

**CRITICAL ANALYSIS OF LEGALIZING OF
PROSTITUTION IN SRI LANKA: INSIGHTS FROM THE
UNITED STATES OF AMERICA AND
THE NETHERLANDS**

I hereby declare that the work submitted by me under the guidance of the supervisors given below and I certify that the work has not been submitted in whole or in part in any other university or another degree or diploma.

By



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The Dissertation submitted to

**GENERAL SIR JOHN KOTELAWALA DEFENCE
UNIVERSITY
SRI LANKA**

In partial fulfillment of the requirement for the award of the degree of

PERMANENT REFERENCE

Master of Law

21st August 2023

ACK ABSTRACT**CRITICAL ANALYSIS OF LEGALIZING OF PROSTITUTION IN SRI LANKA: INSIGHTS FROM THE UNITED STATES OF AMERICA AND THE NETHERLANDS****Atanikitha Pathirana Dilini Geethanjalee Pathirana****Faculty of Graduate Studies****General Sir John Kotelawala Defence University**

This thesis attempts to explore issues relating to prostitution in Sri Lanka, including fundamental rights violations of sex workers, health problems including socially transmitted illnesses, social stigma, etc., and the inadequacy of the existing legal framework to resolve such issues. The sex work policy models of criminalization and legalization practiced in the USA and the Netherlands have been examined in order to identify the merits and demerits of such policies and to evaluate whether legalization is a viable solution to resolve the prostitution-related issues in Sri Lanka. A library-based critical review of the literature using primary and secondary legal sources extensively, along with unstructured and informal interviews, have been made to develop this thesis.

This research highlights that the evolution of the nature of sex work has made it difficult to control and regulate the sex industry, and the question of the extent to which prostitution is subject to the control of the law remains a debate. The findings of this research reveal that all the policy regimes—legalization, decriminalization, and criminalization—are not without their inherent issues, and their success largely depends on the efficiency and effectiveness of the law enforcement authorities. The divergent views expressed in the interviews shed light on whether it is feasible to adopt legalization in the social, cultural, political, religious, and moral contexts of Sri Lanka.

This thesis concludes that any change to the status quo relating to the governance of prostitution in Sri Lanka needs a prudent analysis of not only the merits of alternative policies adopted in other jurisdictions but also the social, legal, economic, and moral dimensions in which such policies are going to be operated. Having considered that the readiness of society is a key determining factor in changing the legal landscape of prostitution in Sri Lanka, shifting to legalization has been suggested in the long run.

KEYWORDS

Prostitution, Legalization, Law Enforcement Authorities, Prostitution-related issues