Feminist scholar, does believe that “feminists want to change not only women’s situation but also the world.” Therefore, in order to accomplish this, one needs to address the bigger issues of class struggle, existing social system within society. Within the Sri Lankan society, sex trafficking does not operate on its own. It is intertwined with the influences of globalization, the free market system, free trade, class struggle, patriarchic principles, and post-war conditions. Considering the above factors into consideration, in the following, I offer an assessment of understanding the nature and scope of trafficking women for sex work in Sri Lanka. For that, I address the concerns of the existing nature of sex work in Sri Lanka, how it has evolved, current conditions of sex work, how female sex workers are being treated, and how women are being trafficked to be sex workers. The study will also focus on measures that need to be taken to stop women being trafficked for sex work.

Within the larger social network/system, the woman had been “objectified” to the extent that her status has become inferior compared to the man. This ‘commodification’ of females in the larger society primarily happens through the media and sex work. One of the elements attached to the sex industry is sex “trafficking” which comes under the umbrella of ‘human trafficking.’ Trafficking in general has been subjected to aggressive debate, lending itself to critical analysis and honest dialogue. Before moving on to the discussion of understanding the nature of sex work as an industry, understanding what trafficking means is important.

Siddharth (2009) brought out the United Nations Trafficking Protocol in 2000 in defining what trafficking is. The protocol identifies a generally accepted definition which is:

The recruitment, transportation, transfer, harboring or receipt of persons, by means of threat, coerce, coercion, abduction, fraud, deception, abuse of the position vulnerability of giving or receiving of payments or benefits to achieve consent of a person having control over another person for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of prostitution of others or other forms of sexual exploitation, forced labor services, or practices similar to slavery, servitude or the removal of organs. (p. 4)

Considering the above definition, Siddharth (2009) suggested that a clear understanding of sex trafficking is needed as there is no exact definition of what “sex trafficking” is as it comes under the general definition of “human trafficking.” In order to endorse this understanding, Siddharth offered two definitions that he expects to become handy in policies and initiatives intended to eliminate sex trafficking : He suggested that understanding ‘slave trade’ and ‘slavery’ in terms of sex trafficking explains that sex work is similar to slavery when done illegally, physically exploiting the victims involved. He gave his illustration as follows:

1. **Slave trading** can be defined as the process of acquiring, recruiting, harboring, receiving, or transporting an individual, through any means and for distance, into a condition of slavery or slave-like exploitation.
 2. **Slavery** can be defined as the process of coercing labor or other services from a captive individual, through any means, including exploitation of bodies or body part.
- (p. 4)

Siddharth (2009) believes that the above components of slave trading and slavery are the two main components of sex trafficking. Within these two components, purchasing of slaves, movement (from place to place) and exploitation take place constantly. So, the victims of sex trafficking become the slaves of providing sex, either being forced to work in the sex industry or to become a prostitute.

In studying the nature and scope of trafficking of women in Sri Lanka for sex work, first, understanding the definition and the nature of “sex work” is important and how Sri Lanka defines what sex trafficking is.

Ronald Weitzer, a Sociologist specialized in Criminology (2009) explained in his book *Sex for Sale: Prostitution, pornography and the Sex Industry*, what it means by ‘sex work.’ As he noted:

Sex work involves the exchange of sexual services, performances, or products for material compensation. It includes activities of direct and physical contact between buyers and sellers (prostitution, lap dancing) as well as indirect sexual stimulation (pornography, stripping, telephone sex, live sex shows, erotic webcam performances).
(p. 1)

Weitzer (2009) discussed sex work and prostitution as a type of sex work in a thorough fashion. In the same chapter, Weitzer wrote on prostitutes and prostitution. In his perspective:

Prostitutes vary tremendously in their reasons for entry, risk of violence, freedom to refuse clients and particular sex acts, dependence on exploitation by third parties, experiences with authorities, public visibility, number and type of clients and relationship with co-workers. (p. 7)

The three key terms, prostitution, pornography and sex work include clients of prostitutes, recent trends in gay male pornography, and analysis of pornography made by and for women, chapters on telephone sex work, and the main stream sex industry (Weitzer, 2009). Sex work operates within the larger frame work of the ‘sex industry.’ **Sex industry** refers to the, “workers, managers, owners, clubs, trade associations, and marketing involved in sexual commerce, both legal and illegal varieties” (Weitzer, 2009, (p. 1).

According to his definitions, prostitution is one type of sex work in the larger sex industry.

Women who are being trafficked for sex work differ from those who enter the sex industry as a sex worker or a prostitute by ‘choice.’ They have their choice and free will to leave and refuse to do what they are being asked to do. Women who are being trafficked for sex work or into prostitution do not enter the sex industry by choice. They are either forced or being tricked to do so. According to Weitzer’s (2009) definition on prostitutes, the prostitutes have the right to measure the risk of violence, freedom to refuse clients and particular sex acts. In the case of trafficked women for sex work and prostitution, they do not have that choice as they become “sex slaves” with their situation of trafficking. The article “*Human Trafficking and Sex Workers Rights*” (Freedom Network, 2010), stressed that “not all people who work in the commercial sex industry are trafficked.” However, in the same article, they accept the fact that “the human rights of sex workers are routinely abused in countries around the globe. As it noted, “One extreme form of abuse that sex workers suffer is human trafficking.”

Trafficking of women for sex work has given rise to many types of violence inflicted on women and vice versa. In the Sri Lankan context, domestic violence, incest, molestation, loss of

a breadwinner in the family, and loss of family members to a war have made most women vulnerable to trafficking for sex work. Women and children being the most vulnerable individuals in a crisis situation become victimized with exploitation and abuse.

Sex workers face harsh criticisms for the nature of their work. One such attack would be that throughout the world, sex workers are blamed for spreading HIV/AIDS. Given that sex work is illegal in Sri Lanka, women who are being trafficked for sex work/sex slavery have no means of ensuring their sexual health. Not only are they being kept in unsafe environments, they are being prevented from receiving health care and are facing many other types of physical violence. So, the dialogue of women trafficking for sex work cannot be single out from other social issues it gave rise to. This study would also discuss, give attention to HIV/AIDS and violence faced by almost every sex worker in the country despite of them being trafficked or not.

Statement of the Problem

“If the women of a country are slaves, the men can never be free” (Vinding, 2015, ¶ 1).

These words were quoted by the Groundviews, in Vinding’s (2015) article *Gender Paradox in Sri Lanka*. Sri Lanka has a long history of women activists fighting for women’s rights and well-being of women in Sri Lanka since 1970s. However, things have changed since then due to the ethnic war, globalization, liberalized economic development and new media culture in the country. Issues of gender have been prominent in the social cultural discourse in the country for so long. Violence, sexual harassment in public and private spheres against women, female unemployment, and health has been the topics of discussion.

One of the challenging issues when researching on sex trafficking is that Sri Lanka does not have its own definition of what it means to trafficking is. Therefore, this research creates a

definition as to what sex trafficking means for the Sri Lankan society. Instead of relying highly on the definitions given through the western perspectives on sex trafficking, Sri Lanka needs to build its own within the dialogue of trafficking and sex work.

As a Sri Lankan female scholar researching on the issue of trafficking women for sex work in Sri Lanka, I define sex trafficking as duping, coercing, and inflicting violence on women, transporting them to engage in sexual activities within the country and outside. However, it does not necessarily need transportation as most women have become victims at the hands of traffickers within their village or neighborhood. In truth, most Sri Lankans are not aware of the illicit sex industry in the country, and women and young girls are being trafficked within the country for brothels. In the Sri Lankan academic context, there is no 'Sri Lankan' definition for sex work and trafficking. For the most part, these definitions have been borrowed from the West by the Sri Lankan scholars as they give a more universal identification for the terms that are being defined. The word 'trafficking' is also not being commonly used in the Sri Lankan academics or in general dialogue. Evidently, the general population lacks the knowledge of what 'trafficking' means. Sri Lankan academia and media has become accustomed to the borrowed definitions to build their dialogues around it.

Looking into the history of sex trafficking, *Combating Sex Trafficking: A History* by Hughes (2013) illustrated how the issue of sex trafficking sprung out of the social context comes in handy. Sex trafficking has existed since the beginning of the human evolution. History is consisted of records on sexual exploitation and sexual slavery. There is an event behind how the term "sex trafficking" came in to being. During the 1980s, the second wave of the women's movement took place and sex trafficking was invented in the midst of that. Women who were

involved in the movement, the ardent female activists and feminists protested against exploitation of women and prostitution and pornography (Hughes, 2013). Following this movement, rigorous debates took place regarding free and forced prostitution.

In the article, *Is Sex Work Work?*, Samarathunga (2013), an ardent journalist for the Groundviews.org and an activist for the Grassrooted foundation in Sri Lanka, making a voice on rights of women, sex workers, and transgender society, shared her insight about the ‘sex work’ in Sri Lanka.

Is there a sex industry in Sri Lanka if so, is sex work, work? This question has become important to the study because the only way to understand the trafficking issue in the country is through addressing the issue of sex work. Acknowledging the illicit sex industry in the country does prove that women could be trafficked for forced street prostitution or to brothels.

Samarathunga (2103) shared her experience with a story of encounters they made. In brief,

An hour later we had been guided from everything to the demographic of sex workers in Colombo to the demographic of their clients, from specific locations to times of day, from prices ranges of sex workers to commissions received by three wheeler operators.

They had intimate knowledge and shared their stories with dazzling clarity and simplicity but ultimately were of the view that sex work is corrupt and should not exist. (p. 7)

It was evident that there is not only an illicit sex industry in Sri Lanka, but it operates with much clarity. The “three wheeler operators” are the “Tuk Tuk’ drivers similar to “Taxi” operators. In Sri Lanka, Tuk Tuks are the most common mode of transportation among the middle class and people under. These drivers are more connected with the society than any other because of their large numbers of clients. They work under a minimum payment and live poor.

Their economic conditions have made them find other ways to earn their daily living. The network they have with their clients whom they transport had made them “Third party agents” in supporting/trafficking the sex industry, mainly transporting women for prostitution. Even though much of resentment comes from the public to eliminate ‘the industry’ for centuries, it still prevails and both women and men and even children have been victimized through it.

In the constitution of Sri Lanka, the Articles 11 and 27 clearly indicate that freedom is an important factor for human rights environment in the country (Amirthalingam, Jayatilleke, Lakshman & Liyanage, 2009). With these articles included, there are other statutes that recognize trafficking and exploitation as a criminal act. With regard to the legal aspect of human trafficking in the country, this issue was introduced to the Sri Lankan law in 1995 for the first time, with the enactment of Penal Code (Amendment) Act, No. 22 (Amirthalingam et al., 2009). In 2006, the definition for trafficking in the Penal Code underwent more changes. The changes that have been brought up got in line with the Palermo Protocol in 2000 (Amirthalingam et al., 2009).

In the Year 2000, Sri Lanka ratified the Palermo Protocol introduced by the United States in preventing, suppressing, and punishing those involved in trafficking in persons. This protocol specially focused on women and children (Amirthalingam et al., 2009). However, despite the years of efforts put in to control this, trafficking in persons of the United States Department of State (Central Intelligence Agency, 2013) stated that, Sri Lanka had been placed at “Tier 2 watch List” and had been on that level since then. This report of “Trafficking in Persons” (TIP) is done annually. It reflects a global viewpoint of the nature and possibility of trafficking in persons. Also, notifying what steps need to take in order to tackle this issue. Similarly, the Central

Intelligence Agency (2013) has produced similar facts regarding the trafficking of people and they have a section on the Sri Lankan situation as well. According to the CIA, Sri Lanka does not comply with the minimum standards of for the eradication of trafficking even though the country had been making efforts. In 2013, Sri Lanka had initiated taking steps in updating a national action plan and starting an awareness program. According their report, lack of strong efforts from the law enforcement, not convicting traffickers under the trafficking statues, not enforcing the labor regulations properly and not prosecuting the government officials connected to trafficking has made this problem spread out.

In December 2011, after the armed conflict in Sri Lanka, The International Crisis Group (ICG) came up with a report of *Sri Lanka: Women's Insecurity in the North and East*. They explained:

The plight of women in the Vanni region—sexual violence, trafficking and exploitation of young women, struggles of female-headed household to rebuild their livelihoods, the climate of fear and intimidation women live in, the lack of psychological care for survivors of sexual violence and the culture of impunity prevalent in the region. (as cited in Groundviews, 2013, ¶ 2)

Physically, the 'Vanni' is distinct from the Jaffna Peninsula, in the Northern Province and was part of the civil war from 1981-2009. Particularly, women in this region have faced tremendous challenges with the repercussions of the war. Trafficking and exploitation of the women in the northern region on the pretext of job opportunities in Colombo and other parts of the country had been also reported. The immediate family of an applicant is promised LKR 200,000 (Groundviews, 2013). Especially women coming from the north had been forced to

engage in commercial sex work due to their poor financial stability. Not only in the northern part of Sri Lanka, but also, there are extreme cases reported of trafficking of women for sex work in the Northern Central Province in Sri Lanka. From this part of the country, there has been important number of war widows that are vulnerable to trafficking due to poverty and having no certain livelihood (Amirthalingam et al., 2009). These women are being trafficked by a male individual they closely know, a neighbor, a person who had promised them of an employment opportunity, or sometimes by a relative. Vulnerable women are the easy targets of the traffickers. Lack of knowledge of the society, having no structured education, poverty, loss of family due to critical social conditions have made these women trust and fall in to the hands of the traffickers.

The Ministry of Healthcare and Nutrition in Sri Lanka (2008) also identified that the armed conflict in Sri Lanka had made a tremendous impact on the women and their livelihood. As a result, both women and children had become vulnerable to all forms of gender based violence, including trafficking and forced prostitution. According to the estimations, 40,000 war widows had been recorded placing them as the primary breadwinner of the family. Their situation made some women get involved in the sex industry to make a living. Most often the women were forced, tricked, and trafficked to other places within the country.

Previous studies done by researches in the academia on sex trafficking, on HIV/AIDS and types of violence that inflicted on women in Sri Lanka, have contributed to a greater understanding of challenges and realities in human trafficking for labor and sex work. Due to economic differences, responding to the demands of the global market, weakness in laws, and the problem of trafficking has been increasing in the recent years (Amirthalingam et al., 2009). Victims of sex trafficking for forced sexual exploitation do not receive a pay. But the trafficker

would make profit handsomely. In the context of sex trafficking, the International Labor Organization (ILO) has estimated that forced labor and human trafficking “estimated that the annual global profit generated from the world’s 2.5 million victims for forced labor, including forced commercial sexual exploitation” (Groundviews, 2012, ¶ 20). So, this study on Trafficking of Women in Sri Lanka for sex work is helpful in understanding the scope and nature of the problem and how to tackle trafficking within and outside the country.

The Purpose of the Study

The main purpose of this study is to build a conscious dialogue on trafficking women for sex work in Sri Lanka. To achieve that, the study identifies the existing nature of the illicit sex industry in the country to identify the ways and how women are being trafficked for sex work. Despite incorporating the common definitions given by the scholars around the world on what sex trafficking is, this research aimed to build its own that best describes the trafficking situation in Sri Lankan society. Also, the study carries out the dialogue of how the traditional patriarchic views contributed to the flourishing nature of sex industry in the country over the years, targeting women as subordinates to men with colonization.

The prevalent discourses, particularly on trafficking women for sex work carried out by the Sri Lankan academia, is not satisfying. Given the conservative nature and norms of the country, people do not voice their concern about this matter until it happened to them or to one of their loved ones. Therefore, as a student of Criminal Justice, interested in the issue of trafficking, I use this study to educate myself on the current conditions of sex work in Sri Lanka and the nature and scope of trafficking women for sex work and then educate the public.

The word “sex” is regarded as a shameful word to mention or to add to the curriculums in schools and university. The majority of school children from middle school to high school do not get any structured education on sexuality and gender issues. Only a handful of university students are exposed to sexuality through self-exploration with the freedom they obtain attending a university. Others largely rely on social media giving misleading and inappropriate information. Therefore, it is important that especially children and youth need to be given a proper sex education leading to social issues when directing their sexuality in the wrong path. Boys need to be taught to respect girls despite the misleading dialogues on patriarchy and women needs to be the subordinates of men. Starting with that, the Sri Lankan society in general needs to be aware of issue such as trafficking and sex work operating in their backyard.

The literature for this study brings about the impact of colonization on the Sri Lankan society leading to the division of labor portraying women subordinate to men in the domestic and public sectors. Colonization did fuel more patriarchic values over matriarchal nature that co-existed with patriarchy in the household and in public.

With colonization, many other aspects of western ideologies of life such as missionary education, language of English, and arts have been introduced to the Sri Lankan people. Even though the elite society enjoyed its benefits first, it spread through the society and entertainment became an essential element of social life. At the same time, with the introduction of trade and export industry, the traditional life based on agriculture and paddy cultivation changed. People started to move to cities for better employment, better wages. During that process, the role of the woman also started to change from the traditional role to working woman and bringing herself to town out of the villages. This journey of seeking new opportunities did not always have a happy

ending. With the changing nature of traditional, agricultural society to industrial society, exploitation of women and their sexuality was evident. Entertainment has been an essential element of the industrial society with flourishing nature of illicit sex industry. It changed the perspectives of society looks at a woman and her sexuality. Exploitation, abuse, violence gradually came along, violating the uplifted notion of the traditional Sri Lankan woman to commodifying her individuality.

CHAPTER II

LITERATURE REVIEW

This literature review discusses and summarizes the nature and scope of trafficking women for sex work in the country by identifying what it means by ‘sex work’ and how it has evolved throughout. It also brings references to similar studies that have been done on trafficking women for sex work. Information gathered here focuses on the nature and scope of sex work, sex workers, trafficking women for sex work, and other issues connected to sex work such as HIV/Aids and gender based violence. The primary focus of this study is on the scope and nature of trafficking women for sex work.

Social Background of Sri Lanka

In actual fact, sex work has probably always been a part of the cultural fabric of the land not too far away. Kings and courtesans, princes and concubines; a more romantic rendering no doubt than what has come to pass, yet not necessarily devoid of the pain and need that is so inextricably fused to this very oldest of professions. Sex work’s contemporary association with the land not too far away was arguably cemented however during the civil war/ethnic conflict/terrorism when this land not too far away was considered a frontier. Here the military came, stayed, recuperated, endured. Sex work was almost natural, and definitely deemed a necessity. Everyone, including the numerous clerics, appeared to understand the whys and how’s of it. (Billimoria, 2013, ¶ 14)

Historically, sex work has been part of the Sri Lankan culture. The rumor was the kings who lived back in the day in Sri Lanka, had up to 500 concubines (Harem) for each king. Evidently, Sri Lankan society is not new to the ‘concept’ of sex work. In the above quote by

Billimoria (2013), the “Radala” is a name of a caste even used today. It is on the bottom of the caste hierarchy in the country. This caste is similar to the term “untouchables” in India. In general, people from this caste are not socially accepted but cornered to do petty work for people in the upper castes. So, the kings had women from this caste as concubines (Harem) to full fill his physical needs. Applying this historical piece to the modern social structure in Sri Lanka, these ‘Radala’ women were involved in sex work for the privileged.

Politically, Sri Lanka has produced strong, independent women. Sri Lanka had the world’s first woman Prime Minister and the Sri Lanka’s first elected woman president. In 1956, the first woman cabinet minister was appointed. These women were not only political bodies appointed to the parliament but had enormous courage to tackle the socio cultural system to bring more opportunities to provide education and employment to women. They faced tremendous challenges for being women in politics, making decisions that would inspire other women in all levels across ethnicities in the country.

As Sri Lankan society is believed to be formed upon the norms of patriarchy, women were often treated as subordinates in making her voice and opinion on matters in both private and public. Sri Lankans in a caste valued society believe that born into a certain caste establishes that you take up a certain occupation, which goes along with the notion of birth in to a specific sex. Therefore, in this manner, women are more marginalized than men are because the occupation is very much gender segregated, though the caste-based employment is almost non-existent.

These patriarchal attitudes have encouraged the social, cultural and religious views of women as standing below/under men. These norms have discouraged how society would look at

women as independent and strong beings. The societal acceptance of men being the dominant group had paved the way to gender based violence, victimizing women physically and psychologically. *The National Report on Health and Violence in Sri Lanka* by the Ministry of Healthcare and Nutrition (2008), with the collaboration of the World Health Organization, described why men had gained more power in society and over women. According to the illustration, “the male psychology of dominance may not be biological but a direct consequence of “man-made” social arrangements.” It has become the norm that any group in society has more power over the others decide has more power. One component of gender based violence is trafficking where women are forced for prostitution. Trafficking leads to other types physical violence inflicted on women. The existing data had indicated that gender based violence is spread out through the country across all communities and ethnicities (Ministry of Healthcare and Nutrition, 2008).

Evidently, in every society, women continue to grapple with socio-economic, political and cultural elements that marginalize them, and women in Sri Lanka are faced with the same predicament. Socially constructed institutions such as marriage, religion and patriarchy have been in the core of oppressing women in both private and public sectors. In general, women are mostly tortured by sexual abuse, domestic violence, and forced trafficking for labor and sex work in the country.

Looking back to the history of Sri Lanka, the country has an account of trade, immigration and colonial invasion over different periods of history due to its geographical positioning. This has led to the development of various ethnic groups, each with its own cultural traditions, customs and language. Along with the majority Sinhala Buddhists in the country, the

nation includes Sri Lankan Tamils with an Indian origin, Muslims, and Burghers (decedents from intermarriages between Europeans and Sri Lankans). Regardless of ethnicity or religion, the traditional role of a woman in family circle has been central in the culture in Sri Lanka. Women are considered the reproducers and upholders of their traditions. They are given the role of deciding household matters while the man supported them by giving financial security.

Throughout history, Sri Lankan women had been involved in the agricultural sector as traditional agriculture was a family affair. While sons helped the fathers in the rice fields, girls spent their time with their mother and other elderly women helping with all the crucial household tasks. In addition, they helped men in the field with their mothers doing tasks like tying haystacks together or feeding the cattle. Clearly, making meals and keeping the hearth warm was one of the primary duties of these women. Therefore, women also had a central part in the family counterbalancing the role of men. Currently, there are women working in the agricultural sector and in export sector making a huge contribution to the economic progress in the country, such as in the plantation, clothing industry and in expatriate labor. The Ministry of Healthcare and Nutrition (2008) estimated that by 2003, the share of women employed in the nonagricultural sector was 43.2%.

With political and ethnic unrest during the 1980s, the fabric of previous social system started to change. After gaining independence from the British in 1948, the minority sectors of the country had come to a point of complaining that their needs were not met by the Sinhala majority government. Especially in a country where Buddhism was constitutionally established as the prominent religion, the minority groups felt that they were left out and their grievances were not taken in to consideration. Based on such reasons, the minority groups based on the

northern and southern parts of the country started protesting asking separate governance for them, basically requesting a separate land for them in the same country. The main groups were involved in this struggle had been the Tamil minority groups. During the 1980s, they established a group calling themselves the LTTE (Tigers of Tamil Elam), becoming one of the biggest terrorist guerrilla groups in the world. Their mission and vision was to obtain a separate land and governance in Sri Lanka for their people, who are basically Tamil minority groups who descended from India.

From 1983 to 2009, until the war ended, the loss of lives and property were countless. Society was covered with high crimes rates, human rights violations, and vandalism, political insecurity and assaults done to innocent civilians. The Liberation Tigers of Tamil Elam were kidnapping innocent civilians in the northern and eastern parts of the country to enhance their numbers in the guerilla movement. Women and children got affected severely during the conflict and after. With the loss of their husbands, fathers, and family, most women did not have any means of earning a decent living. Not only did they lose the house they lived in before the war, most of them were moved into displaced peoples' camps by the military where they faced countless problems including sexual abuse.

Due to the unpleasant living conditions, most women looked for new directions of finding a decent living for them and their children. This situation made them look for job opportunities out of Sri Lanka. In 2009, out of the total complaints lodged received by the Sri Lanka Bureau of foreign employment, 78% were by females. When this percentage was divided into specific issues, especially in the category of trafficking, the data revealed that 96% of women who went abroad have been sexually and physically assaulted, 92% of females were not

sent back to Sri Lanka after their contract was completed, and 81% of females were not being paid as agreed (Amirthalingam et al., 2009).

The Groundviews, Journalism for Citizens, located at the Center for Policy Alternatives, in Colombo, stated that Sri Lanka has become one of the primary critics on Human Trafficking in Sri Lanka. It is a Citizen Journalism website that uses a range of genre and media to highlight critical perspectives on governance, reconciliation and human rights. Yehiya (Groundviews, 2013) reported that mainly around the war affected areas of Northern and Eastern Provinces of the country, women and children remain as vulnerable as ever. The numbers of war widows, female headed households, and spouses of the detained and disappeared have been increased, becoming vulnerable and being exposed to the traffickers and perpetrators of sexual abuse and violence.

Siddharth (2009), coming from a South Asian background and having done an extensive research on trafficking women for sex work in South Asia, expressed how certain cultural aspects ties in to sex trade. For him, sex trafficking is tied to the social and economic system in which it takes place.

After the post-war situation in Sri Lanka mentioned above, the existing systematic structure was threatened by several down falls with post war repercussions. While there were thousands of displaced people floating within the country looking for shelter, others affected decided to settle down in displaced peoples' camps with no proper sanitary facilities. People were desperate for survival and better living conditions for their children and families. Sometimes vulnerabilities come in a disguised manner as a 'dark' blessing. Deceit is one form presented to women with false offers of a job, trafficking them to places where they are forced

into sex work positions. This can also include false marriage offers. False marriage offers have become a common malady in some rural parts in the country where women would fall in love with a man who came from a city and promised to take her with him to have a better life out of the village. Women fall into such traps and end up being trafficked to brothels in urban cities. When women are desperate due to lack of economic opportunities, poverty, or lack of autonomy, the chances of them getting into such trouble is common.

Sex work carries a tremendous amount of stigma and discrimination. Sex workers are looked down upon by law enforcement officers, health workers, and every other individual in society. According to the report *Building Partnerships on HIV and Sex Work* (UNAIDS & UNFPA, 2010), the idea that sex workers are somehow 'less human' or at least not entitled to the same human rights as others is reported as a common reality. The society has a very misunderstood perception that 'sex workers get what they deserved.' So, the violence inflicted on them is what they deserve? Trafficking for sex slavery is what they deserve? Such questions need to be addressed unbiased. They are being ostracized, insulted for their profession. This particular attack is worded well in the report: "Attitudes that sex workers 'deserve what they get' when they face violence makes it difficult for sex workers to obtain protection, support, and justice."

Vidymali Samarasinghe (2012), a prominent female social researcher in Sri Lanka, brought her perspectives on female sex trafficking for her book *Female Sex Trafficking in Asia: The Resilience of Patriarchy in a Changing World*. For her, female sex trafficking is about prostitution and the issue of sex trafficking is attached to the discourse of female prostitution. She argued about the difference between the prostitutes who would willingly get involved in the

trade and those who are being trafficked. So it has become an issue whether any form of prostitution could be taken as voluntary and done on free choice as the separation is difficult to understand. Further, Samarasinghe researched into the power dynamics of gender, men being the most dominant and women being the most vulnerable group due to that dominance. Such power dynamics created a larger image on men standing on the demand side while the vulnerable trafficked victims stand on the supply side to be considered as one of the highly exploitative activities that would generate money (Samarasinghe, 2012).

CHAPTER III

RESEARCH METHOD AND DESIGN

Selecting a research methodology and a design had been challenging with the nature of the study. Due to the geographical issues, I had no chance to meet trafficked victims in Sri Lanka to conduct conversations/interviews in person. Therefore, under the qualitative analysis research method, the data for the study were collected through four reports carefully selected to analyses on several themes.

For my analysis, the first report I selected was *The Continuum International Encyclopedia of Sexuality* by Francoeur and Noonan at the Kinsey Institute (2004). It is a report documented on the social and gender issues in Sri Lanka. *The UNGASS* (United Nations General Assembly Special Session on HIV/AIDS: 2008-2009) (United Nations, 2010) report covers complications of HIV/AIDS connected to sex industry and sex workers in the country. UNIADS (Joint United Nations Programme on HIV/AIDS-2010) and UNFPA (United Nations Population Fund) (United Nations, 2010) collaborated together and have documented *Building Partnerships on HIV and Sex Work: Report and Recommendations from the first Asia and the Pacific Regional Consultation on HIV and Sex Work* which is useful understand the scope and nature of sex work in Sri Lanka also the implications that comes with it as the spread of the HIV/ AIDS. In the following pages, I would discuss the main components of each report in detail and how they contribute to this research study.

Report 1: The Continuum Complete International Encyclopedia of Sexuality: A Report on Sri Lanka (Francoeur & Noonan, 2004)

This report contains information gathered under several themes starting with a brief historical description of the demographics of the country. These themes addresses important

information related to sex work, prostitution and society's perspectives on sexuality and gender roles. For this research on trafficking women for sex work in Sri Lanka, I carefully looked into the dynamics of gender roles, socio-legal status of men and women in Sri Lanka and other information on history that supported the changing socio-cultural aspects in the society.

The first few pages on the demographics give detailed description of the social setting of Sri Lanka with its multi ethnic and multi religious history and population in general. It also touches upon the debate whether Sri Lanka is a patriarchal country or not as it is subjected to disputes. In general, Sri Lanka is not patriarchal as others countries in the South Asian region. However, the debate on patriarchy shed lights to all possible and relevant conversations with regard to the woman's position in society. These conversations on patriarchy matters in the extended dialogue of sex work, and why women are being trafficked for sex within and outside the country. The extended dialogues of patriarchy and gender relationships are important because it identifies what it means to be a woman and what is expected of a woman in the Sri Lankan society.

The "national morality" of the country depends on the urban and rural values with much emphasis on what is good and what is bad. A woman who seeks autonomy outside the domestic environment or marriage is considered bad no matter how educated and well to do. To reduce this pressure to certain extent, Sri Lanka has made a great development in trying to bridge the gap between men and women in education. To date, education is the only path for women to attack the backward moral ideas that have chained them and move forward. The upper class families, the so-called "elites", have always paid attention in encouraging their daughters to go for higher education. Having a good education was a way of finding a "groom" for these girls.

Despite the level of education they obtain, after marriage, these women were to stay home as house wives. Those who went abroad would settle in those countries or would come to Sri Lanka to get married.

In the employment sector of the country, the majority of women belong to middle class and lower middle class work in the “free trade zones” or the export garment factories in the country. Women in numbers would also go to the Middle East countries where they work for Arabic families as maids or servants. According to Francoeur and Noonan (2004), these jobs are generally reserved for young unmarried women whose sexual moral reputations are tarnished because they are not under the surveillance and control of male relatives. With globalization and fast moving technology, the mechanization of agricultural sector has forced women to find new employment. Due to such pressures, overall, the female rate of unemployment has become 22% which is twice that of males.

Francoeur and Noonan (2004) gave an interesting account on the matter of sexuality among men and women. In a survey in which Sri Lankan males and females took part, 93% had thought that females have a strong libido or sexual drive than men do. It is suggested that young women should not be given permission to go out by themselves because their sexuality is considered dangerous. The knowledge and education about sexuality in Sri Lankan society is less than satisfactory for not having a systematic sex education in the country. Most Sri Lankans seem to obtain their knowledge on sex from their peers or through magazines and books. In Sri Lankan culture, all receptive and penetrative forms of sex should happen within the institution of marriage. Even though extramarital affairs are not approved and rare for wives, men or husbands would visit brothels or “seek out impoverished widowed or divorced women (usually those with

children to support).” These women are called the “keeps” rather than calling them “prostitutes.” The men who have these “keeps” would bring clothes and cooking utensils and gifts for receiving sexual favors.

In the beginning and in the ending of the report, Francoeur and Noonan (2004) presented a considerable amount of data on the HIV/AIDS epidemic in the country. One of its main discussions of HIV was carried in the context of sex work. The country’s total population growth rate has been stated as 0.85% by 2004, and by 1999, and among that population, there were 7,500 adults with HIV/AIDS.

In a survey that had taken place in 1997 on condom use, 44.4% of males in Colombo (Capital City) and 26.35% in Matale (one of the main districts in the country and a rural area in the southern tip of the country) indicated they have used condoms in their recent sexual acts. The reason for men in Colombo using condoms more than men in Matale was the reason that the sex-tourist industry was spreading so high and the HIV/AIDS was brought to the country by tourists. “Sri Lankan males consider themselves more at risk with Colombo sex workers, because the former are more likely to have had sex with a tourist.”

Among the sex workers tested for HIV in Colombo from 1990-1998, the evidence of HIV was found in one site in 1993 where 0.2% of the sex workers tested was positive with HIV. However, studies done on HIV/AIDS have not been satisfactory to understand the patterns and prevalence of the virus in the country. Therefore, more systematic surveillance needed, especially with high risk groups. Therefore, it is suggested, more studies and more surveys are executed.

Since 1980, various non- governmental organizations have taken steps to counsel and assist women and children who were victims of rape, sexual exploitation and violence. In addition, a Women's Development Center was established in 1986 to address issues of rape and domestic violence. The report discusses more on sexual violence from rape to domestic violence issues. In Sri Lanka, until 1995, sexual harassment was not considered a crime unless physical violence was part of it. In 1995, the government brought Section 345 to the penal code stating that "all offenses that violated the modesty of a woman were now punishable by a jail sentence." As for prostitution, Sri Lanka does have a long history on that. A considerable number of Buddhist stories, back in 500 B.C.E have had accounts on sex workers. There had been extremely beautiful women had trained in 'sixty four womanly arts', socialized and cultured to provide sexual satisfaction to the king and men in higher power. Ratnapala (1999), who has been a renowned Sri Lankan researcher did an extensive study on sex workers in Colombo, the capital city. This report takes a note of it by quoting his work. Ratnapala, on his research on *Sex work in Sri Lanka*, indicated that Sri Lanka has a population of 15,000 adult male and female sex workers and most of them are located in Colombo. Even though most of their clients happened to be Sri Lankan, the target group had been tourists who have contributed to the growth of the sex industry. Ratnapala (1999) also gave his encounters with the prostitutes as follows:

During my first visit to Sri Lanka in 1979, I saw no sex workers in Colombo. By 1982, they were not only present, but I was frequently hailed by pimps and male and female sex workers alike when walking along the main streets in down town Colombo. There are an estimated 1,050 rural adult sex workers. These sex workers mostly live in rural market towns, either in a hotel or rented house where they receive their clients. The clients are

generally other villagers, town merchants, traders who are coming for the weekly market, and soldiers. (p. 15)

Ratnapala (1999) estimated that an average sex worker is visited by a six clients per day. These sex workers do not make any income at all and they come from very poor families due to devastated social and family conditions. The education level of these females is not at all satisfactory as only about 15% have had just a primary education up to the fifth grade. They are mostly married women with kids out of wedlock. Some are single women who have been deserted by their husbands and unable to re-marry.

As part of his research, Ratnapala (1999) selected 100 female sex workers located in brothels. Among them, 46 were married, 16 had been deserted by their spouses, and 38 were single. Their ages ranged from, 18- 25, 26- 30, 30-35 and 42. According to Ratnapala, the majority of the sex workers did not voluntarily choose their profession and were forced into it by their dismal economic circumstances or were coerced into it, sometimes even by their husbands.

Report 2: UNGASS Report Sri Lanka (2008-2009). United Nations General Assembly Special Session on HIV/AIDS Country Progress Report Sri Lanka (United Nations, 2010)

The HIV/AIDS epidemic has never been a tremendous issue in Sri Lanka. According to this report by the United Nations (2010), the estimated HIV prevalence in adults by 2009 was less than 0.1% (p.4). However, according to the report:

Certain socio economic and behavioral factors which are present in the country may ignite an epidemic in future. The presence of a larger youth population, internal and external migration, clandestine but flourishing sex industry, low level of condom use, concurrent sexual relationships among most at risk populations (MARP) are some such factors. (p. 4)

This report contains a specific section on HIV/AIDS prevention program for sex workers. “Although soliciting sex is illegal in Sri Lanka, the sex industry appears to be flourishing rapidly especially in Colombo, the most populous city, which is the economic hub of the country” (United Nations, 2010, p. 13). Using the data of a Behavioral Surveillance Survey in 2006-2007, a group of experts have estimated that there are about 4800 -7200 female sex workers in Colombo. Using a mapping methodology in 2009, the number of estimated sex workers in the country was 35,000-47,000.

The Behavioral Surveillance Survey that had been conducted in 2006-2007 was based on the brothels, lodges and restaurants which are considered as the main spots or locations of the sex industry. However, by 2009, the locations have shifted to indirect places such as massage parlors, private houses and bars. This shift could have taken place due to the military vigilance to combat terrorism in the country during 2008-2009. So, the soliciting sex was difficult for street sex workers and the institution based sex workers due to the constant security checks. According to a study taken place based on this in June 2008, 38% of female sex workers lived in boarding houses, 31% lived in private homes and only 145 lived in lodges.

In 2007, the CSDF (Community Strength Development Foundation), with a contract signed by the World Bank coupled with Civil Society Organizations, executed a mediating/intervention package for sex workers in the district of Colombo. This was continued until 2009 with the help/funds received from UNFPA (United Nation Population Fund). This mediating package was contained of “geographical mapping of brothels/entertainment establishments and locations where street based sex workers solicit sex, behavior change communication through peer leaders, outreach through peers, voluntary counselling and testing

and linking with STI services” (p. 20). The program was able to identify 4,299 sex workers in the District of Colombo and Gampaha. Depending on that number, in 2007, the estimated percentage of sex workers in the country was 60-90%. Furthermore:

The mapping recorded that 35.5% of sex workers were street based, 25% were operating in shanty dwellings. The proportions associated with hotels (5.4%), brothel houses (5.3%) and lodges (5.9%) were small and almost equal. Another 11% were mobile group as they make contact with clients with the help of trishaw drivers or taxi drivers and then move on to a private location or engage in the sexual act in the vehicle. This data also shows the shift of sex workers from the traditional hotel and lodges. In such scenario reaching these groups is extremely difficult as they operate in clandestine manner. In addition, accessing them for interventions become more difficult as sex workers and those associated with sex industry are subjected to harassment by the police as sex work is illegal. The BSS (2006/7) observed that during a period of 12 months, security checks where all items including handbags are checked at security check points. (United Nations, 2010, pp. 20-21)

By 2009, 890 new sex workers came to register in the “Drop in Centers” in Colombo that was initiated in 2006. These drop-in centers were set up to collect information on sex workers in the area. There were 38 trained persons in a group for outreach work who were able to reach out to 2950 sex workers. These trained groups were able to educate the sex workers on the use of condoms under the theme of “no condom no sex” and counselling them on the HIV infection.

Along with the above programs, the National STD/AIDS Control Program (NSACP) with the assistance of United Nations Populations Fund (UNFPA) carried out several programs to

reduce the harassment of sex workers by the police with the intention of accepting the marginalized groups and treating them with a benevolent attitude by 2008/9. These programs consisted of lectures, discussions, questions and answers and small group discussions.

One of the main foreign exchange earners in the country are the migrant workers. They are the main contributors to the country's GDP growth. The United Nations (2010) reported stated that "An estimated 1.8 million Sri Lankans work in the Middle East and almost 79% are unskilled women" (p. 24). Large numbers of women are employed in the low skilled jobs with a low status like domestic labor where they get harassed physically and sexually. It is mentioned that "the share of female migrants who left for foreign employment in 2008 was 49%. Among them 43% were housemaids" (United Nations, 2010, p. 25). It is also observed that a considerable number of HIV infections are being diagnosed among external migrant workers. A further explanation stated "the available reveals that 40% of HIV infected females have acquired the infection probably outside the country. Although infected returning migrant workers may not be able to seed local networks and cause a chain of infections because they are considered as a part of the burden of infection" (United Nations, 2010, p. 25). In addition to addressing the issues of HIV/AIDS and STDs, their focus lies on addressing "domestic violence, sexual violence, trafficking of women for forced or compulsory labor, sex work and other forms of sexual exploitation since all of them have a direct or an indirect impact on transmission of HIV." It is suggested that, in the process of reducing violence, the involvement of boys and men is important.

Trafficking has been a major issue which has made women vulnerable to HIV/AIDS. As a member country of the SAARC (South Asian Association for Regional Corporation), Sri Lanka

has agreed to fight against the trafficking women and children for prostitution. Among the programs that have taken place, domestic violence, trafficking and HIV/ AIDS are in the fore front. It is also taken in to consideration of women, especially in rural areas needs to be educated on the areas of sexual and reproductive health issues.

Report 3: Building Partnerships on HIV and Sex Work. Report and Recommendations from the First Asia and the Pacific Regional Consultation on HIV and Sex Work (UNFPA [United Nations Population Fund] & UNAIDS [Joint United Nations Program on HIV/AIDS], 2010)

This report basically aims to increase the effectiveness of the way Asia and the Pacific respond to HIV/AIDS. This report is based on a conference which took place in Pattaya, Thailand. One hundred and forty representatives of United Nations agencies, governments, civil society organizations, sex work organizations, and networks collaborated to commit to work on the direction of fighting against HIV and sex work. This report aims at building partnerships to map out country plans and regional recommendations to confront, trafficking, prostitution and drugs through HIV. So, the main focus would be to:

Ensure that universal rights are upheld for sex workers, including the right of a person to be able to protect him/herself from HIV and access to treatment, care and support service, requires that sex worker issues including sexual, reproductive and maternal health and rights, education for sex workers and their children, violence and poverty, etc.–must be address through the broader development agenda and sectors. (UNFPA & UNAIDS, 2010, p. 5)

This report also looked at addressing migration and mobility in the context of HIV and sex work. Specially, stating that anti-trafficking laws should not hinder the human rights of sex workers. The UNIADS (United Nations AIDS) defined a sex worker as, “Female, male and

transgender adults and young people [18 years and above] who receive money or goods in exchange for sexual services, either regularly or occasionally” (UNFPA & UNAIDS, 2010, p. 1). The recommendations and findings through the discussions do not merely address the issues in just one country, but have a global approach to creating new ideas, programs in order to promote that ‘sex work is work’ and nothing else. The mission of the conference searches the avenues of how partnerships need to be built and strengthen among sex workers, policy makers, and program coordinators. It highlights the fact that the end result of every program should be to end the HIV epidemic in the area of sex work.

This report has calculated that “Up to 10 million women in Asia sell sex to an estimated 75 million men, who are in turn have intimate relations with a further 50 million people” (UNFPA & UNAIDS, 2010, p. 1). Unfortunately, compared to this number, only one third of all sex workers in the field receive support and HIV prevention coverage.

This report gives reference to the UNGASS (United Nations General Assembly Special Session on HIV/AIDS) report, on its coverage about key affected populations of HIV. UNGASS report has illustrated the majority of countries where any data is present, less than 80% of sex workers have been reached by the HIV prevention services. Depending on that information, in 2009, the prevalence of HIV among sex workers was 0%. Also, according to the UNGASS report, during 2007-2009, the condom use among sex workers in Sri Lanka was around 85%. The regional consultation of preventing HIV has been important due to the fact that it centers sex work to the response to HIV epidemic in Asia.

The report also focused on what needs to be done locally in each country in Asia to battle HIV in the context of sex work and violence against sex workers. Therefore, the sex workers

participation in programs to educate themselves on condom use, on health and reproductive rights, and creating a legal and policy environment for them to feel safe in their field have been important.

One of the critical issues that sex workers would face is the stigma and discrimination that goes with it. It comes from the society, law enforcement officers and from health workers toward sex workers. The sex workers are not “less human” because of what they do. Because of the attitude ‘they deserve what they get,’ they are prevented from getting protection, support and justice. Also, this stigma is accepted by the sex workers, and consider ‘violence’ is part of their job and therefore, less likely to report any injustice that takes place, from molestation to rape.

Every country in the Asian region, including Sri Lanka, has criminalized aspects of sex work. Therefore, as a result of this criminalization, the locales where sex work happen are surrounded by other forms of criminal activities such as gambling, gangs, and large scale of corruption. The criminalization of brothels has lead to the more disguised manners of maintaining them and selling sex.

One of the main legal issues with regard to sex work has been the forced participation of women in to the industry. “Now generally subsumed under the label of trafficking” (UNFPA & UNAIDS, 2010, p. 14). This is illegal and is subject to domestic laws. However, it is also mentioned that, “contemporary laws meant to address trafficking are increasingly being used and misused to suppress sex work” (UNFPA & UNAIDS, 2010, p. 15). Such mistakes have resulted in abuses of sex workers in human rights and HIV prevention programs. The expectations of having anti-trafficking laws are to protect people from violence and exploitation. Because of

trafficking is considered to go with sex work, anti-trafficking laws are used to arrest sex workers close down their establishments.

Under the topic of 'Sex work is Work' in the report, it is noted that sex work do not interfere with rights of any other individual in society as they are providing a certain service to a fee. Therefore, recognizing sex work as work, lead them to obtain protection and health care under the government laws.

If sex work is considered as work, eliminating violence against sex workers is also important. Due to the nature of their work, they experience violence, abuse from the police, sexual assault, rape, and abuse from the clients, agents and pimps.

Violence against sex workers needs to be understood in a larger discourse of gender and stigma. Sex workers face violence specific to their job and where they work. They not only get abused and exploited by the agents or pimps, but also from their clients who would demand a sex worker to act in a certain way she would not like, for instance to have unprotected sex. Red lights areas are not just the hangout places of the criminals. Violence or rape done by police officers in these areas is not uncommon in countries in Asia. Violence is directed at females because of their gender and for having unequal power relationships with men. Because of the low status and lack of power women in general and sex workers have become targets of violence. The report takes a note of that violence is an important factor affecting the vulnerability of sex worker to HIV and STIs (sexually transmitted diseases). "Women living with HIV have experienced violence, and women who have experienced violence are more likely to have HIV" (UNFPA & UNAIDS, 2010, p. 28).

It is believed that sex workers need safe working environment. Why, because,

Sex work in many countries in the region is an illegal activity or is perceived as illegal. As a result, the 'sex industry' often takes place in more or less hidden locations and is often associated with other forms of criminal activities. (UNFPA & UNAIDS, 2010, p. 31).

Anti-trafficking laws seem to be colliding with sex work as they represent sex work and lead to various abuses of human rights of sex workers. Anti-trafficking laws have changed our perspectives of how we see immigration laws (p.35). So, the current discourse seems to focus more on sex and labor trafficking than on labor rights, gender and culture.

CHAPTER IV

DATA ANALYSIS AND REPORT RESULTS

In this chapter, an analysis has been done on the data collected. Looking at what has been contributed the flourishing of the sex industry in the country, trafficking women for sex work and its repercussions.

In the “*Continuum Complete International Encyclopedia of Sexuality*” by Francoeur and Noonan (2004) of the Kinsey Institute, there was an interesting illustration on role of the Sri Lankan woman. It should be amusing the reader as it suggests that the Sri Lankan male is a lot superior. There it states that a man’s reputation is gained through public works, and most importantly, through the collective reputation of his core female relatives (i.e., mother, wife, sister, and daughter), this perspective addresses the values that has created on women by the society and for the women live in it. If a man’s reputation is gained through his immediate female family members, a man’s fundamental duty is to protect them and be the guardian but not an exploiter.

In that sense, the reader could clearly understand the nature of “men’s’ actions are ignored by the cultural norms. Out of the three reports, *Continuum Complete International Encyclopedia of Sexuality* (Francoeur & Noonan, 2004) is the only report that has given a fine illustration of gender issues in Sri Lanka, and the society’s perspective of the role of Sri Lankan woman. Some years ago, even though women have been encouraged to get an education, it is only for the purpose of getting a good partner for life. Educated women had more ‘accepted’ status in the elite society. However, this education had also been limited to a certain privileged group of females coming from the ‘elite ‘society.’

A conscious note must be given how sex work has shifted both in numbers and location wise. Both Ratnapala (1999) and the UNGASS Report (2008-2009) (United Nations, 2010) have mentioned about Colombo as one of the main spots of sex workers and their clients. Colombo being the capital and the main economic hub, money being the central element has uplifted the sex industry. In 1999, when Ratnapala was researching on the sex workers in Colombo, he identified 1,050 sex workers, irrespective of their gender. But the UNGASS report identified 4800-7200 female sex workers in Colombo only during 2006-2007. The numbers have increased.

In Ratnapala's (1999) research, the sex workers had been living in rural marker towns, either in a hotel or rented house where they got their clients. The clients were other villagers, town merchants, traders from other places and soldiers. This suggests the reader to understand that over the years, the sex industry had not been declining but it has been flourishing due to various reasons and the developing of economy may have been one.

All three reports discussed the issue of HIV/AIDS in the context of sex work in great length. Starting with the first report *The Continuum Complete International Encyclopedia of Sexuality* (Francoeur & Noonan, 2004), HIV/AIDS had been recognized as an issue but had not been identified as critical to the country. Nevertheless, by 1999, there had been 7,500 adults with HIV /AIDS in the country and out of that number 490 people have been died as victims. By 2001, it was suspected to have increased to 8,500 of HIV infected victims, and 80,000 by 2005. There were no specific information on how people have got infected but sex industry has been identified as one of the critical means of spreading the virus.

Obtaining correct statistics have been difficult for the government as HIV/AIDS is a stigmatized disease. It is obvious that anyone who had been infected would not willingly step

forward due to shame and stigma attached to it. With the tourism flourishing in the country, local sex industry had been in the forefront. Even though there have been awareness programs on HIV /AIDS, it was not enough to make people aware of how it spreads. Schools did not educate children on sex. It has always been regarded as a subject that adults would not converse with children.

Under the SAARC concept, the countries have the capacity to confront the issue of HIV as a collective force. Once the resolutions are identified, each country can make their own strategies to address the issue in the manner of what fits best in their culture/country. Sri Lanka, being a member of the SAARC, has the same opportunity to tackle the HIV epidemic. It is also wise to acknowledge that sex work is not the only mode of transmission of the virus. Sex work has been critical because the sex industry is connected to the other entertainment modes such as drugs and alcohol. Drugs have also been playing a part of transmission of HIV to a larger extent. It is critical to sex work because, the drug users would engage in sexual behaviors not only placing themselves in danger, but also placing their partners in vulnerable situations. In 2008-2009, The National Dangerous Drug Board in Sri Lanka estimated 40,000 heroin users in the country with 240, 000 of opiate users. Whether they inject drugs or not, their sexual behaviors with others are a mode of transmitting HIV.

In 1995, The Sri Lankan government brought Section 345 to the penal code stating that any form of violence inflicted on a woman is punishable by a jail sentence. In this context, Sri Lanka identified trafficking as an offense and has taken steps to address it. The Women's Development Centers established have taken crucial steps assisting and educating the victims of rape, domestic violence and other sexual and physical exploitation. As trafficking is a subtle

matter, it is hard to recognize how the trafficking is being done. For that the *UNGASS* report gives a good example of the migrant workers. By no means should migrating to a different country be considered as a form of trafficking. However, women have been sent to Middle East countries from Sri Lanka as maids are being sexually and physically exploited by their employers. The migrant community is one of the main contributors to the growth of the Gross Domestic Product (GDP) of the country; therefore, the Sri Lankan government has been sending women in large numbers as maids. According to the report, 79% of women are unskilled and not properly trained to work. On these conditions, they not only get harassed for their incompetent skills but get sexually assaulted as well.

The *UNGASS* Report (United Nations, 2010) continued to state that trafficking had been a critical issue in the dialogue of HIV/AIDS. Therefore, SAARC (South Asian Association for Regional Corporation) countries have come together to execute programs to address trafficking, domestic violence HIV/AIDS and other forms of violence inflicted on women.

Sex workers in Sri Lanka encounter violence specific to their job. As mentioned above, violence directed at sex workers does not limit to their clients, pimps or agents. Especially in Red Light districts, violence is carried out by the police. Women have become the victims of violence because of their gender, low status in society and for having unequal power relationships with men. As this is applicable to any woman in society, sex workers too are vulnerable to violent acts. In the context of HIV, “women living with HIV have experienced violence, and women who have experienced violence are more likely to have HIV” is stated in the report *Building Partnerships on HIV and Sex Work*. Criminalizing sex work or trafficking has not changed anything in the context of violence. As sex work is illegal, then those involved in it find other

means operating within society. Due to that, many types of violence have occurred, gangs have been created and violence has become part and partial of the day today living. As sex work is an illicit industry in Sri Lanka, it is criminalized through laws that prohibit the solicitation of sex, selling sexual services purchasing sexual services and keeping brothels.

Criminalization and aggressive monitoring of sex work has shown to boost the sex workers' vulnerability to violence and coercion. Therefore, The Criminalization of brothels would only lead to the disguised ways of selling sex and maintaining the sex industry and trafficking and coercing women for sex work. With the advancement of technology and economy, sex industry is booming through the internet, webcams, and telephones and through social media networks. For traffickers, these tools have become a great platform to fish out young women and children for prostitution and pornography. Therefore, rigorous policy process needs to take place monitoring these devices preventing young women and children becoming victims. Women who have been tricked and coerced in to sex work through these devices are considered trafficked in to sex slavery.

All three reports have produced data on how important it is to identify 'sex work as work' and promoting health and human rights of sex workers including their families. Because of the nature and scope of their work, sex workers face multiple forms of stigma and discrimination. Sex workers have started to believe that discrimination, violence and exploitation is part of their job, therefore, nothing could be done about it. Discrimination of sex workers need to be stopped as a means of improving their health and rights. Avenues need to be created for them to reach and seek for help. Perception of them being less human due to what they do does create a wide

gap between the sex workers and the civil society, painting a larger picture of sex worker are bad, immoral, and destructive force of a ‘civilized ‘ society.

The Sri Lankan culture does not support sex work as it carries a great deal of stigma and shame. The cultural norms have ‘hegemonized’ sex work over the laws. Even though sex work becomes legal in the country, it would still be considered shameful and ‘bad.’ Legalizing sex work may not solve the issue of trafficking women for sex work because most women may not want be shamed and discriminated in the eyes of cultural values. Women, those who are being trafficked, have been forced to indulge in sex work, been exploited, and abused in the industry. Recognizing sex work as work is the only possible solution to reduce trafficking women for sex work as it would not be done hidden in large scale. However, it is not guaranteed as traffickers would still find ways to recruit women by force. Accepting sex work under the law and decriminalizing it may create space for sex workers to live without fear of being shamed and stigmatized. It also prevents them from being socially excluded and abused.

CHAPTER V

DISCUSSION AND RECOMMENDATIONS

The following discussion is based on the analysis done on the three main reports, *The Continuum International Encyclopedia of Sexuality* by Francoeur and Noonan of the Kinsey Institute (2004), a report documented on the social and gender issues in Sri Lanka giving emphasis on the history of the social fabric of Sri Lankan values and giving a note of history of sex work in the country. *The UNGASS (United Nations General Assembly Special Session on HIV/AIDS (2008-2009) Report* (United Nations, 2010) covers complications of HIV/AIDS connected to sex industry and sex workers in the country, also drawing attention the trafficking women sex work. UNAIDS and UNFPA (2010) collaborated together and have documented a *Report and Recommendations From the First Asia and the Pacific Regional Consultation on HIV and Sex Work*. This section also placed attention on the literature collected from various sources on sex work and trafficking women in Sri Lanka.

This study explores ways to understand the nature and scope of trafficking women in Sri Lanka for sex work and what needs to be done about it. Strong feminist figures like Simone De Beauvoir think a woman's physiology should not be a subject for exploitation and abuse due to her sexuality. It is rather an archaic expression that women are expected to be subordinate to men. Her body is not for abuse and exploitation. Before she was seen as a woman, she was born a human being and the society must protect her and her rights. The Sri Lankan constitutional law identifies sex work as an illicit act. Despite the laws, it exists in the country and has been part of the evolving process of the Sri Lankan social system.

Academic scholars across countries have produced numerous research works on trafficking women for sex work. Mostly, scholars from South Asia like Siddharth (2009) and Amirthalingam et al. (2009), among others, have identified the nature and scope of sex work in the South Asian countries, statistics about female sex workers in the industry, percentages, and reasons for being trafficked, abused and exploited. Siddharth (2009) suggested that the expression of sex trafficking needs a clear understanding from the general definition of “trafficking” because trafficking for sex is one component under the larger context of ‘human trafficking.’ Therefore, he offered two definitions: slave trading and slavery, which expect to become useful in the dialogue of sex trafficking. In this study, similar to Siddharth, I too wanted to depict trafficking for sex work is recruiting women for a certain type of slavery, and trafficking for sex work can be considered a slave trade as ‘transporting and individual through any means, and for distance in to a condition of slave like exploitation’ (Siddharth, 2009).

However, when the society started to change from the feudalistic mind set, new cultural norms started getting established. People wanted to be freed from kings and feudal lords and start new periods where they had more freedom to select what they preferred to do. Despite any change, the status of women did not change. They were always kept at a level below men in the social hierarchy. The word ‘trafficking’ is not a very familiar word to Sri Lanka. The dialogue on trafficking may occur in the academic research in the country but only among the scholars interested in it. The work they produced are mostly in English, therefore, the research works with high academic language are not directed at the general public. Despite their research data, the Sri Lankan scholars depend on the Western definitions for terms like trafficking. Therefore, people in Sri Lanka do not understand what trafficking really means and how it is done. It is

believed that trafficking is a fluid phenomenon responding to the market demands, also the traffickers would use sexual violence to keep them in compelled services.

Sri Lankan women, especially from the lower middle class families migrating to Middle East countries for employment have become an issue. Most women with no proper education or skills would choose to go as they have no proper of living. These women are either widowed or single. Since 1981 to 1999, the ethnic war that took place in Sri Lanka damaged every possible infrastructure in the country. The most devastated were the women and children who lived in the war zone. They lost their families, husbands, properties, and land. My study shows that most women who go to those countries as maids get exploited and abused. Even though they are not trafficked directly to work as sex workers there, many have faced with sexual violence at the hands of their employers. The Sri Lankan government needs to have a systematic way to protect these women from being abused and forced in to something else other than what they have expected to do. These migrant women become vulnerable exploitation due to the poor conditions they are in. It is actually not the jobs themselves that make migrants susceptible for trafficking, but the lack of better regulations given by the government.

Trafficking women for sex work within the country is taking place in a subtle manner. Through false marriage proposals, promises of better employment opportunities, and promises of better living conditions are some of the ways traffickers catch their victims. The target group mostly comes from lower middle class, from rural areas with little education, or having no education at all. Most of these women have gone through numerous hardships in life possibly due to poverty, violence, and war situations. So they become the most vulnerable group to be targeted by traffickers. At the same time, the nature and scope of sex work in the country is

changing. The shift from brothels, lodges, hotels, to massage parlors, clubs, and small houses like places make it more discreet from the world. Even if these women are forced into sex work, they can be vulnerable in many other ways.

In this study, I support the fact that sex work needs to be considered as work. The only way to reduce trafficking women for sex work is through identifying sex workers rights and protect consider their work as important to them. Considering sex work as work may not have trafficking comes to a stop, but it would make space for sex workers to reach for help and for law laws to protect their rights. Criminalizing sex work needs to stop and Sri Lanka must have strong laws to prosecute the traffickers, but not the sex workers despite what conditions they were involved in sex work. Even though much emphasis is placed on stigmatizing sex work as immoral and illicit, the dialogue on protecting their rights as any other individual in society is less discussed. Sri Lanka needs to change its perspective and the dialogue on that and scholars and educators in the country have a tremendous responsibility in getting the message to the public.

Attached to the issue of trafficking and sex work, spreading HIV/ AIDS is one of the biggest attacks pointed at the sex workers. Even though Sri Lanka is not threatened by HIV, in this research I found out HIV/AIDS victims have been found. As sex work is considered the primary mode of spreading the virus, steps must be taken to tackle the problem. Due to the stigmatization and shame set upon by society on their profession, sex workers do not reach out for help. Also, trafficked victims are more vulnerable in being exposed to virus and violence both. Their helplessness and the nature and scope of their work have made it difficult for them step out to get help. Therefore, as I mentioned in this study, the government needs to have a

systematic approach to collect data on sex workers, victims with HIV/AIDS and reaching out and educating them. The most vulnerable individuals will be the trafficked victims who are forced to engage in sexual activities without protection. Trafficked victims are abused and exploited to a larger extent through violence. Sex work, trafficking, and violence go hand in hand. Sex workers are made to believe that violence is part of their job. This perspective needs to change. The educators, humanists, and activists in Sri Lanka need to create a different, humorous dialogue on sex work and sex workers rights. They need to be accepted as any other individual in society. Taking these steps would greatly help to reduce trafficking of women for sex work and accept sex work as work in the country. Decriminalization of sex work needs to take place and persecuting traffickers and punishing them need to happen. As stated in the *Voice of Women* magazine, Sri Lanka in 1980, “If the women of a country are slaves, the men can never be free.”

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