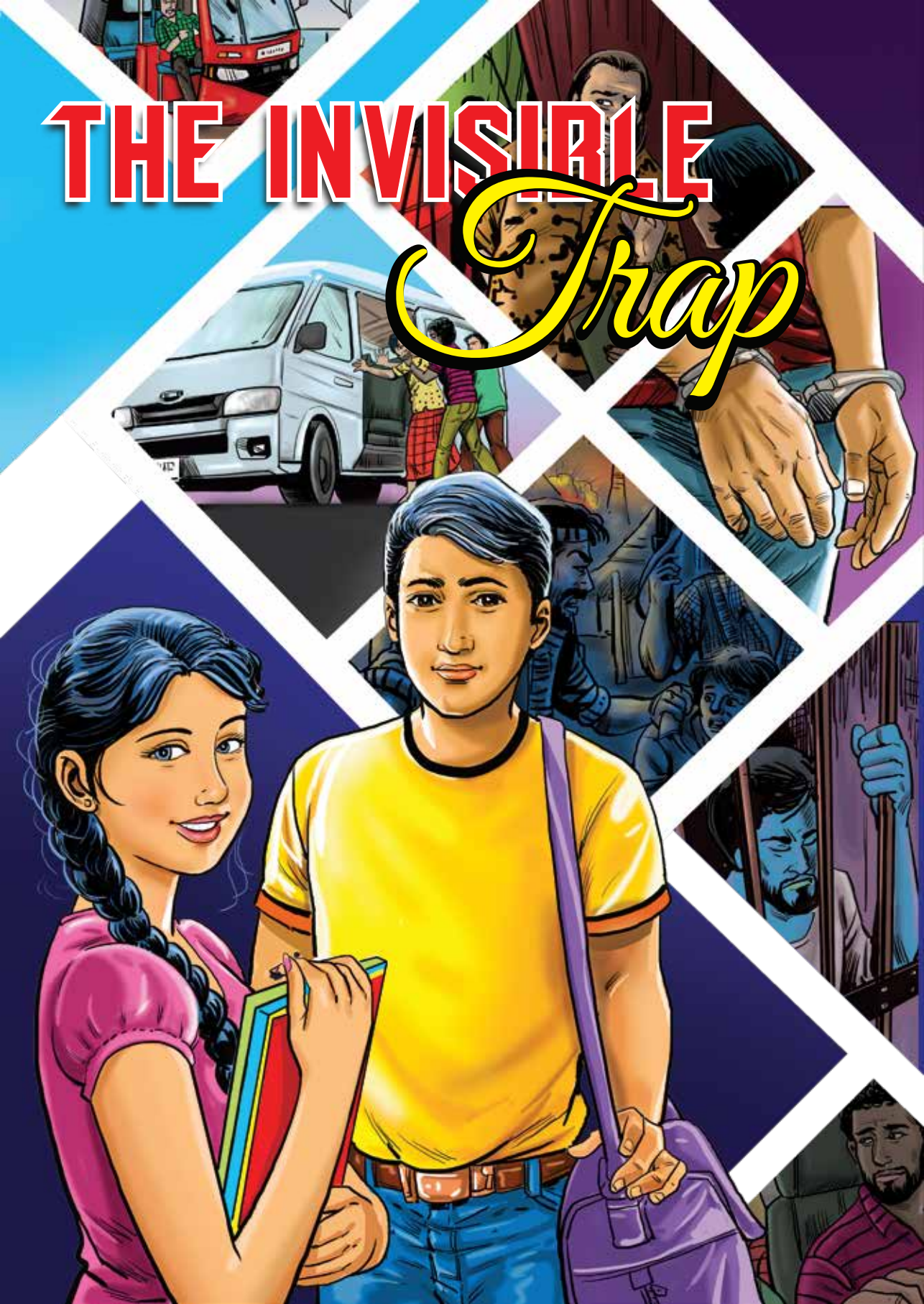
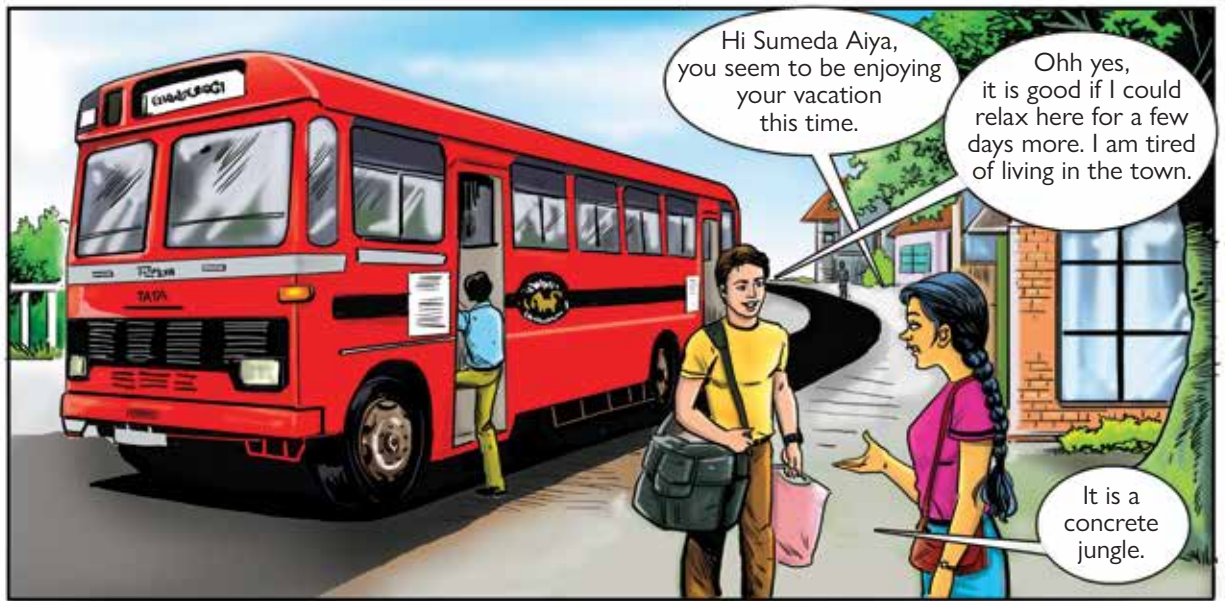


THE INVISIBLE

Trap





Hi Sumeda Aiya, you seem to be enjoying your vacation this time.

Ohh yes, it is good if I could relax here for a few days more. I am tired of living in the town.

It is a concrete jungle.



Aunty is waiting for you.

Yes, as usual.

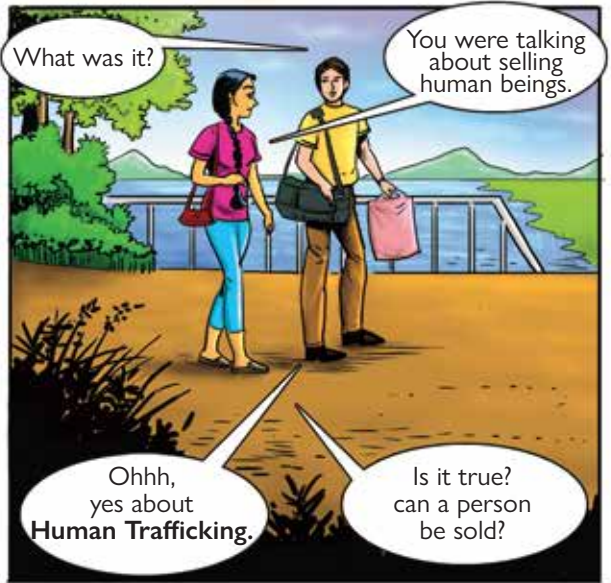
Where are you heading to?

I went to the post office. Now I am returning home.



How is your training?

Enjoying it. Be that as it may, I am so curious about what you promised to explain.



What was it?

You were talking about selling human beings.

Ohhh, yes about **Human Trafficking.**

Is it true? can a person be sold?



Why not, though it is commonly mentioned as persons, all adults...

males, females, and children regardless of their sex or age can be sold.

Really, is that so?



There are racketeers who engage in such businesses.

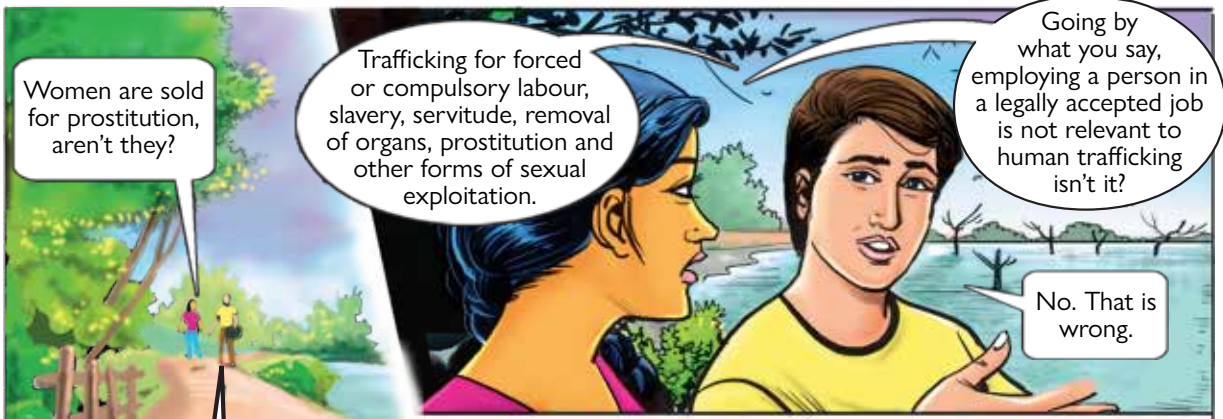
How can it be so?

It is illegal; no one has the permission to do so.



If so, how do they do it? Ohhh... I know...

What do you know?

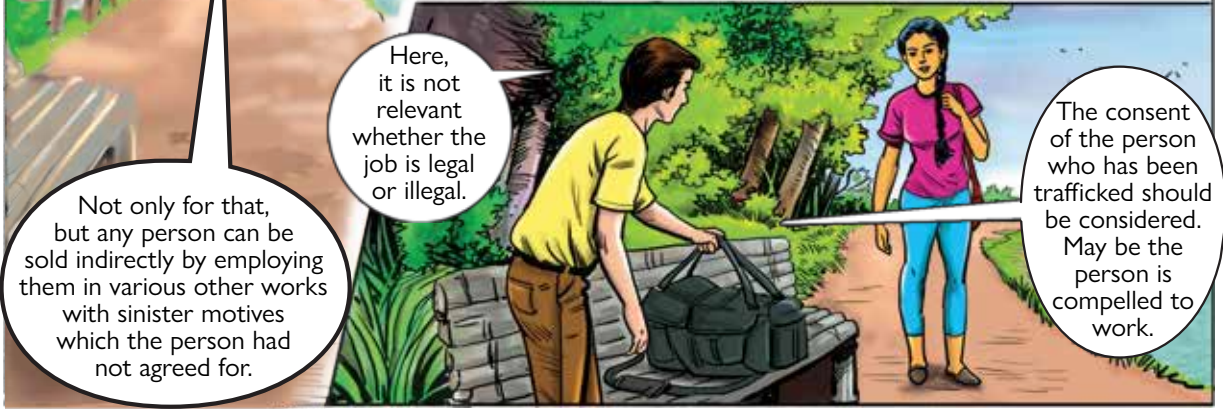


Women are sold for prostitution, aren't they?

Trafficking for forced or compulsory labour, slavery, servitude, removal of organs, prostitution and other forms of sexual exploitation.

Going by what you say, employing a person in a legally accepted job is not relevant to human trafficking isn't it?

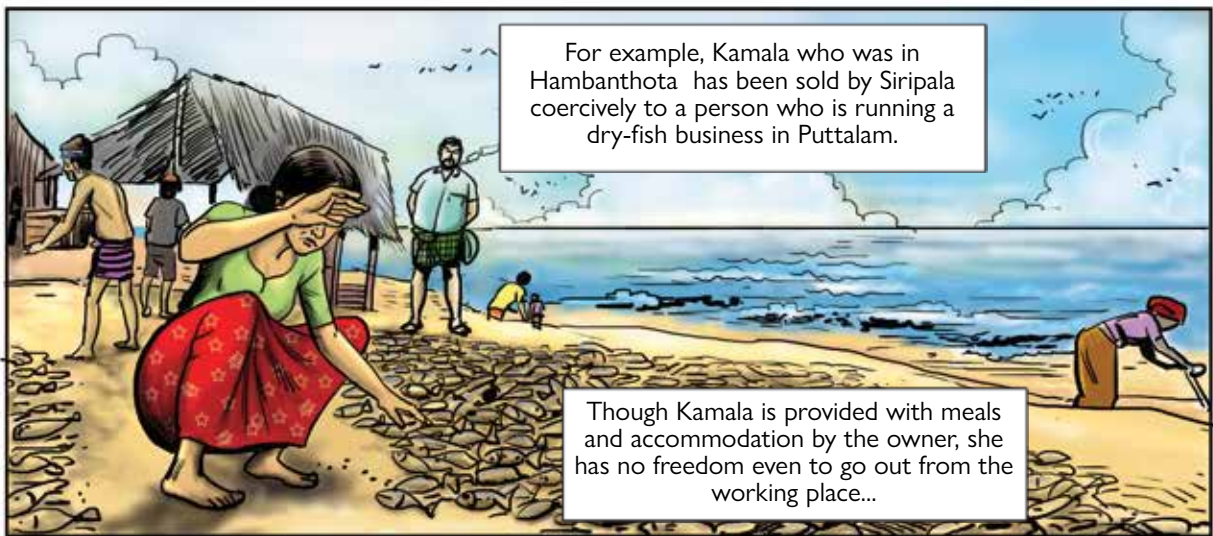
No. That is wrong.



Not only for that, but any person can be sold indirectly by employing them in various other works with sinister motives which the person had not agreed for.

Here, it is not relevant whether the job is legal or illegal.

The consent of the person who has been trafficked should be considered. Maybe the person is compelled to work.



For example, Kamala who was in Hambanthota has been sold by Siripala coercively to a person who is running a dry-fish business in Puttalam.

Though Kamala is provided with meals and accommodation by the owner, she has no freedom even to go out from the working place...



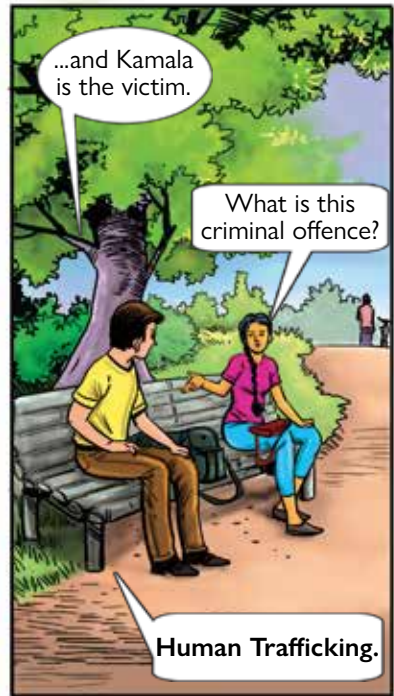
Kamala is working there due to fear, without her consent.

Detaining a person for forced labour is completely unlawful.



So, has Kamala committed a criminal offence?

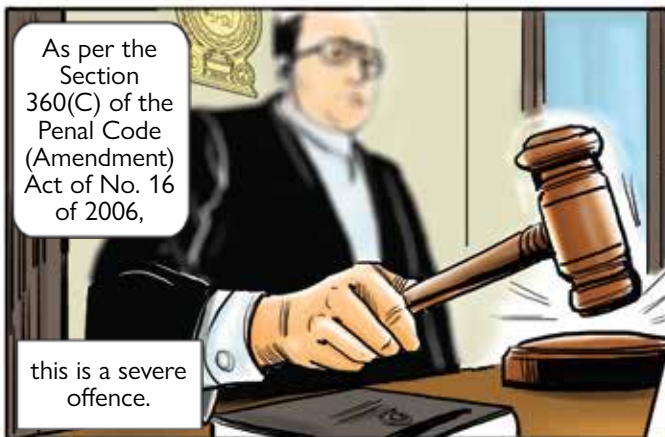
Not Kamala, Siripala and the dry-fish maker had committed a criminal offence...



...and Kamala is the victim.

What is this criminal offence?

Human Trafficking.

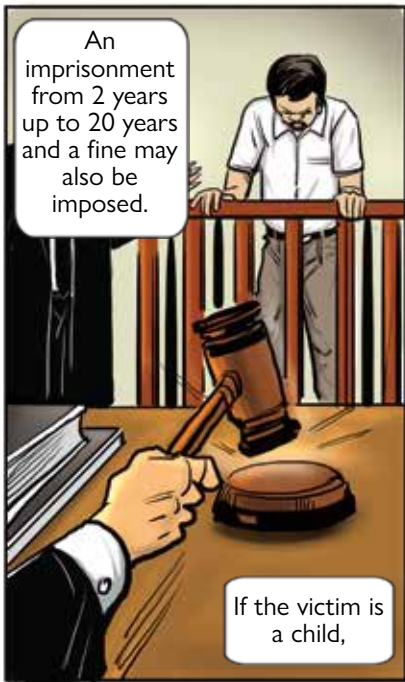


As per the Section 360(C) of the Penal Code (Amendment) Act of No. 16 of 2006,

this is a severe offence.



What is the punishment for this offence?



An imprisonment from 2 years up to 20 years and a fine may also be imposed.

If the victim is a child,



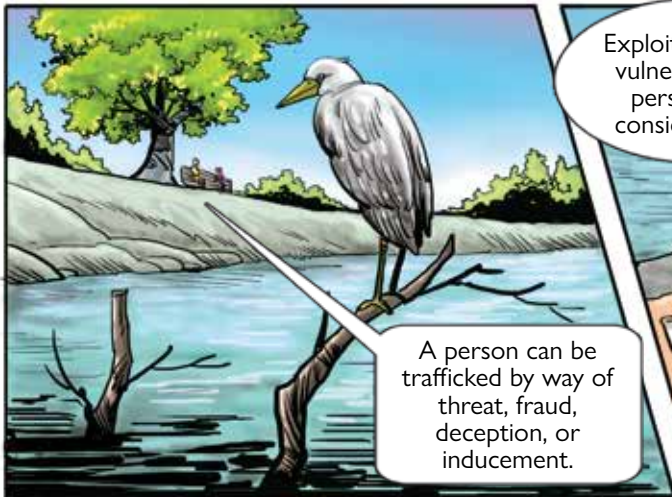
in addition to a fine the minimum imprisonment period is increased to 3 years...

...and may be extended to 20 years.



However, a person must be sold by force to constitute this offence. Is that so?

Selling by force is only one mode of this offence.



A person can be trafficked by way of threat, fraud, deception, or inducement.



Exploitation of the vulnerability of a person is also considered here.

For example...



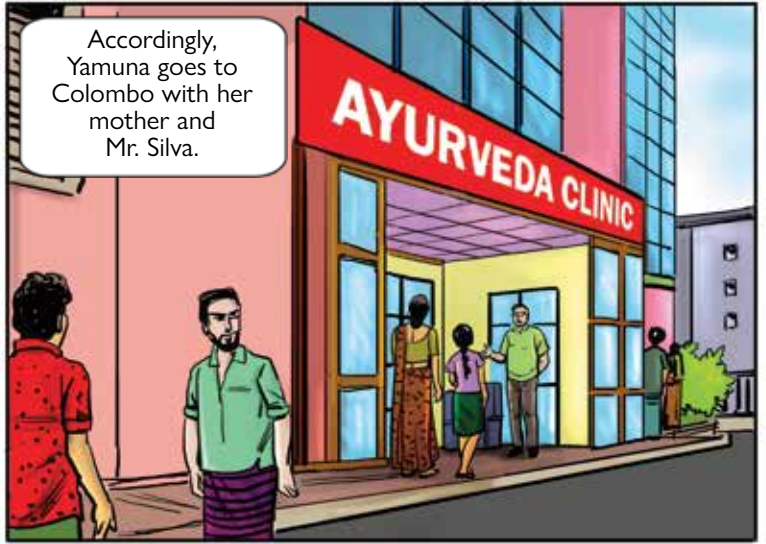
Yamuna is waiting for her Advance Level Examination results,

she is seeking a job due to the economic difficulties faced by her family.

Mr. Silva promised her to find a job at an Ayurvedic Clinic in Colombo to work as a cashier.



Accordingly, Yamuna goes to Colombo with her mother and Mr. Silva.



Mrs. Lisi Nona who is in charge of the said clinic recruits Yamuna saying that Yamuna has to work as a cashier.

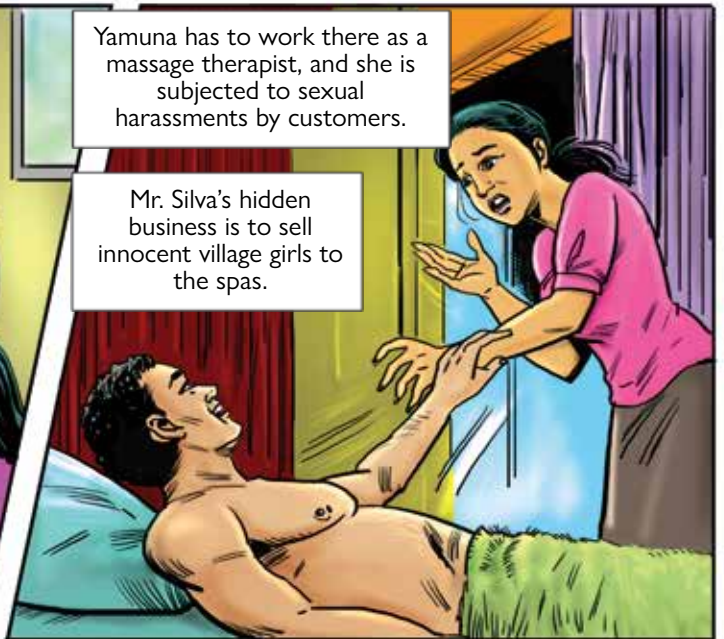


Later, Yamuna finds out that the place is a massage spa which provides services only for male customers.



Yamuna has to work there as a massage therapist, and she is subjected to sexual harassments by customers.

Mr. Silva's hidden business is to sell innocent village girls to the spas.



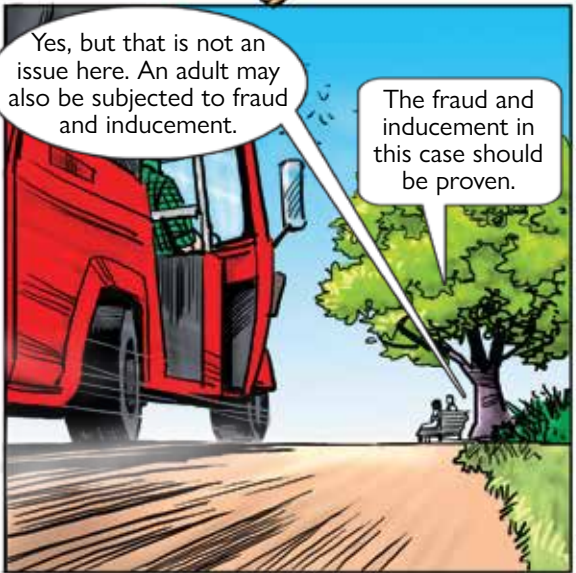


At this juncture, Yamuna has been subjected to fraud and inducement.

That's how both Mr. Silva and Mrs. Lisi Nona have committed the offence of Human Trafficking.

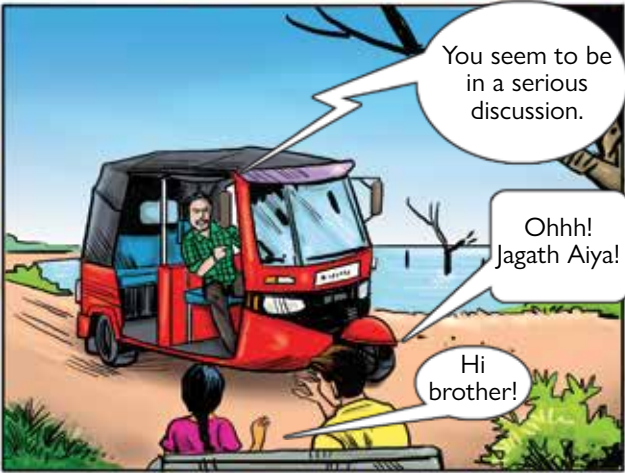


However, Yamuna is an adult? Isn't she over 18 years of age?



Yes, but that is not an issue here. An adult may also be subjected to fraud and inducement.

The fraud and inducement in this case should be proven.



You seem to be in a serious discussion.

Ohhh! Jagath Aiya!

Hi brother!



Good that we met you; can we join you? it will be much easier for us

Sure, can I also join you in your so-called important discussion?



Do you know anything about Human Trafficking?

Not much. Will you explain it to me as well?



Ok. I'll explain with an example.

There is a person named Alfred who illegally cultivates cannabis in a rural area.

He needs people to be employed in the business. Nalin is a notorious person in the village who supplies persons to Alfred as workers for his business.



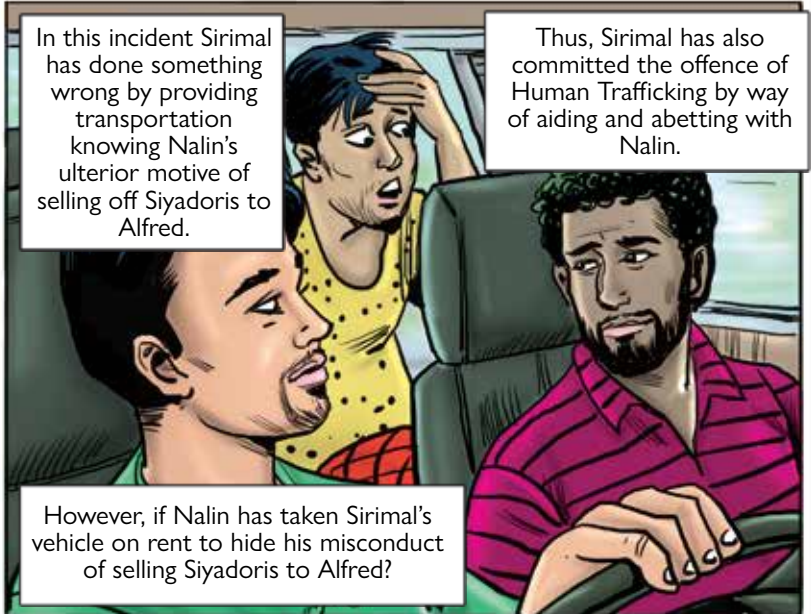
Siyadoris is an innocent person living in another village. Nalin is conspiring with Sirimal to take Siyadoris by force to Alfred's place.

Accordingly, both Sirimal and Nalin sold Siyadoris to Alfred for Rs.100,000, and they shared the money between themselves.

Siyadoris doesn't know even to return back to his home, he is cultivating cannabis as he is forced to do so by Alfred.



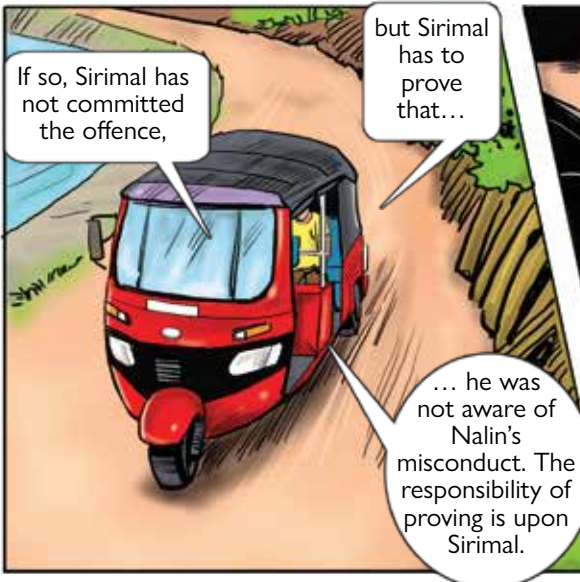
In this incident Sirimal has done something wrong by providing transportation knowing Nalin's ulterior motive of selling off Siyadoris to Alfred.



Thus, Sirimal has also committed the offence of Human Trafficking by way of aiding and abetting with Nalin.

However, if Nalin has taken Sirimal's vehicle on rent to hide his misconduct of selling Siyadoris to Alfred?

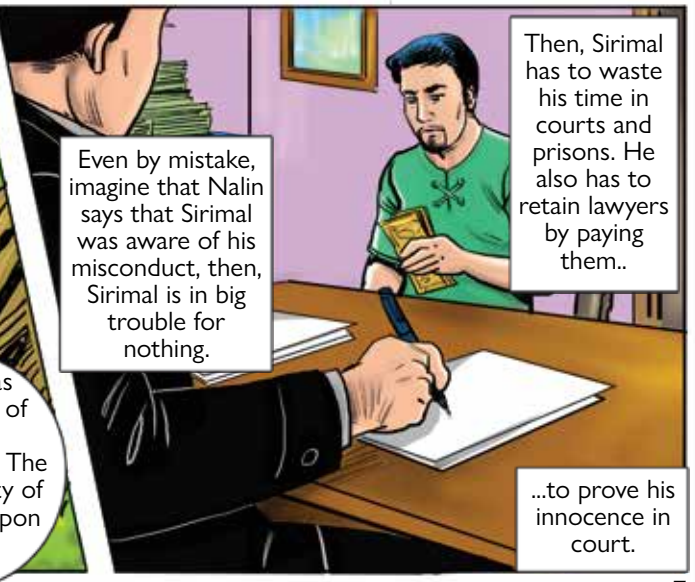
If so, Sirimal has not committed the offence,



but Sirimal has to prove that...

... he was not aware of Nalin's misconduct. The responsibility of proving is upon Sirimal.

Even by mistake, imagine that Nalin says that Sirimal was aware of his misconduct, then, Sirimal is in big trouble for nothing.



Then, Sirimal has to waste his time in courts and prisons. He also has to retain lawyers by paying them..

...to prove his innocence in court.



Is Alfred a culprit in this case?

Of course, he is involved in both buying and recruiting Siyadoris.



Then, how do these traffickers detain the victims in secret?

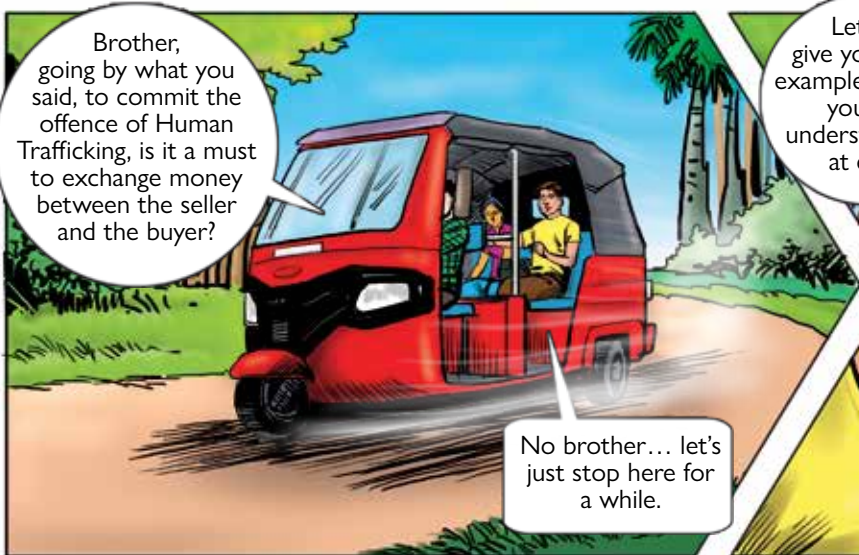


Can you remember, during the war children were kidnapped...

...and sold to terrorist organizations by certain groups.



Then those children were given military training and deployed in war by force as child soldiers. It is a classic example for this.



Brother, going by what you said, to commit the offence of Human Trafficking, is it a must to exchange money between the seller and the buyer?

No brother... let's just stop here for a while.



Let me give you some examples, so that you can understand this at ease.

Fernando who is living in a town requires a village boy to be employed in his house as a child servant.



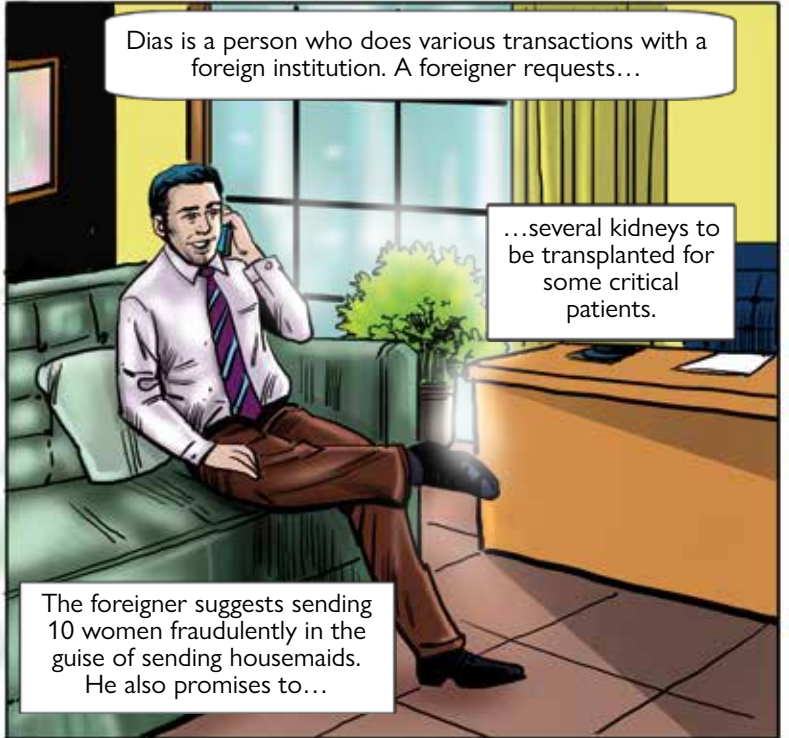
Fernando promises to transfer his paddy land to Neil, if Neil finds a child servant for Fernando.

So, Neil hoodwinks Samantha who is 17 years of age and his parents living in his village and takes Samantha to Fernando's house.



Fernando transfers his paddy land to Neil as promised and registers the land as a deed of sale, but he doesn't take any money from Neil.

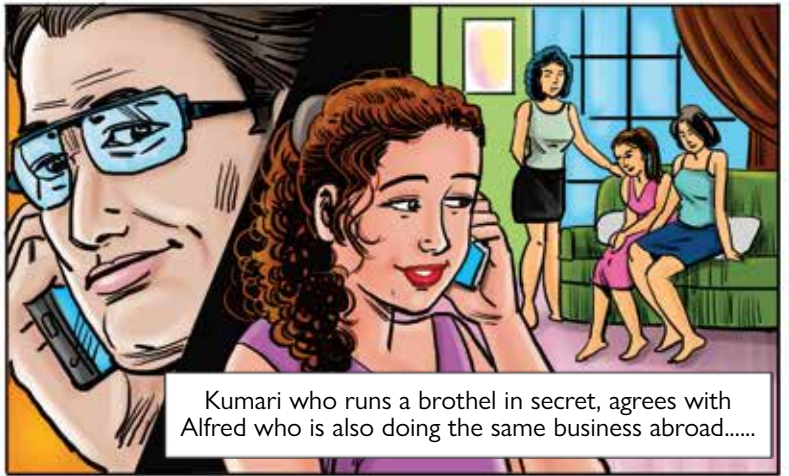
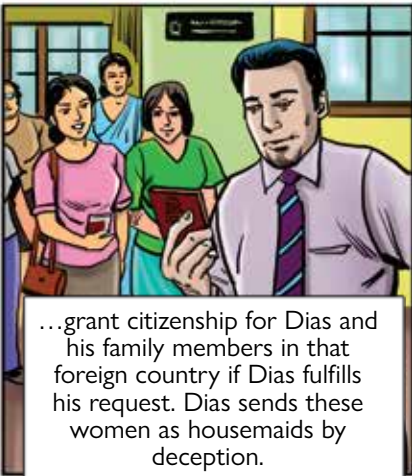
Dias is a person who does various transactions with a foreign institution. A foreigner requests...



...several kidneys to be transplanted for some critical patients.

The foreigner suggests sending 10 women fraudulently in the guise of sending housemaids. He also promises to...

...grant citizenship for Dias and his family members in that foreign country if Dias fulfills his request. Dias sends these women as housemaids by deception.



Kumari who runs a brothel in secret, agrees with Alfred who is also doing the same business abroad.....

...to exchange women and to be employed as prostitutes



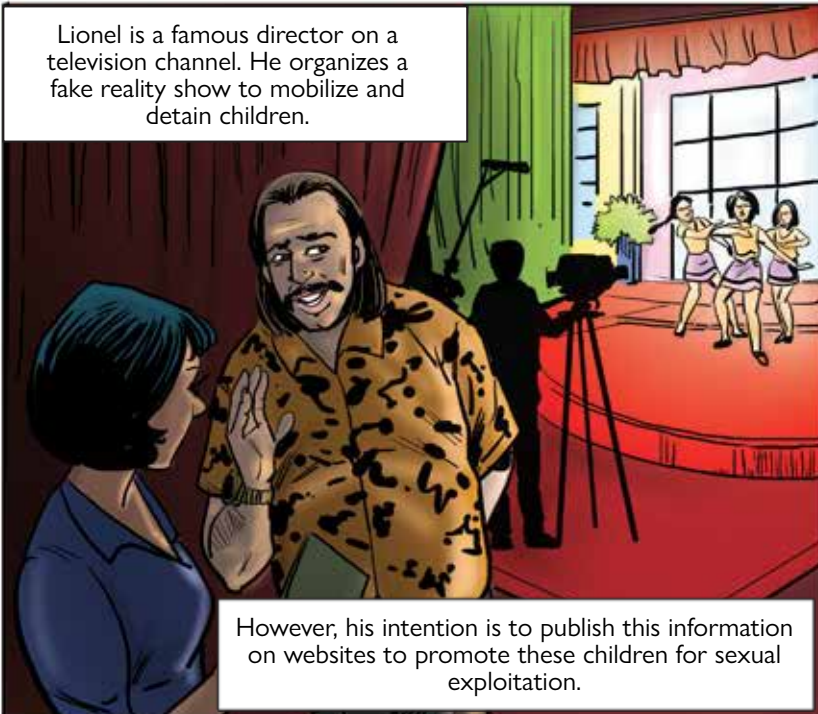
Accordingly, Kumari promises few vulnerable women domestic jobs in the country where Alfred resides and fraudulently sends them abroad.

Vidura is a celebrity. He registers young good-looking ladies in an association after a training programme conducted by him promising the ladies that they will be given opportunities to act in dramas.



After which, the information of the ladies along with their photographs are published by Vidura through a website where they are sold as prostitutes.

Lionel is a famous director on a television channel. He organizes a fake reality show to mobilize and detain children.



However, his intention is to publish this information on websites to promote these children for sexual exploitation.



Ameesha is a friend of Lionel who assists Lionel in publishing this information in various social media platforms further.

Vidura cheats young ladies promising them an opportunity to act in teledramas.



Then he publishes the information of these ladies through a website maintained by him for the purpose of selling them.

Upon such requests from customers, selected young ladies are invited for filming

However, the young ladies are subjected to sexual harassment in...

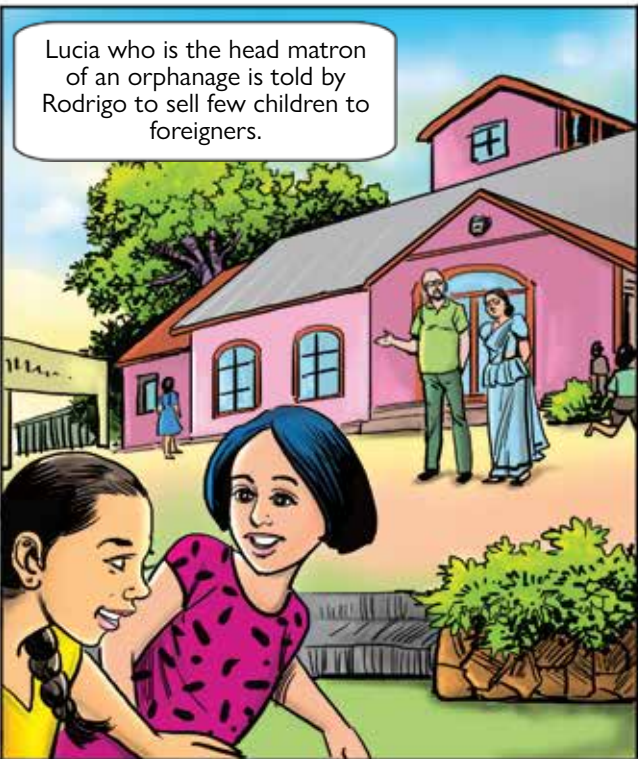


...a fake studio maintained by Vidura.



And Anura is helping Vidura in these misconducts.

Lucia who is the head matron of an orphanage is told by Rodrigo to sell few children to foreigners.



Lucia is given a luxury car for her involvement.



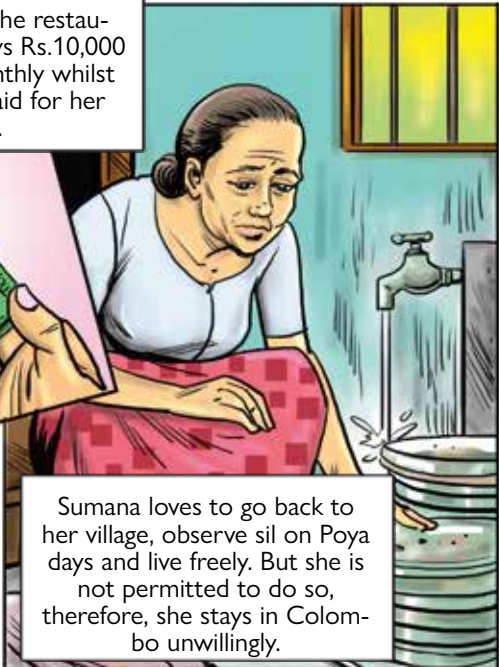
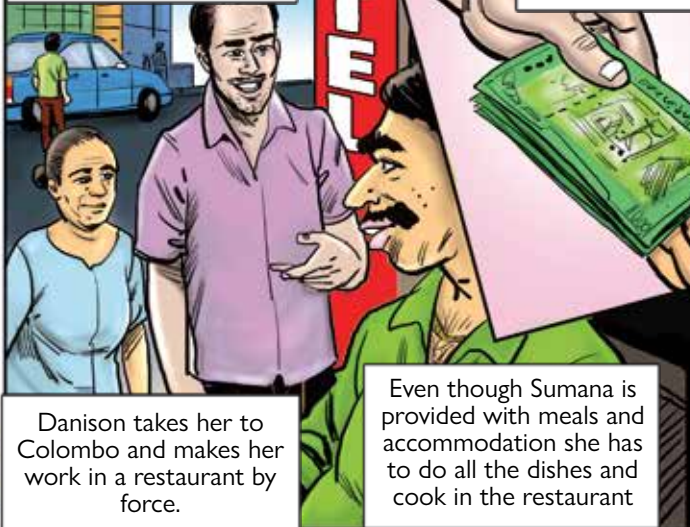
Because of this Lucia does not think twice to provide the photos of the innocent children to Rodrigo to upload on social media.



Sumana is an old lady who used to sell food items to the village bistros to find her daily bread. She lives alone in a poor house located in a land belonging to the village temple.

Danison lives in the same village and promises Sumana a pair of spectacles.

The owner of the restaurant, Shantha pays Rs.10,000 to Danison monthly whilst Sumana is unpaid for her work.



Even though Sumana is provided with meals and accommodation she has to do all the dishes and cook in the restaurant

Sumana loves to go back to her village, observe sil on Poya days and live freely. But she is not permitted to do so, therefore, she stays in Colombo unwillingly.

Danison takes her to Colombo and makes her work in a restaurant by force.



As a whole, Silva, Lisinona, Kumari, Alfred, Vidura, Lionel, Amisha, Anura, Rodrigo ,Lucia, Shantha and Danison are identified as persons who have committed the offence of Human Trafficking according to our law.

Not at all. Parents or any guardian of a child or school-teachers or school principals or...

...a matron of an orphanage or a head of any institution or let alone any person has...



...no power to do so.

That means, parents may be punished if they do so?

Well, just think that a person is sold to an institution by a trafficker. The person was initially recruited to the institution by fraud.

However, if the person joins the institution with his consent at the end, then what?



Definitely. No sympathy even for parents. Legal action can be taken against them.

Then the burden of proof is upon the trafficker and the owner of the institution to prove that the person was recruited with his consent.

It is very difficult to release such persons on bail under this offence. The offence of Human Trafficking is also recognized as...

...a non-compoundable offence as well.

According to Article 360(C) of the Penal Code, unless they prove that the person joined the institution with his consent both trafficker and the person who recruited him could be arrested even without a warrant.

Therefore, where the charge of Human Trafficking has been framed against any person, he may be put in prison throughout the court proceedings and even until the end.



Not only that, it is also very difficult to request the release of accused persons on bail and the accused persons will have to...

...retain lawyers at courts with relevant evidence. Further the case shall be more severe...

...where the victim is a child, because the consent of the child is irrelevant to convict the accused person for Human Trafficking, the punishment shall also be a severe one.

That means, if a child is employed in any business by cheating...

It is not needed to prove that the child has given his consent. Is that so?

Exactly. The consent of the child is not needed to convict the accused persons.

That means, if the victim is below the age of 18 years, the consent of the victim is not considered in the court.

Several reasons may be relevant...

...basically lack of social protection.

What are the reasons for Human Trafficking?

Parents, teachers, adults, public officials, religious monks and all members of our society have the responsibility to provide such protection to each other.

If we try to safeguard each other with proper awareness....

...we can be safe from Human Trafficking.

Secondly, poverty is one of the main reasons for such vulnerabilities.

The classical example for that is selling of children by parents.

Children may be forced to being victims of trafficking in a society where everything is determined on monetary factors.

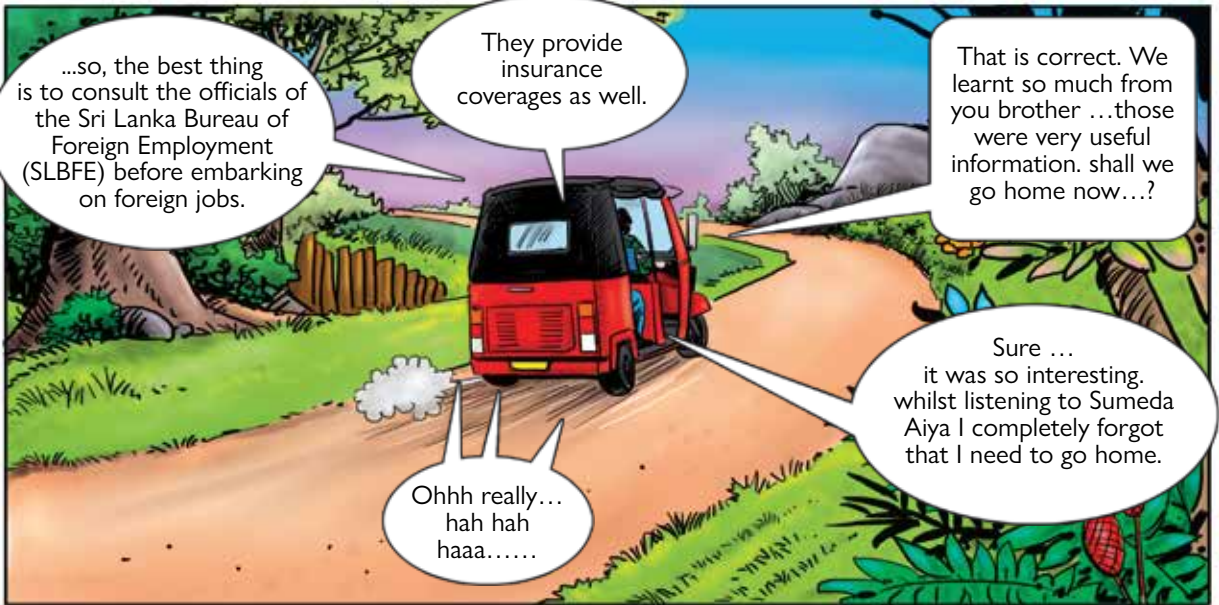
Thirdly, sometimes people tend to tolerate anything illegal when their trust and confidence on the law enforcement authorities have collapsed.

The other main reason is addiction to drugs... mostly drug addicts may do any immoral act to make money.

Irregular usage of social media paves the way to traffickers to lure children into wrongful acts as there is no regulatory mechanism to control these social media platforms.

Prevailing trend and demand for finding overseas jobs due to the current economic situation in the country provides enough of opportunities for traffickers to hoodwink vulnerable persons easily.

There is a high possibility of getting caught to the deceivers if people are in a hurry to go abroad secretly without proper training... at the end isolated children will become the victims of culprits as well...



For assistance

Police	- 119
Children & Women Bureau	- 0112 444 444
Sri Lanka Bureau of Foreign Employment	- 1989
Human Trafficking, Smuggling and Maritime Crimes Investigation Division-Criminal Investigations Department	- 0112 514 374
International Organization for Migration (IOM)	- 076 658 8688
The National Anti-Human Trafficking Task Force (www.nahttf.gov.lk)	- 076 844 7700
National Child Protection Authority	- 1929

Script: Major Sandun Gunawardana,
LLB(University of Colombo), LLM (KDU)
& Attorney at Law

Cartoons: Wilton Rahapaksha



 **IOM**
UN MIGRATION