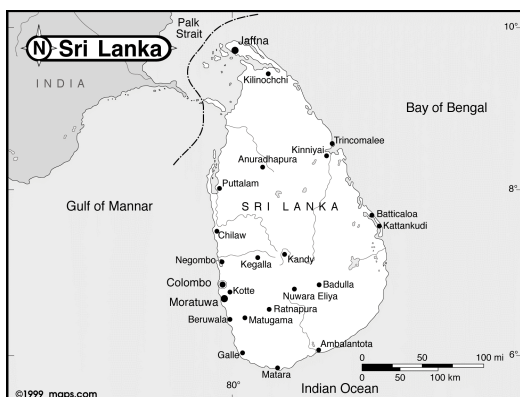


Sri Lanka



Population: 19,408,635
Population Growth Rate: 0.87%
Birth Rate: 16.58 births/1,000 population
Life Expectancy: total population: 72.09 years; male: 69.58 years; female: 74.73 years
Literacy Rate: total population: 90.2% ; male: 93.4%; female: 87.2%
Net Migration Rate: -1.43 migrants/1,000 population
Unemployment Rate: 8.8%
Gross Domestic Product per Capita: US\$3,250
Religions: Buddhist 70%, Hindu 15%, Christian 8%, Muslim 7%
Languages: Sinhala (official and national language) 74%, Tamil (national language) 18%, other 8%
Ethnic Groups: Sinhalese 74%; Tamil 18%; Moor 7%; Burgher, Malay, and Vedda 1%
Capital: Colombo

SCOPE OF THE PROBLEM

Related Activities

Little information exists on the trafficking of persons in Sri Lanka. However, the presence of child prostitution and illegal immigration indicates a high probability of trafficking. Sri Lanka has a reputation as a pedophile's paradise. In 1997, it was considered the principle source of child pornography for the United States and Europe. Child care workers in Sri Lanka estimate that between 10,000 and 12,000 children are being prostituted, many of whom were orphaned during the 14-year civil war.¹ According to a 1996 study by End Child Prostitution in Asian Tourism, almost 30,000 boys are in prostitution in Sri Lanka.² In addition to child prostitution, other forms of commercial sex are increasing. It is estimated that one-third of women and children in prostitution in Sri Lanka were trafficked into the country.³

The business of smuggling people out of Sri Lanka on boats to places such as Italy and Australia prospers.⁴ The rising prices of fuel have caused many fishermen to resort to prostitution themselves or to smuggling people. Small fishing boats packed with immigrants are often

¹ "Sri Lankan Children for Sale on Internet," *Sunday Telegraph*, 26 October 1997.

² "Sex Tourism Spreading from Asia to Latin America, Study Warns," *Deutsche Presse-Agentur*, 23 March 1996.

³ "WHO Notes Lucrative Asian Sex Trade," *Business World*, 31 August 2001.

⁴ Saragh Malalasekera, "Negombo Police Seize Shipload of Illegal Emigrants," *Sri Lankan Daily News*, 16 April 2001. See also "Nine Crew Members Charged with People Smuggling," *Australian Associated Press*, 10 May 2001, and "Immigrants Detained While Trying to Reach Greek Island," *AP Worldstream*, 15 October 2000.

discovered in transit to or on arrival at a country wealthier than Sri Lanka.⁵ Also, the number of women emigrating from Sri Lanka—often illegally—is increasing. Many women go to Saudi Arabia and other Persian Gulf states as maids.⁶ In Hong Kong, Japan, and Singapore, three out of five Sri Lankans are women.⁷ Sri Lankan maids have reportedly been mistreated in Saudi Arabia. Many Asian maids in the Persian Gulf states are forbidden to leave the house of their employer, are not given time off, are poorly paid, and are sexually harassed.⁸

Poverty and civil unrest are cited as main reasons for the growing sex trade. Rising fuel prices and high bank interest rates have increased the economic disparity that can force some into prostitution.⁹ During the recent 18-year campaign for independence, the Liberation Tigers of Tamil Eelam, a Sri Lankan insurgent group, killed hundreds of civilians in terrorist attacks. Thousands of Sri Lankans have fled to Canada as refugees.¹⁰ Since 1956, tensions have existed between the majority Sinhalese ethnic group and the minority Tamils, leading to violent outbursts.¹¹ In desperation, many of the residents of this country are migrating in search of economic and political stability. After seeking to take advantage of what they perceived to be legitimate employment opportunities, many find themselves in forced labor and sexual servitude.

LAW AND LAW ENFORCEMENT

Criminalization and Penalties

Prostitution is legal in Sri Lanka.

The Penal Code, as amended in 1995,¹² prohibits anyone from procuring a person with the intent that he or she becomes a prostitute inside or outside the country, regardless of the person's age or sex and any consent. Punishment for the offense is a fine and imprisonment for 2 to 10 years.¹³

The code also prohibits removing a person from the country for purposes of prostitution, procuring a person for employment in a brothel, and detaining a person without consent in a brothel for purposes of sexual intercourse or sexual abuse.¹⁴

⁵ Amal Jayasinghe, "Sri Lanka Fishermen Hooked on Prostitution, People Smuggling," *Agence France Presse*, 18 June 2001.

⁶ Michael Binyon, "UN Rules Sought as Exploitation of Asian Maids Rises," *Times* (London), 8 July 1995.

⁷ Zoraida Portillo, "Labor: Migration of Women Is a Survival Strategy," *Inter Press Service*, 5 July 1999.

⁸ Michael Binyon, "UN Rules Sought as Exploitation of Asian Maids Rises," *Times* (London), 8 July 1995.

⁹ Amal Jayasinghe, "Sri Lanka Fishermen Hooked on Prostitution, People Smuggling," *Agence France Presse*, 18 June 2001.

¹⁰ Stewart Bell, "Up to 8,000 Tamil Guerrillas Living in Toronto, RCMP Says," *National Post* (Canada), 27 April 2001.

¹¹ "Background Note: Sri Lanka," U.S. Department of State, Bureau of South Asian Affairs, October 2001.

¹² Penal Code (Amendment) Act No. 22 of 1995.

¹³ Section 360(A).

¹⁴ *Ibid.*

The code prohibits procuring a person under 16 years of age with the intent that the person enter into the country or leave the country for the purpose of illicit sexual intercourse. Punishment for the offense is imprisonment for 5 to 20 years.¹⁵

The code penalizes any person who—for the purpose of promoting, facilitating, or inducing the buying, selling, bartering, or placement in adoption of any person for money or any other consideration—arranges for a child to travel to a foreign country without the consent of his or her legal guardian.¹⁶ The code also criminalizes engaging in the procurement of a child from a hospital, shelter, clinic, nursery, day care center, or other child care institution for consideration and engaging in the procurement of a child for adoption from any of these institutions.¹⁷ Punishment for trafficking for the purpose of illicit adoption is imprisonment for up to 20 years.¹⁸ The same punishment applies to recruiting women or couples to bear children and to falsifying birth records.¹⁹

The Penal Code, as amended in 1998,²⁰ criminalizes hiring, employing, persuading, inducing, or coercing a child to procure any person for illicit sexual intercourse.²¹ Punishment for the offense of employing children to act as procurers is imprisonment for 2 to 5 years.

Immigration Status of Trafficked Person

The Immigrants and Emigrants Act allows the executive authority to issue a “deportation order” requiring a prostitute, procurer, or person living on the prostitution of others to leave Sri Lanka.²²

The act recognizes as a criminal offense the forging of, altering of, or tampering with any passport.²³

The act penalizes any person who brings any other person into the country by any means while knowing that such an entry would violate the act.²⁴

The act also penalizes anyone who conceals or harbors any person or transports any person while knowing that the person has entered the country or is remaining there in violation of the immigration rules.²⁵

It is also illegal to employ any person while knowing that the person has entered or is remaining in the country illegally.²⁶

¹⁵ Section 360(B).

¹⁶ Section 360(C).

¹⁷ Ibid.

¹⁸ Ibid.

¹⁹ Ibid.

²⁰ Penal Code (Amendment) Act No. 29 of 1998.

²¹ Section 288(A). Furthermore, section 288(1) criminalizes causing or procuring children to beg, and section 288(B)(1) criminalizes hiring or employing children to traffic in drugs.

²² Article 31(1)(a)(iii).

²³ Article 45(1)(d).

²⁴ Article 45(A)(1)(a).

²⁵ Article 45(A)(1)(b).

Forced Labor

The constitution provides that “A person shall not be required to perform forced labor.”²⁷

International Conventions

Sri Lanka has ratified the International Labor Organization (ILO) Convention (182) to Eliminate the Worst Forms of Child Labor; the United Nations (UN) Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Sri Lanka has also signed the UN Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children.

However, Sri Lanka has not ratified the ILO Convention (105) on the Abolition of Forced Labor or the Optional Protocol to the UN Convention on the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography.

²⁶ Article 45(A)(1)(c).

²⁷ Article 23(1).