



## WHY PROSTITUTION SHOULD BE LEGALISED IN SRI LANKA

Medical journals have verified conclusions that decriminalization of sex work had the single greatest potential to reduce HIV infections in female sex worker communities in the absence of expensive anti-retroviral treatment.

Prostitutes are then empowered to insist on condom use by clients, and are better able to access testing and treatment for HIV and sexually transmitted infections such as Herpes or Syphilis. Visible condoms and openly negotiating condom use put sex workers at greater risk of arrest, torture or rape.

Legalisation promotes safer working conditions for sex workers by enabling them to organize as groups. Collectively, sex workers can address risk factors in their workplaces and insist upon improved conditions. It challenges the consequences of having a criminal record and abuse by law-enforcement officers. Harsh and biased application of criminal law ensures that a large proportion of sex workers will have criminal records.

Criminal records are often a source of social stigma, and can drastically limit one's career and social future. They face great difficulty finding non-sex-work employment and make it next to impossible to change careers or win custody of children.

An important cornerstone of contemporary human rights is that all people are born free and equal in dignity and rights. Sex workers in many parts of the world have organized to fight for human rights that cannot be fully realized as long as criminal laws threaten sex workers' access to justice, health, and social services and undermine their right to labour and workplace protections.

Sex work cannot be inherently violent.

The criminalization of it puts both workers and customers at greatest risk. The need to avoid arrest of both sex workers and their clients means that street-based sex workers must often move to more isolated areas that are less visible to law enforcement, where violence is more prevalent.

These factors, plus real or perceived impunity for perpetrators of violence against sex workers, place sex workers at heightened risk. For example, reported rapes and assaults are very much understated. Decriminalization of sex work challenges



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police abuse and violence. Where sex work is criminalized, police wield unfettered power over sex workers.

Police threaten sex workers with arrest, public humiliation, and extortion. A high proportion of sex workers have reported suffering sexual assault by police, rape while in custody, often without condoms and often as a pre-condition for release on bail. In these instances police abuse sex workers with impunity, in part because sex workers fear arrest or further abuse for reporting these crimes.

Social stigmas and double standards need to be removed, so that the powerful policy-makers' and high officials' hypocrisy is exposed if not discouraged with public shaming on mass media, while the desperate individuals who work in the sex industry gain respect and acceptance. That way, a significant portion of society will stop leading double lives and all of society will benefit both directly and indirectly.

There are many reasons which can be considered valid as to why adults do sex work, whether it is their main livelihood in the absence of more "respectable" means, a temporary solution to survive a difficult period, or an opportunity to supplement other income, having aesthetic qualities that are in demand. Some people find that sex work offers better and quicker income and more flexible working conditions.

I will outline some aspects that make the case for legalisation stronger, given that there is much suffering all round due to a lack of it, and indignant howls of protest by duplicitous hypocrites.

There is widespread human trafficking from remote rural areas that invariably punishes victims more than perpetrators. Trafficking is an egregious human rights violation involving coercion of individuals for sexual exploitation or forced labour. If legalised, sex workers can be natural allies in the fight against trafficking, and may be well placed to refer trafficking victims (usually children, widows or adolescents) to appropriate services.

When freed from the threat of criminal penalties, sex workers can organize and collaborate with law enforcement agencies, departments of probation and child care and women's affairs. Despite this, laws prohibiting the purchase of sexual services are often quite ironically promoted as a successful means to combat

human trafficking to cosmopolitan hubs. On the contrary, countries which legalise it have less related crime.

Legalising sex work recognizes the right of people to privacy and freedom from undue state control over sex and sexual expression when it poses no threat to society. The different treatment of sex work from other types of work is an example of governments' long history of exerting control over bodily autonomy, self-determination of individuals and sexuality.

Proper recognition must be afforded to both sexes where respect for gender equality and sexual rights are asserted. Laws against sex work intrude into private sexual behaviours and constitute a form of state control over the bodies of women and gay, lesbian and trans-gender persons who make up a significant segment of sex workers.

Criminalising sexuality is like state controls over reproductive rights and sexual acts between consenting adults. Criminal laws prohibiting sex work attempt to legislate morality with scant regard for bodily autonomy.

Health benefits for the general population will outweigh costs as it reduces the risk of HIV and sexually transmitted infections. Legalisation of sex work could avert a significant percentage of new HIV infections among female sex workers and those mostly exposed to infection.

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