

Notorious Activity Under The Maradana Bridge

by Ifham Nizam

Young men who go past the Maradana area under the bridge between the New Olympia Theatre and the curve that leads to the steps to the bridge allege they face harassment at the hands of some sex workers. Shop owners in the vicinity say that the worst part is some of these prostitutes with the support of pimps grab chains, watches, money and other belongings of people passing by.

"Men and boys from villages are most often the targets. Sadly most of them fear to lodge a complaint at the Maradana Police. We are aware of 20 to 30 incidents taking place daily. Nobody interferes as these women use foul language and are very aggressive," one shop keeper said.

Another vendor said that the Police are well aware of what is taking place in the area. "I wonder why the Police are not taking action against those who misuse or rob their customers. There are about 14 women between 24 and 45 years of age. What I understand is that around three of them operate with the support of pimps. Most of them are victims who go to catch a train at the Maradana Railway Station so in the rush they don't have time to stop and complain to the police," the shop keeper said.

Afzal, who is employed as a watch repairman says it is pathetic to witness a den like area close to a leading school. "You see the number of condoms thrown in the vicinity, apart from illicit liquor and drugs etc. As the night grows the situation becomes serious," he added.

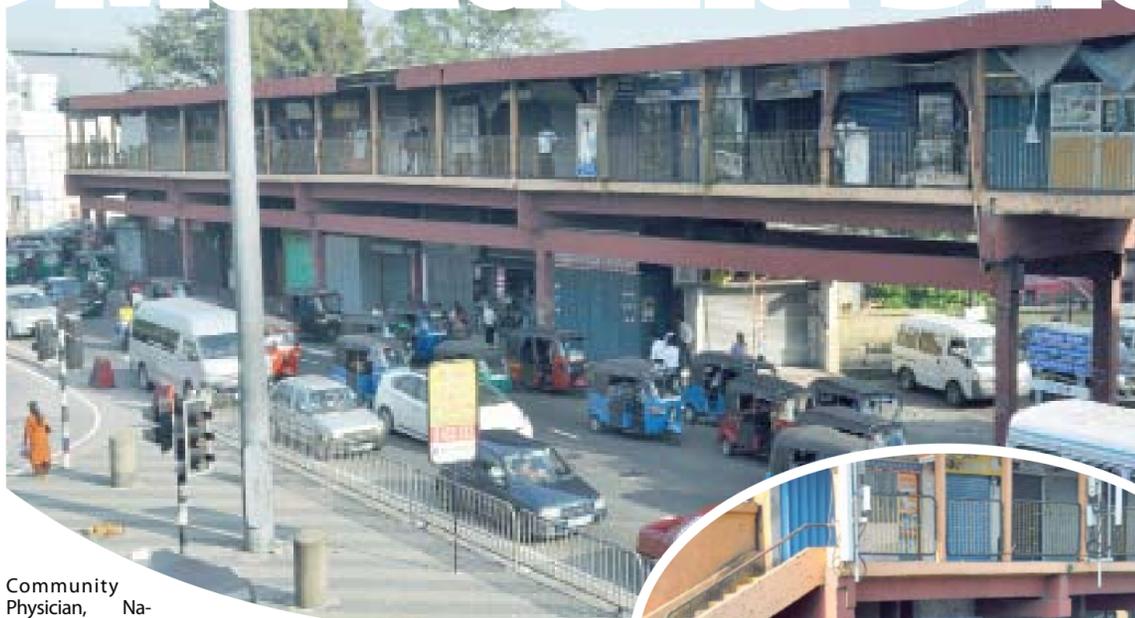
Sex Workers in Sri Lanka

According to data made available in 2013, there was an average of 14,312 female Sex Workers in Sri Lanka. Out of these sex workers, 51% were residing in the Western Province, while the district of Colombo accounted for 44% of the total. As pointed out in the HIV Sentinel Sero-Surveillance, the prevalence of HIV among sex workers was less than 0.2% over the last 10 year period.

The Integrated Biological and Behavioural Survey (IBBS) 2014 detected an aggregated prevalence of 0.81% across the three district samples, with 1% prevalence in the capital Colombo. The percentage use of condoms at last act of sex with a client was 93%, and an equally high percentage of 90% was revealed with non-paying partners. Average number of clients per day was 2.1 clients.

Regional Sex Worker Study had been carried out under the theme "Sex Work and Violence in Colombo, Sri Lanka: Understanding Factors for Safety and Protection", among 30 sex workers in 2013. The in-depth interviews among sex workers revealed a strong link between the violence and the risk of HIV infection. In particular, violence affects the sex workers' abilities to negotiate condom use. Nearly all the cases affected with sexual violence reported that they had sex without a condom, clearly illustrating that violence increases the sex workers' risk of contracting or transmitting STIs/HIV. Rape may lead to abrasions and tears, which increases the likelihood of HIV transmission.

The study was conducted by Dr. Janaki Vidanapathirana, Consultant



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Furthermore, the majority of respondents pointed out that the police searched for condoms while questioning them, and arrested them, citing condoms as evidence of sex work. Unfortunately, the study has not identified the exact time period of the event. Evidence from the NGO sector shows that, using condom possession to prove sex work by police has decreased during the recent past, following the NSACP interventions to the Police sector.

Sri Lanka has adequate laws on protecting the fundamental rights of the citizens. In addition to that, Sri Lanka is a signatory to several international conventions relevant to People living with HIV including key populations. The International Covenant on Civil and Political Rights (ICCPR) and the Convention for the Elimination of All Forms of Discrimination against Women (CEDAW)

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are some of the international conventions. Also, the National AIDS Policy addresses human rights issues of People living with HIV including key populations. This rights based approach of dealing with HIV could be strengthened by including a statement affirming the rights of LGBTs and FSWs. This can be considered a significant omission as the provisions in the penal code and the Vagrants Ordinance can be considered as infringing the rights of these people. Following legal restrictions are described

according to the present constitution

ormanager or actor assists in the management of a brothel; or being the tenant, lessee, occupier or owner of any premises, knowingly permits such premises or any part thereof to be used as a brothel, or for the purpose of habitual prostitution, shall be guilty of an offence". The Houses of Detention Ordinance allows for the placement of convicted vagrants into rehabilitation facilities run by the Ministry of Social Services, rather than into prisons. In the past, there was an instance of arrest of a woman with condoms in a public place, by mistake. But, possession of a condom does not illustrate commission of any offence.

Condoms are considered as medical devices and not a tool to prove sex work. Condoms are listed as medical devices in the essential drug list of the Ministry of Health. However, some officers misinterpret the vagrants ordinance and 365 A laws and believe that condoms should not be distributed as they promote homosexuality which is illegal.

Another example is where, a few years back, the police often considered condoms as a proxy for sex work, and used condoms as evidence to arrest FSWs or venue owners who distributed condoms. These unlawful arrests were reduced by continuous advocacy and conducting master training programmes by NSACP for Police officers island-wide, on prevention of HIV infection among KPs. However, sex workers who were arrested under the vagrants ordinance often claim that they got caught because of condoms.

Recent evidence showed that this type of arrests have been reduced after advocacy and master training programmes conducted by the NSACP.

of Sri Lanka (1979) with some amendments later.

Vagrants Ordinance (1841)

According to the Sri Lankan Law, sex in private is not an offence. Adultery is also not a criminal offence, whereas, it is a marital offence. Adultery means the spouse practices sexual activities with another person besides his or her legal partner. There is no specific legal offence for sex work in private. However, many facets of sex work are prohibited under three ordinances, which were introduced during the British colonial rule: the Vagrants Ordinance, the Brothels Ordinance and the Houses of Detention Ordinance. The section 7 of the vagrants ordinance which was introduced in 1841, indicates that any person in or about any public places soliciting any person for the purpose of the commission of any act of illicit sexual intercourse or indecency, whether with the person soliciting or with any other person, whether specified or not, shall be guilty of an offence, and shall be liable on summary conviction to imprisonment of either description for a period not exceeding six months, or to a fine not exceeding one hundred rupees, or to both.

The Brothels Ordinance was introduced in 1889, forty eight years after the enactment of the Vagrants ordinance. Under the section 2, it states that "Any person who keeps

Penal Code 365 A (1995)

The Penal Code (Amendment) Act No. 22 of 1995 changed the rape and sexual harassment laws, introduced incest, child sexual exploitation and trafficking into the Penal Code and raised the age for sexual consent. It also changed the language in the article 365 A, making "gross indecency between male persons" gender neutral, thus extending the law against same-sex sexual activity to women.

A human rights-based approach (HRBA) is a conceptual framework for the HIV response that is grounded in international human rights norms and principles, both in terms of process (e.g. right to participation, equality and accountability) and outcome (e.g. rights to health, life and scientific progress).

HRBA addresses discriminatory practices and unjust distributions of power that impede progress in the HIV response by strengthening the capacities of rights-holders to claim and the ability of duty-bearers to meet their obligations. Sri Lanka based approach for key population access for treatment and intervention to achieve 90-90-90 targets by 2020. Evidence and human rights-based programmes for key populations, including dedicated serenity mobilization and empowerment to achieve HIV infection



Maradana Junction
Pictures by Lalith Perera