

REGIONAL MEETING ON SEX WORK(ER) RIGHTS

10-11 JULY, 2016

KATHMANDU, NEPAL



Organized by

Sex Workers And Allies, South Asia (SWASA)



Overview

The South Asia Regional meeting on Sex Work(er) rights was conducted by Sex Workers & Allies South Asia (SWASA) in Kathmandu, Nepal on 10 and 11 July, 2016. The participants from four countries belonged to the Jagruti Mahila Mahasangh (JMMS) from Nepal; Daffodil Collective and Stand Up Movement from Sri Lanka; Sex Workers Network of Bangladesh (SWNOB) from Bangladesh and the Veshay Anyay Mukti Parishad (VAMP), Uttara Karnataka Mahila Okkuta (UKMO) and the National Network of Sex Workers (NNSW) from India.

In recent times regional allies have been collaborating more closely with sex workers' rights organisations in order to build alliances and further a rights-based agenda in South Asia.

In India, the National Network of Sex workers is linked to Asia Pacific Network of Sex Workers (APNSW) to which federations and organisation from Afghanistan, Bangladesh, Bhutan, India, Nepal, Pakistan and Sri Lanka are also linked. Additionally, the federations and community organisations are also individually linked to the Global Network of Sex Work Projects (NSWP). With the realisation that issues faced by sex workers in South Asia demand strategies different from those used in the Western and Eastern world, the time seemed ripe for the emergence of a regional network in order to lobby with governments South Asia. Such a regional network would be mindful of voices from South Asia, expressing themselves in their own languages, foregrounding local experiences and initiatives. Forging alliances with rights-based organisations around the region to strengthen advocacy efforts was an intrinsic part of the effort to broaden the network of allies.

The SWASA initiative, launched in New Delhi in 2013 by regional representatives, seeks to empower sex work leaders and regional networks and build alliances with civil society in order to address practices harmful to sex workers. The main objective is to advocate for change in discriminatory laws and policies and improve HIV and health services and access to justice for sex workers. The initiative has been working to develop and strengthen networks of sex workers by enhancing their

skills to address discriminatory laws and policies. Given the challenges faced in advocating for the amendment of policies and laws in each country, the strength of collectives coming together under regional networks enables the collectives to learn from each other's experiences and struggles.

Solidarity across borders

'Kopisha', a young woman from Nepal was cheated by her boy friend Bahadur who was from her own village. He brought her to Allahabad, India, and sold her to an agent who took her to a brothel and left her there. After being physically abused by the brothel owner for many days, Kopisha had no other option but to do sex work. During a raid of the brothel, Kopisha escaped. Knowing no one else, she went back to the agent and asked him to find her a job. The agent took her all the way to Sangli and dumped her in a brothel. In the brothel, she was not happy, and witnessing her misery, the brothel owner tried to talk to her. She narrated her entire story and revealed that she was from Nepal.

The brothel owner informed VAMP and SANGRAM and immediately Jagruti Mahila Mahasangh, Nepal, was contacted. They spoke to Kopisha in Nepali. Since she wanted to go back to her country, VAMP and SANGRAM made arrangements and helped her with Rs 10,000. Two members from VAMP accompanied her to her village and reunited her with her parents. Then they visited JMMS, where they were given some money to return to India.

SWASA has facilitated JMMS, Nepal, to visit Sangli, Maharashtra, India, for a training and VAMP also went to Kathmandu to train members of the JMMS. Members from Sri Lanka had also come to Sangli for a five-day UNAIDS training. SWASA helped member organisations in Bangladesh to strengthen the sex workers' network, a move which resulted in organising a 'Public Hearing on Sex Workers' Rights' with the National Human Rights Commission of Bangladesh.

Think Global, Act Regional

The need for regional networking is imperative, given the overall global scenario. The advocacy and campaigning initiative to overturn the 2007 UNAIDS policy is a case in point. Ostensibly a policy aimed at prevention of HIV, the policy in effect was abolitionist, in line with the official US policy promoting the 'prostitution pledge' which conflated human trafficking and violence with sex work. Funds earmarked for preventing HIV instead began to be allocated for abolishing sex work. In response, organisations campaigned against the 'prostitution pledge' and opposed the anti-sex work line. Sex worker rights activists, academicians and human rights defenders came together and rewrote the policy for UNAIDS from a sex worker rights perspective and presented it to UNAIDS in Delhi. UNAIDS then promised to amend the guidelines and policy and formed an Advisory Group called 'HIV and Sex work'. The backlash was tremendous, with around 2000 groups across the world coming together to write a letter to UNAIDS alleging that they were helping traffickers, brothel owners and pimps by amending their guidelines.

The sex worker's rights groups relentlessly lobbied with human rights groups across the world, proposing a policy that would protect sex workers' rights. As a result of this campaign, international organisations such as Human Rights Watch and Amnesty International proceeded to articulate positions that supported full decriminalisation of sex work.

Maheswary, Stand Up Movement, Sri Lanka

The police arrested me when I was standing alone. They took a condom, tore it and placed it near me to prove that I am a sex worker. Since I know the procedure followed by the police and the court, I went to the hospital for an internal examination and got a report that there was no sexual activity at the time. I was taken to the court and there again the judge ordered me to go to ward number 33 where the internal examination is done.

At that time, I got both the reports, one that I went previously and did the examination and the second as ordered by the court. I submitted the first one as I knew that I was not having sex at that point of time. When I produced it in the court, the court warned the police and ordered them to release me as I had not had sex at the time when police caught me. The court also warned the police not to bring in a woman when she is not a sex worker. According to the law I can claim damage from the police.

My case is still going on and if I am proved innocent I can claim 30 lakh Sri Lankan rupees.

Demanding decriminalisation

Criminalising sex work has a deep impact on the daily lives of sex workers. When sex work or anything associated with sex work, such as soliciting, brothel keeping or living on the earnings of sex workers is criminalised, the women doing sex work and all those associated with her also become criminal. Sex worker rights activists have been arguing for full decriminalisation of sex work, and stopping making sex workers into criminals because sex work is work and sex workers have a right to safe working conditions.

Participants shared their experiences with respect to the police personnel in the context of criminalisation in their respective countries. One such story is that of Kamala.

Kamala, JMMS, Nepal

“Two months back, one of my friends called me to a hotel and I went to meet him. While returning he gave me Rs 1000. When I was about to leave, two other men came and they forced me to have sex. I refused, saying that I was not well. But they beat me up and forced me. My friend also beat me, demanding that I have sex with them as I was a sex worker. But I did not agree and informed the police and asked them to help me. I waited for more than half an hour for the police while continuously being beaten up by all of them. But since it was more than half an hour and unable to bear the pain, I grabbed the keys of the gate and ran away. While on the way, I saw four men on a motor bike and asked them to drop me to the police station. But they refused. I went further and met another man and asked him to help me. He agreed and by the time I reached the police station, I saw the police van and waved my hand to stop them. I told them the entire story. Then the police asked me to lead them to the place where the incident occurred. I took them there and they wrote down something and asked me to sign it. As I was not literate, I went ahead and signed it. Then they asked me about my home. I told them the address and they went there and told my younger brother that they were taking me along with them. They took me to the hospital but did not perform any tests and instead arrested me and put me in the lock-up for seven days. After seven days they took me to the court, where the judge released me on grounds of health as I was suffering from cancer. As soon as I came out of the court, I called JMMS and informed them about everything. After coming out, the police said that since I was a sex worker, I should not work with other organisations. I began to do sex work to take care of the family, as I was not finding any work that would fetch me enough money to take care of seven members of my family. So, I had no choice but to do sex work. Society has made us sex workers. We are not sex workers from birth.”

Decriminalisation Vs Legalisation

Legalisation implies licenses from the state, mandatory health check-ups and zoning restrictions which will clamp down on sex workers and deny them their rights. What is needed is to stop criminalisation of sex work and sex workers, which means stop criminalisation of all persons who help sex workers to practice sex work with security. Sex workers are not

**“WE ARE WORKERS NOT
CRIMINALS AND NOT
IMMORAL BEINGS”**

criminals, but workers with rights as workers, demanding safe working conditions.

While one view from Sri Lanka was that legalisation could control minors from coming or being brought into sex work, the global experience shows that licensing drives sex work underground since certain categories of people in sex work such as housewives and migrants who do sex work in a secret manner will go underground. Additionally, since licenses will be granted only to operate in particular zones, sex workers would not have the freedom to go anywhere and do sex work.

Another view from India about the licensing system in brothel-based sex work was the concern that confidentiality, especially in cases of persons living with HIV, could be breached. Forcible testing for HIV and other STIs was also a possibility. Renewing licenses would also cost money, and the attendant corruption in the system would mean bribes and other extra-legal pressures.

A discussion about how the concepts of criminalisation, decriminalisation and legalisation work in the context of sex worker entailed a discussion about the three transactions that take place in sex work:

- a) Giving the service: Sex worker
- b) Taking the service: Client, partner
- c) Facilitator or helping the service to happen: broker, pimp, brothel owner, partner, taxi driver, rickshaw driver, hotel owner, massage parlour owner.

In order to explain these concepts, the facilitator used the analogy of carpentry. The carpenter uses his tools like hammer and saw to make chairs and tables and other furniture. If he is not allowed to use his hammer and saw, then the carpenter cannot make the chair and table. In the same manner, the client, partner and brothel owner are tools of the sex worker and if they are banned, then a sex worker cannot survive. The carpenter makes furniture and keeps it in the market to sell. Suppose the state orders that persons buying these chairs will be sent to jail: how then will the carpenter survive? The government is allowing the carpenter to make and sell his products just like it allows the sex worker to do sex work but if the people who buy the furniture or the client who goes to sex workers are arrested then who will go to them? The state is not declaring the carpenter or a sex worker to be a criminal but it is arresting the customers of the carpenter or sex worker.

This is called criminalisation.

To continue the analogy, if the carpenter's hammer or saw is broken, then will he replace them or throw them out and decide that all hammers are bad? Repairing and replacing is an option since no one wants to stop buying them. In the same manner, we can have a good broker and bad broker, a good pimp and a bad pimp. Because one brothel owner is bad we cannot say that we will shut all the brothels and sex work. What a hammer is to a carpenter, a client, partner and brothel owner are to a sex worker: essential tools. If no one buys the furniture, then how does the carpenter survive? And similarly, the sex worker is dependent on the client. In a criminalised set up, if one element becomes criminal then the whole set up breaks down, thus making everyone criminal.

In Saudi Arabia, Iran or Iraq: everything is criminal - sex work, sex worker, client, brothel.

In India and Nepal: customer/client is criminal.

In India, Nepal, Sri Lanka, Bangladesh: brothel is illegal, pimp is illegal, but sex worker can do sex work.

All our countries have laws of contract to regulate transactions between two parties; as well as laws against exploitation and so on. All these laws apply equally to a domestic worker, sex worker or the carpenter since the law says that there can be no exploitation; the law relates to exploitation and not to any specific work or worker. The law relates to minors in every sector and not only for minors in sex work. In a decriminalised set up, all existing laws will apply to all workers and not only to sex workers or sex work.

Decriminalisation means that no new laws will be made and the existing laws will not be applied to the above three parties if they are all consenting.

Adult doing sex work with **consent** involves **no exploitation** of anyone. This is operation of consent and there is an exchange of service for gain. If there is a minor, then that is sexual abuse. Minors doing any sort of work amounts to exploitation and minors doing sex work is not the only type of exploitation. If these four principles are adhered to, then the laws should not interfere. However, if there is a breach in any of these aspects, then the laws should come in.

To conclude, each country has laws of contract; laws between two parties; laws of underage labour etc, all these laws will apply to a domestic worker, a carpenter or a sex worker.

Kamala's Story in a Decriminalised Set up (Group Presentations)

Sri Lanka:

1. Kamala consented to one client but two others force her. In a decriminalised set up she would have the right to refuse other clients. She would have initiated legal action on the friend and other men according to the existing law in Sri Lanka.
2. For sexual exploitation she would have taken action against all three of them.
3. In a decriminalised set up, the men would have helped her rather than running away.
4. The police would have taken her complaint seriously, listened to her and done the required investigation.
5. The police would have facilitated her introduction to organisations rather than asking her to stay away from them.

Nepal:

1. In a decriminalised set up, the incident itself would not have happened.
2. There would be no violence and no exploitation against Kamala.
3. Kamala would have had access to legal support.

Bangladesh:

1. Kamala stated poverty as the reason for coming into sex work clubbed with illiteracy, so how could she be criminalised. In a decriminalised set up she would have been allowed to take up any profession including sex work.
2. In a decriminalised set up she could choose sex work to support her family
3. In a decriminalised set up, her going with her friend to have sex is not a criminal part of it but the two friends forcing her would be criminal.
4. In a decriminalised set up she would have got help from the police and society.
5. In a decriminalised set up she would have had not got arrested.

The criminal elements of the story are:

1. Forcing her to have sex

2. Police arresting her and detaining for six days without an offence is a criminal act.
3. Police telling her not to involve in any organisation is a criminal act.
4. They are excluded from society because they are sex workers. There is stigma attached to sex worker. So, the stigma is the criminal element.

India:

1. There would have been no force by the other men on Kamala in a decriminalised set up.
2. The men would have been sentenced for the act of exploitation
3. There would have been no sexual exploitation as she would have got help from the police
4. She would have not been arrested and detained.
5. Kamala had gone through mental, physical and financial trauma because of the incident, she would have been spared of these traumas in a decriminalised set up.
6. She would have access to justice.

Human Rights and Treaties

Having discussed the problems faced because of a criminalised set up, it was obvious that there are severe challenges in a system where sex work and any of the activities related to sex work are not recognised as legitimate work. It is crucial as sex worker rights groups and networks, to identify ways to address these violations at an international level. What are the opportunities as alliance members in South Asia to be able to use International mechanisms? Two opportunities will present themselves over the next six months for Nepal and Bangladesh and for India and Sri Lanka in the next one year.

The objective of the session was to give participants an idea of the processes of rights in order to decide if they want to go ahead with a detailed training in-country at a later date.

The constitution of every country lays down basic principles of governance. The laws of each country are made by representatives in accordance with principles laid down in the constitution. If there are two countries with different laws and principles, negotiations with each other are conducted in accordance with treaties and agreements between countries.

After the Second World War, all the countries of the world felt that they should prevent another war because the next war could destroy humankind. The very first document that emerged was the Universal Declaration of Human Rights, since it was decided that respective countries should not be left to decide on their human rights, but that there should be some common minimum principles which all of the countries would agree on. All the countries had to come together on a global level and decide on common principles of human rights.

Over a period of time, human rights became specific and political, cultural, economic, social and civil rights evolved. There was then a recognition of marginalised communities like women, children, indigenous peoples, people with disability, people living in conflict situations etc. Each of these situations has rights attached to it and countries began to realise that there is need to identify the rights and rights violations of all these people. So, there came Convention on the Rights of the Children, Convention on the Rights of the Disabled Persons. The International community is constantly committing itself to monitor each of these countries on all these forms of discrimination.

Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW)

CEDAW is an International Agreement which is signed by 180 plus countries, and is implemented differently on the ground. All the countries that signed the treaty went to the UN General Assembly and promised to give the rights written in the treaty to the women of their countries progressively (progressive realisation). This is done by having special laws for women, allocating resources and by ensuring that women in the country get these rights.

CEDAW is an agreement to eliminate or bring to an end all forms of discrimination against Women. Every four years, governments of the countries have to submit a report to the CEDAW Committee in UN on the status of discrimination against women. The report has to be detailed, explain how the government has taken steps to eliminate discrimination in each and every elements of the section of the document. The government has to give evidence in the form of data, examples, case studies etc.

As citizens, it is our right to participate in every International Agreement that our country signs. We have the right to tell the UN Committee that the report submitted by the government is not correct. So we can intervene by submitting our suggestions directly to the UN Committee.

Reporting Cycle Under Human Rights Treaties



Explanation of the above:

1. Report: Government submits report to the Committee

2. Issue List: The

Committee reads the report and for each section prepares a list of questions.

Here we can also prepare a list of questions and give it to the UN Committee

3. State Reply: The State has to compulsorily reply to the questions raised. In Geneva, there is a dialogue that happens between the country and the UN committee.

Here again if you think that your question is not answered you can ask the Committee to ask the government on your behalf. You cannot directly ask your country. You have to go through the Committee.

4. Dialogue: In Geneva, the Committee meets the State and there is a dialogue. All the civil society participants go there and participate in the dialogue and can tell the Committee that a particular question is not answer in the list of questions and you can ask the committee to answer the government. We cannot ask the government directly. The Committee reports back to the government

5. Committee Report: The Committee gives its concluding remarks including recommendations on the report submitted by the State

6. Follow up: The state to give procedures for implementing the recommendations of the Committee.

Till now, sex worker's groups from Kyrgyzstan, the Netherlands, India, Austria, Russia and Hungary have submitted a status report on their rights from its inception. Bangladesh is due to report on October 2016 and Sri Lanka has time till March 2017.

Questions relevant to the sex workers' organisations:

- Is it time for the countries to engage with International Treaty bodies?
- Is it time to bring out voices to international forums and communities?
- Is it time for us to say that sex workers from South Asia countries have a voice and want to make sure the international communities hear our voice?
- Do you think there is value in engaging with this issue?
- Can your country for the first time produce an independent chapter from the sex workers working on the ground?
- Is it possible to come up with a combined report from sex worker's groups from Bangladesh and Sri Lanka on 'The Status of Women and Transwomen in Sex Work'?

Opportunity to input by Citizens and Civil Society

1. As civil Society, sex workers organisation, we can send our list of questions to the committee and ask the committee to ask our government on our behalf.
2. Can be part of the dialogue between the UN committee and the state government in Geneva and get answers for the list of questions that were not answered in the Issue list
3. Can monitor the recommendations given by the treaty body to the governments

Commitment from the Groups:

“Namaste I am Manju from JMMS. We are ready to do CEDAW report from Nepal. And we want SWASA to support us in doing the report.”

Manju, JMMS, Nepal

“I am Radha. I am from Bhaktapur. I am a member of JMMS. I am a sex worker. We want support to report in CEDEW. We request SWASA to support us technically and train us to do the report.”

Radha, JMMS, Nepal

“I am Ann from Daffodil group, Sri Lanka. Sex workers from Stand Up Movement and Daffodil group in Sri Lanka will help in documenting for CEDAW report. We will do it with SWASA.”

Ann, Daffodil Collective, Sri Lanka

“I am Lily. I am a member with Sex Workers Network of Bangladesh. We are ready to work with CEDAW and will definitely submit report to CEDAW. We need help from SWASA.”

Lily, Sex Workers Network of Bangladesh, Bangladesh

“I am Mukta, I am a member of NNSW. I am a sex worker. From VAMP, UKMO we have already done the process for CEDAW. I request all of you to work with SWASA to do the reporting.”

Mukta, NNSW, India

The purpose of enhancing the voices of sex workers was to ensure a hearing at the proposed meeting at the end of July in Bangkok. Thus far, the South Asia region of sex workers’ groups in India, Nepal and Sri Lanka is being represented by only one community, the Bangladesh HIV/AIDS Research and Welfare Centre(HARC). It is thus important to ensure that many more sex workers’ groups from South Asia engage with the process and build capacity to submit reports.

Understanding CEDAW

Key Features:

1. Based on the principle that basic human rights include equality between men and women:
There should be equality in whatever policies are made by the country.
2. Spells out the means of equality and how it can be achieved:
Creates a frame of discrimination; looks at the fact that that the equality which is supposed to be there between men and women (including transwomen) does not exist because of discrimination.
3. Acknowledges that discrimination against women continues to exist and such discrimination violates the principle of equality of rights and respect for human dignity:
When it defines discrimination, sex worker groups have an entry point. Because CEDAW says that any form of discrimination which effects life and enjoyment of human rights is violation. So as a sex worker, if there is any form of discrimination on you or in your life that in itself is a violation of rights and CEDAW recognises such violations.
5. Focuses on systems, ideology or institutions that deny women their rights:
Any custom or practise that discriminates a woman, the state has an obligation and responsibility to try and change it and remove that customary practise from the laws and constitution to make men and women equal.

6. There should be public institutions and systems to address and protect rights violation against women:

For example, setting up specific systems such as Tribunals to address all forms of discrimination. Do other such forums exist and are sex workers we able to go and ask for justice?

7. CEDAW has made the countries, states and government responsible and accountable for all acts of discrimination, whether it is in public sphere, private sphere, corporate sector, or in our homes, or in the family:

Cultural norms work in the context of sex workers for example, when a client beats a sex worker then they go and report in the police station. But when the same client becomes partner, husband, they hesitate to report it.

Sections of CEDAW

CEDAW has 30 Articles/Sections on discrimination at various stages and 34 general recommendations. CEDAW is the only report that uses the general recommendations in its main text. It reads the text along with the recommendations.

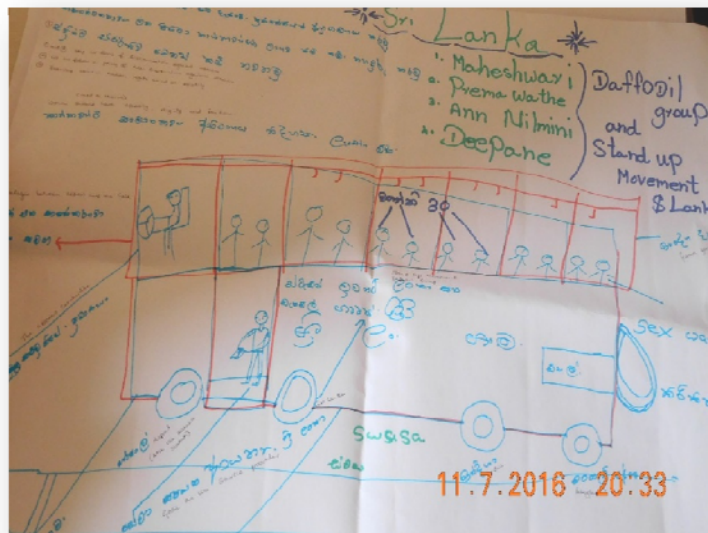
Decisions are given when every country goes before CEDAW once in four years. The decisions that a country gives is called the concluding points. Every time we submit a report we have to look into the concluding points and then submit the report.

The structure and reporting was explained with the help of a diagram of a tree. Then the groups were asked to draw the same with a different graphic on what they have understood.

Sri Lanka:

The group explained it with the help of a bus which represented CEDAW. The CEDAW committee is the driver of the bus. The wheels are the countries of India, Nepal, Bangladesh and Sri Lanka. The passengers in the bus are the different groups working with sex worker groups like the Stand Up Movement, Daffodil Collective etc.

The main objective is to stop all forms of discrimination against women. We need to follow policy that exercises human rights of Women, we need to reinforce human rights based on the principle of equality and we need all forms of discrimination. The conductor is the government of Sri Lanka.

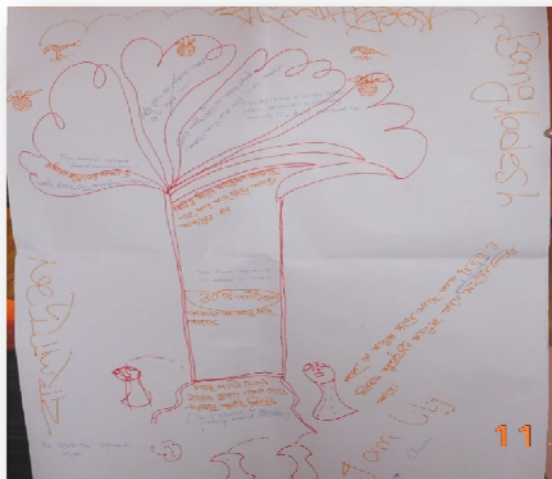


The holding supports in the bus represent the future generation to support us in the journey. More people can always come and enter the bus.

Bangladesh

Bangladesh explained the CEDAW mechanism with the help of a tree.

The tree represents CEDAW. The water and manure that are given initially are the country reports. The trunk represents 30 articles which have been grown from time to time. Those who planted the tree are CSOs, NGOs from all countries. The branches of the tree are the general recommendations of the CEDAW. The fruits of the tree are the various comments of the CEDAW based on the reports. The fruits are enjoyed by all.



India

India explained the process through the diagram of a girl child: the CEDAW committee born as a small baby and when reports are given it grows to become girl and we continue to give reports then it grows into a woman. So, the CEDAW committee should grow from time to time and expand its horizons so that women in the world would be free from all forms of discrimination.



Nepal

The CEDAW Committee is a house. The materials used for building it are the reports of various countries. The 30 sections represent the structure of the house. General recommendations are the walls of the house and the roof represents the concluding comments. We want a safe and beautiful house without any criminalisation. We are waiting near the door to be opened so that we can enter the house and live happily.



Mapping an Understanding of CEDAW

The facilitator ran through the articles of the CEDAW document. There are 30 articles in the whole CEDAW document but the first 16 are the main ones and they were discussed in brief.

Section 1: Defines Discrimination

Discrimination can be separating, excluding and stopping someone. There should be no differentiation (a man gets more pay for same work, a labourer gets more than a woman), exclusion (women are excluded from property) and restriction (Hindu and Muslim women are restricted from entering temples during their menstrual cycle)

- on the basis of equality of men and women;
- of human rights and fundamental freedom;
- in the political, economic, social, cultural and civil spheres.

Section 2: Policy Measures to Eliminate Discrimination

- Make policies to eliminate discrimination
- State must use all possible mechanisms to eliminate all forms of discrimination through its constitution create new laws
- Adopting legislative measures to eliminate all forms of discrimination against women
- Establish legal protection through courts and tribunals
- The state cannot engage in discriminating practices or allow anybody to do so
- Public institutions and authorities will abide by such a policy
- Measures to abolish existing laws, customs and practises that are discriminatory in nature

Section 3: Guarantees Basic Human Rights and Fundamental Freedoms

Measures to raise women's status: For example, countries have adopted 33 percent reservations for women in parliament in all its three tiers so that after a certain period of time women are on par with men.

Section 4: Special Measures for Equality

These measures are not discriminatory against men. For centuries women have been discriminated under the name of customs, practised etc. If you do something for the women specially then these are not discriminatory against men.

There are two types of measures: permanent and temporary measures

Benefits of maternity are a permanent measure. Whenever she is pregnant she has a right to paid leave.

Reservations at the panchayat and other elections are temporary measures. We can withdraw them once we achieve it after some time.

India:

There is the Bhagyalakshmi scheme for the girl child in India in which the government gives Rs 1,50,000 to a girl child after 18 years.

Sri Lanka:

During pregnancy, women are given Rs 30,000 worth of nutritious food.

Nepal:

After delivery at government hospitals, the mother and the new born are given a set of clothes and Rs 1000 as taxi allowance to go back home.

Bangladesh:

Free health care and food for rural women to raise their children from six months after birth to one year.

Section 5: Measures to Reduce Sex Role Stereotyping and Prejudice

The state should do the best to remove social prejudice and stereotypes, responsibilities of men and women are equal in family. Both men and women are equal partners in bringing up the child, both have to equally maintain the house etc. and ensuring education to talk about these differences.

Section 6: Trafficking Prohibition and Prevention of Exploitation of Prostitution

The state shall take measures to prevent trafficking of women and children and exploitation in prostitution.

Section 7: Political and Public Life

Right to vote, right to contest elections, right to hold public office, right to protest and participate in non-government organisations

Section 8: Representation

Right to represent government at the international level.

Section 9: Nationality

Equal right in granting nationality. Marriage to a non-citizen will not change the nationality of the woman and she has an option to choose her nationality. The nationality of her husband should not be forced.

Section 10: Education

Women shall have the same right to education. Education should be such which will allow them to progress and achieve their aspirations. It should remove stereotypes.

Section 11: Employment

Right to equal employment with equal pay, which include paid leave, maternity benefits, safe working environment and protection in the workplace for women.

Section 12: Health Care and Family Planning

Women have the right to services related to family planning, pregnancy and breast feeding.

Section 13: Economic and Social Life

Women shall have an equal right to family benefits, access to loans, bank accounts, credit facilities, recreation, sports etc.

Section 14: Women in Rural Areas

Within schemes and measures there should be special measures and reservations for rural women. Right to all development schemes, right for equal trainings, forming SHGs etc.

Section 15: Equality of Men and Women before Law

Women should be equal before law and in legal capacity with respect to signing contracts, buying and selling property. In some countries women cannot sign documents, they can do it through men. And women cannot hold property.

Section 16: Marriage and Family Relations

Family and reproductive rights. Women have the right to choose their partners, decide about child bearing, own property and dispose it.

Note: India has reserved on this section. In a treaty, countries can hold back on particular articles. Many Islamic countries also have not signed this section.

Group work

1. What is the environment around sex work rights in your country (political, legal, social and any other)?
2. Factors contributing to the situation (positive and negative).
3. Opportunities for initiating advocacy on sex workers' rights in the country.
4. Challenges envisaged in the country.

Nepal:

1. Environment around Sex work

- There is gender based violence, fear of violence, no protection from violence and discrimination towards sex workers.
- No one can raise a voice or support female sex workers. There is no mention of this work in the new constitution.
- Female sex workers cannot easily access free legal services and health services.
- There is social stigma among sex workers as the constitution does not say anything on them.
- Lack of coordination between the home ministry and health ministry. For instance, we distribute condoms to sex workers but police arrest them when they see the condoms.

2. Factors contributing to the situation

- Lack of resources.
- Sex work is very sensitive and because of social stigma sex workers do not disclose their identity.
- Female sex workers don't know about their rights.
- There is no law that supports female sex workers.

3. Opportunity for initiating advocacy

- Capacity building, sufficient resources, enhancing skills like basic computer literacy; knowledge building; interaction with political leaders; regular meetings with stakeholders; use of mass media for advocating the rights of sex workers.

4. Challenges

- Cannot easily meet political leaders or decision makers, no support of stakeholders.

Sri Lanka

1. Environment around Sex work

- No right to vote; the local administer gives voter cards, if they know about the status of sex workers then they don't issue national ID to sex workers.
- Arbitrary arrests: female sex workers FSWs have no protection under the law. They face violence and police abuse and excesses.
- They face social stigma and consequently don't have access to several services.

2. Factors Contributing to the situation

- Poverty and lack of options contribute to women entering sex work.
- Female sex workers don't know about their rights, and also lack family support.
- Many women are trafficked and cheated and are brought to sex work.
- When husbands desert them, the burden of the family lies on the women and they tend to choose sex work.

3. Opportunity for Advocacy

- HIV prevention work already exists, so that can be used to work in the rights perspective

4. Challenges

- Police and society have a dogmatic view towards sex workers and it is difficult to change that.
- Lack of capacity and resource persons among sex workers themselves.

Bangladesh:

1. Environment around Sex work

- Madalipur, Tangail and Fultola brothels were evicted to make commercial spaces.
- Out of five fundamental needs, female Sex workers are deprived of housing, health and education.
- Sex workers from brothels are not allowed to use common graveyards.
- Sex workers are harassed by the local goons, babus and police. They have to pay huge commissions to police and goons from their earnings.
- No mention about sex work in the constitution.
- Children of sex workers face difficulty in admission into schools because they don't have fathers.

2. Factors contributing

- Sex workers are harassed by police and local goons.
- Since Bangladesh is a Muslim country, people cannot accept sex work as a profession.
- Sex workers are not aware of their rights

3. Opportunities for Advocacy

- CBOs and networks for solidarity.

- Using street plays and mass media to raise awareness about rights.
- Public hearing in Bangladesh on rights of sex workers.
- Stopping eviction of brothels.
- Assisting in anti-trafficking measures and sending girls back to their homes if they wish to return.

4. Challenges

- There is no help from the police.
- There are some brothels which are under risk and can be evicted any time
- There is pressure from religious organisations to stop sex work.

India:

1. Challenges

- Lack of respect from police.
- Inability to access housing and other welfare schemes.
- Caste certificates are not given to sex workers and their children
- Negative talk about children going for higher education.
- When sex workers apply for a passport, passport officers think that they are going abroad to do sex work. And in the passport application, there is no provision for the category of 'devadasi'.
- Even if sex workers get a house, there is discrimination and intolerance from neighbours.
- Tremendous social negativity about sex workers.

While sex workers in each of the countries faced specific issues, there were several common concerns, pointing to the need for joint action to overcome the challenges and further the agenda of sex workers' rights.

Moving Forward

Critical concerns identified were:

- a) To strengthen cross-country dialogue for sex workers and allies in order to move forward in the region.
- b) To build alliances, an example of which was the public hearing with the Human Rights Commission on eviction in Bangladesh which was financially and technically supported by SWASA.
- c) To intervene at the level of global policy using international Treaties and instruments.

Specific Action Plan

- (i) Sex worker collectives in Bangladesh and Sri Lanka will undergo training on CEDAW in August. They will then collect evidence of violence on sex workers and other rights violations. A follow up meeting will be held to compile the evidence and finalise the

reports in time for the upcoming CEDAW review in October this year for Bangladesh and in February 2017 for Sri Lanka.

- (ii) In discussion with women's groups and other activists from South Asia, a meeting of sex workers in the region will be organised with UN Women with SWASA support, to discuss the global policy on sex work.