

“Let the Women
Decide the Margin”

POLICY BRIEF ON FEMALE SEX WORKERS IN SRI LANKA 2023

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Policy Brief on Female sex workers

Introduction

This policy brief focuses on Female Sex Workers (FSW) in Sri Lanka based on the action research¹ carried out for the project ‘Let the Women Decide the Margin’ implemented to mobilise, organise and empower female sex workers to realise their economic potential, their sexual and reproductive rights (SRHR), political and social rights, and work towards mitigating discrimination and harassment. The policy brief focuses on presenting recommendations for policy development, implementation of future programmes / activities, and capacity development of service providers and CSOs / NGOs, based on evidence-based research for the wellbeing of female sex workers.

DEFINITION

Sex worker

In the report, ‘Sex Work and the Law in Asia and the Pacific,’ the term ‘sex worker’ is used to refer to all adults who sell or exchange sex for money, goods or services (e.g., transport). It is used to refer to people who sell or exchange sex even if they do not identify as sex workers, or consider the activity to be ‘work.’ The term is used to refer to sex workers including consenting female, male, and trans gender people who receive money or goods in exchange for sexual services, either regularly or occasionally. Sex workers include consenting young people who are eighteen years or older (Godwin, 2012, ix).

There are two types of sex work. “Direct sex workers identify as sex workers and earn their living by selling sex. Indirect sex workers usually do not rely on selling sex as their first source of income. They may work as waitresses, hairdressers, massage girls, street vendors, or beer promotion girls and supplement their income by selling sex. They generally do not identify as sex workers” (Godwin 2012, ix).

The increasing use of the Internet and digital technologies has changed and is changing sex work with the development of new types of services online (Cunningham, et al., 2017).

Sex workers in Sri Lanka

Female Sex Workers (FSWs), as a marginalized women’s group, have received attention in human rights discourses, and in HIV and STI prevention interventions. However, to their disadvantage, two colonial statutes inherited from the British, the Vagrants Ordinance of 1842 with subsequent amendments and the Brothels Ordinance of 1889 with later amendments continue as the legal framework related to sex work in Sri Lanka. Social activists have repeatedly lobbied the Government to revoke these ordinances.

In the absence of statistics, the FSW population is based on approximate numbers (Bozicevic, et al., 2020).

1 Action research conducted in 2021, covered FSWs in six districts, Colombo, Gampaha, Puttalam, Kurunegala, Matara and Anuradhapura. The research methods for the action research comprised the following components:

- a) desk study, including national and international research on sex workers, the legal framework, policies and international standards,
- b) primary data collection - a mixed research methodology was used to collect quantitative and qualitative data in three stages: Stage 1- Initial Baseline Survey covered 3,500 FSWs; Stage 2 – Sample Survey of covered 350 FSWs and Stage 3 - in-depth interviews with 25 FSWs. A structured questionnaire was used to collect data through the Kobo Collect App. An interview guideline was used for in-depth interviews. Key informant interviews were conducted with a few State officials.

KEY FEATURES²

Profile

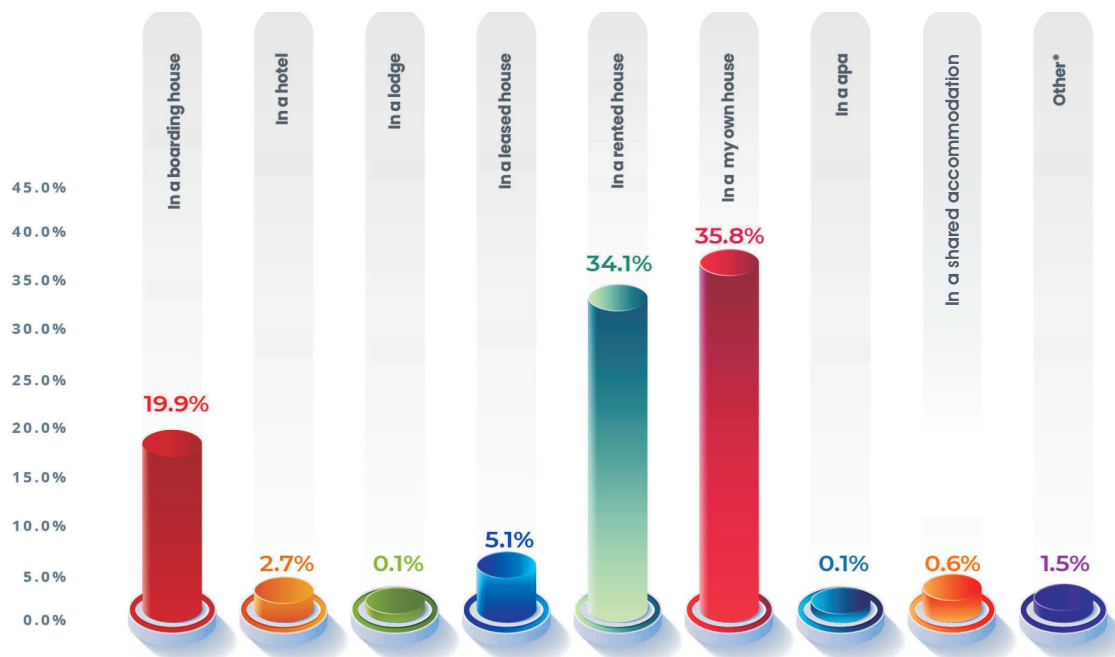
The profile of FSWs brought out the socioeconomic vulnerabilities faced by them. A majority of FSWs were of reproductive age, economically active, and looking for employment.

A little more than half of FSWs were married. Some were never married and fell into the 'single' women category, along with divorcees, the separated and the widowed. They would face economic and social vulnerabilities, especially at times of sickness and in old age in the absence of any social protection and social capital to fall back on.

A majority (83.8 per cent) had children. Of the total FSWs, a little more than 50 per cent had one to two children and 30.4 per cent had more than two children. A majority of FSWs (77.8 per cent), said they have dependants. This shows the economic vulnerability of FSWs and the need to earn a living to support themselves and their families. Most FSWs use earnings to support their families. The primary income earner status gives them the strength to continue in sex work even amid challenges without seeing themselves solely as victims.

The low level of education among FSWs is reflected in their socioeconomic characteristics, which further highlights their vulnerable position. While 53.4 per cent of FSWs had a secondary education, 18.5 per cent had not studied beyond Grade 5, and 3.2 per cent had never gone to school. Thus, 75.1 per cent (including those who have not gone to school) have not passed even the G.C.E. Ordinary Level Examination.

Figure : 1
Living arrangements of female sex workers



Female sex workers had different living arrangements. Some lived in their own house, in temporary dwellings such as rented/leased houses, hotels, lodges, and spas. Others shared accommodation while a few were homeless and lived on the street.

The lack of a permanent residence exposes FSWs to unhealthy environments, harassment, and abuse and excludes them from receiving State services and benefits, increasing social and

² Based on the action research carried out in 2021. No generalisations are made.

economic vulnerabilities. A few FSWs did not possess birth certificates and National Identity Cards, denying them access to State social support benefits and services, thereby increasing their vulnerabilities.

Sex work

A majority of FSWs had started to engage in sex work while they were young. Nearly 60 per cent had been in the sex trade for more than five years, working on a full-or part-time basis. Nearly half of FSWs work outside their home district.

Multiple reasons that had pushed women to sex work include economic difficulties, lack of education, disorganized families, domestic violence, trafficking, and husband/partner incapacitation. For a substantial number of FSWs, sex work was not their first job as they had entered sex work later in their work life.

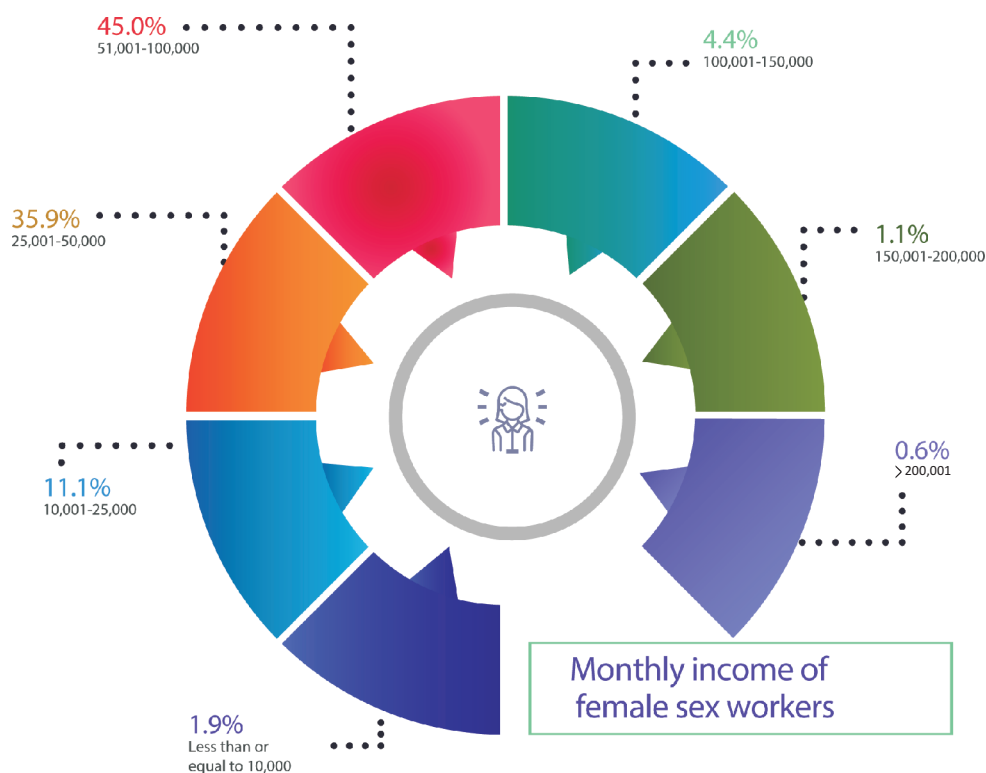
The most used channels of contact (hot spots) are through the telephone, standing in the street, and through intermediaries. Shopping malls, hotels/lodges, spas and massage centres are other channels of contact. Contacting clients by telephone is becoming widespread and common across districts especially in the context of COVID-19 and the increased use of mobile telephones. This may result in less harassment of FSWs. However, sex work in this environment is a challenge, especially for street FSWs to continue with their livelihood at a time when there are lockdowns and travel restrictions imposed by the Government to contain the COVID-19 pandemic. According to service providers and those working for FSWs, there is an emerging trend among women who had lost their livelihoods in self-employment ventures during COVID-19 to enter sex work as a survival strategy.

ECONOMIC VULNERABILITY

Monthly income

Figure : 2

Monthly income of female sex workers



The monthly income of FSWs varied within and between districts. The income range varied widely from less than or equal to Rs.10,000 to 200,000. Thus, while sex work is lucrative employment for some, for others it is not, illustrating the heterogeneity of sex workers.

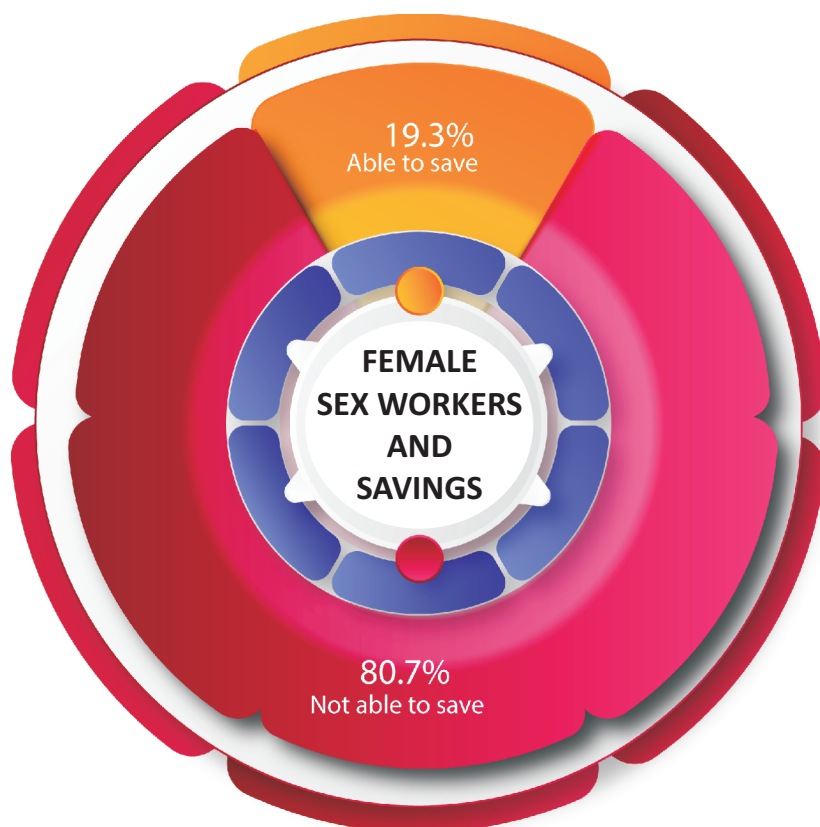
Savings

A majority of FSWs did not have any savings despite the amount of money they earned. Lack of financial literacy, expenditure on clothes and cosmetics as they had to be well groomed, and adoption of behavioural patterns such as consuming alcohol to please clients are some reasons attributable to their inability to save.

A majority of FSWs consumed alcohol and this may be one of the reasons preventing them from saving money. In comparison to the consumption of alcohol, a few consumed drugs.

There is a correlation between sex work and drug addiction. Some sex workers had taken to sex work to find money to purchase drugs; others who were sex workers had become drug users through the influence of their husbands/partners or boyfriends. They are pushed into sex work to earn money to meet the daily expenditure, which is extensive for drugs. Some clients compel FSWs to take drugs, as well as alcohol.

Figure : 3
Female sex workers and savings



State social benefits

A majority of FSWs or their families (71.3 per cent) did not receive State social support benefits. This may be due to a lack of awareness of the availability of State benefits, difficulty in

proving eligibility due to non-possession of legitimate documents and a lack of permanent residency.

The important implication is the economic vulnerability of FSWs during times of sickness, and in old age when they are unable to work, with limited chances of finding an alternative source of income. This is more so in the absence of an exit strategy or programmes for FSWs.

VICTIMISATION

Arrest / Detention

Experiences during arrests/detention illustrate another dimension of vulnerability that FSWs face in their work. A little more than half of the FSWs interviewed had been arrested under the Vagrants Ordinance while standing in the street. A majority were not told under which law they were arrested. Occasions of FSWs being arrested when a Woman Police Officer was not present is a clear rights violation leading to re-victimisation.

These practices highlight the victimisation of FSWs due to the nature of sex work, which is often seen as immoral by society. However, clients who seek the services of FSWs to fulfil their desires do not face such victimisation. Although the Police raid places and arrest those who engage sex workers for monetary gain (owners of brothels, spas, and massage centres), their economic strength and power positions them better than FSWs to face such situations. Thus, dimensions of gender, class, and power, play a significant role in the sex industry.

The issuance of the Police Order CRTM 149/ RTM 60, 2017 to all Police Officers to desist from arresting individuals possessing condoms or presenting them as evidence when producing them in courts has impacted positively, as the number of FSWs arrested among the interviewed for possessing condoms declined after 2017.

Discrimination

A majority of FSWs had experienced discrimination. They were discriminated by different segments of society- communities, neighbours, families. Nearly half of FSWs said they encountered discrimination at Police stations following an arrest. A few said they could not remember. Nearly half of the FSWs who had been to prison spoke of discrimination at the hands of fellow inmates and prison officers. A little more than half said that they face discrimination at health care institutions.

FSWs face discrimination through rejection and condemnation because they are labelled as 'bad women', 'women not suitable to associate', 'women with loose morals', and 'women who are a threat to society'. Such stereotyping and labelling lead to stigma, and impacts wellbeing, especially the emotional wellbeing of FSWs.

Social Exclusion

In addition to discrimination, FSWs also face exclusion in society as they are unable to participate fully in economic, social, political, and cultural life leading to marginalization. Accordingly, 48.5 per cent said they get excluded. Their own families, relatives, neighbours, and State institutions exclude them. Some FSWs refrain from participating in social events to avoid humiliation. This has implications for achieving Sustainable Development Goals in 2030 in creating an inclusive society.

Harassment / Violence

The literature on sex workers highlight the harassment and violence faced by FSWs in society. A majority of FSWs interviewed had experienced harassment/violence. They were harassed and subjected to violence in different ways, sexual (54.1 per cent), physical (61.9 per cent), verbal (72.4 per cent), and psychological (77.0 per cent). Further, they perceived that they, in general, are harassed by society that includes clients, the Police, fellow sex workers, prison inmates and the community. The exposure to violence and harassment comes with the vulnerable position of FSWs, a hidden population with no strong advocacy for protection.

A little more than half of FSWs (56.1 per cent) had not heard about cyber violence highlighting their vulnerability to such violence. However, 24.3 per cent were subjected to cyber violence.

Sexual and reproductive health rights (SRHR)

Female sex workers are identified as an at-risk population for STD/AIDS, and hence strengthening awareness on SRHR to protect and empower FSWs is a need. The National STD/AIDS control programme conducts awareness programmes throughout the country, but the challenge is to mobilise FSWs to participate in such preventive programmes to adopt preventive measures.

Irrespective of the level of knowledge that FSWs believed they had, a clear majority of FSWs believed that it is important to obtain knowledge on SRHR. Although a majority of FSWs admitted that they did not know about SRHR, a majority of them said that they knew of their right to use contraceptives to safeguard against an unwanted pregnancy, to ask the client to use a condom, the right to make her own choice regarding sex life and to refuse an abortion. A majority said they engage in protected sex. However, there were a few who did not engage in protected sex and some did not on every occasion. The outreach programmes, the distribution of condoms to safeguard against STD/AIDS and conducting awareness programmes would have contributed to educating and empowering FSWs. The importance of such programmes and the need to expand and strengthen them to include all sex workers in every district comes out well.

Future expectations/ Challenges

Female sex workers were aware that they would not be able to engage in sex work in old age and in sickness. Some were unable to think of their future and felt helpless and hopeless. Some FSWs were worried about their health. Others spoke of the importance of living, as they have family responsibilities. There were also a few FSWs who were empowered and planned their future. Irrespective of their subjective feelings, thoughts and future expectations, women's caring nature and concern for family welfare over their own come out strongly. The lack of financial resources becomes critical in the absence of any form of social support/ protection to rely on. The importance of an exit strategy for FSWs when they cannot work or wish to quit sex work comes out strongly.

Sex worker collective

Female sex workers had different views on a sex worker collective in Sri Lanka, but the majority said that there should be such a collective.

Thus, the policy brief highlights the nature of sex work and the vulnerability of a FSW, as a woman and a sex worker, where dimensions of gender, class, and power play a significant role. Female sex workers are not a homogeneous group. Nevertheless, FSWs as a social group in society will continue to face discrimination, exclusion, and harassment in society until their rights are protected and social justice is achieved by eliminating inequalities.

In this context recommendations to be implemented are as follows:

Stakeholder	Recommendations
Government	<ul style="list-style-type: none"> ● Refer to legal regimes of selected countries with similar socio-economic conditions to Sri Lanka and identify best practices which can be used in policy development. ● Recognise sexual harassment and rape of FSWs as a violation of their human rights and ensure their equality before law as stipulated in the Penal Code in all situations. ● Ensure that the Vagrants Ordinance is not used to harass, discriminate, and arbitrarily arrest sex workers until the law is amended or new laws are in place. ● Sensitisation and capacity enhancement of Police, Prisons and Detention Centre officers. ● Enhance gender awareness of selected officials. Create sensitivity towards FSWs and consider sex work as any other income-generating work. ● Create awareness of the circumstances that have pushed FSWs to take up sex work. ● Create awareness on how FSWs' human rights are violated by officials. ● Ensure that FSWs have equal access to health services without prejudice. ● Incorporate both reproductive, mental health care, and psycho-social support services. ● Undertake a vulnerability mapping by District Secretariat level officers and the Community Policing Unit, and create awareness on trafficking. ● Provide alternative livelihood opportunities for FSWs who wish to exit from sex work.
CSOs and NGOs	<p>Develop a pool of trainers from CSOs/NGOs to create awareness among stakeholders in their project locations.</p> <ul style="list-style-type: none"> ◆ Gender issues, factors that push women into sex work. ◆ Women's rights, rights violations, SRHR, violence, and cyber violence. ◆ Stigma and discrimination against sex workers.

	<p>Conduct targeted programmes for FSWs by Trainers of Trainers.</p> <ul style="list-style-type: none"> ◆ Following good health behavioural practices including protection against STI / HIV. ◆ The importance of savings. ◆ Acquiring knowledge of relevant laws. ◆ Available State services and benefits, and eligibility criteria to access them. <ul style="list-style-type: none"> ● Provide alternative livelihood opportunities for FSWs who wish to exit from sex work. ● Sensitise and empower communities (men, women, and youth) to stand up against discrimination, harassment, and violence experienced by FSWs. ● Strengthen networking between other like-minded organisations at the national and regional level who work for/ with sex workers.
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