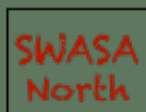


Status of Sex Workers in Sri Lanka:

A National Report 2022-2023



Sex Workers and Allies South Asia - Sri Lanka Chapter



2023

Report prepared by Sex Workers and Allies South Asia - Sri Lanka Chapter

Supported by Social Scientists Association, Colombo Sri Lanka

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Research by: Peer researchers who are sex workers, who we are unable to acknowledge by name due to the prevailing situation of lack of respect, dignity and safety for sex workers in Sri Lanka.

Literature Review: Kaveesha Fernando and Sanjana Wickramaratne

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We thank the members of the Expert Committee which was an integral part of this report - Mr. Priyantha Jayakody, Ms. Ambika Satkunanathan, Mr. Pulasthi Hewamanne, Dr. Dayanath Ranatunga, Prof.. Gameela Samarasinghe and Sarala Emmanuel. Thank you for your labour, support, and encouragement.

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We thank all of the partners of Sex Workers and Allies South Asia in Nepal, Bangladesh and India for their constant encouragement, support and inspiration for our work here in Sri Lanka. We thank our funders who are essential for us to undertake this work.

We thank our friends, colleagues and loved ones, including our children, in Kurunegala and Batticaloa who make it possible for us to do this work.

Last but not by any means the least, we thank all of the sex workers of Sri Lanka, those who are already part of our work and the many others we are yet to meet. We are pained by the marginalization as much as we are inspired by your resilience every day! We look forward to many more moments of hope, inspiration, and victories - however small, in our long collective journey of struggle towards freedom, respect, dignity and rights.

Executive summary

Sex work in Sri Lanka has hitherto been perceived as a public health concern, with sex worker population estimates being extrapolated based on available data in the context of HIV and STI prevention. This public health approach does not provide adequate insight into the life experiences of sex workers in Sri Lanka. Any discussion on stigma and discrimination in public health contexts focus mainly on accessing testing and treatment services from government and non-government service providers. The public health approach primarily views sex workers as vectors of HIV and other STIs. This is underpinned by the fact that it is a common practice for Sri Lankan magistrates to order a compulsory screening for sexually transmitted infections of sex workers arrested under the vagrancy and/or brothel's ordinances. 70% of the workers who reported as having been arrested in this study, said that they were sent for STI tests. This dehumanization of the sex worker using extra-legal measures that are not made essential or mandatory in law has led to sex workers being excluded and discriminated against. This exclusion extends to all spaces that are to ensure fundamental rights within and beyond the state such as those that address include women's rights, trans and queer rights, and labour rights.

This research attempts to further our understanding of the challenges Sri Lankan sex workers face in accessing education, welfare, health, justice and the violence sex workers face at work and at home.

The survey was conducted via the KoboToolbox; a free and open source online survey tool designed for humanitarian settings. 25 peer researchers who were trained on using the tool, conducted 283 interviews. This data was supplemented by written submissions by a panel of experts [Retired Senior Deputy Inspector General of Sri Lanka Police - Priyantha Jayakody, Former commissioner of the Human Rights Commission - Ambika Satkunanathan, Attorney at Law working extensively on Fundamental Rights issues - Pulasthi Hewamanne, Former Country Director of UNAIDS - Dr. Dayanath Ranatunga, Clinical Psychologist and Associate Professor in Psychology, Department of Sociology, University of Colombo - Prof. Gameela Samarasinghe, and Researcher and Activist - Sarala Emmanuel.] who sat for a hearing of 30 selected respondents from across Sri Lanka.

Key findings of this research provide insight into how stigma, discrimination, and violence pervade every aspect of sex workers' lives in Sri Lanka:

125 workers said they dream of a life without violence. 103 workers said they dream of a life with social acceptance and respect.

Law

Nearly 50% of the workers who were arrested, especially under the Vagrancy Ordinance, were forced, intimidated or manipulated into pleading guilty by either the Police or by their lawyer. Judges are complicit in this illegal practice as they are aware it happens and do not take any action. As a result of this common practice, 85% of those arrested have said that they have always plead guilty. Due to this practice a significant number of sex workers have criminal records which has an impact on future employment, including working overseas as migrant labour.

Health

66% of the workers who have visited the government STI clinics reported that they faced some form of verbal abuse. 66% reported that such verbal abuse included comments of their 'character', i.e. implying that they are immoral, sinful and 'bad' women. 35% received suggestions from STI clinic staff that they engage in alternative professions based on the assumption that this profession is inherently bad and/or sinful. 83% of the workers said that they have never received contraceptives from the public health midwife and 76% of the workers said that a public health midwife has never visited their home. While 80% of the female workers had visited the government STI clinic, only 35% of cis-gendered women workers have visited the 'Suwa Nari - Women's wellness clinic'¹ at the government hospital that focuses on overall wellbeing. 91% said that they always use condoms, and of the small number who said they have not worn condoms at work, 70% said it was because clients refused to wear a condom.

Social safety

Findings also show that sex workers struggle to access government social safety programmes. For example, 77% have never applied for the government Samurdhi benefit. This is primarily due to a combination of lack of necessary documentation and social discrimination of sex workers.

Of the small number who did apply and were denied Samurdhi, 56% stated it was because they did not perform sexual favours. This practice of sexual bribery is normalized by different state officials, including Police to Samurdhi officers. 25% were denied Samurdhi as they did not

¹ <https://fhhb.health.gov.lk/index.php/en/technical-units/well-woman-programme-men-s-health-unit>

have access to a permanent address while 15% said they did not have other requisite documentation. 3% were denied it as they did not have a marriage certificate either because they chose to not get married or had not registered their marriage.

Education

Out of 88% who attended school 18% have completed their Ordinary Level and only 6% have completed Advanced Level. 14% have dropped out of school in the 5th grade or below. The main reasons for this abysmal state of education among sex workers emerges as being poverty and social stigma.

Family responsibilities

60% of the workers are sole earning members of their family and 73% are the highest earning or primary earning member of their family. 69% workers showed that they have three or more dependents in the family. 72% said sex work is a job that they do which feeds their family when they were asked how they feel about their job. It is in this context that 45% of workers said their work is never safe while 23% say it is mostly unsafe. 66% stated that clients are responsible for them feeling unsafe, followed by 20% each citing hotel owners and law enforcement as responsible for them feeling unsafe. Law enforcement officers being perceived as dangers to personal safety and wellbeing is a significant concern, and data in this study, quantitative and qualitative, repeatedly is indicative of this, thereby suggesting that law enforcement officers need further training and sensitization to help protect the wellbeing of citizens who are also sex workers.

This research shows that social stigma around sex work has led to systemic discrimination, violence and dehumanisation of sex workers in Sri Lanka. It emphasises the need to acknowledge and accept sex work as legitimate work. That is the first step towards ensuring that sex workers enjoy equity, justice, and a personal and work life that is free from discrimination and violence. This research is an outcome and reflection of the ongoing work of sex workers and allies to strengthen the sex workers' movements in Sri Lanka.

Recommendations

1. The state must enable broad based awareness programs within the Sri Lanka Police force, beginning the police training colleges and extending across to the active police force at local and national levels. Such programs must involve dispelling prevalent harmful and judgmental ideas about sex work and go beyond viewing sex workers ONLY as vectors of disease. It is this construct that justifies social stigma and the resultant dehumanizing of sex workers through violence and discrimination. Such programs must include civil society organisations who work with sex workers within a human rights framework, as well as the sex worker leadership of the emerging movement for sex workers rights in Sri Lanka. This approach will help the police to begin viewing sex workers as human beings who deserve to live with fundamental rights and dignity and thereby access services, including those offered by the Sri Lanka Women and Children's Desk, without fear of discrimination. Sri Lanka Police must immediately issue a circular with guidelines that address discrimination and violence faced by sex workers at the hands of law enforcement.
2. The state must undertake awareness programs, which include the sex worker leadership of the emerging movement for sex workers rights in Sri Lanka, and civil society organisations who work with sex workers within a human rights framework, within the health care system, beginning with Government Nursing Schools, Medical Faculties and for all health care service providers including Doctors, Nurses, Public Health Midwives, Public Health Inspectors among others. In addition, these awareness programs must not be restricted to Sexually Transmitted Infections but rather address the overall health and wellbeing of citizens who are sex workers. Prevailing social stigma and discrimination among health care officials must be addressed as part of the state's commitment to ensure access to universal healthcare. The Ministry of Health must therefore immediately issue a circular with guidelines that addresses the discrimination and violence faced by sex workers within the health care system.
3. The Judiciary must acknowledge and dispel informal practices of criminalizing sex workers when the offences under which they are often brought in are not provable in a court of law. The Judicial Services Commission must commission a research study involving experts in the field of Sex Worker rights, the sex worker leadership of the emerging movement for sex workers rights in Sri Lanka, and civil society organisations who work with sex workers within a human rights framework, on the illegal and extra-legal practices among lawyers, judges, and the police with regards to sex work and affirm that the rule of law must be reinstated. Based on this research, guidelines must

be issued to ensure that sex workers are treated as equal to all others before the law and due process of law must be followed. Illegal and extra-legal mechanisms that perpetuate discrimination, violence and criminalization of sex workers must be strongly opposed by the Judiciary.

4. The Vagrancy Ordinance and the Brothels Ordinance which are both archaic laws that include vague definitions and non-provable 'offences' must be removed in their entirety in order to decriminalize sex work in Sri Lanka. These laws have consistently been executed in a manner that is in contravention of fundamental rights of all Sri Lankan citizens that are guaranteed under the Sri Lanka Constitution, and by numerous international legal standards that Sri Lanka is bound by.
5. The state must convene a joint committee with the intent of issuing a joint circular through Ministries of Health, Justice, Public Administration, Education, Law and Order, Labour, Department of Registration of Persons among others, acknowledging that those who engage in sex work have been systemically discriminated. For example, the Department of Labour and Labour relations must ensure the application of all relevant labour laws with regards to wages and workplace safety for sex workers. Any and all guidelines must also stipulate that sex workers are to be treated on par with all those who are recognised as marginalised on the basis of their economic status and should be able to access state services that ensure basic rights to education, health, housing, legal aid, livelihood support, economic assistance (especially during crises) etc. This process must necessarily include the sex worker leadership of the emerging movement for sex workers rights in Sri Lanka, and civil society organisations who work with sex workers within a human rights framework.
6. The Human Rights Commission of Sri Lanka in collaboration with the sex worker leadership of the emerging movement for sex workers rights in Sri Lanka, and civil society organisations who work with sex workers within a human rights framework, must guide all other relevant state bodies in Sri Lanka to recognize sex workers as a group of people whose fundamental rights are consistently denied and issue clear statements and concrete guidelines to redress this.
7. Civil Society and Non-Governmental Organisations working on the rights of women, children, trans and queer rights, workers rights, health rights, economic rights etc. must include sex workers without prejudice as part of their ongoing work to enable sex workers to participate in the wider human rights movement. CSOs and NGOs must acknowledge that prevailing social stigma and resultant discrimination may exist within

and organize awareness and sensitization programmes that include the emerging sex worker leadership in Sri Lanka to help mitigate and eliminate these harmful notions, and accept that sex work is work.

8. National and International Donors, Funders and Development Partners must engage with the sex worker leadership of the emerging movement for sex workers rights in Sri Lanka to understand the ground realities of sex work in Sri Lanka, and the need for sex work to be decriminalized. This would involve National and International Donors, Funders and Development Partners not limiting interventions to the public health sphere [disease prevention], alternative livelihoods, and human trafficking.

Praja Diriya Padanama

Stand Up Movement Sri Lanka

SWASA North

Trans Equality Trust

The Grassrooted Trust

Notes from members of the Expert Committee

Five different signed notes from members of the experts committee are provided below. Before that, here is a brief introductory note on the Expert Committee hearings where sex workers presented their testimonies.

In a first ever effort, six experts across diverse relevant fields were brought together to listen to testimonies from thirty sex workers from across Sri Lanka. Hailing from Colombo, Gampaha, Jaffna, Kandy, Polonnaruwa, Puttalam and Vavuniya, this was the first time for all of the workers to present their story to a formally convened Experts' Panel. The anonymity and safety of the workers were assured to them and systems were put in place to ensure that their names, places of residence or any other identifying information is not available even to the Experts. Given the atmosphere of legal/extra-legal criminalization of sex work along with the context of profound social stigma, this assurance of safety was essential for the workers to open up.

The Expert Panel consisted of Retired DIG Priyantha Jayakody, Former commissioner of the Human Rights Commission Ambika Satkunanathan, Pulasthi Hewamanne, Attorney and Lawyer working extensively on Fundamental Rights issues, Dr. Dayanath Ranatunga, Former Country Director of UNAIDS, Prof. Gameela Samarasinghe, Clinical Psychologist by training and an Associate Professor in Psychology in the Department of Sociology, University of Colombo and Sarala Emmanuel, researcher and activist with 20 years experience of working with a range of marginalized communities in Sri Lanka. This esteemed panel listened in pairs to the workers. Each worker spoke for about ten minutes.

The Experts, after listening to the workers, were asked to present their initial thoughts on what they had heard. The Experts spoke one by one in Sinhala or Tamil so that at least some of the workers could understand them directly. All proceedings were translated across Sinhala and Tamil.

Mr. Priyantha Jayakody shared strongly that all persons are equal in the eyes of the law and that today he has heard the ways in which this fundamental principle is constantly flouted with regards to sex workers in Sri Lanka. He affirmed the need to build awareness of sex workers issues, lives and challenges among law enforcement officials, specifically those of his field, the police, to ensure that, in the future, sex workers are treated as equal citizens and human beings especially given that sex work per say is not Criminal as per Sri Lankan law. Dr. Dayanath Ranatunga affirmed that health is a fundamental human right. Sex workers facing stigma and discrimination within the health system should be seen not as their fault or

responsibility but that of the state. He insisted that workers must think of their right to health as something they are entitled to and claim it with ownership. Prof. Gameela Samarasinghe echoed some of Dr. Ranatunga's opinions when she said that workers must think of taking care of themselves as being an essential part of their lives. She observed that all the workers she listened to were struggling with major issues of anxiety and depression. Living in constant fear of different conditions of life or any attack on personal physical/emotional safety is not an ideal state of being. She affirmed that workers must acknowledge this and prioritize themselves. Attorney-at-Law Pulasthi Hewamanne expressed shock at the kind of blatant violations of the law that workers have had to endure. He insisted that in small but significant ways administrative, civil and criminal laws must be pushed to not continue to violate the fundamental rights of this severely marginalized group in Sri Lankan society. Ms. Ambika Satkunanathan added to this insight by observing that there is a general consensus around non-legal practices within the legal system when it comes to sex work. Police, lawyers, even judges all agree upon a range of practices that are actually not prescribed by the law and yet are regularly practiced. She too emphasized the need to begin to challenge such practices in small and big ways consistently. Ms. Sarala Emmanuel brought focus to the amount of caregiving that sex workers are engaged in as most of the workers are primary earning members and caretakers of their families. She pointed out that many responsibilities that are of the state, for instance to provide assistance to care for dependents who are unable to care for themselves, is done by sex workers. Thus, she stated that sex workers are actually helping the state with the burden of caring for all sections of society. She affirmed that the workers must see themselves as those contributing positively to society and deserve equal rights and lives of dignity and respect.

Note from Experts' Panel member Ambika Satkunanathan

Sex work is work. And sex workers have rights. These are notions that society views as deviant and most often refuses to accept. The narratives of sex workers highlighted three elements which are missing in the way in which society, the law and the state view and treat them. Three elements that should form the basis of efforts to advocate for their rights; safety, dignity and respect.

The narratives of women sex workers differ; the reasons they began engaging in sex work, whether they wish to continue, what they need to build/re-build their lives the way they choose and would benefit them. The contradictions and complexities in their different narratives do not make their demands any less legitimate. If at all they illustrate the urgency of adopting an empathetic, rights-based approach to the issue.

Sex workers commonly face violence. The most insidious and destructive form of violence, i.e. structural violence, is however unseen and hence often ignored. The discrimination embedded into the systems and processes of state institutions, is viewed as normal, and hence goes unquestioned. Such as, the discrimination or harassment a sex worker might face by a healthcare provider, or a transgender sex-worker might face at the Divisional Secretariat when she approaches it to change her sex in her personal identification. This too is violence. It is unsurprising structural violence goes unchecked or even acknowledged in a country in which even visible, physical violence, such as police brutality, is normalized to the extent the women expect it, and when subjected to it, do not seek to hold the perpetrators accountable or seek remedies for it.

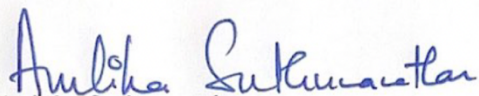
The law affords little to no protection to women sex workers. Although sex work is not an offence in Sri Lanka, it is criminalized through the (ab)use of other laws, such as the Vagrants Ordinance, which is weaponized to arrest and detain sex workers. The Ordinance is hence interpreted in an overbroad manner to justify state abuse and harassment of sex workers. The judiciary enables this by not dismissing such cases brought by the police but instead subjecting the women to compulsory medical tests. All this points to deep rooted prejudices and misogyny which training (alone) cannot fix.

There is also a lack of impactful legal remedies. The Human Rights Commission of Sri Lanka (HRCSL) is alleged to be dismissive of complaints, with staff displaying prejudice towards complainants and failing to inquire into complaints. Most women do not have the financial resources to file fundamental rights petitions in the Supreme Court, and even if they are successful in obtaining pro-bono legal representation, the process is protracted, at the end of which even if there is a finding of a violation of fundamental rights, the petitioners will not obtain a substantive remedy that leads to positive change in their daily life.

The narratives of women sex workers- not only the harrowing facts but also the tone of voice and the words used, the self-blame in many instances, all point to the severe toll their experiences and the daily challenges have taken on their mental health. The stigma attached to seeking help for mental health issues, the inability to identify when one needs to seek help and most importantly the lack of entities from which to receive help without judgment or stigmatization in a manner that respects their privacy and treats them with dignity, are some of the challenges faced in addressing the mental health needs of women sex workers.

The COVID-19 pandemic and the economic crisis have only exacerbated the challenges faced by sex workers and increased their insecurity and vulnerability to various violations. These range from women being pushed into sex work due to economic need, reduction in the number of clients, reduced rates paid to women, being forced to accept potentially risky clients due to these factors as well as agreeing to engage in risky behaviour that places their health and well-being in jeopardy.

When advocates speak of change to protect the lives and rights of these women and ensure their safety, they speak of legal and institutional reforms. Yet, those who run these remedial institutions and (fail to) implement protective laws are from the very society that discriminates, marginalizes and stigmatizes women sex workers. A society that is deeply patriarchal, misogynist and prejudiced. Hence, social change, i.e. change in the perceptions of the public is required to guarantee the protection of the rights of women sex workers. The usefulness of making women sex workers aware of how to claim their rights is limited if the institutions, processes, systems and personnel that are supposed to provide protection and remedies become the biggest obstacles to the women enjoying their rights.



Ambika Satkunanathan

Former Commissioner, Human Rights Commission of Sri Lanka

Legal Advisor, Office of the United Nations High Commissioner for Human Rights (OHCHR), 2008-2015

Member, Network of Experts of the Global Initiative Against Transnational Organized Crime
Fellow, Open Society Foundations 2020-2022

Affiliate, Eloes Justice Centre, Faculty of Law, Monash University

Note from Experts' Panel member Gameela Samarasinghe

Overall information shared by participants.

Most of you during the interviews were emotional, some of you cried while sharing your experiences. You talked about financial difficulties, pressures, having no choice but to do this job, you had concerns about your wellbeing, being ostracized by your family, community. You talked about violence by the police, physical and emotional abuse inflicted on you by the police and harassment and arrests. You also spoke about bad treatment by health professionals in hospitals, discrimination, stigma and disrespect for you and your profession.

Impact on wellbeing

These have led to isolation, low self-esteem, shame about yourself and the work you are engaged in to support your family and others. These can have an impact on your mental health leading to anxiety and depression.

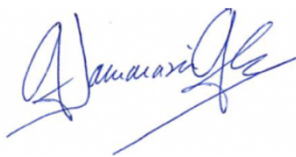
You have not mentioned how you have coped, found the strength to continue your work, managed to support your loved ones in spite of all the challenges and difficulties, survived in a hostile society. You are independent, strong and courageous.

Recommendations

Take of yourself and your mental health.

What you feel is normal considering what you have experienced.

However your experiences naturally affect your mental health. Your mental health has to be a priority as poor mental health can affect your work and everyone who depends on you. It is important to identify mental health professionals who understand your circumstances.



Gameela Samarasinghe
Clinical Psychologist
Associate Professor
Department of Sociology
University of Colombo
20.02.2023

Note from Experts' Panel member Mr. Priyantha Jayakody

The condition of sex workers in Sri Lanka is very dire. Sri Lanka's traditional cultural and social ethics has made this situation worse. Most of the women in sex work are engaged in this work and are in this situation due to poverty and limited access to education. Transgender workers are mostly getting into this situation due to social and cultural dilemmas that they have to face. All citizens of Sri Lanka are to be treated as equal before the law. No person should have to face violence in the hands of law enforcement. There should be strong and effective intervention by Ministry of Women & Child Affairs to resolve the situation faced by sex workers in Sri Lanka as they too are our brothers & sisters.



Priyantha Jayakody
Retired Senior DIG of Police

Note from Experts' Panel member Pulasthi Hewamanna

Our tale should begin and end on the simplest of questions. Do sex workers have human rights? The answer is as equally simple as it should be obvious. The answer is yes. Just so we are clear, Universality, is a fulcrum of human rights. All human beings, *simply by being born human*, are entitled to equal dignity and human rights. Human rights are *inherent* in us. This is regardless of *any* status (whether it be sexual orientation, gender identity, or political opinion etc.)

The stories told, of the ten sex workers who shared their time with us, shed light on the varied circumstances that led to them being engaged in sex work. Be it an abandoned single mother desperate to provide for her child, or the happily married couple whose sole breadwinner became bedridden plunging the family into a nadir. The reasons for their work are, at the end of the day, irrelevant.

Regardless of whatever series of unfortunate events that compelled them to start or continue as sex workers, the irrefutable fact that forms the common thread tying them all together, is the discrimination and stigmatisation they face. Discrimination which often culminates in violence, whether it be emotional, physical or structural, often from the very State entities themselves, who are supposed to increase resilience in those treated unfairly. Sadly, this violence is often inflicted with complete impunity.

Any meaningful change must firmly be rooted in a respect for human rights. It is not enough for the State to refrain from interfering with or violating human rights. There must be positive action taken to protect both individuals and groups and facilitate the enjoyment of these rights. Though legal changes can certainly make a difference, ultimately, day to day, there must be a change in State machinery and the people that populate it. Without addressing the societal factors for discrimination, stigmatisation and marginalisation of sex workers, long term change may be illusive.



Pulasthi Hewamanna

Attorney-at-Law

Associate Fellow, Centre for International Sustainable Development Law (CISDL)

Note from Experts' Committee member Sarala Emmanuel

To have the opportunity to listen to sex workers firsthand, about their everyday experiences, has been an inspiring and transformative experience for me. At the consultation I listened to sex workers from different parts of the country coming from different ethnic and religious communities. Some shared experiences of many decades of working as sex workers, and other younger sex workers spoke of the challenges they were facing in the current context. I listened to 10 sex workers both cis and transgender.

It became clear that all sex workers were involved in a diversity of work, trying to meet their everyday needs. Many were looking after family members, including children and those living with chronic illness. Some of the older sex workers had educated their children who now had professional qualifications and work, but they had kept their work a secret from them. Some of those who spoke to us had been forced to leave their biological and natal homes and had now created their own communities of support and were caring for each other in precarious conditions.

In the current economic crisis and during the COVID 19 pandemic, sex workers bore the burden of looking after their households both in terms of earning an income from sex work as well as carrying out numerous care work in the home - including cooking, caring for children, looking after the elderly and sick. One sex worker was the primary carer for her husband who was terminally ill with cancer. The expenses for his care - including taking him regularly to the Maharagama Cancer Hospital, finding the drugs in private pharmacies, preparing food that he could eat, were done solely by her.

What became clear was that sex workers were carrying out the important work for households and society, of looking after those who have been led down, forgotten or written off by state support services and other support services. This work becomes even more important in the context of both the COVID 19 pandemic and the economic crisis in Sri Lanka. None of the workers were on social security programmes even though they lived in conditions of poverty and vulnerability.

They were not considered for Samurdhi assistance, disability allowance, elders allowance or any other state support. This was due to many reasons, including not having documents such as Identity Cards or birth certificates, not being on voters lists and not being registered with the local Grama Niladari. But more importantly sex workers were marginalized and faced stigma and ostracism and often violence, when trying to access these basic services and rights as citizens of Sri Lanka.

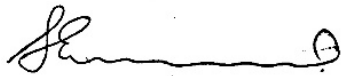
A transgender sex worker who was also living with a disability shared that during the COVID 19 pandemic they were evicted from their boarding. The government officers who had come to distribute relief allowance of 5000/- told them not to come close to them, they were made to wait until everyone else had left and finally they were told that they were not eligible. She asked the question, *"I vote, I am a citizen of this country. Why am I not eligible for relief during a pandemic?"*

Not having a birth certificate and an Identity Card meant that often their children also did not have legal documents. This impacted the children's access to education. With no documents sex workers were not given the family card during the economic crisis, which meant they had no access to gas and kerosene. Some sex workers shared experiences of being denied health care due to lack of documents. For example, a transgender sex worker was told that she cannot be admitted to the hospital as there was no proof of which gender, she was.

During the COVID 19 Pandemic and economic crisis, sex workers were evicted from their boardings as they were unable to pay the rent due to lack of work and income. Sex workers were regularly arrested and fined. Sex workers shared different fines they have had to pay, ranging from 6000/- to 15,000/-. When they are taken in by the Police they are unable to work and therefore must get into debt to pay the fines. Therefore, many were living with mounting debt. As one young sex worker from the North shared with us, she takes care of seven household members through her work, including the children of her sister. Through her work she is paying back her household debt. Once, she was arrested when she was in the town, she was not doing sex work at that time. However, the judge remanded her as she was arrested *before* for sex work. She was in remand prison for three months and when she came out her debt had exponentially increased, and the debt collectors were waiting for her at home.

In the consultation sex workers also shared their desires and dreams. This included being able to live with mental peace and be happy; to be able to work under safe work conditions; to be treated with fairness in terms of accessing services and particularly by law enforcement; being able to live with dignity and be honest to oneself; and to be eligible to a pension as they grew old.

This consultation brought out the diverse ways sex workers were denied basic rights and dignity, as well as the important role they play in holding up the household economy and carrying out care work responsibilities. However, they were discriminated and denied state services. There is an urgent need to support sex workers voices and demands for state services, social security support, health care and education for their children as fellow citizens who hold rights in Sri Lanka.



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Status of Sex Workers in Sri Lanka:

A National Report 2022-2023

Introduction

This report covers an area of research that has barely been studied in the Sri Lankan context. It provides a relatively more holistic picture of the lives of sex workers in Sri Lanka. While it is not possible to cover every aspect of anyone's life in one report, attempt has been made in this report to provide a detailed snapshot of sex workers' lives from across regions and ethnicities in Sri Lanka. In this process the main challenges in sex workers' lives are highlighted and workers' own understanding of the causes and possible solutions are also outlined.

The report is structured as follows: It begins with the outline of the methodology through which the research for this report was conducted. This is followed by the basic background information of all the workers' whose were respondents in this research. Then we see the data as it has emerged in the research on the key areas of sex workers' lives including: the nature of their work; law; health; fundamental civil rights; violence; education of sex workers' children; challenges due to COVID and the economic crisis and finally, dreams for the future. This is followed by some concluding thoughts and recommendations.

You are welcome to read this report in part or full. As it is perhaps the first of its kind in terms of methodology and data collected, it is also a useful document to ascertain the major gaps in research and thus policy analysis and advocacy that is missing vis-à-vis Sri Lankan sex workers' rights. This report is written in an accessible manner with lots of data presented visually in order for it to be conducive to being read by all sections of society - policy makers, politicians, government officials of all kinds, those in the non-government sector, students, health practitioners, legal practitioners and anyone else who might be interested in the everyday realities, challenges and dreams of sex workers - a profoundly marginalized community in Sri Lankan society.

Methodology

The information for this report was collected through two main processes. The first was a peer-led survey conducted by trained researchers from the sex worker community who then spoke to other sex workers and collected data. The survey was designed to better understand and quantify discrimination that sex workers face at work, at home, from society at large, the health care system, in the education sector and from state institutions such as the police, Samurdhi officials, divisional secretariats etc. Twenty-five sex workers from across Sri Lanka were trained on research purpose, methodology and execution through intensive in-person and online training. They were trained in the use of the survey tool that was made available in English, Sinhala and Tamil. The peer researchers were based out of seven districts - Colombo, Gampaha, Jaffna, Kandy, Polonnaruwa, Puttalam and Vavuniya. Both the peer researchers and the respondents were compensated for their time with a modest sum. Through this process information was collected from 283 workers from across the country.

The data from the peer-led survey was supplemented with a hearing where thirty workers presented their life stories. In a first ever effort in Sri Lanka, six experts across diverse relevant fields were brought together to listen to testimonies from thirty sex workers from across Sri Lanka. Hailing from Colombo, Gampaha, Jaffna, Kandy, Polonnaruwa, Puttalam and Vavuniya. This was the first time for all of the workers to present their story to a formally convened Experts' Panel. The anonymity and safety of the workers were assured to them. Given the atmosphere of legal/extra-legal criminalization of sex work along with the context of profound social stigma, this assurance of safety was essential for the workers to open up. The Expert Panel consisted of Retired Senior DIG - Priyantha Jayakody, Former commissioner of the Human Rights Commission - Ambika Satkunanathan, Attorney and Lawyer working extensively on Fundamental Rights issues - Pulasthi Hewamanne, Former Country Director of UNAIDS - Dr. Dayanath Ranatunga, Clinical Psychologist and Associate Professor in Psychology in the Department of Sociology, University of Colombo - Prof. Gameela Samarasinghe, and researcher and activist - Sarala Emmanuel. This esteemed panel listened in pairs to the workers. Each worker spoke for about ten minutes. Translators were available with each pair of experts for any translation that was required. The workers' testimonies were documented rigorously and have been incorporated in this report. Notes from some of the experts on the panel, presented earlier on in this document, have been included in this report.

Data from both these processes were collated and organized to be presented in this report by the authors. A literature review of existing work on sex workers' lives and rights in Sri Lanka, South Asia and the world is also included in this report for your reference.

Background

In terms of religion, ethnicity, and district the 283 workers we spoke with mirror the composition of the country and are thus widely representative. This is illustrated by the figures below.

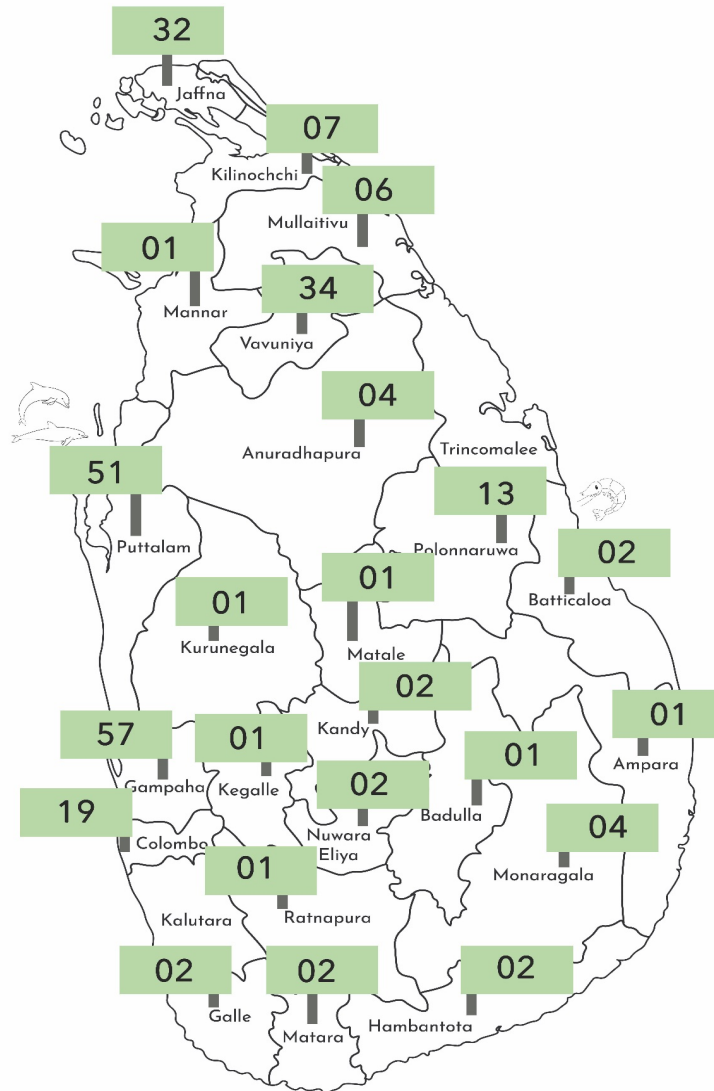


Figure 1: Sri Lanka District map: Number of respondents.

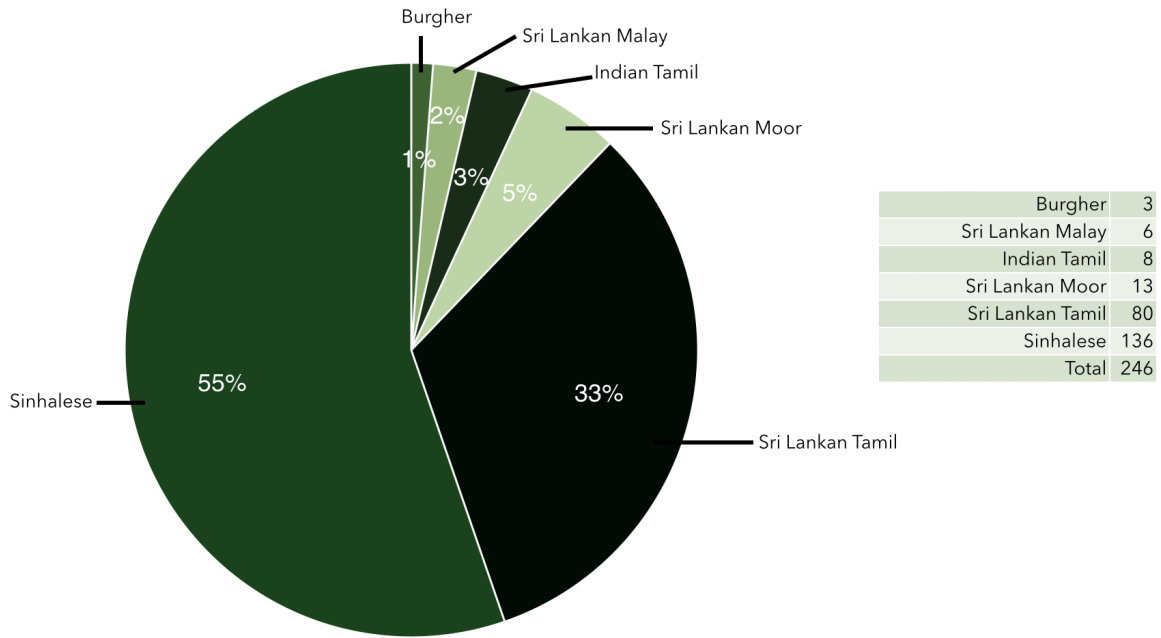


Figure 2. Pie chart: Community category.

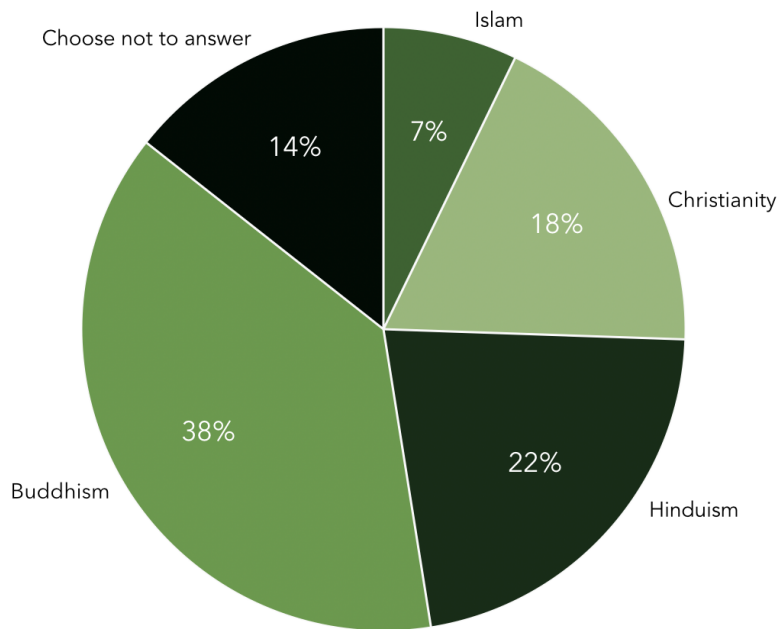


Figure 3. Pie chart: Religion.

In terms of age workers range from 18 to 65 and are separated into age groups as follows:

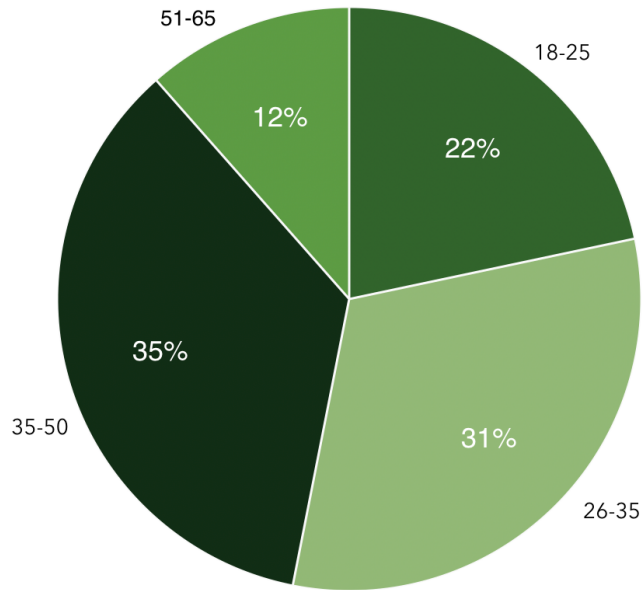


Figure 4. Pie chart: Age.

All workers hail from humble backgrounds as the figure below shows:

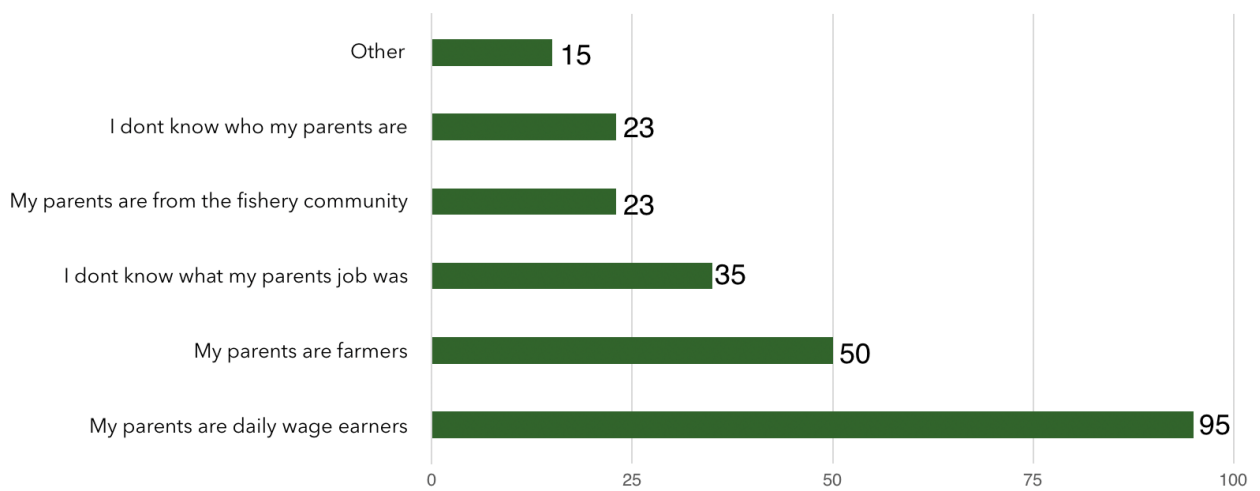


Figure 5. Graph: Family background.

71% of the respondents identify as cis-gendered women while 26% identify as transgender. Less than one percent are male, and another small percentage identify with other genders. In terms of marital status sex workers have a complex status in Sri Lanka as can be seen in the figure below.

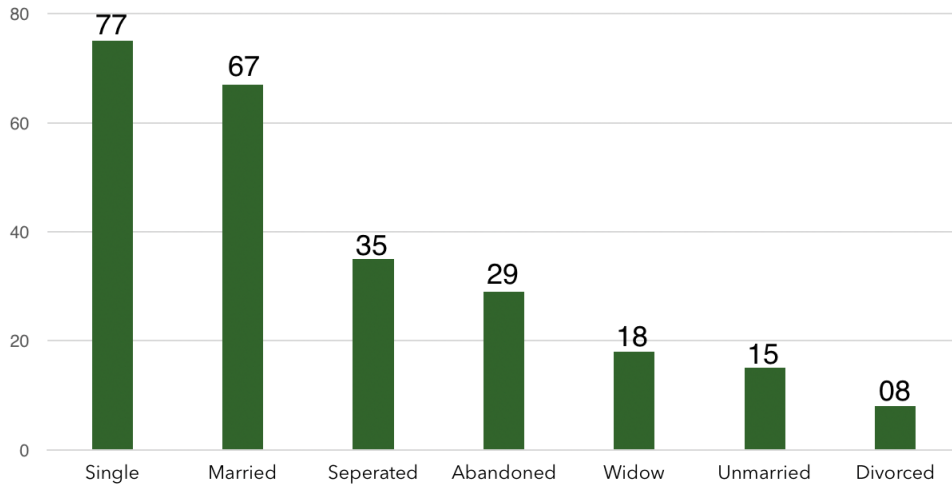


Figure 6. Pie chart: Marital Status.

Complex marital status however does not translate into smaller household units. In fact, most workers have households with 3 or more dependents.

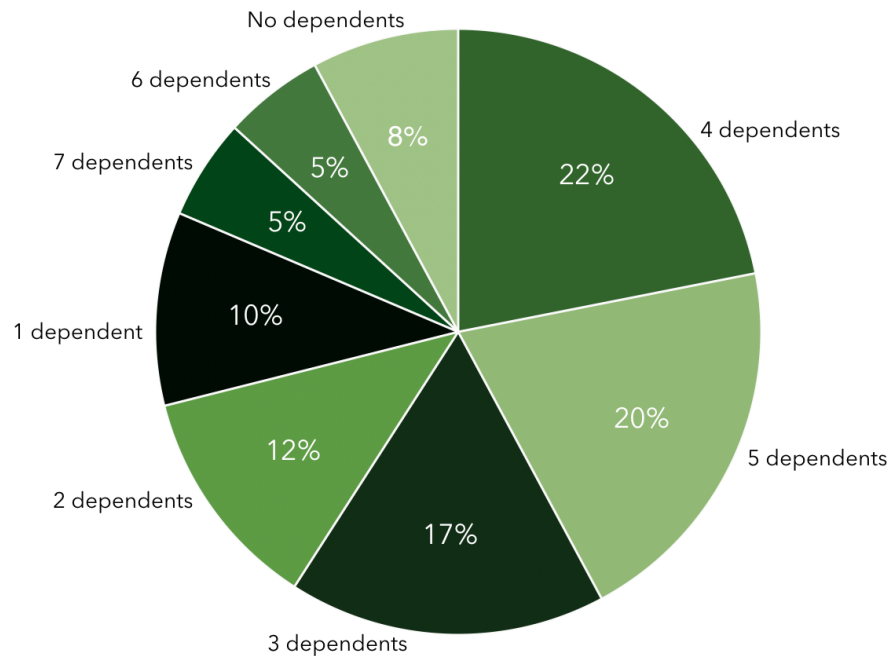


Figure 7. Pie chart: Number of dependents.

In terms of education, 88% of the workers had attended school. This is only possible for this marginalized group because of the existing system of public education in Sri Lanka. 72% of them have not completed their Ordinary Level exam. 18% have completed their Ordinary level and only 6% have completed Advanced Level. 14% have dropped out of school in the 5th grade or below.

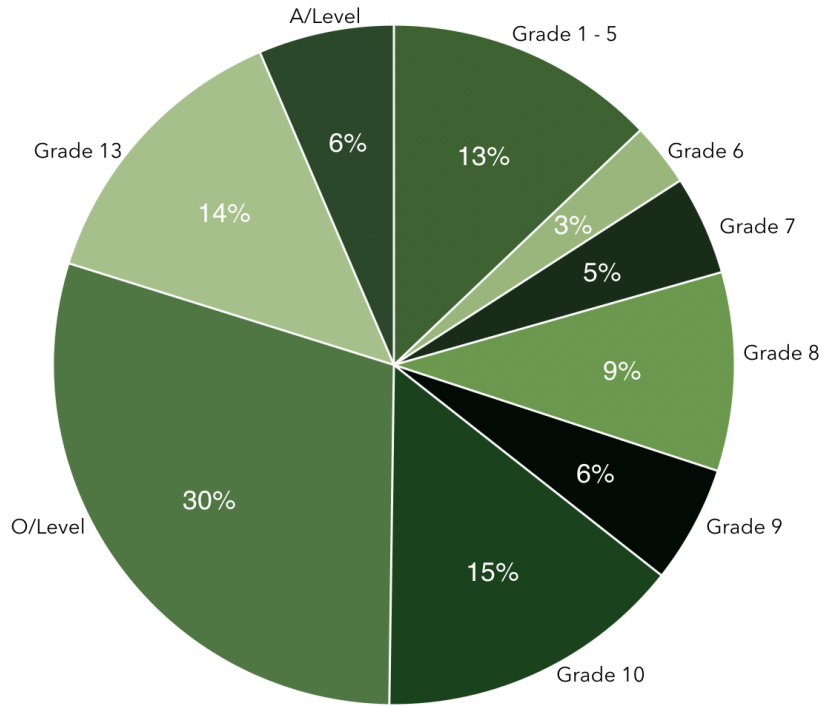


Figure 8. Pie Chart: Education.

All respondents when asked why they dropped out of school, said that it was due to economic problems.

Findings

1. Nature of the work, remuneration and support they provide:

60% of the workers are sole earning members of their family and 73% are the highest earning or primary earning member of their family. While 80% of them answered that they are able to decide what they do with the money that they earn, those who answered that they could not freely make such decisions said they need to get permission from male members of the family. However, as the sole or primary earning member of large families, even if they perceive decisions with regards to their earnings as being their own, they are under enormous pressure to care for a large number of people, dependents and others. 40% percent are from families of 5 and above. 92% have dependents in their families including children and elders.

While 3 % of the workers entered sex work before the age of 14 and 24% entered after the age of 25, all the others entered this work between the age of 17 and 25. For almost 40% of workers sex work was not their first means of earning. It is the lack of enough remuneration, bad working conditions and continued violence that led them to abandon other kinds of work or reduce it to part time.

Poor economic status of the household was stated as the primary reason for entering sex work by 62% of the workers. The next two important reasons were being caught in a debt cycle and the reality of not finding any other source of income. Some turned to sex work due to health conditions of a family member or after leaving their household, known places etc. due to violence in the home. Around 24% considered sex work to be the most lucrative profession they could pursue.

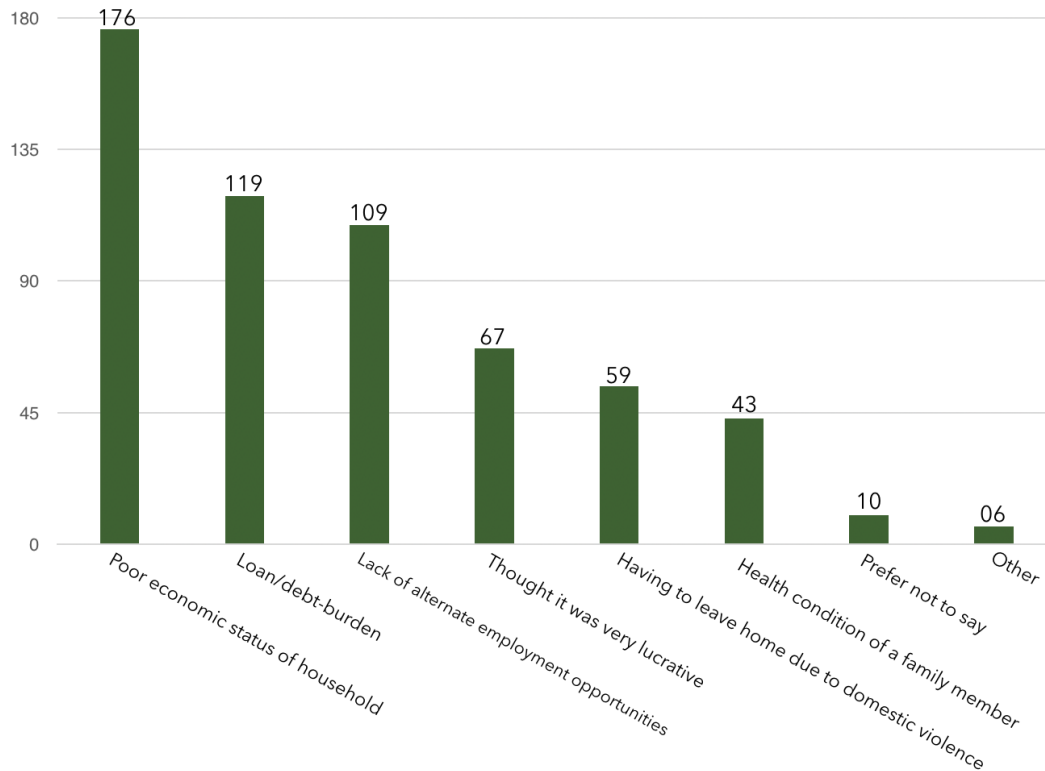


Figure 9. Graph: Reasons for doing sex work.

When asked if they liked their job, 40% said they did, 32% sometimes and 14% said they do not. This question may be perceived as irrelevant based on the assumption that sex work is, by default, a job that must be disliked by anyone pursuing it. If placed on a continuum of work, sex work too, like all other jobs can be liked, disliked or the most common reality for most of us, if we are lucky, of mostly liking our jobs.

Close to 50% of the workers said that they are part time sex workers while 73% said they do not have an alternative source of income. Those two percentages include overlapping respondents. This then means that workers are unable to pursue sex work for the amount of time that they can perceive as 'full time', in terms of number of hours and income. However, at the same time, they are not able to eke out a living from any other job along with sex work. The small percentage of workers 12% who said they do have alternative incomes are all engaged in informal manual labour work or jobs adjacent to sex work such as at massage parlours. These jobs are impermanent, not very lucrative and present abysmal working conditions thus explaining why so few workers pursue them. A small number are engaged in farming or fishing which are far from adequate to fulfill their basic needs.

2. Place of work

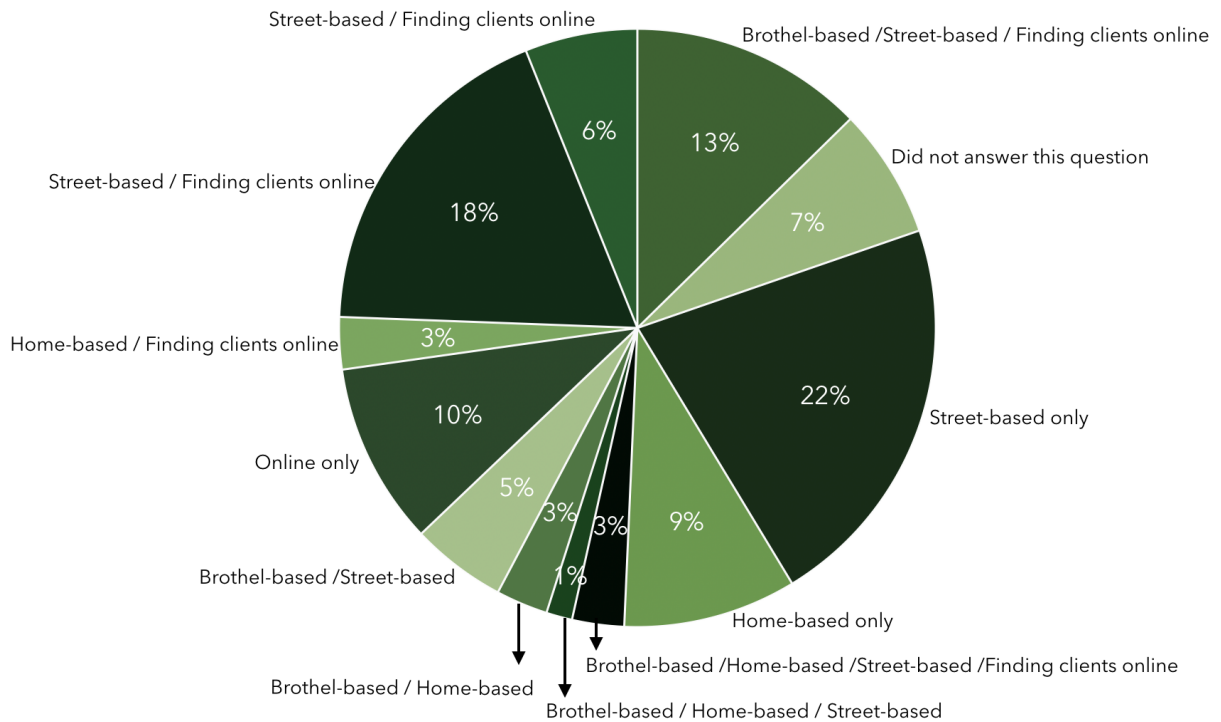


Figure 10. Pie Chart: Kinds of sex work.

As is clear from the figures above, the most common form of sex work, that is one pursued by most sex workers in addition to other forms, is street-based sex work which is also the most precarious and makes workers vulnerable to violence, mistreatment, and bad working conditions due to the actions of clients as well as the police. The 53% who are engaged in brothel-based sex work alone or in addition to other forms are most vulnerable to the use of the Brothels Ordinance which, while intended to protect sex workers while criminalizing brothel owners, victimizes both groups of people. This means that a space where sex work can be practiced ensuring best labour and health practices is criminalized by the state and that same law is used as a tool to victimize sex workers although they are not explicitly covered under this law.

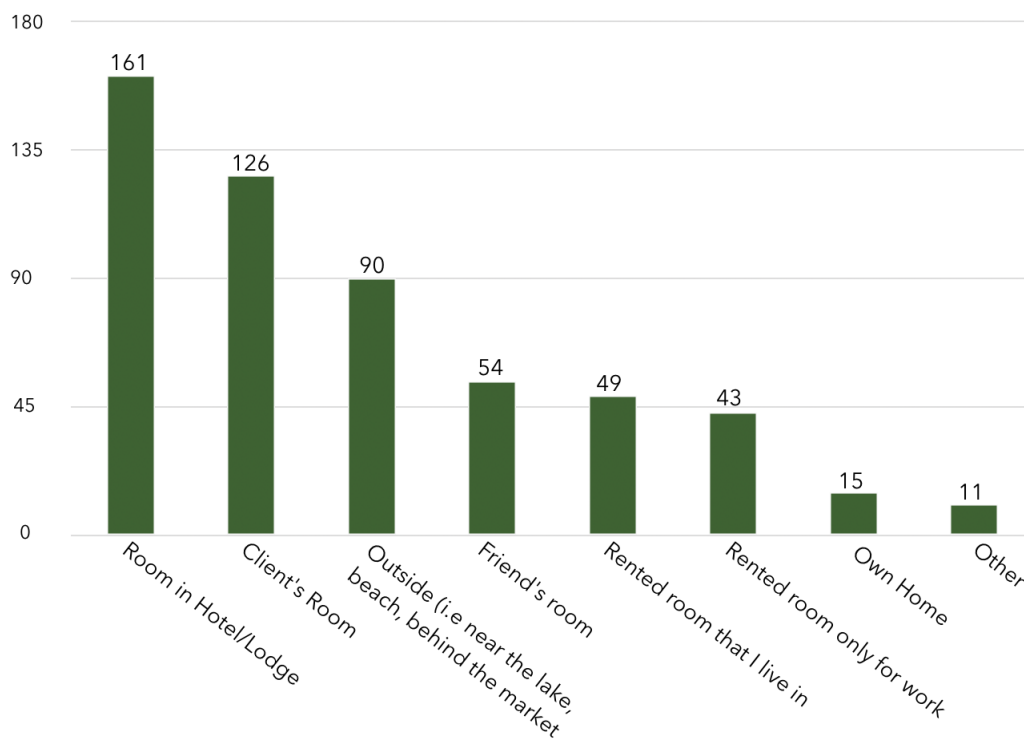


Figure 11. Graph: Place of work.

Most workers, 57% (161 out of 235 respondents) work out of hotels or lodges which are establishments that make big profits out of renting rooms for sex work but have no accountability towards the workers safety, fair working conditions etc. As we will see in the section below on violence, lodge owners are often perpetrators of violence upon sex workers. The next major number, (126)44% work out of the client's space. This is also extremely unsafe for them and has been the cause of a lot of violence. The 30% who do sex work in public places are in danger of the wrath of the law enforcement who harass them and are violent towards them without any need or legal basis. Only a small percentage have their own space rented for work, or their rented/own living space where they work. While these spaces aren't completely safe either it provides them with some control/agency in their working conditions which translates to relative safety.

3. Safety at work

45% of workers said their work is never safe while 23% say it is mostly unsafe and sometimes safe while 22% say it is mostly safe and sometimes unsafe. A small minority of 10% think of their work as safe. For the 90% of workers who believe their work is unsafe the reasons are manifold. They include refusal to use condoms by clients and clients not paying the agreed amount as the most faced form of unsafety.

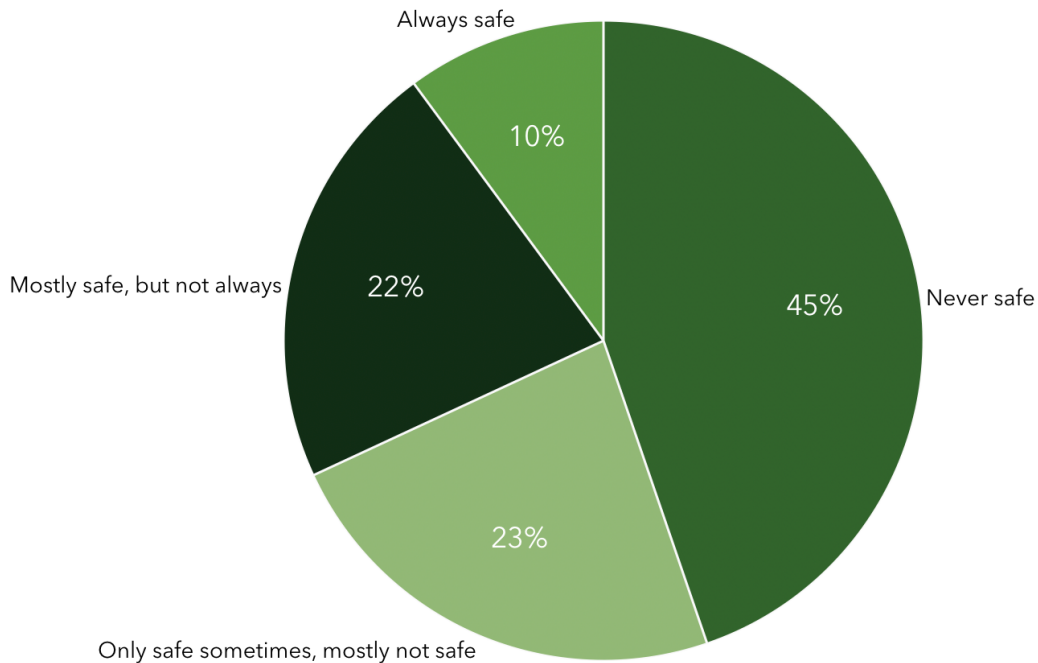


Figure 12. Pie Chart: Safety at work.

These two acts places their physical health and means of income in jeopardy. Name calling, being shouted at and fear of arrest are the next most common forms of lack of safety that is experienced. Being forced into sexual acts not consented to or with more number of people than they consented to is experienced as often as the fear of or incidents of facing physical and sexual violence from the police. The next set of common fears are to do with the threat of their identities being disclosed in their place of living or that they will be identified by someone they know even in the nearby towns where they often work. For those who work from their own homes there is the fear that their own children, other relatives or neighbours will walk into their home while they are working. After the fear of being exposed as a sex worker comes the fears that come with working in the night and in remote places. This includes fear of being robbed, killed, raped, beaten up by goons etc. There is also a fear of non-consensual intoxication

through various substances. This is relatively less indicating that workers have acknowledged the possibility of this and most among them take necessary precautions as much as they can.

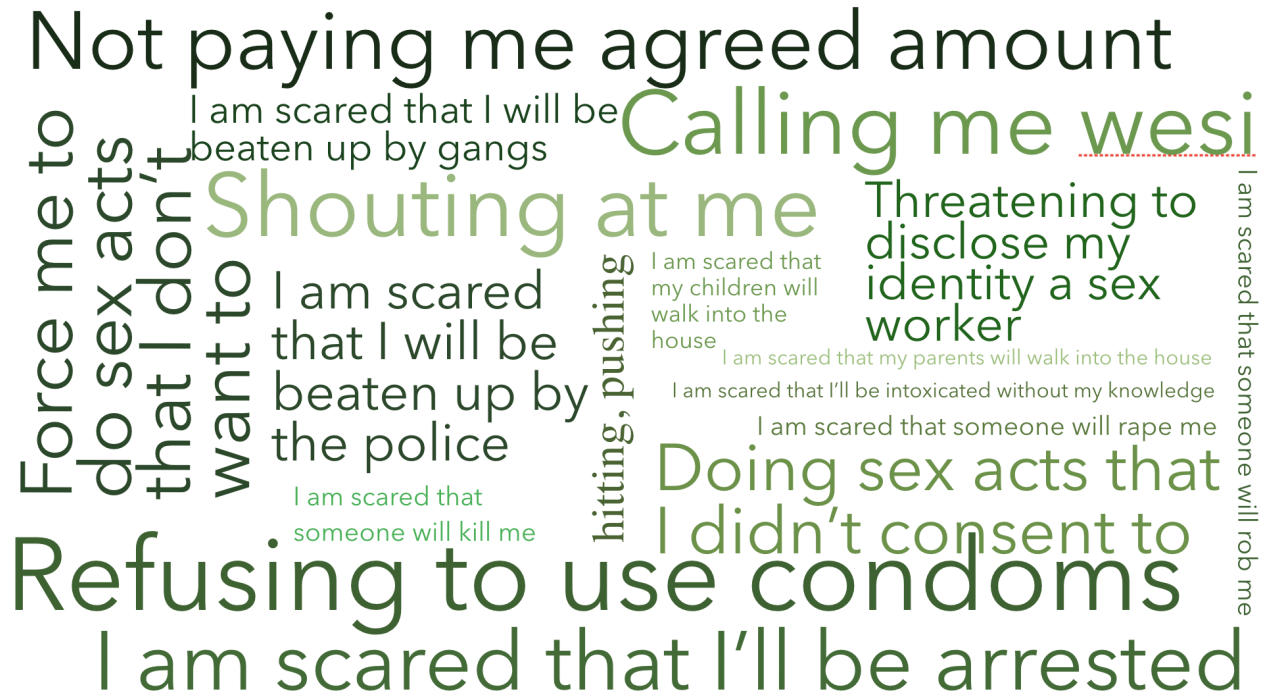


Figure 13. Image: Reasons for feeling unsafe at work

The primary actors who make sex work unsafe for workers are clients followed by hotel owners or other landlords of the place of work. Unfortunately, at a level equal to the hotel owners are another group that make sex workers' workplaces unsafe - law enforcement. This is then followed by fears that emerge from social stigma and then general fears that come with working at night. Close to 30% workers see clients as those responsible for the violations they have faced followed by 20% each for hotel owners/landlords and law enforcement. This is followed by family members, intimate partners etc. For the law enforcement to be seen almost as dangerous to workers as hotel owners is very telling in terms of the status of sex workers in Sri Lanka. We will return to this point in more detail in the section on law and violence later on in this report. For now it suffices to say that violations of sex workers rights are perpetrated to a large extent by law enforcement. Further, this fact is clearly recognised and stated by workers themselves. Further, the violations by clients and others who they have to work with in the profession is made possible by the impunity to such violations extended to these perpetrators by law enforcement and society at large. While many of the workers we spoke to could not answer the question as to why such violations took place, 1/3rd of our sample did answer the

question and most of them identified stigma and exploitation due to the fact that they are sex workers along with socio-legal impunity, as the main reason.

Only a small minority saw these violations as being caused due to individualized reasons. Workers are well aware of the systemic nature of the violence meted out to them as being connected to them being discriminated against on the basis of their profession. Given this awareness, the same 1/3rd of the sample answered that they changed their place of work, sought help from other sex workers or from community based organisations/NGOs. An equal number also said they did not respond in any way. Of the 92 respondents to this question, two persons said that they approached the police to file a complaint. As will become clear in the section on violence, the plight meted out to the workers by multiple actors including clients, hotel owners, family members etc. is rather severe. However, they do not have any trust in law enforcement that they will even recognise them as victims of violence, leave alone fulfilling their duties of undertaking enquiries to ensure that justice is done. When asked why they did not file a complaint with the police, even fewer wanted to answer the question out of fear even though this was a peer run, completely anonymous survey. That alone is an indication of the deep fears in the community with regards to the police. Half of the 55 respondents who answered the question stated that they feared that their profession will be exposed to the police and then by extension to society at large. A substantial number said that previous experiences had taught them that they will not receive assistance from the police and an equal number said they feared backlash from the police. A small number worried about losing clients and thus their livelihood; did not have NIC which is required to file a complaint or thought the process was too cumbersome for them to pursue in their already otherwise stressful life circumstances.

4. Law

Most workers we spoke with, close to 40% said that they think sex work is neither illegal nor legal in Sri Lanka i.e., it has an unclear and in between status. 35% believed that sex work is not illegal in Sri Lanka while 20% believed that it is. This shows clearly that workers are aware of the ambiguous treatment of the act of providing sexual services for money within Sri Lankan law. While other acts such as soliciting and brothel keeping are more clearly criminalized, this specific act is not explicitly criminalized. Further, soliciting, even though criminalized, is often extremely difficult to prove which has led to a host of extra-legal practices in lower courts in Sri Lanka that victimize sex workers.

56% of the workers we interviewed had not been arrested due to sex work while a very close 44% were. Thus, it is amply clear that in spite of the vagueness of the law almost half of the workers in our sample were targeted and arrested. It is important to note here that when taken along with our data that workers experience sustained harassment and violence of different kinds from law enforcement personnel, lack of arrest does not mean lack of harassment or violence. In a sense, the situation is only made more dire by the fact that the violence and harassment is being perpetrated outside of the rule of law, thus making it unrecorded, unnoticed and thus enabling it to exist with full impunity.

The remainder of this section on the impact of the law on sex workers will focus on those workers who have faced concerns mediated by formal entanglements with the law i.e. 44% of our respondents. The other issues caused by law enforcement officials, beyond formal legal processes, will be covered in other parts of the report such as the sections on violence and workplace safety. As a socio-economically and culturally marginalized community, sex workers should be entitled to legal services that are free or are at a nominal cost. The inadequacy of such services in general in Sri Lanka, combined with the prevailing social stigma with regards to sex work has meant that 99% of the workers we spoke with answered no when we asked if they had received free legal services. Many of them, our researchers report, were not aware that free legal services existed for anyone anywhere. They had never come across the concept before. This means that upon arrest all workers pay lawyers in their respective areas who pay no heed to their socio-economic status and charge them, often more than the full fee, due to the social stigma against sex workers. This often pushes workers further into debt cycles that they were already living with.

A comparable number of workers who were arrested, 31% and 25% were arrested under the Vagrancy Ordinance² or are not aware of the nature of the case against them respectively.

² <https://www.lawnet.gov.lk/vagrants/>

As the Vagrancy Ordinance is the most commonly used statute against sex workers³, it is reasonable to conclude that the 25% too were arrested under this law. 18% of those arrested were arrested under the Brothels Ordinance⁴, 13% in drug related offences and 5% in Quarantine related laws during COVID. The effect of being arrested under this law isn't just about what is in the letter of the law, but more about how this law is (mis)used among lawyers and police with the full knowledge of Judges. The common practice is to ask workers to plead guilty and pay a nominal fine. This way the police do not have to bear the burden of proving the often unprovable offences of soliciting and 'vagrancy' more generally, which does not have a clear legal definition. As a result, close to 50% of the workers who were arrested, especially under the Vagrancy Ordinance were asked to plead guilty. ALL of them were asked to do so by either the Police or by their lawyer. Of all those who had to face a court case 85% said that they have never not pleaded guilty. This then means that a large number of workers are bearing the burden of having a criminal record to their name not because they have committed any crime or because such alleged crime was proved as per proper legal procedures, but simply because they were told, instructed or threatened by lawyers and police to plead guilty. Of those who have faced legal battles 40% of sex workers who were convicted on various crimes have been in prison for a period ranging from 7 days to 3 years. Among them, the majority have been in prison between 14 days to 6 months. 70% of the workers who reported as having been arrested in this study, said that they were sent for STI tests.

Overall, there exists a climate of assumed criminality with regard to sex work in Sri Lanka although that is not the letter of the law. Law enforcement officials and members of the legal community, including lawyers and judges are actively supporting practices of imposing criminality on sex workers when they are already burdened with eking out a living for themselves and their families. This further reiterates the already made calls to remove the Vagrancy Ordinance from the law books⁵ as the vagueness of this law has made it a weapon in the hands of the legal community and law enforcement who use it to exploit and unleash legally sanctioned violence upon already severely oppressed sex workers. Other laws such as the Brothels Ordinance is not meant to be used against sex workers and yet it almost always is. Drug related offences are often pinned on sex workers by the police to show exaggerated numbers of drug cases they have 'caught' within any given time period⁶.

³ <https://www.icj.org/sri-lanka-vagrancy-laws-have-no-place-in-a-society-based-on-human-rights-and-the-rule-of-law/>

⁴ <https://www.lawnet.gov.lk/brothels-3/>

⁵ <http://cedawsouthasia.org/wp-content/uploads/2017/07/S9.pdf>

⁶ <https://ssalanka.org/experts-panel-to-hear-testimonies-of-sex-workers-from-seven-districts-in-sri-lanka-a-brief-report-sex-workers-and-allies-south-asia-swasa-sri-lanka/>

5. Health

Close to 80% of the workers said that they have gone to the Sexually Transmitted Diseases clinic at the Government Hospital. When they visited the clinic 66% reported that they faced some or the other kind of verbal abuse. 66% reported that such verbal abuse included comments of their 'character', i.e. implying that they are immoral, sinful, 'bad' women. 35% received suggestions for alternative professions based on the assumption that this profession is inherently bad while close to 15% were actually blocked from accessing the medical service due to such stigma and discrimination. 70% of our workers said that they did not test positive for a sexually transmitted disease and 30% said that they did. It is unclear whether such an answer is to be completely trusted as workers' awareness around which infections are sexually transmitted, we have found, is limited. While information around prevention and treatment of HIV is now more widely available and known to workers due to governmental and non-governmental institutions who work on this issue, comparable levels of information on other Sexually Transmitted Infections, which are also debilitating, are not always observed among sex workers. Given the social stigma, without governmental support, like there is for HIV, it is close to impossible to ensure that workers receive such information and are able to protect themselves, their clients, other sexual partners of the clients and sex workers' own non-work based sexual partners, from such diseases. Information on all diseases that could impact our personal and professional lives is a fundamental human right of all persons. Given this, sex workers' lack of awareness around other STIs is an important concern and must be addressed at the earliest. Of the 30% who did test positive for an STI a 100% went to the government hospital for treatment. This then means that the government clinic is an ideal place to undertake such awareness. For this to happen however, the social stigma and discrimination around sex and thus by extension sex workers must be addressed.

Of the workers who went to the government hospital, specifically the STD clinic, 45% were asked if they were a sex worker. This question in itself is not a neutral one. It is also difficult for a worker to answer honestly given the social stigma and discrimination. Almost at all times this question is asked threateningly in any context and the hospital is not an exception to this. Another 45% said that they were judged and/or verbally abused by staff and summarizing the abuses that are hurled at them usually, they were referred to as 'bad', immoral and sinful women.

As is well known, Sri Lanka has a robust system of reproductive health care mediated through the public health midwife who operate out of the district office of the Medical Officer of Health (MOH). One job that is part of their portfolio is to ensure that women are provided with contraceptives to avoid unwanted pregnancies and sexually transmitted diseases. 83% of the

workers answered that they have never received contraceptives from the midwife. When asked whether a midwife has ever visited their home, 76% said no.

In spite of the lack of support from the Public Health Midwives, workers are well aware of the danger to themselves, their clients and others due to STIs and 91% said that they always use condoms. The small number who said they have not used condoms sometimes said that it was only because clients have refused it. The economic necessity, the lack of safety in their work and the constant threat of violence leaves workers without much room to negotiate with their clients with regards to condom use. When asked about how they acquire and use other kinds of contraceptives, 45% said that they do not use any other kind of contraceptive. This is dangerous for workers as in the event that the condom use is disallowed by clients or if the condom tears, it is really important that workers know of and are able to acquire other forms of contraceptives. The fact that half of our respondents do not know about them or do not use them because they cannot afford them is cause for major concern. 48% said that they buy it with their own money from pharmacies. Given the high costs of other forms of contraception and the extremely desperate state of sex workers' finances for their basic needs, this proves to be an enormous stress factor for them. 35% of them said that their clients support them to acquire such contraception. This is of course only possible in rare cases where workers have trusted, regular clients. 30% said that they get it from the STD clinic and 7% from the public health midwife. Of those who receive condoms from the STD clinic, 52% state that the quantity they receive is not adequate for their work. It is imperative that the state is able to supply this community of women with all forms of contraception that is available to other women in Sri Lanka. For this, the system of public health midwives must be activated to include sex workers and they must be trained to do their work without prejudice.

When asked if they had visited the 'Suwa Nari - Women's wellness clinic⁷' at the government hospital, 65% said they had not. Many among them had not even heard of such a program. When asked if they have any other chronic health issues, 83% of them said no. However, from our work within the community we know that workers are plagued with chronic illnesses that remain uncared for. We see their answer to this question more of an indication of the normalization of living with illnesses rather than the absence of illness. Further, workers often see the hospital as an unfriendly space for them due to social stigma with regards to sex work which leave them with the constant fear of being exposed as sex workers or being asked offensive questions about their life and work. Of the workers who answered that they did have chronic illnesses 47% identified it as a 'respiratory illness' which include difficulty in breathing for various reasons chronically. Around 30% reported that they had a physical disability of some kind, including spinal chord injuries that have been left untreated resulting in disability.

⁷ <https://fhb.health.gov.lk/index.php/en/technical-units/well-woman-programme-men-s-health-unit>

The remainder were split among heart, kidney and other physical ailments as well as mental health issues. Given that physical health related issues are barely recognised as an issue by workers, mental health issues are completely unnoticed or acknowledged. In reality however workers live in a constant state of mental and emotional duress even as they continue to work and fulfill their responsibilities in their families.⁸

Of those who did identify as having chronic illnesses, almost all receive care at the Government hospital. A small number who don't receive care said that they do not because they cannot afford the medicines. Others said, as mentioned above, that they do not like how they are treated at the hospital, referring to verbal abuse and other such expressions of stigma and the resultant discrimination.

Sex workers have the fundamental right to health as do all human beings and all citizens of Sri Lanka. Even though the public health system is being eroded more and more, Sri Lanka still prides itself on a relatively robust system compared to many other poorer countries in the region and the world. Given this, it is imperative that sex workers are included in this structure for them to acknowledge their illnesses and seek medical care. For this, a systematic program to rid the health system of rampant stigmatization and prejudice against sex workers must be done at the earliest. It would be prudent to design such programs by involving sex workers themselves so that health workers are able to see that sex workers are human beings too and that they must perform their sacred duty of ensuring health care for all with them as well. It is only once these foundations of acceptance are laid down in the health system can we even begin to convince communities of sex workers that the public health system is emotionally safe for them and physically desirable for them to enjoy their fundamental right to health and well being.

⁸ Note from Experts' Panel member Clinical Psychologist Gameela Samarasinghe, page 11.

6. Socio-economic and civil rights

One important way to see if citizens of a country are included within state mechanisms of the country is to assess which government documents they possess.

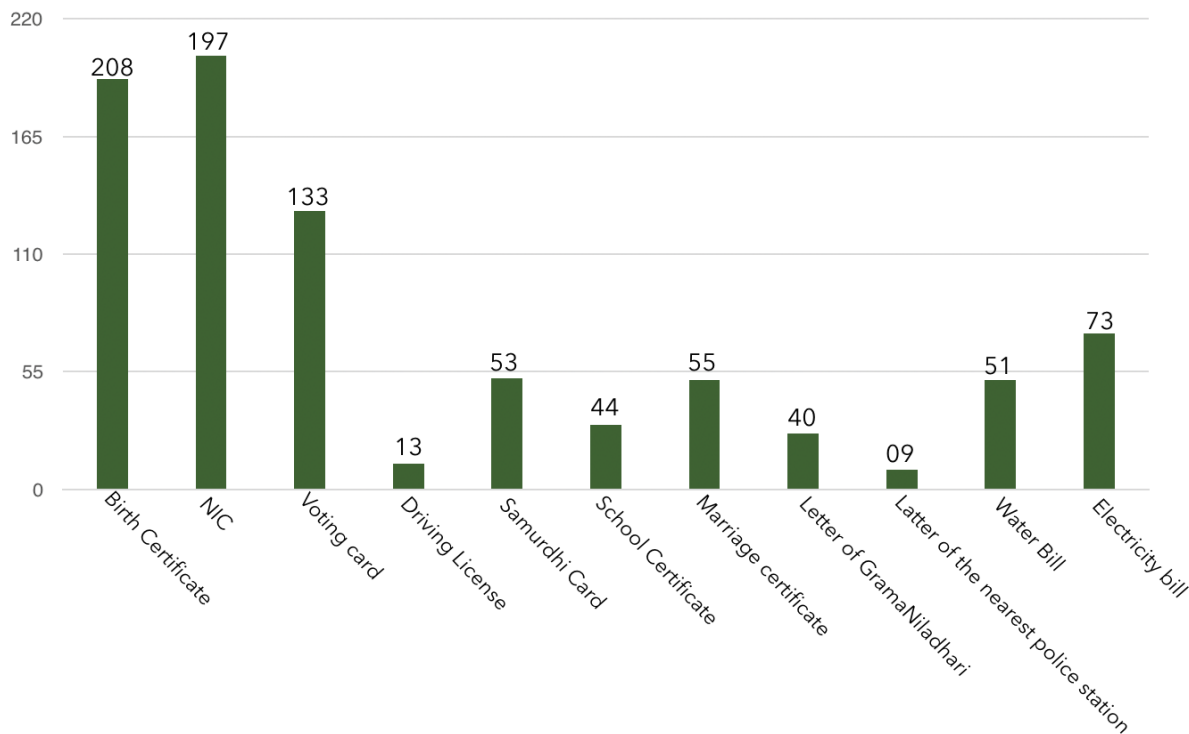


Figure 14. Graph: Government issued documents.

As is clear from the figure above, sex workers possess very few documents beyond the bare minimum of the National Identity Card. Even that is a challenge for sex workers who are of the transgender community. Trans sex workers are forced to confront homophobia from government officials although clear guidelines are now laid out for them to change their NIC to their preferred gender. Further, they are denied rights under Samurdhi and other programs as they are not treated as 'women' by government officials, before or after they change their name and gender on the NIC. It is in this context that we survey to what extent sex workers are included in Sri Lanka's primary social safety network of Samurdhi⁹.

The survey included questions about other fundamental civil rights that are owed to all citizens of the country and the status of sex workers in terms of those. 61% of the respondents were not covered under the Samurdhi benefit. The Samurdhi benefit, apart from providing a consistent small source of financial support, also enables citizens to be on the radar of the state at the

⁹ State welfare programme for low income families
<https://www.samurdhi.gov.lk/web/index.php/en/home.html>

local level and receive small assistance at every stage of life through major life events such as birth, marriage, death etc. The majority of sex workers then are left out, not just from the minimal financial support but from a much broader state structure of support, throughout life. 77% have never applied for Samurdhi. As will be clear through many examples, sex workers try to avoid registering themselves within any state structures as they do not expect any assistance from the state and to the contrary expect to face discrimination, prejudice and violence at the hands of the state and its representatives. Of the small number who did apply and were denied Samurdhi, 56% stated it was because they did not perform sexual favours. The extremely normalised practice of sexual bribery demanded by different state officials, from Police to Samurdhi officers, is addressed in more detail in the section on violence as well. 25% were denied Samurdhi as they did not have access to a permanent address while 15% said they did not have other requisite papers. 3% were denied it as they did not have a marriage certificate either because they chose to not get married or had not registered their marriage. This is an issue that affects all women who choose to not get married. You can only receive Samurdhi if you are attached either to a natal family or a marital family. You can receive support even if you might be divorced, abandoned or a widow but if a woman chooses not to marry, there is no system through which she can gain support through Samurdhi.

This state of being left out of the social safety net that is provided to other citizens of the country becomes even more dire when considering that 68% of the workers believe that they will have to stop doing sex work somewhere between 50-60 years of age. When asked what they will do to support themselves after, 58% said they would have to find other ways of earning a living. 30% answered that they do not know what they will do in their old age. Only 18% answered that they will be supported by their children's earnings. In the context of being left out of state support structures, the small number who are putting their faith in their children's earnings speaks volumes with regard to the extent of familial support they experience or expect. 14% said they are hoping to rely on their savings while only 4% said they would rely on their partners' earnings, again pointing to the lack of stability in their home life. Both the absence of a robust home life as well as the lack of state support are primarily due to social stigma.

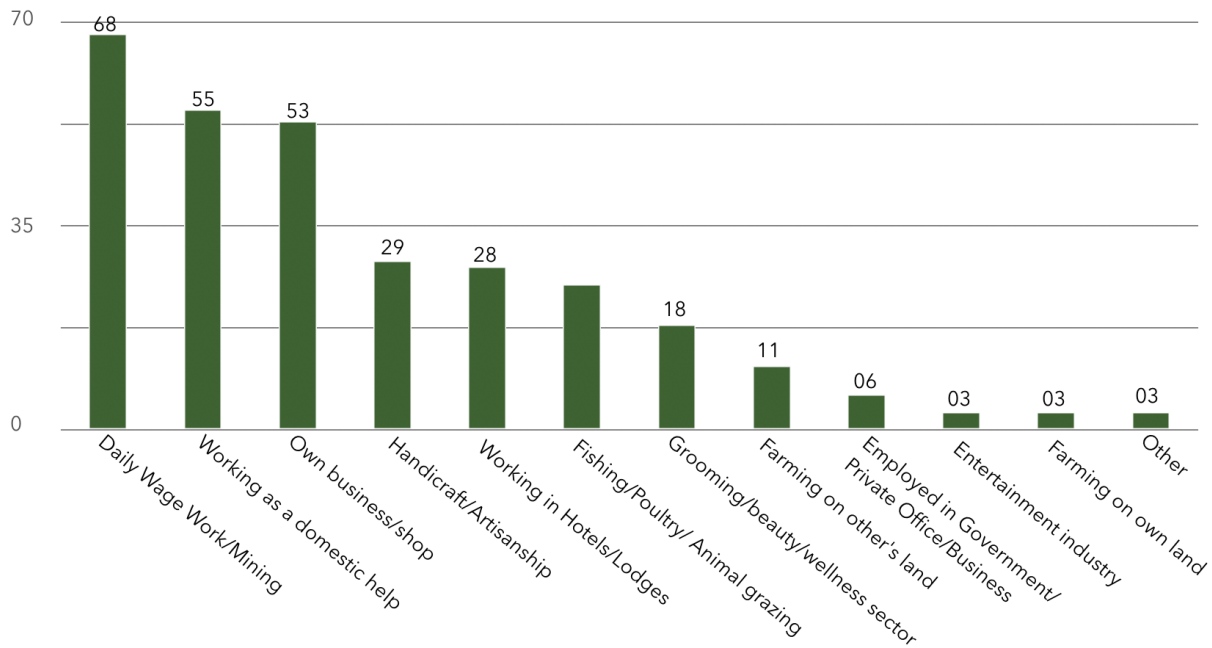


Figure 15. Graph: Possible alternative livelihoods.

As is clear from the figure above, when asked about the alternative livelihoods they might choose, they all involve more informal, grossly underpaying jobs which will continue to keep them in a vulnerable state through their old age. Further 59% of workers answered that they have never heard of another worker who has sought such livelihood and supported themselves. With regards to savings 53% said that they have never had savings. 22% said that they did have some savings but lost it all through COVID and the economic crisis. 13% said that their savings have reduced due to the crisis and a small 9% said they had savings. Given the strenuous economic circumstances combined with an inability to plan for the future with any sense of safety, sex workers are not able to save and even if it becomes remotely possible to save, they are not able to sustain it. Only 50% of workers even have bank accounts while 20% have bank accounts that they do not use. Of those with bank accounts 56% said that they do not keep their savings in their bank account. It is clear from this that sex workers do not have any support structures either in their younger ages or when they grow older. For now many of them manage by constantly working and are pushed into a debt cycle or starvation at times when they can't work. They are unable to have any viable plans for their old age. This throws up another research subject which requires attention, which is to undertake quantitative and qualitative work on how older sex workers are fulfilling their essential needs.

7. Violence

A detailed quantitative analysis of the different forms of verbal, physical, sexual, psychological, governmental and other systemic violence that sex workers live with, is outside the scope of this research. In fact, this remains a significant research gap and requires careful mapping of a methodology through which such information can be gathered sensitively without re-traumatising respondents. Often, with sex workers, many incidents/processes remain unacknowledged as acts of abuse of violence as they are fully normalized as being a part of life. Many other incidents are often suppressed deep into their psyche given the profound pain that these incidents have caused to them.

Many forms of violence experienced by workers have been already discussed in almost every subsection of this report, from workplace safety, to experiences with the law and the denial of access to social security and welfare schemes during times of acute crisis. This section will map out violence through a sex workers' life cycle based on the 30 testimonies presented at the expert's panel along with information that emerged in the process of conducting our larger survey. While there are multiple instances of brutal violence that come up in sex workers' life stories, it is important to understand the persistence of different forms of violence- not just blatant physical or sexual violence- in their lives. The persistence of violence throughout their lives is the clearest evidence of such violence being systemic. Thus this section will take the life cycle approach and add to that the two foundational forms of systemic violence that lay at the core of all other violence - that which is perpetrated by law enforcement and social stigma. The framework for violence used here is that violence isn't restricted to individual incidents that sex workers endure, the brutality of which is not to be minimized, but that a condition of violence of different kinds is a default state in the lives of sex workers. The following section is based on some quantitative data but largely relies on workers' testimonies at the Experts Panel.

Childhood

Many sex workers have experienced negligence and violence from a very young age. Many report that their basic needs were ignored or could not be met in their early childhood years. This is largely due to poverty as is clear in the section above where it is clearly stated that most of their parents' are from modest backgrounds and engaged in low paying menial jobs. This is an important point to note as these families seem to not have gained adequately from Sri Lanka's existing social safety nets to ensure that their children are provided with enough nutrition to be able to live comfortably and get an education.

Often because of poverty their education has been interrupted. As is clear from the section on workers' educational status, even though a large number attend school, due to the prevailing

robust system of public education, a similarly large percentage do not even finish their ordinary level exams. In Sri Lankan society, in order to access even a relatively more stable job, such as working in a shop, passing the ordinary level exam is seen as essential. Without that often young persons are not seen as being fit for being given responsibilities such as accounts and such. Sex workers', the majority of whom do not finish their ordinary level exams, are left out of that job market. A large number of them drop out in even lower grades. A lot of this situation in terms of their education, which then affects their ability to have a choice of different professions as adults, is due to poverty and negligence. Above all, many workers in their testimonies spoke of violence at a very young age. This is particularly worse for trans sex workers who begin to express their genders more clearly as they are growing up and are thus at the receiving end of violence.

Teenage years

These are perhaps the most strenuous in the lives of most sex workers. Many among them reported in the testimonials that they were married off at a very young age - as young as 13. This was reported by workers across all communities in Sri Lanka. These marriages, apart from being illegal, are often violent. They are used as a way for parents to unburden themselves of their daughters and so are primarily an economic transaction. Given this, they do not walk into a loving marital home but one that is uncaring and often violent- sexually, physically, verbally and psychologically. Often these marriages do not last for myriad reasons. With or without the child marriage, many workers begin sex work in their teenage years as mentioned above. The reason for this clearly emerges as poverty combined with them gaining information that of all the work that is available to the poor in society, this is one of the more lucrative ones. However, at this young age they are particularly vulnerable as they do not have any information on any aspect of sex work, be it about sex itself, about physical safety, emotional safety, negotiating pay and other conditions of work etc. Trans sex workers have to deal with the added challenge of coming to terms with their non-normative gender identity during this time. However, the abandonment by usual support structures such as family and the violence faced by cis-gendered and trans sex workers at this point in their life cycle is comparable. Entry into sex work in itself is an important reason behind the disruption of their education.

Further, in general, sex workers face the violence of negligence, lack of love and support along with explicit violence from their natal homes. A young trans sex worker barely beyond their teen years at 19, spoke in her testimony of how she lives in her parental home and pays electricity and water bills. However, she is not given food in this home and is completely neglected by her family members. This double standard of taking money from sex workers but

not including them fully within the family is the context in which sex workers grow up and continue to live (in the absence of any other option) in their natal homes.

Marriage

Most workers who provided testimonies to the experts' panel reported less than ideal marital situations. They range from abandonment by husbands, which are very common, often after having had one or more children with them to the husband being a dependent, sometimes due to illness and at other times for no rational reason at all. In the few instances where they have a working partner who doesn't engage in violence or not 'too much violence' as they say, the nature of the work that they do is kept from them due to social stigma. Overall, domestic violence - verbal, physical, sexual and psychological- is commonplace in the lives of sex workers. The difference however, between cis-gendered sex workers and other cis-women who experience domestic violence is that the sex workers' do not feel like they have access to state or non-state services to get help for such violence. They do not approach women's organisations as they are aware that such spaces are only for 'good women', that is those not engaged in sex work. Meanwhile, they also do not approach state spaces such as the police, including the 'women and children desk' at police stations as they do not see the police as those who protect them in any instance but instead, as those who perpetrate violence upon them. Given the relative visibility for issues faced by women in marital homes such as abandonment, divorce, maintenance, domestic violence etc - cis-gendered women sex workers being left out of this network of support within and beyond the state is stark. There is no reason for them to be treated any differently than any other woman in this situation, but they are. Trans sex workers on the other hand, like all trans persons are not able to build stable long-term relationships due to transphobia in Sri Lankan society. Thus, their marital homes are unstable, unreliable and also often violent.

One worker gave testimony of her husband who lived off of her earnings and even bought services from other sex workers with her money. He was still unaware of the nature of her work. However, he saw her exiting a hotel with a man while he too was there with another sex worker. He did not say anything at that moment. Later however, he beat her up and dragged her on the road till she fainted. He then told their entire village that she was a sex worker. Since then, she has had to visit her children in secret. This particular incident exemplifies the horror of the violence caused by social stigma, profound hypocrisy and violence of their male partners that they have to manage everyday.

Children

Sex workers' largely live in fear that their children may find out about the nature of their work. They fear that that will make their children be ashamed of them. Many workers reported facing physical violence at the hands of grown children after they found out that their mother was a sex worker. Some others report not being given food by their children even though they support or are even the primary earning member of the family. The realities they face in their natal homes are circularly re-enacted by their own children later on in life.

Workers with younger children, across the board, are struggling to educate their children. They face exploitation from women in and around the area where they live where they have to pay big sums of money for them to care for the children when they go to work. One worker reported leaving them in a park to be taken care of by workers there as she went out to work. They are forced to leave their children in unsafe contexts. Further, children run the risk of or have to often face bullying in school especially in smaller villages where the nature of their mothers' work is known to others. Workers are acutely aware of wanting to avoid their children becoming sex workers if they can avoid this by ensuring their education and then, later, employment. This is, however, a major challenge for them. It is particularly challenging as, instead of being supported by state structures such as the education system, representatives of the school system participate in or do not actively counter the stigma and bullying the mother and children have to face that impinges on the child's education. Often they enact further discriminatory verbal abuse of the mothers without acknowledging that she is trying to create a different life from her own for her children. Many workers reported, during the experts panel and while doing the survey that local schools refused to admit their children. This is counter to the very purpose of a public education system which must particularly focus on and support children from marginalized communities rather than further marginalizing them by denying them an education.

Old Age

This is perhaps the period in their lives that feels most hopeless for sex workers. During the survey, the questions about old age and how they would manage if they are no longer able to do sex work were very difficult for workers to answer. This is not something they think about and in fact actively try not to think about as it is extremely scary and uncertain. Many of our workers who are above the age of fifty continue to work full time. One worker who gave testimony at the experts panel is herself more than fifty years old and is working as much as she can as she is caring for her ill husband who requires dialysis on a regular basis. She has no

support from children or any other family members in this regard. As a result, she will continue to work for the foreseeable future. Another worker who is more than sixty years old has faced a never-ending court case under the Brothels Ordinance as she provides a space for workers to stay and work safely for a minimal fee in her rented accommodation. She sees this as a means of livelihood for herself in a context where she cannot work herself and wants to provide other workers with a safe space to live and work. This has been criminalized and she now has been in prison and has to go to court hearings often making it harder for her to make ends meet.

As there are constant, repeated and consistent ruptures to usual social support structures in sex workers' lives from a very young age, they are left with no such structures to rely on in their old age. They do not expect their children to take care of them, nor do they have partners to manage old age with. While some of this may be shared by non-sex worker elderly folks as well, sex workers have no way of ensuring a roof over their heads even in their old age as they do not have any savings. They are forced to spend all of their money supporting entire families their whole lives - families that in turn do not care for them at any stage of life including old age. One worker clearly said that the local state-run old age home refused to take her as they are aware of her profession. This stigma prevents them from accessing the minimal social assistance to the elderly that is provided by state and non-state entities.

Violence perpetrated by law enforcement and judicial systems

This is discussed in detail in the section on law and in the section on safety at the workplace. Every single worker who presented their testimonies spoke of violence perpetrated upon them by the police. They spoke of arbitrary detention; sexual violence on the street and in police stations often by multiple officers of the law; an established system of sexual bribery; being forced to take police officers as clients for no money or less than the normal amounts; and trans sex workers being thrown in male holding cells thus making them vulnerable to further sexual violence. One trans sex worker spoke of a group of policemen who stopped her on the road, forced her to undress and bathe in drain water on the side of the road. She spoke of the sheer horror and humiliation of this especially as passersby watched her. Generally all workers cis-gendered and trans, acknowledge that they try to avoid the police at all costs as they see them as the group of people who pose the biggest threat to their physical safety. The best case scenario is where workers state that they do not get any trouble from police as they have 'come to an understanding' with them - which means that they trade sex, in return for the police ensuring not harassing them or perpetrating violence upon them. These arrangements are barely even recognised as abusive by workers, understandably so given how normalizes such abuse of power is. While police are also an important client base for workers they are the

most unsafe as they enjoy the most impunity in all aspects, including if they pay for the services or not. Workers are caught in a bind where they feel they can ensure their safety if police are among their clientele while fully knowing that there is no professional safety in having them as clients.

The other significant way by which the police enact violence upon sex workers is by constantly letting clients, hotel owners and others in the service go scot free when they exploit and/or perpetrate violence against sex workers. Numerous workers speak of how police let clients, hotel owners and others go during raids while they are arrested and harassed by the police. Further, the police are not even approached when others in the business perpetuate violence against workers as they know the police will not address such violence and protect them. On top of this, police routinely arrest workers on false charges such as those related to drugs. Workers are easy targets for the police to use to fill up their quota of arrests under numerous laws.

When workers survive the illegal and extralegal violence from the police and reach the doors of the court, they face more exploitation by lawyers. Most workers who mentioned having dealt with court cases in their testimonies have no clarity on what the process of the case was or in some instances, under which law they were even arrested. They pay money to these lawyers who prolong their cases instead of expediting them. Judges who are aware of these practices turn a blind eye to them thus participating in this exploitation. As a result, the judicial system, that should ideally be a relief for them from the violence and impunity they witness with the police, simply continues such systemic discrimination, exploitation and violence.¹⁰

Social stigma

Social stigma forms the foundations of the entire cycle of violence within which workers live their whole lives. At every step of the way stigma faced by workers from various others emerges as the main reason behind the violence of any kind that they face. What follows below is a mapping of such stigma, apart from those already mentioned in different sections of the report, from answers to the relevant survey questions.

The stigma emerges most obviously in the workers' answer to the question about if their families know about their work. Almost 50% answered that they did not. Around 25% were not sure if they knew. Of the 13% whose families did know of their job, only a few members of the family were aware. Even among this small number, the family members who know of their job,

¹⁰ Note from Experts' Panel member Ambika Satkunanathan, page 10.

an equal number perceive sex work to be a 'job' or as the 'only option of work there is'. The remainder of family members think of sex work as wrong or illegal.

Almost 60% of sex workers do not practice sex work in their home town. This is a result of social stigma. This then forces them to travel to the nearest town (the most common choice made) and sometimes outside the district or province. Any form of labour that takes workers outside of their place of residence places them in a vulnerable situation where discrimination and exploitation can occur and go unreported or unopposed. This can only be countered by systems of law and structures that create working conditions that protect workers' fundamental rights. These system are absent in most workplaces and are not an option for a criminalised and stigmatized profession such as sex work.

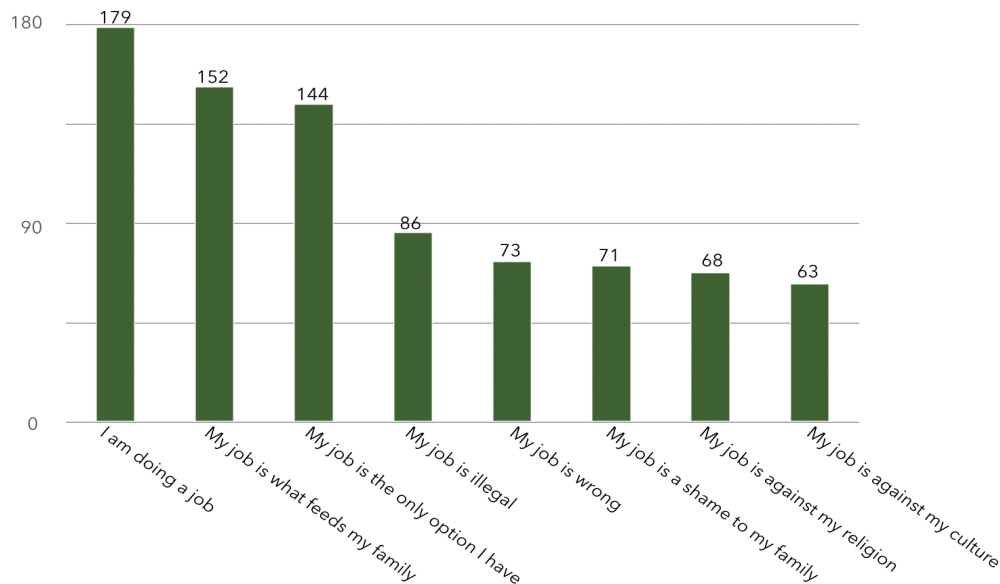


Figure 16. Graph: Sex workers thoughts on sex work.

179 out of 247 (72%) sex workers think of sex work as a job that they are doing, as the work that feeds their family and as the only option they have. Simultaneously, 86 (35%) of our respondents believe that sex work is illegal, wrong, and brings shame to their family, religion and culture. It is with this contradiction of knowing that it is their work that feeds their family and that they barely have a choice in the matter and at the same time feeling a deep shame about doing this work and thus being 'wrong', 'illegal' and 'shameful'. This internalization of the social stigma about sex work by sex workers themselves makes it really difficult for them to build self-respect, respect each other enough to work with each other and stand up for their dignity individually and collectively. This is also the primary reason behind them barely acknowledging much of the violence they encounter and the impact of that on their lives. Most

violence is taken as normal given the deeply internalized stigma that they often feel about themselves. The impact of such stigma is very deep and is perhaps one of the greatest challenges in organizing sex workers to ensure their fundamental human rights.

8. Status of education among sex workers children

More than half the workers in this survey i.e. 55% have children. 58% of the children are in school and for many reasons, the remaining 42% are out of school.

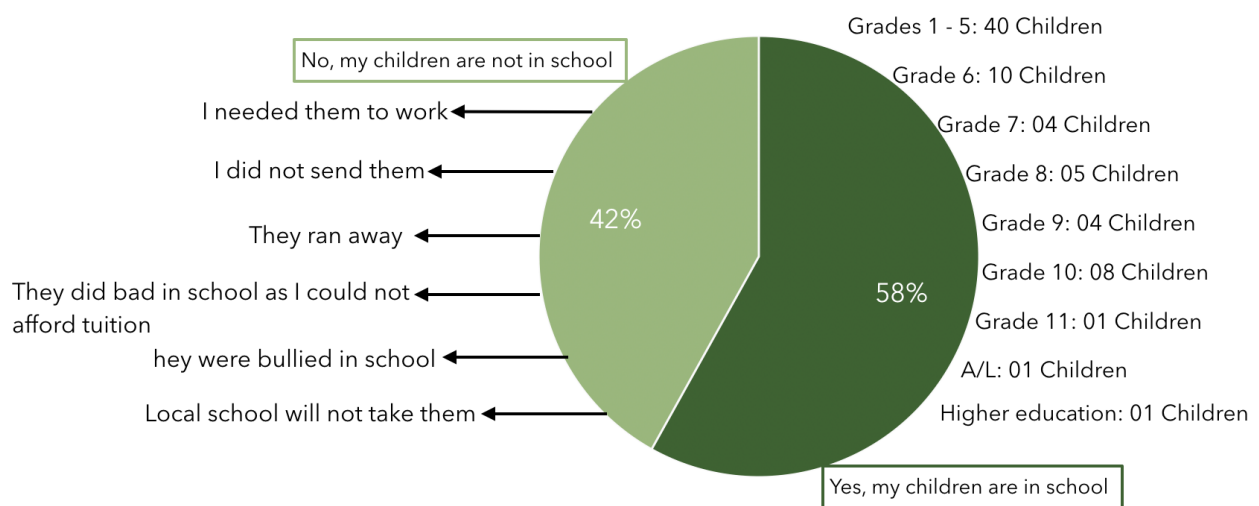


Figure 17. Graph: Sex workers' children's education.

Of the 58% who are in school, less than 5% are in grade 10 and above suggesting that many drop out before they finish even their Ordinary Level exams. When asked why their children of school going age weren't in school, 46% did not give a reason. Given that Sri Lanka has excellent levels of education and literacy because of the public education system, to not send one's child to school is a difficult thing to admit and the reasons for it are hard to speak of openly. Of those who did answer the question, 26% said that they needed them to go to work instead. 14% simply said that they did not send them to school. 12.5% workers said their children ran away at a young age. 9% said that the children did badly in school and that they had no money to address that issue by sending them to the tuition classes. 3.5% of the workers said that their children's education was interrupted as they were bullied in school. 1.5% said that the school in their area refused to take them.

This survey simply addressed the question of the education of sex workers' children. Given that their status in terms of even this one indicator leaves much to be desired, it is imperative that more detailed research be undertaken on the lives of sex workers' children.

9. Challenges during COVID and economic crisis

As is well known, daily wage earners in Sri Lanka as in all other parts of the world were massively hit by the world coming to a crushing halt during the COVID pandemic¹¹. Given this, the plight of sex workers who are daily wage earners, whose form of work is not even recognised as work, were pushed further to the margins of society during this time. Workers had no time to recover from the impact of the pandemic when Sri Lanka was hit by the unprecedented economic crisis that is still underway in the country. The lack of petrol for instance and government declarations of curfew and lockdowns during this crisis furthered the strenuous life circumstances of sex workers. All data that follows are in reference to the period covering both the COVID pandemic and the economic crisis as workers experienced these two as a continuation of one another. While in most instances the data covers both crises, for some specific areas we provide separate data, even though they are only marginally different from one another.

Workers were allowed to choose multiple answers, as in the few years preceding late 2022 when this research was conducted, workers experienced a range of different situations. 83% and 69% of our respondents said that they experienced complete loss of employment during COVID and the economic crisis respectively. 81% and 87% said that they experienced reduced employment during COVID and the economic crisis. 45% and 41% respectively reported having gone through violence in the hands of law enforcement officials during COVID and the economic crisis. As is well known, both during the pandemic as well as the economic crisis, the Sri Lankan government deployed armed personnel, be they police, army, special task force etc. to govern public spaces. Sex workers who are already targeted by such officials became even easier targets during the time of crisis. 41% reported that their employment was exploitative in many ways, including not being paid adequately for the work during both crises. Given that COVID and then the economic crisis affected most sections of the society except the elite, men who would usually be clients of sex workers also found themselves with lesser means. In this context they were only willing to pay a lower sum for a service that would have cost more earlier. Sex workers in the context of having no employment

¹¹<https://www.unicef.org/srilanka/media/1611/file/UNICEF%20UNDP%20Covid%20Impact%20Telephone%20Survey%20Round%203.pdf>

or income, agreed to this reduced pay and continued to work as without doing so, them, their children and other dependents would be pushed to the brink of starvation. 24% and 18% of workers also experienced violence in the home during COVID and the economic crisis respectively. First, they were forced to stay home for prolonged periods of time due to the multiple lockdowns and curfews. This increased the chances of violence. Second, workers often remain in a precarious position of safety at home made possible by them being the primary earning members in the house. Given that they could not bring in earnings during this time, the relative safety they experienced was compromised. The most disturbing data of it all is that 46% of workers, almost half of our sample, experienced fear of starvation death during the man-made economic crisis, a reality they had not faced even during the debilitating pandemic.

The loss of employment was not for a brief period but for 58% and 33% of the respondents it was for more than four months during COVID and the economic crisis respectively. 10% and 19% experienced it for 3-4 months during the two crises, 14% and 18% for 2-3 months, 12% and 18% for 1-2 months, and 3% and 6% for less than a month. Given these prolonged periods of unemployment we asked how workers managed their expenses during that time.

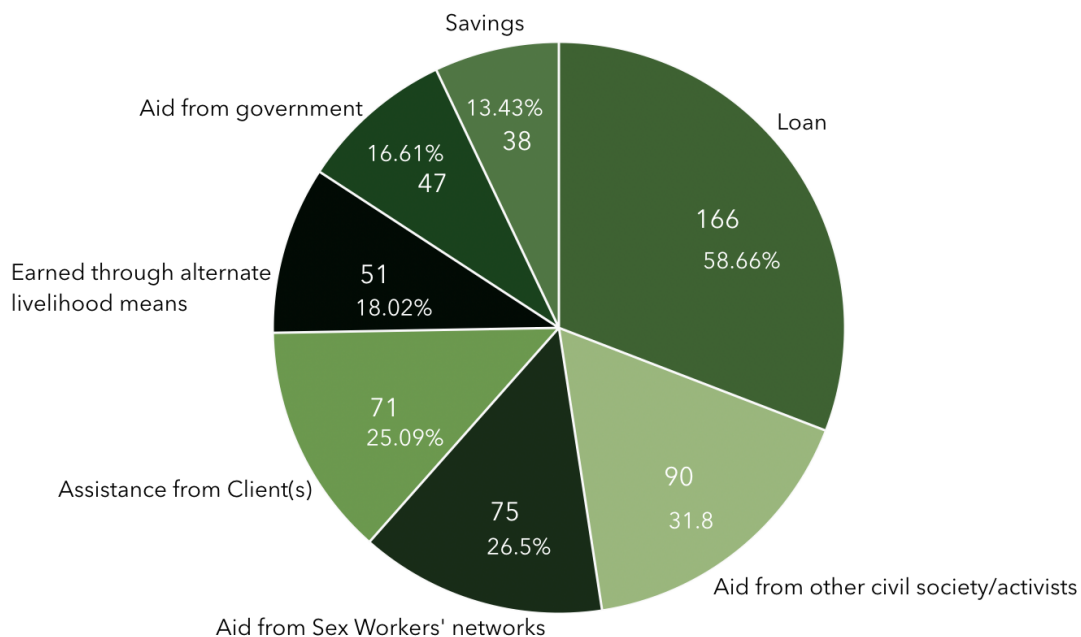


Figure 18. Graph: Managing expenses during the pandemic.

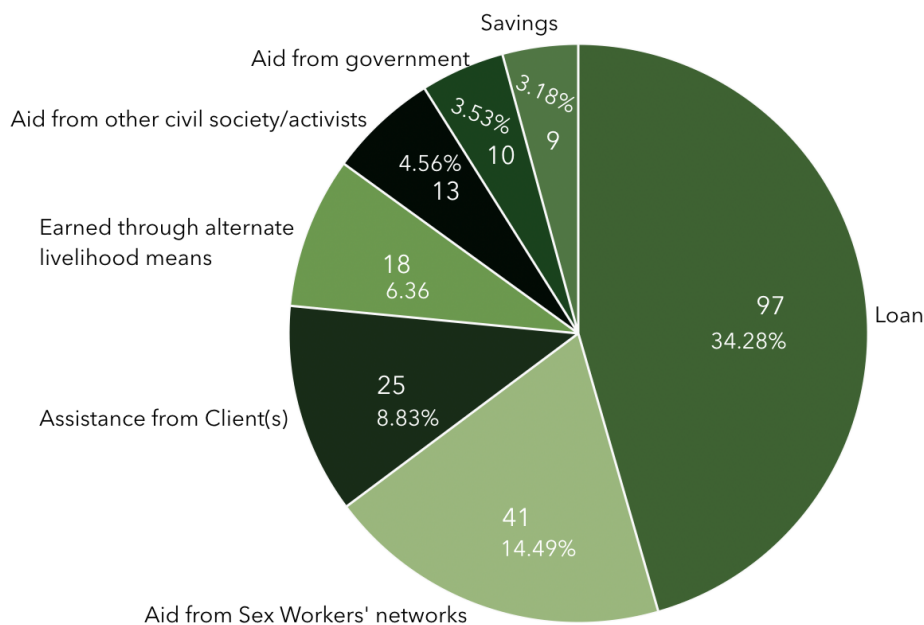


Figure 19. Graph: Managing expenses during the economic crisis.

As is clear from the figures above, an overwhelming majority managed by taking loans. The second most common reality was of being dependent on aid primarily from non-state entities. This is a process over which they have no control or are not able to effectively hold anyone accountable if they do not receive the aid after a point. So this is not a source of support that they can rely on. Only 21% of workers reported any sustained aid from the government during this time of crisis. This is abysmal given that, relatively speaking, Sri Lanka did provide some level of assistance, especially to the poor and daily wage earners during the COVID crisis and to a lesser extent during the economic crisis. This aid did not reach sex workers even though they are clearly some of the most destitute sections of Sri Lankan society. Given that the crisis is still ongoing and is in its 5th year, counting from the beginning of the pandemic, sustained assistance is what can ensure that people are not pushed to the brink of starvation and debilitating poverty. Around 59% of workers reported that they received 5000 LKR once or twice from the government during this period and dry rations once or twice. Of the almost 40% workers who did not even receive this minimal assistance from the state, 55% said that they did not receive it as they did not register with the GS office. 24% said that they did not know how to register. 18% stated that they were denied assistance due to prejudice and 13% said that they did not have enough documents to be able to register. This entire set of statistics about those who could not even access basic aid from the state, during a time of acute crisis, is a

result of stigma. Workers do not willingly put themselves in the state’s purview for any reason as they expect the state to be disrespectful, discriminatory and violent towards them. Further, many among them have lived outside of the purview of the state for most of their lives and thus do not have the relevant information on how to register for anything with the state. This is all apart from those who faced blatant discrimination even after approaching the state for assistance at such a dire time. For those who responded that they did not have adequate documents they were largely referring to absence of the ‘Family Card’. This card is usually issued by the Public Health Midwife when a heterosexual couple begin to cohabit. In the absence of these documents no person is entitled to assistance from the state system as they are seen as a ‘single’ person and thus not accounted for within the government social welfare and safety programmes. While this will impact any person who is not either married, separated, widowed etc. this is a particularly acute challenge for sex workers as they cannot always register their marriages or families without adequate support from those family units, which they often don’t have.

22% of workers reported that they pursued other forms of livelihood during this time.

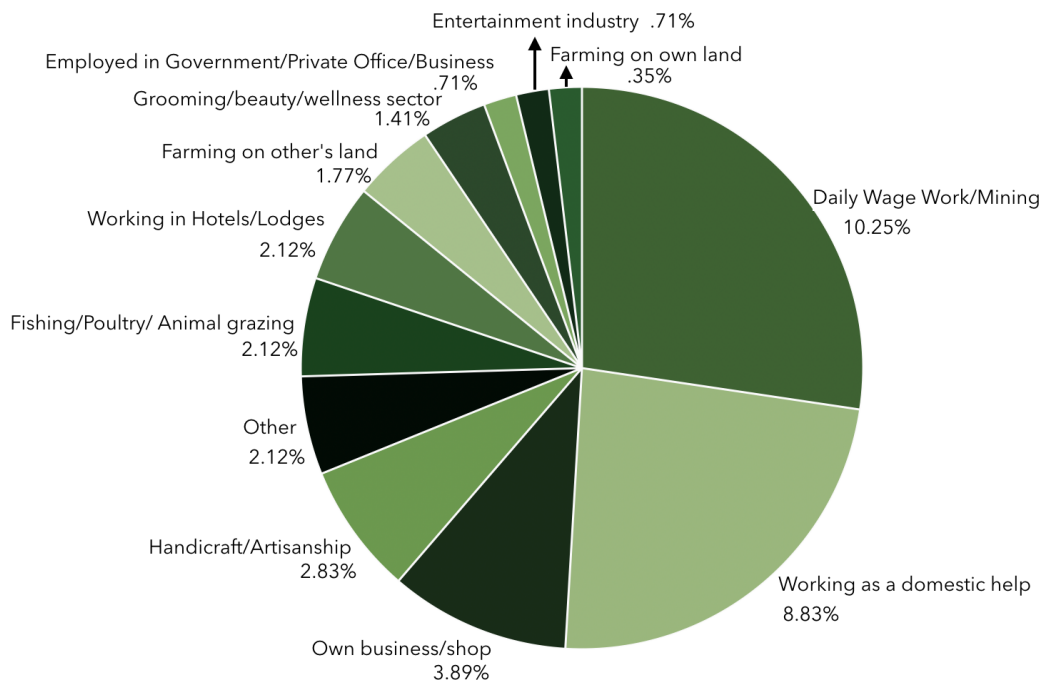


Figure 20. Graph: Other forms of livelihood pursued during the crises.

As is clear from the figure above, the jobs available to sex workers are those that are often also exploitative such as daily wage labour of other kinds and domestic work. These jobs often pay much less than sex work and involves many more hours of work. Very few were able to eke out their living from poultry, livestock, farming or other independent jobs such as tailoring and other such work. This is due to the fact that workers are often left out of government programs where such livelihood opportunities are given to people within any given Grama Sevaka division. This is due to the prevailing social stigma and prejudice against workers. It is in this already dire context that 83% of workers responded that COVID and economic crises have further increased the amount of stigma, prejudice and violence against them in society. It is well known that those on the margins of society are further strained during times where almost the entire society is under duress.

When asked if they are able to meet the basic needs of themselves and their dependents during this ongoing economic crisis, an overwhelming 84% reported that they are unable to do so. The figures below of the difference in income during lockdowns, the height of the pandemic and the economic crisis, compared to what they earned at the end of 2022 when the survey was done shows the stark differences. Marginally more workers earned between 41-50000 a month earlier, while now the largest number earn between 10-20000 a month. This coupled with the enormous increase in the cost of living gives a clear sense of the poverty that they are currently enduring.

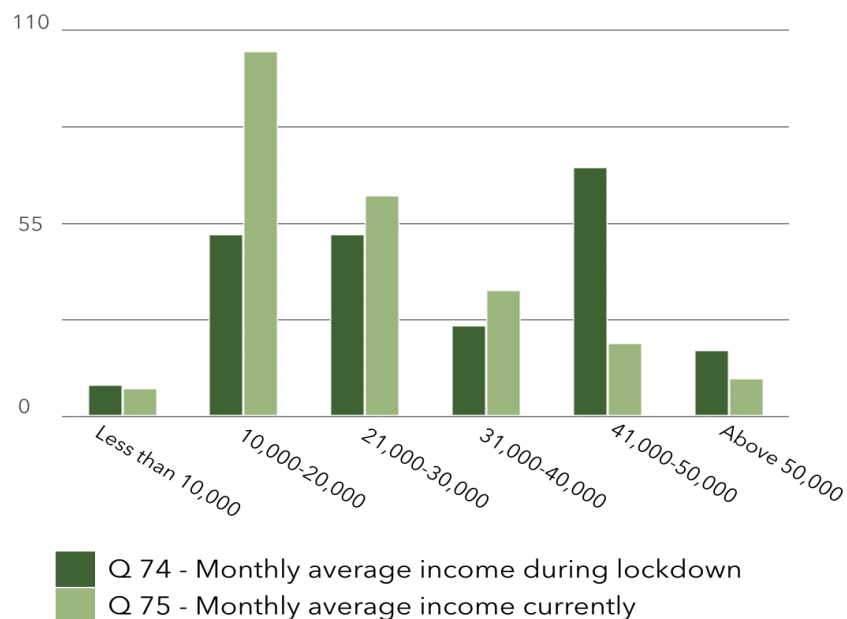


Figure 21.Graph: Comparing Average income during various lockdowns and at the end of 2022.

10. Dreams for the future

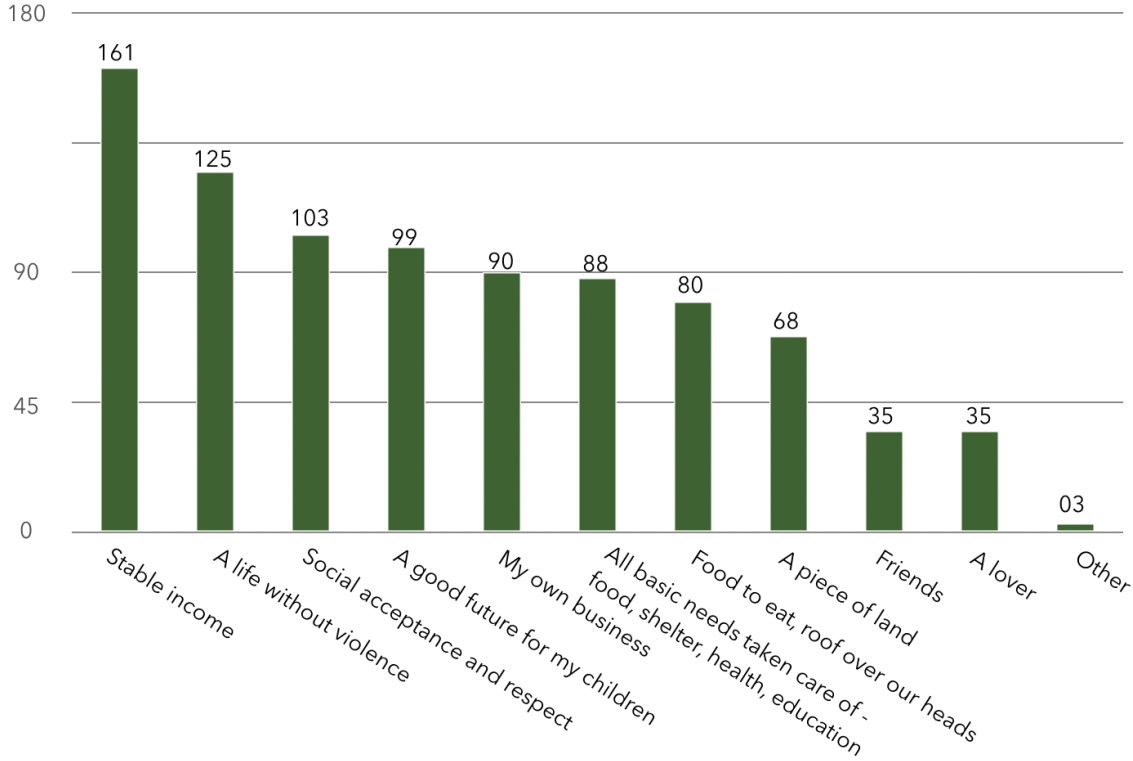


Figure 22. Graph: Dreams for the future.

The most striking aspect of the response of workers to this question is that a stable income is followed very closely by a life without violence and a life of social acceptance and respect. Workers also articulate a need for love be it with lovers, friends etc. and also a need to want to fulfill their responsibilities to their existing loved ones who are often dependent on them. All workers who presented their testimonies to the experts committee articulated a wish for a home of their own, a roof over their heads. Overall, all that the workers dream of is to do the work of caring for their family units that they already do, in a way that is less strenuous on their bodies and minds.

Conclusion

When considered in a holistic manner, the report above proves without a doubt that sex workers are a community that are so profoundly discriminated against in a systemic manner in Sri Lanka that we can go as far as to describe their existence as abject. The analysis of the data collected presented in this report is far from complete. It only scratches the surface of the knowledge we can gather even from the existing data. The report presents a fundamental picture of different aspects of the lives of sex workers. Even with this preliminary data analysis, the situation that emerges is cause for much concern and places sex workers as a marginalised community that require immediate attention from all sections of society - both state and non-state bodies.

The reason for the plight of sex workers comes down to the social stigma against sex work and all those who engage in it. This is in spite of the fact that sex work has been established not only as one of the oldest professions in the world but has existed in human society at all times and in all places. Further, along with the social stigma exists the reality that members of the state as well as society at large are clients who partake in purchasing sexual services from sex workers and family members and others in broader society live off of the earnings of sex workers. In that sense sex work is an essential part of the broader web of social relations and cannot be cocooned into an issue that is only relevant to a few people. In fact, it would be difficult to find a section of society that is not connected to sex work as clients, those connected to the clients, those who benefit off of the earnings of sex work, or those who benefit from blatant exploitation of sex workers. Most male persons in society, including those within the government, law enforcement and the judiciary, belong to more than one of the groups listed above. It is in this context that the sex worker alone is constantly discriminated against, pushed to the margins and violently attacked for being 'immoral'.

This constant onslaught of social stigma and resultant discrimination has caused a dehumanization of sex workers in Sri Lankan society. This is differently complicated for trans sex workers who are already engaged in a struggle to live in their preferred gender and not the one attributed to them by society. While many enter sex work due to never ending cycles of trauma and violence, this cycle is further perpetuated to the next generation - the sex workers' children as they too are facing the brunt of social stigma. The most harmful aspect of this stigma is when it lives deep within the psyche of sex workers themselves who then begin to see themselves as shameful and worthless. This is affirmed by years of living a life where you keep your profession a secret and live in constant fear of being exposed.

The social stigma not only enables violence of all kinds, physical, sexual, psychological, verbal, financial, legal and judicial among others, but also provides complete impunity to those committing such violence. A diverse set of perpetrators of all forms of violence, including discrimination and mistreatment include local level government officials from the Grama Sevakas, Samurdhi officers to the Divisional Secretariat, members of the government health system, school system etc. to members of the judiciary including lawyers, judges etc. and of course those responsible for the most amount of violence of all kinds - the police. This is in addition to the violence, discrimination and mistreatment they face from those who live around them - neighbours, fellow community members in a village or a town, and last by no means the least, their own family members from parents, partners, children and others. This violence is borne in the context of their working life being in a state of constant threat of all forms of violence, discrimination and mistreatment by clients, hotel/brothel owners among others. Thus, sex workers emerge as a section of society who face violence and discrimination at home, within state systems of all kinds and in their workplaces. This leaves no space for a life that is not violent or includes a constant state of fear about violence. While this is no way for any human beings to go through life, the complete lack of acknowledgement of this reality and barely any effort being made by state and non-state entities to address this is the most worrying in this situation. This lack of acknowledgement and the action that must follow must be corrected at the earliest. Only then can we ensure that no human being, irrespective of the work that they do and what ideas prevail in any given society at any given time about such work, must live in such abject conditions with no solution in sight.

The foundation of this report and the recommendations stated at the beginning of the report are that first, sex work is work and sex workers are workers and human beings who innately have the right to enjoy all fundamental rights attributed to all human beings. Second, sex workers in Sri Lanka are living in abject conditions that require immediate attention and multipronged action from different sections of society.



Literature Review

Sex work in Sri Lanka, South Asia and the world

Sanjana Wickramaratne and Kaveesha Fernando

1. Legality

1.1 Current Legal Status of Sex Work in Sri Lanka

In 2020, Fort Magistrate Ranga Dissanayake passed a judgement that sex work “is not an offence per se under our law”. He cited two superior court judgements (*Saibo vs Chellam and Coore vs James Appu*) and pointed out that the only laws which govern sex work in Sri Lanka are the Vagrants Ordinance and the Brothel Ordinance. The Vagrants Ordinance only makes it illegal for sex workers to behave in a riotous or disorderly manner on any public street/highway (Sections 2 and 9) while the Brothel Ordinance contains clauses against any person who keeps, manages, acts or assists in the management of a brothel. The 1950 judgment *Abeykoon vs Kulatunga* was also cited because it states that “A woman, who is kept in a brothel for the purpose of consorting with men cannot be charged for assisting in the management of the brothel” (Section 2). (*Silva, Shehan C. 2020*)

While it is clearly evident from the above that there is set precedence that sex workers are not punishable by law, research shows that sex workers are disproportionately the focal point of police interventions, even when they are not technically breaking the law. (Miller 2002; Miller and Abeyaratne 2014).

1.2 Interpretation and Enforcement of Laws

Deputy Inspector General Ajith Rohana stated in 2021 that police usually conduct 12-hour surveillance on people suspected of soliciting sex and that if “suspicious behaviour” is detected, they gather evidence and make the arrests, with police officers making surveillance entries followed by an investigation. (Sunday Times, 2021). It is unclear whether the “suspicious” behaviour in question is connected to the actual criminal offences or if sex workers are arrested regardless of if they have committed an offence or not. What is clear however is that law-breaking citizens, especially sex workers, are routinely solicited for bribes in exchange for promises of non-arrest and police contribute to sex workers’ experiences of physical, verbal and sexual violence (Miller 2002; Nichols 2010).

A large proportion of female sex workers are located in the Colombo district and their operations are mostly street/public place-based, hotel/lodge-based or home/shanty-based (FPA and NSACP, 2013).

1.3 Societal Status

These human rights violations of sex workers were allowed to be played out primarily due to a larger socio-culturally diminished and marginalised status of sex workers. Interestingly, Miller, (2002) in a landmark multi-year field study identified that the treatment of sex workers

including coercion, violence, and abuse was more significant at the street level where the most disenfranchised and vulnerable sex workers conducted their operations as opposed to the “indoor” sector (brothels, lodges, massage clinics) who were often afforded better protection.

Some of the factors that led to this disparity in treatment as postulated by Jayawardena, (1998) were pre-colonial hangover beliefs about the status of women as defined by patriarchal feudalism and monarchy that preceded colonial rule. Another significant factor to consider is the strong Buddhist doctrines in which women acquiesce to these oppressive circumstances (including physical, verbal and emotional abuse and violence) as a sort of penance for the perceived sins of their past lives (Hussein, 2000).

2. Affirmative Action

2.1 Employment

Although sex work is legal in Sri Lanka according to the judiciary, the executive (most importantly police) does not recognise it as a legal profession, which means that affirmative action for sex workers in Sri Lanka by the state is nonexistent.

Gaining meaningful employment and achieving financial independence has been documented to be one of the most effective predictors of women feeling empowered enough to stand up to and often, escape abusive situations not just with themselves but even with their offspring and other people under their care who may need an equivalent level of support [see: Koepsell et al., (2006); Strube et al., (1983); Baholo et al., (2015)].

Sex work was one of the means by which marginalised individuals who would otherwise be exploited, were able to supplement their unlivable incomes and carve out a living for themselves and their families. This was brought into the limelight by Hewamanne, (2020) whose qualitative study of the Industrial Zone studied how factory workers engaged in part-time sex work in order to supplement their income and elevate their economic status in an androcentric work atmosphere.

Despite the advantages afforded to individuals by sex work the social stigma permeated every facet of their public life and often even extended to their ability to seek and retain more socially acceptable forms of employment. Furthermore, even individuals temporarily displaced from their workplace who sought sex work in order to generate a living for themselves and their families often reported being marginalised and excluded from most employers in the available job market upon their identity as a sex worker being discovered as reported by

Samaraweera, (2016) who undertook 40 case studies of sex workers of diverse sexual backgrounds and studied their plight in progressive urban environments.

2.2 Education

The employability of sex workers is intrinsically tied to the opportunities for further education that are made available to them and a review of the existing literature suggests that while the educational needs of their children have been studied in countries such as Bangladesh, the educational requirements of sex workers themselves is a less discussed topic (Shohel, 2013). This was further echoed by a UN expert in a press release who stated that:

Society needs to be inclusive to thrive and access to quality education, training and decent work is essential to end contemporary forms of slavery for all. The Government must listen to the people, including the most marginalized ones, and the silence on sensitive issues such as caste-based discrimination must be broken in order to trigger positive change. (UNHCR, 2021)

The idea of education or lack thereof being a root cause of the issues faced by the sex industry as a whole was further expounded on by Yehiha, (2013). The author pointed out that the fractured educational infrastructure that hindered growth thereby delaying employment combined with poor sexual education at youth levels are key drivers of soliciting and practicing unsafe sex.

A review of existing education schemes has proven to be limited with only the FPA, (2018) having recently conducted clinics on awareness of sexual health along with conducting testing clinics at a grass root level. This exemplifies a further issue in regard to sex workers and the substandard levels of health care afforded to them despite them being most in need of proper health services.

3. Healthcare

3.1 Healthcare Requirements and Needs

The phenomenon of sex workers being seen as burdens to healthcare systems, particularly in countries where healthcare is socialised has been thoroughly studied such as by Scorgie et al., (2013) whose work on sex worker discrimination by healthcare workers spanned over four developing nations. A meta-analysis by Platt et al., (2018) spanning over three decades discovered that sex workers in Sri Lanka were disproportionately at risk of sexual and emotional ill health with a statistically significantly increased risk at a 95% confidence level of sexual and physical violence. The same remained true in the greater risk of contracting HIV and condomless sex.

According to the Scottish NGO NWSP, (2015); sex workers living with diseases such as HIV faced severe discrimination when seeking healthcare. Some of the ways in which sex workers experienced discrimination included - being denied healthcare, confidentiality being breached, mandatory or coercive testing, treatment, sterilisation and even abortion, etc.

3.2 Public health sector and sex workers

Despite this sex workers especially in struggling economies such as Sri Lanka, are coerced into engaging in even risky sexual practices, purely in the interest of providing basic necessities for their families and avoid the fate of violence and hunger as reported by Kotelawala, (2020). In more recent instances as identified by Jayakody et al., (2021) the social stigma around sex work was so strong that it affected an individual's ability to even seek healthcare despite the raging Covid-19 pandemic.

3.3 Sexually Transmitted Infection

Within the Sri Lankan context, instances of STIs such as Chlamydia and HPV were prevalent within the nation with instances of STIs being increased amongst women with multiple partners. This was corroborated by Samarawickrema et al., (2015) whose studied discovered that women with over one sexual partner had a three times greater likelihood of being infected with Chlamydia than women with just one partner. Furthermore, Mangalika et al. (2014) noted that among women tested in clinics, the prevalence of the STIs were as high as 45.2% which posed a significant risk to the well-being of the population. However, the 2021 annual report by the National STD/AIDS Control Programme of the Ministry of Health, Sri Lanka noted that the new HIV infections among female sex workers and their clients shows a declining trend indicating the positive impact of the available interventions. The report also notes that due to low coverage of the services the sustainability of the above gains remain questionable(2021).

Parallels between the high rates of STIs especially as they pertained to neighbouring South Asian nations were also observed and discussed by Desai et al., (2003) whose work on sex workers in the red light district of India echoed the findings wherein sex workers who saw an average of five sex partners a day showed a high rate of STI and STI symptoms (41.5%) despite reporting a high, consistent usage of condoms (94.9%).

3.4 Abortions, Pregnancies and Other Healthcare Needs

The high occurrences of STIs highlights the need for a comprehensive healthcare solution that should be provided by existing infrastructure. Unfortunately, as noted by Jayasekara et al., (2007) noted that although the national health services of the island nation were cost-effective in achieving high health services relative to its low levels of spending, this does not translate to long-term widespread, epidemiological issues. This was further backed up in a study

conducted by Agampodi et al., (2008) who determined via qualitative surveys that adolescents were unlikely to trust available reproductive health services citing a lack of confidentiality, youth friendliness as well as accessibility.

This has immense repercussions for women who seek the option to terminate their pregnancy in a socio-political climate that has criminalised any attempts to do so. This was studied in great detail by Arambepola et al., (2014) who determined that women overwhelmingly selected unsafe measures primarily due to economic instability and poor partner support. Although literature regarding sex workers' reproductive rights and options was limited in Sri Lanka, the case in South Asia had a plethora of studies discussing the topic.

Wahed et al., (2017) studied the sexual and reproductive health of over 731 sex worker participants in Dhaka, Bangladesh. The subsequent report produced illuminated the existence of sexual reproductive health issues experienced by around 61.3% of participants. This was also corroborated in a study by Wayal et al., (2011) who determined that out of the 260 sex workers studied, over a quarter of the participants had experienced an abortion in Goa, India. Qayyun et al., (2013) studied three provinces in Pakistan and went on to discover that health issues for sex workers extended well beyond risky pregnancies, abortions and STI/STDs. The paper identified that ovarian issues, broken body parts and several other mental and physical diseases and ailments ran rampant among the 33 participants in the qualitative study.

4. Contemporary Social Status

4.1 Role in the community

Providing sex workers with adequate levels of health care is crucial to society at large. A paper by Wilis & Saki, (2016) for instance, discovered that globally, a majority of sex workers are mothers raising millions of children who are also vulnerable to both physiological abuse and also to physical and sexual violence. This is especially significant to low-income and poverty stricken nations wherein abundant research such as that by Misra et al., (2012) revealed that elevating the socio-economic status of mothers significantly reduces poverty experienced by the household. Heemskerk, (2003) further argued that higher incomes for women has resulted in improved family health and the alleviation of poverty from society at large.

Despite the obvious benefits of women's involvement in money-making activities to the community at large, South Asian society particularly around India and Sri Lanka revolve around the premise that sex work is immoral and NGOs and other governmental efforts are directed towards eradicating the business as opposed to providing alternatives or even providing adequate support and care for individuals engaged in sex work (Misra et al., 2000). The view

that sex work is immoral and a cause for rampant sexual illnesses is further contradicted by Dasgupta, (2013) whose work in Calcutta, India discovered that poverty acted as an impetus in pursuing safe sex practices and remaining healthy.

4.2 Economics of income generated by sex work

An early piece of literature that spoke to the manner by which sex work allowed greater levels of autonomy was highlighted by Minichiello & Scott, (2014) whose investigation into the early commercialisation of male sex workers discovered that it resulted in a high level of autonomy towards individuals engaged in the industry. Contemporary studies by Butler, (2020) go as far as to suggest that sex workers may have several takeaways to offer the modern emerging gig economy.

Arguments have been made suggesting that sex workers should be defined as resistant workers who are increasingly asserting their independence by setting their own price of labors and conditions of work (Jeffrey & MacDonald, 2006). This idea is further emphasised in even South Asian studies where the commercial sex market in Bangladesh was analysed by Islam and Smyth, (2012) who demonstrated empirical data of sex workers' bargaining power with clients with workers offering various rates and premiums at their discretion on the basis of their perceived demand.

All this stands in stark contrast to the traditional view of sex workers as trapped, helpless victims of some great societal evil. Studies such as that by Ahlburg & Jensen, (1998) showed that in a sample of 450 sex workers in India, 49% were forced into the line of work as a consequence of extreme poverty combined with a strong feeling of personal economic responsibility to contribute to their households. However, contemporary field researchers such as ones by Arya & Roy, (2006) are quickly discovering upon engaging in interviews and field visits that most women in sex work do have the option of engaging in construction or manual labor with most of them choosing to engage in sex work as an easier alternative of earning an income.

4.3 Creation of small spaces of dignity in society through income and traditional practices, for those engaged in sex work

Although sex work tends to have a blanket negative connotation, it is important to note that there are specific traditions within the South Asian region that celebrate and even go as far as to revere individuals engaging in sex work. One such example can be found in certain parts of South India where women from the Dalit caste group have been labeled as 'sacred prostitutes' as a term of reverence (Parker, 2021). This is also found under the Devadasi system as reported by Shingal, (2015) wherein regions in India have upheld a tradition of maintaining sex

work as a legitimate form of employment under the religious doctrine. A study by O'Neil et al., (2004) further highlighted how intrinsic religious beliefs in theological concepts such as dharma and karma has led to positive attitudes towards sex workers in rural Karnataka and Rajasthan. While it is difficult to think of these instances as wholly 'empowering' by any stretch to the women involved, it is important to acknowledge the potential of relative respect and dignity possible in these instances.

Apart from ritual based relative dignity, access to increased income contributes to some respect. Deshingkar & Grimm, (2004) noted that sex workers who voluntarily migrated in order to seek an escape from poverty were able to do so simply by moving out of rural villages into urbanised environments. This resulted in an almost ten times increase in wages when compared with traditional work performed by women such as waitressing and tailoring as discovered by Truong, (1989). The potential of such lucrative incomes has contributed to migration en masse even across national borders (Elias & Holiday, 2019).

Smith, (2012) also noted that progressive views on Sexual Orientation and Gender Identities, particularly in the Western world have also factored heavily in the decision to migrate for sex work suggesting that this experience was not unique to just female sex workers.

4.4 Sex Worker Advocates

Given the significant economic and social impact that sex workers have on the societies in which they operate, it is imperative that proper protection is afforded to them. This has been accomplished across South Asia via various projects and advocacy groups that focused on different aspects of sex workers' lives that needed improvement.

Although ambivalent by nature, global NGOs and advocacy could do and have done a better job in separating victims of trafficking and exploitation from those of voluntary participants in the sex work industry as identified by Hahn & Holzscheiter, (2013). While it is important to ensure that victims of trafficking are freed from violent and oppressive conditions, it is equally significant to ensure that those who made the complex choice of being willing, full-time participants in sex work are afforded better protection and care. This has been the case in Bombay and Chennai where community intervention via peer education and health clinics have successfully decreased the spread of HIV by up to 16% (Basu et al., 2004).

The success of community-based advocacy groups was not restricted to just a reduction in STDs but also resulted in sex workers in Andhra Pradesh, for instance, gaining significantly better access to ration cards, bank accounts and health insurance as per a study conducted by Punyam et al., (2012). Another key finding in the study was an 8.5% increase in police explanations for arrest suggesting that the sex worker were also provided better information

on their civic rights. In Rajamundry, India, an NGO was able to leverage its efforts into a joint activism campaign with the local police authority and work with them as an ally in helping inform sex workers of HIV prevention methods signaling a seismic shift in the manner in which local law enforcement perceived sex workers (Biradavolu, 2009).

Similarly, religious leaders whose beliefs are traditionally diametrically opposed to those who advocate for the rights of sex workers have also been turned into staunch allies in the fight against STDs when provided with the necessary education by advocacy groups. This was proven to be the case by Kanda et al., (2013) whose questionnaire distribution amongst religious figures resulted in several Buddhist, Hindu and Christian leaders in Sri Lanka expressing a willingness to work with advocacy groups in disseminating information on HIV prevention activities.

Although they are hard to organise given that they are often forced to work outside the confines of the law, advocacy groups for sex workers have grown across the South Asian subcontinent. The National Network of Sex Workers in India for example, is an example of a coordinated, national level advocacy network. Their work is based in grassroot level organising of sex workers which forms the foundation for advocacy in public spaces, media, government and judiciary at the national level and as representatives of sex workers in international forums. These organisations and networks often offer peer and non-peer support to sex workers ranging from general advocacy and awareness, to setting up clinics and workshops to further the education of sex workers in the region [See: India - AINSW (Kotiswaran, 2019); Nepal - SWAN (Bradley & Sahariah, 2019); SWASA Sri Lanka.

5 Future Outlook

5.1 Benefits of Unionization

Just as advocacy groups were causing rifts in perceptions of sex workers where they were traditionally viewed as either immoral vagrants or helpless victims, sex worker unions began emerging globally (Elias, 2007). Sex workers particularly in Western nations banded together over a span of two decades in order to self-advocate for their needs upon recognising their place as a provider of services within the marketplace (Gall, 2007).

Although unions struggled to gain traction in Western nations, sex worker unions thrived especially in the South Asian subcontinent. One of the reasons for this as identified by Kim & Bianco, (2007) was the collectivistic cultural dimension of the Indian subcontinent that enabled individuals to band together with the aim of social group empowerment as opposed to an individualistic viewpoint. This motivation combined with a new assertion and conviction of the

nature of their identity as workers lead to widespread success in sex worker unions in Karnataka, India (Vijaykumar et al., 2017).

5.2 Legal advocacy

Although advocacy groups and unionisation offer some assistance towards sex workers, a comprehensive reform of legislation may be needed in order to clear up ambiguities, protect vulnerable trafficked individuals and offer sex workers equal footing in labor courts and employment law. Such was the argument made by Orme & Ross-Sheriff, (2015) who advocated for courts to push tougher penalties on sex trafficking whilst also advocating for community efforts to help alleviate some of the damages it causes.

Another such study centered around the Nepal-India trafficking routes advocating for better border protection and legal advocacy (Kaufman et al., 2011). These sentiments were also highlighted by Vithanage, (2015) whose study identified a clear rise in various types of violence as a result of the criminalisation of sex work in Sri Lanka. Ultimately however, Kotiswaran, (2008) suggests in her analysis of the Sonagachi red light district of India that a prior analysis of the merits of decriminalising sex work cannot be measured and that we might need to monitor and legislate sex work in the context of the local needs.

5.4 Final words/Highlight research gap

Ensuring fundamental rights of sex workers through listening to their voices will hopefully emerge in the future. However, protection through academic research which hopefully turns into meaningful action points are needed. Research especially in Sri Lanka regarding sex workers have been severely hindered due to several factors. This includes challenges in finding and documenting the experiences of sex workers or gathering the necessary statistics to form frameworks and platforms through which Sri Lankan sex workers could design advocacy campaigns. For instance, there is a lack of academic studies on the use of legal precedence with regards to sex work. Although the penal code has long since ruled on the fact that sex work is not a crime, academic articles that speak about the rulings and its effects have been lacking amongst the legal sector. Furthermore, social research about the effect of social stigma upon sex workers from the many diverse communities in Sri Lanka is yet to be studied. In healthcare there has been an overall lack of research that looks into diverse healthcare needs of workers and long term studies on health care for sex workers in Sri Lankan public and private hospitals.

Further, the plight of sex workers in South Asia is one that appears to have been placed in the backburner in light of the Covid pandemic. This is further compounded by the economic crises

undergone by South Asian economies including that of Pakistan, Bangladesh and Sri Lanka (Xie et al., 2022).

Even amongst NGOs and advocacy organisations that are supposed to help provide this data and conduct studies into the lives of sex workers have been far and in between. Sex workers have long been amongst some of the most vulnerable communities and despite this they continue to lack the academic studies needed to generate awareness and bring about much needed positive actions into their lives.

References

1. Silva, Shehan Chamikara. "Not an Offence to Earn a Living by Prostitution: Magistrate," 2020.
2. Sunday Times, "Backlash against Police Use of Archaic Law to Arrest Female Sex Workers," 2021.
3. Miller, Jody. "Violence and Coercion in Sri Lanka's Commercial Sex Industry." *Violence Against Women* 8, no. 9 (2002): 1044-73.
<https://doi.org/10.1177/107780102401101737>
4. Nichols, Andrea J. "Intersections of gender and sexuality in police abuses against transgender sex workers in Sri Lanka." In *Handbook of LGBT communities, crime, and justice*, pp. 165-182. Springer, New York, NY, 2014.
5. Nichols, Andrea. "Dance ponnaya, dance! police abuses against transgender sex workers in Sri Lanka." *Feminist Criminology* 5, no. 2 (2010): 195-222.
6. Miller, Jody. "Violence and coercion in Sri Lanka's commercial sex industry: intersections of gender, sexuality, culture, and the law." *Violence Against Women* 8, no. 9 (2002): 1044-1073.
7. Jayawardena, K. "The women's movement in Sri Lanka 1985-95: A glance back over ten years." *Options* (1998): 2-7.
8. Hussein, A. (2000). Sometimes there is no blood: Domestic violence and rape in rural Sri Lanka. Colombo, Sri Lanka: International Centre for Ethnic Studies.

9. Novich, Madeleine. "Perceptions of police legitimacy among female sex workers in Sri Lanka." In *Lives of Incarcerated Women*, pp. 125-141. Routledge, 2015.
10. Koepsell, Jennifer K., Mary A. Kernic, and Victoria L. Holt. "Factors that influence battered women to leave their abusive relationships." *Violence and victims* 21, no. 2 (2006): 131-147.
11. Strube, Michael J., and Linda S. Barbour. "The decision to leave an abusive relationship: Economic dependence and psychological commitment." *Journal of Marriage and the Family* (1983): 785-793.
12. Baholo, Masemetse, Nicola Christofides, Anne Wright, Yandisa Sikweyiya, and Nwabisa Jama Shai. "Women's experiences leaving abusive relationships: a shelter-based qualitative study." *Culture, Health & Sexuality* 17, no. 5 (2015): 638-649.
13. Hewamanne, Sandya. "Surveillance by another name: The Modern Slavery Act, global factory workers, and part-time sex work in Sri Lanka." *Signs: Journal of Women in Culture and Society* 45, no. 3 (2020): 653-677.
14. Jayakody, S., S. A. Hewage, N. D. Wickramasinghe, R. A. P. Piyumanthi, A. Wijewickrama, N. S. Gunewardena, S. Prathapan, and C. Arambepola. "'Why are you not dead yet?'-dimensions and the main driving forces of stigma and discrimination among COVID-19 patients in Sri Lanka." *Public Health* 199 (2021): 10-16.
15. Samaraweera, H. U. S., and B. G. I. M. Samarasinghe. "Sexuality as a Taboo: Social Discrimination against LGT Identities and Sex Workers in Urban Sri Lanka." (2016).
16. Scorgie, Fiona, Daisy Nakato, Eric Harper, Marlise Richter, Sian Maseko, Prince Nare, Jenni Smit, and Matthew Chersich. "'We are despised in the hospitals': sex workers' experiences of accessing health care in four African countries." *Culture, health & sexuality* 15, no. 4 (2013): 450-465.
17. Platt, Lucy, Pippa Grenfell, Rebecca Meiksin, Jocelyn Elmes, Susan G. Sherman, Teela Sanders, Peninah Mwangi, and Anna-Louise Crago. "Associations between sex work laws and sex workers' health: A systematic review and meta-analysis of quantitative and qualitative studies." *PLoS medicine* 15, no. 12 (2018): e1002680.

18. NSWP, NSWP. Publication. *Stigma and Discrimination Experienced by Sex Workers Living with HIV*. Edinburgh, Scotland: NSWP, 2015.
19. Kotelawala, Himal. "Sri Lanka's Sex Workers Struggle to Get by AS Covid-19 Brings Industry to a Halt." *EconomyNext*, 2020. <https://economynext.com/sri-lankas-sex-workers-struggle-to-get-by-as-covid-19-brings-industry-to-a-halt-70850/>
20. Shohel, M. Mahruf C. "Access to education for the children of sex workers in Bangladesh: Opportunities and challenges." *Child Studies in Diverse Contexts* 3, no. 1 (2013): 13-31.
21. "Sri Lanka: UN Expert Calls for 'Inclusive Society' to End Scourge of Slavery." *United Nations*, 2021. UNHR. <https://www.ohchr.org/en/press-releases/2021/12/sri-lanka-un-expert-calls-inclusive-society-end-scourge-slavery>
22. Yehiya, Riza. "Priming the Sex Worker: Poverty or Prosperity?" *Groundviews*, November 27, 2013. <https://groundviews.org/2013/11/27/priming-the-sex-worker-poverty-or-prosperity/>
23. "UPDATE ON GFATM PROJECT - FPA SRI LANKA IS AWARDED THE NATIONAL RESPONSIBILITY TO OPERATE AS THE PRINCIPAL RECIPIENT FOR THE 2016-2018." *Family Planning Association* , 2018. FPA. <https://www.fpasrilanka.org/node/312>
24. Samarawickrema, Nirma A., Sepehr N. Tabrizi, E. Young, P. Gunawardena, and Suzanne M. Garland. "Prevalence of *Trichomonas vaginalis*, *Chlamydia trachomatis*, *Neisseria gonorrhoeae* and human papillomavirus in a sexual health clinic setting in urban Sri Lanka." *International journal of STD & AIDS* 26, no. 10 (2015): 733-739.
25. Mangalika, G. K., Silva Koththigoda Cankanamge, Dhammike Priyadarshana, Prathapan Shamini, Mananwatte Sujatha, Weerasinghe Geeganage, and Abeygunasekera Nalaka. "Prevalence of *Chlamydia trachomatis* in women attending sexually transmitted disease clinics in the Colombo district, Sri Lanka." *Indian Journal of Pathology and Microbiology* 57, no. 1 (2014): 55.

26. Desai, V. K., J. K. Kosambiya, H. G. Thakor, D. D. Umrigar, B. R. Khandwala, and K. K. Bhuyan. "Prevalence of sexually transmitted infections and performance of STI syndromes against aetiological diagnosis, in female sex workers of red light area in Surat, India." *Sexually Transmitted Infections* 79, no. 2 (2003): 111-115.
27. Jayasekara, Rasika S., and Tim Schultz. "Health status, trends, and issues in Sri Lanka." *Nursing & health sciences* 9, no. 3 (2007): 228-233.
28. Agampodi, Suneth B., Thilini C. Agampodi, and Piyaseeli Ukd. "Adolescents perception of reproductive health care services in Sri Lanka." *BMC health services research* 8, no. 1 (2008): 1-8.
29. Wayal, Sonali, Frances Cowan, Pamela Warner, Andrew Copas, David Mabey, and Maryam Shahmanesh. "Contraceptive practices, sexual and reproductive health needs of HIV-positive and negative female sex workers in Goa, India." *Sexually Transmitted Infections* 87, no. 1 (2011): 58-64.
30. Wahed, Tasnuva, Anadil Alam, Salima Sultana, Nazmul Alam, and Ratana Somrongthong. "Sexual and reproductive health behaviors of female sex workers in Dhaka, Bangladesh." *PLoS one* 12, no. 4 (2017): e0174540.
31. Qayyum, Shahid, Mian Muhammad Ahmed Iqbal, Ali Akhtar, Aamir Hayat, Irfan Mehmood Janjua, and Shazia Tabassum. "Causes and decision of women's involvement into prostitution and its consequences in Punjab, Pakistan." *Academic Research International* 4, no. 5 (2013): 398.
32. Arambepola, Carukshi, and Lalini C. Rajapaksa. "Decision making on unsafe abortions in Sri Lanka: a case-control study." *Reproductive health* 11 (2014): 1-8.
33. US, DOS. "Sri Lanka - United States Department of State." U.S. Department of State. U.S. Department of State, August 17, 2022. <https://www.state.gov/reports/2022-trafficking-in-persons-report/sri-lanka/#:~:text=Sri%20Lanka%20is%20a%20transit,are%20often%20most%20at%20risk.>
34. "IMPACT OF THE COVID-19 PANDEMIC ON TRAFFICKING IN PERSONS." *HTMSS_Thematic_Brief_on_COVID-19*. UNODC, May 2020. UNODC.

https://www.unodc.org/documents/Advocacy-Section/HTMSS_Thematic_Brief_on_COVID-19.pdf.

35. UN Women, UN Women. "Addressing Emerging Human Trafficking Trends and Consequences of the COVID-19 Pandemic." UN Women - Headquarters, 2020. <https://www.unwomen.org/en/digital-library/publications/2020/07/guidance-addressing-emerging-human-trafficking-trends-and-consequences-of-the-covid-19-pandemic>.
36. *Covid-19 Is Worsening Human Trafficking - States Should Take Action, Warn Council of Europe Experts*, April 9, 2021. GRETA. <https://www.coe.int/en/web/portal/-/covid-19-is-worsening-human-trafficking-states-should-take-action-warn-council-of-europe-experts>
37. Huda, Sigma. "Sex trafficking in south Asia." *International journal of gynecology & obstetrics* 94, no. 3 (2006): 374-381.
38. IMPACT, IMPACT. "IOM Launches the 'Impact' Project to Combat Human Trafficking in Sri Lanka." IOM Sri Lanka, 2022. <https://srilanka.iom.int/news/iom-launches-impact-project-combat-human-trafficking-sri-lanka>
39. Helvetas SL, Helvetas SL. "A Journey towards a Human Trafficking Free Sri Lanka." Helvetas, 2019. <https://www.helvetas.org/en/sri-lanka/what-we-do/how-we-work/our-projects/Asia/Sri-Lanka/sri-lanka-trafficking-free>
40. Miller, Jody. "Beach boys or sexually exploited children? Competing narratives of sex tourism and their impact on young men in Sri Lanka's informal tourist economy." *Crime, law and social change* 56 (2011): 485-508.
41. Jullien, Karene. "The recent international efforts to end commercial sexual exploitation of children." *Denv. J. Int'l L. & Pol'y* 31 (2002): 579.
42. Miller-Perrin, Cindy, and Sandy K. Wurtele. "Sex trafficking and the commercial sexual exploitation of children." *Women & Therapy* 40, no. 1-2 (2017): 123-151.
43. Flowers, R. Barri. "The sex trade industry's worldwide exploitation of children." *The Annals of the American Academy of Political and Social Science* 575, no. 1 (2001): 147-157.

44. de Silva, DG Harendra. "Children needing protection: experience from South Asia." *Archives of disease in childhood* 92, no. 10 (2007): 931-934.
45. De Zoysa, Piyanjali. "Child sexual abuse in Sri Lanka: the current state of affairs and recommendations for the future." *Journal of Child Sexual Abuse* 11, no. 2 (2002): 97-113.
46. Amarasinghe, Sarath W. *Sri Lanka: The commercial sexual exploitation of children: A rapid assessment*. ILO, 2002.
47. Willis, Brian, Katherine Welch, and Saki Onda. "Health of female sex workers and their children: a call for action." *The Lancet Global Health* 4, no. 7 (2016): e438-e439.
48. Misra, Joya, Stephanie Moller, Eiko Strader, and Elizabeth Wemlinger. "Family policies, employment and poverty among partnered and single mothers." *Research in Social Stratification and Mobility* 30, no. 1 (2012): 113-128.
49. Misra, Geetanjali, Ajay Mahal, and Rima Shah. "Protecting the rights of sex workers: the Indian experience." *Health & Hum. Rts.* 5 (2000): 88.
50. Dasgupta, Satarupa. "Poverty as a contextual factor affecting sexual health behavior among female sex workers in India." *Qualitative health research* 23, no. 6 (2013): 825-833.
51. Heemskerk, Marieke. "Self-employment and poverty alleviation: Women's work in artisanal gold mines." *Human Organization* 62, no. 1 (2003): 62-73.
52. Minichiello, Victor, and John Scott, eds. *Male sex work and society*. Columbia University Press, 2014.
53. Butler, Yvette. "Aligned: Sex Workers' Lessons for the Gig Economy." *Mich. J. Race & L.* 26 (2020): 337.
54. Jeffrey, Leslie Ann, and Gayle MacDonald. "'It's the Money, Honey': The Economy of Sex Work in the Maritimes." *Canadian Review of Sociology/Revue canadienne de sociologie* 43, no. 3 (2006): 313-327.

55. Islam, Asadul, and Russell Smyth. "The economic returns to good looks and risky sex in the Bangladesh commercial sex market." *The BE Journal of Economic Analysis & Policy* 12, no. 1 (2012).
56. Ahlburg, Dennis A., and Eric R. Jensen. "The economics of the commercial sex industry." *Confronting AIDS: Evidence from the developing world* (1998): 147-73.
57. Arya, Sadhana, and Anupama Roy. "Women and migration in Asia: Poverty, gender, and migration (Vol. 2, p. 261)." (2006).
58. Parker, Eve Rebecca. *Theologising with the Sacred 'Prostitutes' of South India: Towards an Indecent Dalit Theology*. Brill, 2021.
59. Shingal, Ankur. "The devadasi system: Temple prostitution in India." *UCLA Women's LJ* 22 (2015): 107.
60. O'Neil, John, Treena Orchard, R. C. Swarankar, James F. Blanchard, Kaveri Gurav, and Stephen Moses. "Dhandha, dharma and disease: traditional sex work and HIV/AIDS in rural India." *Social science & medicine* 59, no. 4 (2004): 851-860.
61. Truong, Thanh-Dam. "The dynamics of sex tourism: the case of Southeast Asia." *Europäische Hochschulschriften 10 (Fremdenverkehr)* 11 (1989): 325-347.
62. Elias, Juanita, and Jenna Holliday. "Who gets 'Left behind'? Promises and pitfalls in making the global development agenda work for sex workers-reflections from Southeast Asia." *Journal of Ethnic and Migration Studies* 45, no. 14 (2019): 2566-2582.
63. Smith, Geoffrey. "Sexuality, space and migration: South Asian gay men in Australia." *New Zealand Geographer* 68, no. 2 (2012): 92-100.
64. Deshingkar, Priya, and Sven Grimm. "Voluntary internal migration: An update." *London: Overseas Development Institute* 44, no. 4 (2004).
65. Hahn, Kristina, and Anna Holzscheiter. "The ambivalence of advocacy: Representation and contestation in global NGO advocacy for child workers and sex workers." *Global Society* 27, no. 4 (2013): 497-520.

66. Basu, Ishika, Smarajit Jana, Mary Jane Rotheram-Borus, Dallas Swendeman, Sung-Jae Lee, Peter Newman, and Robert Weiss. "HIV prevention among sex workers in India." *Journal of acquired immune deficiency syndromes (1999)* 36, no. 3 (2004): 845.
67. Punyam, Swarup, Renuka Somanatha Pullikal, Ram Manohar Mishra, Prashanth Sandri, Balakrishna Prasad Mutupuru, Suresh Babu Kokku, and Prabhakar Parimi. "Community advocacy groups as a means to address the social environment of female sex workers: a case study in Andhra Pradesh, India." *J Epidemiol Community Health* 66, no. Suppl 2 (2012): ii87-ii94.
68. Biradavolu, Monica Rao, Scott Burris, Annie George, Asima Jena, and Kim M. Blankenship. "Can sex workers regulate police? Learning from an HIV prevention project for sex workers in southern India." *Social science & medicine* 68, no. 8 (2009): 1541-1547.
69. Kanda, Koji, Ananda Jayasinghe, K. Tudor Silva, N. G. W. Priyadarshani, N. Y. Delpitiya, Yoshihide Obayashi, Asuna Arai, Chandika D. Gamage, and Hiko Tamashiro. "Religious leaders as potential advocates for HIV/AIDS prevention among the general population in Sri Lanka." *Global Public Health* 8, no. 2 (2013): 159-173.
70. Kotiswaran, Prabha. "Has the dial moved on the Indian sex work debate?." *Economic & Political Weekly* 54, no. 22 (2019): 10-12.
71. Bradley, Tamsin, and Sutirtha Sahariah. "Tales of suffering and strength: women's experiences of working in Nepal's informal entertainment industry." *International Journal of Gender Studies in Developing Societies* 3, no. 1 (2019): 20-36.
72. Ellawala, Themas. "Legitimizing violences: The 'gay rights' NGO and the disciplining of the Sri Lankan queer figure." *Journal of South Asian Development* 14, no. 1 (2019): 83-107.
73. Elias, Juanita. "Sex Worker Union Organising: An International Study." *Capital & Class* 93 (2007): 273.
74. Gall, Gregor. "Sex worker unionisation: an exploratory study of emerging collective organisation." *Industrial Relations Journal* 38, no. 1 (2007): 70-88.

75. Kim, Hosu, and Jamie Bianco. *The affective turn: Theorizing the social*. Duke University Press, 2007.
76. Vijayakumar, Gowri, Shubha Chacko, and Subadra Panchanadeswaran. "'As human beings and as workers': Sex worker unionisation in Karnataka, India." In *Redefined Labour Spaces*, pp. 226-249. Routledge India, 2017.
77. Hui, Neha. "Bargaining power and indicators of well-being among brothel-based sex workers in India." *Feminist Economics* 23, no. 3 (2017): 49-76.
78. Orme, Julie, and Fariyal Ross-Sheriff. "Sex trafficking: Policies, programs, and services." *Social work* 60, no. 4 (2015): 287-294.
79. Kaufman, Michelle R., and Mary Crawford. "Research and activism review: Sex trafficking in Nepal: A review of intervention and prevention programs." *Violence against women* 17, no. 5 (2011): 651-665.
80. Vithanage, Dinishika Sumuduni. "Understanding the nature and scope of trafficking of women in Sri Lanka for sex work: What needs to be done?." (2015).
81. Kotiswaran, Prabha. "Born unto brothels—toward a legal ethnography of sex work in an Indian red-light area." *Law & Social Inquiry* 33, no. 3 (2008): 579-629.
82. Ganju, Deepika, and Niranjana Saggurti. "Stigma, violence and HIV vulnerability among transgender persons in sex work in Maharashtra, India." *Culture, health & sexuality* 19, no. 8 (2017): 903-917.
83. Srivastava, Ankur, Jordan P. Davis, Prachi Patel, Elkan E. Daniel, Shama Karkal, and Eric Rice. "Polyvictimization, sex work, and depressive symptoms among transgender women and men who have sex with men." *Journal of interpersonal violence* 37, no. 13-14 (2022): NP11089-NP11109.
84. da Silva, Irani Machado, and Anuradha Sathiyaseelan. "Emotional needs of women post-rescue from sex trafficking in India." *Cogent Psychology* 6, no. 1 (2019): 1631584.
85. Hickle, Kristine E. "Resiliency and women exiting sex trade industry work." *Journal of Social Work* 17, no. 3 (2017): 302-323.

86. Ham, Julie, and Fairleigh Gilmour. "'We all have one': exit plans as a professional strategy in sex work." *Work, employment and society* 31, no. 5 (2017): 748-763.
87. Preble, Kathleen, Karen Magruder, and Andrea N. Cimino. "'It's like being an electrician, you're gonna get shocked": Differences in the perceived risks of indoor and outdoor sex work and its impact on exiting." In *Quitting the Sex Trade*, pp. 93-114. Routledge, 2021.
88. Van der Meulen, Emily, Elya M. Durisin, and Victoria Love, eds. *Selling sex: Experience, advocacy, and research on sex work in Canada*. ubc Press, 2013.
89. Xie, Zoe, Siddharth Sharma, and Jean Lee. Publication. *Coping with Shocks Migration and the Road to Resilience: Migration and the Road to Resilience*, 2022.
<https://openknowledge.worldbank.org/bitstream/handle/10986/38066/FullReport.pdf>.
90. Thilakarathna, Kusumanjalee, and Shailendree W Adittiya. "I Am a Sex Worker." *The Nation*. July 25, 2015. <http://nation.lk/online/2015/07/25/i-am-a-sex-worker.html>.
91. ICAN. "Elusive Peace, Pervasive Violence: Sri Lankan Women's Struggle for Security and Justice. (Spring 2013)." ICAN, March 7, 2017.
<https://icanpeacework.org/2013/03/elusive-peace-pervasive-violence-sri-lankan-womens-struggle-for-security-and-justice-spring-2013/>
92. NSACP "Annual Report 2021" Ministry of Health Sri Lanka
http://www.aidscontrol.gov.lk/images/publications/annual_reports/2021/Annual_report_2021_online_version_final.pdf



