

# Status of WOMEN in Sex Work in India

**JUNE 2014**

Submitted to the CEDAW Committee  
for consideration at the 58th session, Geneva.

## Authors:

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Chapter submitted as part of  
National Alliance of Women's Organisation (NAWO) India  
Submission with Additional Information as Annexure.



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National Network of Sex Workers, India (NNSW) participated and provided case studies to be submitted to the CEDAW Committee. Members include Ananya, VAMP Collectives, Me and My world, Karnataka Sex Workers Union, Muskan, Vadamlar Federation, Aneka, SIAAP, Samraksha, Sangama, Sangram, WINS and UKMO.

# TABLE OF CONTENTS

1.	Background	7
2.	Shift in Global Understanding of Rights of Sex workers	8
3.	Lack of Access to Justice for Sex Workers	12
4.	Status of Sex Workers in India	15
5.	State Response and Concerns	26
6.	Recommendations	28

## **Annexure 1**

Case studies and narratives from sex workers from four states of India  
(Karnataka, Tamil Nadu, Maharashtra, Andhra Pradesh)

1.	Police Violence	33
2.	Police Harassment and False Cases	36
3.	Arrest and fine	38
4.	Social prejudice and resulting harassment	40
5.	Violence and Police refusal to file complaint	42
5.	Perpetuation of Social prejudice by Religious and Caste leaders	44
6.	Refusal to provide medical services	45
7.	Refusal to provide identity documents, social entitlements and harassment by officials	48
8.	Social Support for older and ill sex workers	49
9.	Discrimination in Education of children of sex workers	50
10.	Vulnerability to harassment, media ethics	51
11.	Partner Violence	52
12.	Denial of legal entitlement	53
13.	Forced Rescue and detention of people in sex work, denied access to property by family, destruction of homes by the State	54
14.	Forced Rescue of Migrants	67

Review the Immoral Traffic (Prevention) Act, 1956 that de facto criminalizes sex work and ensure that measures to address trafficking in persons do not overshadow the need for effective measures to protect the human rights of sex workers.

*Report of the Special Rapporteur on violence against women, its causes and consequences, Mission to India, 1 April 2014*

United Nations (UN) agencies and Commissions have understood and articulated sex work as a contractual arrangement where sexual services are negotiated between consenting adults.

CHAPTER 1

## BACKGROUND

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There are over 800,000 sex workers in India.<sup>1</sup> However unofficial figures place these numbers far higher. Organisations of sex workers, United Nations (UN) agencies and Commissions have understood and articulated sex work as a contractual arrangement where sexual services are negotiated between consenting adults.<sup>2</sup> Implicit in this consent is the act of agency; wherein sex work can be a realistic choice to sell sex.<sup>3</sup>

Decriminalisation of sex work is a pre-requisite to ensure the physical and emotional inviolability of sex workers, their right to life, right to freedom of labour, health and reproductive and sexual rights.<sup>4</sup> Recent research with 3000 sex workers in 14 Indian states<sup>5</sup> also finds a substantial segment of women had prior experience of alternative work and opted for sex work for better income and livelihood opportunities.<sup>6,7</sup> The uncertain legal status attached to their work and identity further “invisibilises” them as citizens with associated rights and entitlements.

### STUDY FINDING FROM 14 STATES

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A SUBSTANTIAL SEGMENT OF WOMEN HAD PRIOR EXPERIENCE OF ALTERNATIVE WORK AND OPTED FOR SEX WORK FOR BETTER INCOME AND LIVELIHOOD OPPORTUNITIES.

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<sup>1</sup> National AIDS Control Organisation, Phase 3 Program estimated between 831677 – 1242819 people in sex work in India

<sup>2</sup> UNAIDS (2002) Technical Update Sex Work and HIV/AIDS, p3. UNAIDS (2009) Guidance note on HIV and sex work, p 15.

<sup>3</sup> UNDP (2012). *Risks, Rights and Health, Global Commission on HIV and the Law*. New York, UNDP. p 39.

<sup>4</sup> See Shadow Report to the Third Periodic Report of Kyrgyzstan to the CEDAW Committee, NGO ‘Tais Plus’, *Kyrgyz Republic 2008, and the Concluding Comments of the CEDAW Committee addressed to the Government of the Kyrgyz Republic*.

<sup>5</sup> Rohini, Sahni and V Kalyan, Shankar, Sex work and its linkages with informal labor markets in India: Finding from the first Pan - India Survey of Female Sex Workers, *Institute of Development Studies Working Paper*, vol. 2013 no. 416, February 2013. <http://www.ids.ac.uk/publication/sex-work-and-its-linkages-with-informal-labour-markets-in-india>. Viewed on December 2013

<sup>6</sup> 46.5% women had prior experience of labour markets. 77% women discontinued other forms of labour since entering sex work

<sup>7</sup> 2/3rd of the mobile sex workers reported economic reasons for entering sex work. Saggurti N<sup>1</sup>, Verma RK, Halli SS, Swain SN, Singh R. Motivation for entry into sex work and HIV risk among mobile sex workers in India. *J Biosoc Sci*. 2011 Sep;43(5):535-54. <http://www.ncbi.nlm.nih.gov/pubmed/21729360>. Viewed on December 2013.

## CHAPTER 2

# SHIFT IN GLOBAL UNDERSTANDING OF RIGHTS OF SEX WORKERS

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Measures to address trafficking in persons should not overshadow the need for effective measures to protect the human rights of sex workers.

There has been a shift in the understanding of sex worker rights precipitated in part by the global HIV epidemic.

A. The Special Rapporteur (SR) on Violence Against Women has observed that “measures to address trafficking in persons should not overshadow the need for effective measures to protect the human rights of sex workers”. The SR has also called for a review of the Immoral Traffic Prevention Act, 1956 in India that criminalizes sex work<sup>8</sup>.

B. UN Resolutions, International agencies and Commissions have stressed on a rights based response to sex work and the need to protect rights not just by **decriminalising sex work, but by eliminating the unjust application of non - criminal laws and regulations** against sex workers.

i. The UN Economic and Social Commission for Asia Pacific resolution calls on members to address legal barriers<sup>9</sup> to HIV responses including reviews<sup>10</sup> of national laws, policies with a view to eliminating discrimination against vulnerable populations.

SHIFT IN THE UNDERSTANDING OF SEX WORKER RIGHTS  
UN RESOLUTIONS, INTERNATIONAL AGENCIES AND COMMISSIONS HAVE STRESSED ON A RIGHTS BASED RESPONSE TO SEX WORK.

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<sup>8</sup>UNHRC (2014) Report of the Special Rapporteur on violence against women, its causes and consequences, Mission to India, p 19. A/HRC/26/Addl.1

<sup>9</sup>UN Economic and Social Commission for Asia Pacific (ESCAP) Resolution 66-10, *Regional call for action to achieve universal access to HIV prevention, treatment, care and support in Asia and the Pacific*, 2010 (29 September 2011), available from [http://www.unescap.org/files/documents/HIV\\_IGM1\\_INF4.pdf](http://www.unescap.org/files/documents/HIV_IGM1_INF4.pdf)

<sup>10</sup>UN ESCAP Resolution 67-9, *Asia Pacific regional review of progress in achieving declaration of commitment on HIV and political declaration on HIV/AIDS*, 2011



ii. The Independent Commission on AIDS in Asia,<sup>11</sup> UN Special Rapporteur on Right to Health,<sup>12</sup> Global Commission on HIV and the Law<sup>13</sup> and UNDP Asia Pacific<sup>14</sup> have recommended the decriminalisation of sex work involving consenting adults. The latter two have also specifically recommended repeal of laws that prohibit consenting adults to buy or sell sex as well as laws that prohibit commercial sex (immoral earnings, living off the earnings' of prostitution, brothel-keeping.)

iii. National Human Rights Institutions have been called on to hold governments accountable for the protection of sex workers from discrimination, harassment, abuse and violence perpetrated by police or other government officers.<sup>15</sup>

C. UN organisations, International agencies and Commissions call for **recognition of Trafficking in persons for sexual exploitation and Sex Work as two different concepts** to be understood and legislated accordingly.<sup>16,17,18</sup> The use of anti-trafficking laws against adults in consensual sex work needs to be reviewed. Sex Work organisations have also called for a review of laws that criminalise third parties who support sex workers to work within a safe environment.<sup>19</sup>

D. The International Labour Organisation (ILO) and UNDP have emphasised on the need to provide sex workers with legally enforceable rights to **occupational health and safety and right to participate in the process of developing workplace health and safety standards.**<sup>20, 21</sup>

NATIONAL HUMAN RIGHTS INSTITUTIONS HAVE BEEN CALLED ON TO HOLD GOVERNMENTS ACCOUNTABLE FOR THE PROTECTION OF SEX WORKERS FROM DISCRIMINATION, HARASSMENT, ABUSE AND VIOLENCE PERPETRATED BY POLICE OR OTHER GOVERNMENT OFFICERS.

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<sup>11</sup>Commission on AIDS in Asia (2008), *Redefining AIDS in Asia, Crafting an effective response*, New Delhi: Oxford University Press.

<sup>12</sup>Human Rights Council, *Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Anand Grover, AI HRC/14/20, 27 April 2010*

<sup>13</sup>Global Commission on HIV and law (2012), *op. cit.*, p 43

<sup>14</sup>UNDP (2012), *Sex Work and the Law in Asia and the Pacific, HIV and human rights in the context of sex work*. p 34- 39

<sup>15</sup>*ibid.* p 39

<sup>16</sup>Global Commission on HIV and the law (2012), *op. cit.*, p 43

<sup>17</sup>UNDP (2012), *op cit.*, p 24

<sup>18</sup>Human Rights Council (2010), *op. cit.*, p 15

<sup>19</sup>Global network of sex work projects (2013), *Third parties briefing paper*. [http://www.nswp.org/sites/nswp.org/files/thirdparties3\\_0\\_0.pdf](http://www.nswp.org/sites/nswp.org/files/thirdparties3_0_0.pdf). Viewed on December 2013

<sup>20</sup>ILO Recommendation concerning HIV and AIDS and the World of Work, 2010 (No 200), Geneva: ILO

<sup>21</sup>UNDP (2012), *op cit.*, p 35

**SUPREME COURT**  
**STATE TO PROVIDE**  
**RECOMMENDATIONS ON**  
**THE REHABILITATION OF**  
**SEX WORKERS WHO**  
**WISH TO LEAVE SEX**  
**WORK OF THEIR OWN**  
**VOLITION AND TO**  
**PROVIDE CONDUCIVE**  
**CONDITIONS FOR SEX**  
**WORKERS WHO WISH**  
**TO CONTINUE WORKING**  
**AS SEX WORKERS IN**  
**ACCORDANCE WITH**  
**ARTICLE 21 OF THE**  
**CONSTITUTION.**

E. Sex workers have been recognised as an invaluable resource in the law and policy reform process with a view to developing non-judgmental and rights based laws, policies and programmes.<sup>22</sup>

F. Elaborating the scope of Article 6 of CEDAW; General Recommendation 19 calls on States to recognise that their (sex worker's) unlawful status makes sex workers vulnerable to violence and hence need equal protection of laws against rape and other forms of violence.<sup>23</sup> States were asked to report on the measures to protect women in sex work and the effectiveness of these measures.<sup>24</sup> The CEDAW Committee has recommended the need for measures to prevent "discrimination against sex workers and ensure that legislation on their right to safe working conditions is guaranteed".<sup>25</sup>

G. The Supreme Court of India has observed that sex workers are entitled to a right to life and must be accorded the protection guaranteed to every citizen. It instructed the State to provide recommendations on the *rehabilitation of sex workers who wish to leave sex work of their own volition and to provide conducive conditions for sex workers who wish to continue working as sex workers* in accordance with Article 21 of the Constitution.<sup>26</sup> A Supreme Court panel recommended that Central government and Election Commission issue voter ID cards, relaxing verification requirements, and state governments and local institutions issue ration cards to sex workers.<sup>27</sup>

The emerging rights discourse at the global and national level argues that efforts to respect, protect, fulfil and promote the human rights of sex workers needs to be premised on ensuring their rights as citizens under the Constitution.

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<sup>22</sup>WHO, UNFPA, UNAIDS, Global Network of sex Work Projects, The World Bank. Implementing comprehensive HIV/STI programmes with sex workers: practical approaches from collaborative interventions. Geneva, World Health Organisation, 2013. P XX

<sup>23</sup>UN Committee on the Elimination of Discrimination Against Women (CEDAW), *CEDAW General Recommendations Nos. 19, Article 6. Adopted at the Eleventh Session, 1992*, available at: <http://www.refworld.org/docid/453882a422.html> [accessed 14 December 2013]

<sup>24</sup>*ibid.* Specific recommendations 24 (h)

<sup>25</sup>UN Committee on the Elimination of Discrimination against Women, *Concluding Observations on the combined seventh and eight periodic reports: Hungary*, 26 March 2013, CEDAW/C/HUN/CO/7-8

<sup>26</sup>*Budhadev Karmaskar v. State of West Bengal* (2011) 11 SCC 538

<sup>27</sup>Interim Orders, Sex Workers Rehabilitation Case, Supreme Court of India, 16 September 2011, Law Resource India. <http://indialawyers.wordpress.com/2011/09/16/sex-workers-rehabilitation-case>

The State needs to be accountable to ensure that such rights are appropriately protected and that sex workers have access to social and legal entitlements. An environment that criminalises activities of sex workers or seeks to forcibly rescue and rehabilitate them clearly violates their dignity and right to self-determination and free choice.

Laws, policies and programmes devised in partnerships with sex workers are most likely to be effective. Despite these formulations and clear recommendations by international human rights instruments India has failed to recognise the marginalisation,<sup>28</sup> vulnerabilities and human rights of sex workers. Despite specific requests made by the CEDAW Committee in its list of issues to the Government of India in 2013<sup>29</sup>, the report submitted by India has not

DESPITE SPECIFIC REQUESTS MADE BY THE CEDAW COMMITTEE IN ITS LIST OF ISSUES TO THE GOVERNMENT OF INDIA IN 2013, THE REPORT SUBMITTED BY INDIA HAS NOT HIGHLIGHTED THE STATUS OF SEX WORKERS, OR SPECIFIC MEASURES TAKEN TO RESPECT, PROTECT, FULFIL AND PROMOTE THEIR HUMAN RIGHTS.

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<sup>28</sup>Marginalisation is the process by which people are pushed to the edge of society, resulting in their physical exclusion as well as neglect of their needs and rights.

<sup>29</sup> The Committee seeks specific information on “whether prostitution is criminalized and on measures taken to guarantee the rights of women engaged in prostitution”, Para 11, list of issues and questions in relation

<sup>30</sup>UN Women (2011), In pursuit of Justice, Progress of the World’s women

## CHAPTER 3

# LACK OF ACCESS TO JUSTICE FOR SEX WORKERS

Stigma and moral lens attached to sex work further accentuates barriers to accessing justice.

### VAMP COLLECTIVE, SANGLI, MAHARASHTRA

“A SEX WORKER WITH SPEECH AND HEARING IMPAIRMENT WAS DETAINED IN AN OBSERVATION HOME AFTER A BROTHEL RAID AND PRODUCED IN COURT AFTER FOUR MONTHS. WE WERE PRESENT AT THE COURT WHEN SHE TOLD THE JUDGE THAT SHE WISHED TO RETURN HOME AND DID NOT WANT TO BE KEPT IN THE OBSERVATION HOME. TO OUR SHOCK THE JUDGE DECLARED IN AN OPEN COURT, “SHE HAS COME FROM THE GUTTER AND WANTS TO RETURN TO THE GUTTER. SHE WILL NOT LISTEN.” WHAT JUSTICE CAN WE EXPECT FROM COURTS WHICH TREAT US IN SUCH A DEMEANING MANNER?”

Access to justice for women is constrained by social barriers ranging from lack of knowledge of their rights, dependence on male relative for assistance and resources and the threat of sanction; and lack of capacities in the justice systems to respond to the particular needs of women.<sup>30</sup> In the case of sex workers in India, stigma and moral lens attached to sex work further accentuates barriers to accessing justice.

The Indian legal system continues to be adversely impacted by the patriarchal nature of law that places restrictive constructions of sexuality, with specific bias against sex workers. The moral lens permeates attitudes of judicial officers, resulting in discriminatory treatment of sex workers in the administration of justice by law enforcement and courts and in the application of the law.

### JUDICIAL DIALOGUES WITH MARGINALIZED COMMUNITIES

Since September 2013, Partner's For Law and Development, a legal resource group on women's rights, initiated a program to sensitise officers discharging diverse roles related to prosecuting sexual violence within the criminal justice system in Delhi.

The programme aims at partnering with judicial officers, public prosecutors, senior police personnel and legal aid lawyers to make 'courtroom practices responsive towards victims of sexual violence' and provides spaces to transgender people, sex workers, gay persons to share their experiences and highlight discrimination and how these get reinforced through the law. It provided an opportunity for those tasked with investigation, prosecution and justice delivery, to question stereotypes and prejudices that obstruct access to justice for stigmatised communities.

The programme combines experts from women's rights, academia, medico forensic, police, with voices from the margins. The feedback indicates that participants have appreciated the opportunity provided by this programme to interact directly with marginal communities, with whom the justice system engage with as accused in the criminal trials. An overwhelming majority have stated that this is the most valuable part of the programme - which is likely to impact not just their work but their approach to these marginalized communities. *Courtesy – Partners for Law and development, May 2014.*

Discrimination is evident when sex-workers are presented in courts either as victims of violence, raids and rescue, or as alleged offenders.

They are forced to undergo hardships in attending court hearing over a long period of time; private lawyers demand high fees and even sexual favours for appearing on their behalf.<sup>31</sup> Their uncertain status in law result in judgments that often mark sex-workers as criminals and repeat offenders.

UN COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST  
WOMEN, CONCLUDING OBSERVATIONS: INDIA  
(2 FEBRUARY 2007, CEDAW/C/IND/CO/3)

The Committee urges the State party to provide free legal services to poor and marginalized women in rural and tribal areas in addition to urban areas and to monitor the quality and impact of such services in regard to ensuring women's access to justice. It requests the State party to provide information about access of women, including scheduled caste, scheduled tribe, backward class and minority women, to free legal services and the scope and effectiveness of such services in its next periodic report.

Despite Free Legal Aid being enshrined in the Indian Constitution and the Committee's recommendations that the State Party ensure free legal services to poor and marginalised women, and monitor the quality and impact of such services, access to legal services for sex workers remains a pipe dream. The Supreme Court has also observed that the State and District Legal Services needs to play a role in publicising entitlement schemes available with the government.<sup>32</sup> The failure to receive legal assistance to pursue her is in essence, denial of the right to fair trial for women.<sup>33</sup>

It has been observed that women and trans-women in sex work are unable to access appeals. A preliminary analysis<sup>34</sup> of cases in the twenty two high courts between 2010 and 2013 pertaining to sex work/ prostitution and loitering or creating public nuisance under the penal code or police acts indicated only eight such cases. This abysmally low figure indicates almost negligible access of sex workers to the higher judiciary and courts of appeal. It indicates denial of opportunity to sex workers for correction of errors made by lower courts, emerging from lack of understanding the specific circumstances of sex workers, having to barter sexual favours to lawyers, as well as bias and prejudice due to her identity.<sup>35</sup>

<sup>31</sup>Case study of Manisha Salunkhe, Sangli, Maharashtra, 2014.No. AF#1 in Annexure 1

<sup>32</sup> Legal services "should publicise reliefs available under the provision (Victim Compensation provision of the Criminal Procedure Code), so that victims of any kind of crime or discrimination, may apply to the Legal Services Authority directly for immediate relief." Budhadev Karmaskar v. State of West Bengal (2011). Interim order dated December 6, 2012.

<sup>33</sup>UNHRC (2014) Report of the Special Rapporteur on violence against women, its causes and consequences, Mission to India, p1 6. Para 65 A/HRC/26/Addl.

<sup>34</sup>Analysis of High court cases in the context of sex work, Rakesh Shukla, Centre for Advocacy on Stigma and Marginalisation, 2014

<sup>35</sup>Case studies of Rekha Bidkar, 2012, No. AF#2; Shanta Jadhav, 2010, No. AF#3; Sunitha, 2010, No. AF#4 in Annexure 1

VAMP SATARA,  
MAHARASHTRA

DENIAL OF ACCESS TO  
JUSTICE

SEX WORKERS APPROACHED THE DISTRICT LEGAL SERVICES AUTHORITY TO PROVIDE FREE LEGAL AID DURING RAIDED AND 'RESCUE' OPERATIONS. LEGAL AID OFFICIALS TOLD THEM THAT "SEX WORK IS ILLEGAL". WHEN SEX WORKERS ASKED FOR ASSISTANCE IN SETTING UP A LEGAL AID CELL TO PROVIDE AID AND ADVICE FOR SEX WORKERS, OFFICIALS REFUSED, SAYING THAT PERMISSION WAS NEEDED FROM THE NATIONAL AND STATE LEGAL SERVICES AUTHORITY. THEY REFUSED TO HELP SEX WORKERS TO PUT IN A PROPOSAL TO THE NATIONAL AND STATE LEGAL AID SERVICES. DISAPPOINTED, THE WOMEN GAVE UP CONTACTING THE LEGAL AID SERVICES AUTHORITY.'

In instances where sex workers approach district courts, they report having to deal with bias from lawyers and court officials. They are advised to give up “illegal activities” (sex work) or, if they are appearing on a soliciting charge, they are advised to pay a fine and “not drag the case”.

Nothing illustrates this better than Anu Mokal’s case, where a sex worker was beaten by the police when she was visiting a friend in hospital. She sustained injuries and was treated at a government hospital leading to an eventual miscarriage. She was arrested and appeared in court the next day to pay a fine for soliciting.<sup>36</sup> Not surprisingly, courts or legal aid centres are often the last option (or never an option) for sex workers.

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<sup>36</sup>Case study of Anu Mokal, Sangli, 2010, No. PV#1 Annexure1

Violence is used as a mechanism of asserting sexual control; it is normalised as punishment for having sex with other men.

## CHAPTER 4

# STATUS OF SEX WORKERS IN INDIA

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### i) Violence

Violence against sex-workers in India is linked to the perception of sex workers as criminals and not citizens. This has led to systemic, systematic and large scale violation of human and fundamental rights such as the right to life, dignity, equality, equal protection and due processes under the law. Several factors put sex workers at risk of violence. Stigma attached to sex work exposes them to violence in personal spaces from family members as well as from intimate partners. Violence is used as a mechanism of asserting sexual control; it is normalised as punishment for having sex with other men.<sup>37 38</sup>

Since there is little appreciation amongst police of the contexts and factors affecting sex workers' lives,<sup>39</sup> they ignore complaints related to family and partner violence; instead offering advice to women about stopping sex work and settling domestic matters 'amicably'.<sup>40 41</sup> On their part, sex workers are unaware of provisions of the domestic violence act which provide redress against partner violence. Police apathy to the plight of sex workers results in denial of access to provisions under the Protection of Women from Domestic Violence Act (PWDVA 2005).<sup>42</sup>

### GENERAL RECOMMENDATION 19, CEDAW

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SEX WORKERS ARE ESPECIALLY VULNERABLE TO VIOLENCE BECAUSE THEIR STATUS, WHICH MAY BE UNLAWFUL, TENDS TO MARGINALIZE THEM. THEY NEED EQUAL PROTECTION OF LAWS AGAINST RAPE AND OTHER FORMS OF VIOLENCE.

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<sup>37</sup>Case study of Prema, Kanyakumari, Tamil Nadu, 2012, No. VRC#1 in Annexure 1

<sup>38</sup>Case study of Sunitha, Uttara Kannada, Karnataka, VRC#4 in Annexure 1

<sup>39</sup>Case Study of Rathna, Mysore, Karnataka, 2012 VRC#2 in Annexure 1

<sup>40</sup>Case study of Suchitra, Gadag, Karnataka, 2013 VRC#6 in Annexure 1

<sup>41</sup>Case study of Anjuman (name changed), Gadag, Karnataka, 2012 PHF#1 in Annexure

<sup>42</sup>The committee calls upon the state party to develop in consultation with women's groups, a coordinated and comprehensive plan to combat all forms of violence against women taking a life cycle approach. It urges the State party to take steps .. to implement and enforce the Domestic Violence Act and to ensure that all women ... are able to benefit from the legislative framework and support systems in place and that perpetrators are effectively prosecuted under the Penal Code. It recommends that public officials especially law enforcement officials, judiciary, health care providers and social workers are fully sensitized to all forms of violence against women. Para 21, Concluding Comments, India, CEDAW Committee. 2 February 2007 [CEDAW/C/IND/CO/3]

PAN INDIA SURVEY OF 3000 SEX WORKERS	
PHYSICAL VIOLENCE EXPERIENCED	SEX WORKERS RESPONDING AFFIRMATIVE
Domestic Violence	31.9 %
From Clients	55.9 %
Violence from Employers	8.5 %
Third Party (Agents)	14.1 %
Brothel Owners	5.9 %
Shopkeepers, Auto drivers, goons	24.7 %
Neighbours	16.2 %
Lovers and Partners	40.2 %
Husband	36.3 %

Sexual assault of sex workers is also high with little social or legal recognition. Myths surrounding the violence of rape against sex workers ensure that they are constantly on the fringes of access and redress to justice. These myths include “A sex worker cannot be raped” (i.e, if she has consented to multiple partners or commercial sex, she has given up the right to refuse other partners or other acts).<sup>43</sup>

## ii) Criminalisation, stigma, social exclusion<sup>44</sup> and climate of impunity

For sex workers, the State is an instrument of violence; feared, rather than seen as protectors of rights. People in positions of authority routinely demand sexual favours<sup>45</sup> from sex workers for speedy redress of grievance or accessing entitlements.<sup>46</sup> They regularly verbally abuse sex workers using specific sexual innuendo and language. The law enforcement is regarded by sex workers as the most repressive state agency. Police abuse sex workers, illegally detain,<sup>47</sup> sexually assault and torture them in custody.<sup>48 49</sup>

**SEX WORKERS**  
**THE STATE IS AN INSTRUMENT OF VIOLENCE; FEARED, RATHER THAN SEEN AS PROTECTORS OF RIGHTS.**

<sup>43</sup> Kinnel, Hillary (2008): Violence and sex work in Britain. Devon: Willan Publishing.

<sup>44</sup> Social exclusion can be considered as the failure of society to provide certain individuals or groups with the rights and benefits that would be available to its members. People can be excluded from economic benefits, essential services such as health and education, from social, cultural or civil rights, from political participation, or from ownership of resources. Such exclusion is seen in the lived realities of sex workers.

<sup>45</sup> Case study of Kalpana, Tirupathi, Andhra Pradesh, 2013. No. PHF#2 in Annexure 1

<sup>46</sup> Pan India Survey of Sex Workers, 2011, Sahani, R, Kalyan Shankar, Available at [http://www.sangram.org/resources/Pan\\_India\\_Survey\\_of\\_Sex\\_workers.pdf](http://www.sangram.org/resources/Pan_India_Survey_of_Sex_workers.pdf). retrieved on 1 March 2014

<sup>47</sup> Case study of Sumathi (name changed), Uttara Kannada, Karnataka, 2013, No. PHF#3 in Annexure 1

<sup>48</sup> Case study of Anu Mokal (2010), op.cit.

<sup>49</sup> Case studies of Uma, Leela, Jareen, Lakshmi, Shimoga, Karnataka, 2012. PV#3 in Annexure 1



While India does not criminalise sex workers, a wide range of laws are used to create an atmosphere that criminalises sex work. These include laws public order and decency laws, tenancy laws that determine the nature and conditions of the brothel. Police disregard due process while arresting violating NHRC guidelines specified for arrest of women. Often police resort to arbitrary detention of sex workers and extortion of fines under threat of arrest and physical violence.

EXPERIENCE OF POLICE VIOLENCE Pan India Survey of 3000 sex workers	
Abusive Language	1431 (50%)
Beaten, Hair pulled, Beaten with belts	1011 (35%)
Threatened	1052 (37%)
Forced to bribe	569 (20%)

Sex workers report being arrested under public nuisance or obscene conduct provisions of the penal code. They are produced in court and released on the payment of fines. Most sex workers choose not to contest their arrest under these provisions since they find it easier to pay fines and be released.<sup>50</sup>The reasons can vary from being in sex work secretly, having children at home who are dependent on her, inability to cope with the legal system process of repeatedly appearing in court, and inability to find lawyers who are willing to fight her case. In the process they get marked as repeat offenders. The cycle of discrimination is perpetuated, setting into motion further marginalisation, stigma and violence.

Stigmatisation, which has its roots in standards set by patriarchal morality, is a major factor preventing women from accessing their rights. This structural violence<sup>51</sup> further aggravates discrimination in the lives of women in sex work. It creates a fertile ground for social exclusion and denial of rights as was witnessed in the exhibition of impunity in **Nippani violence**, Maharashtra in 2002.<sup>52</sup> As a result of law and social practice, sex workers face difficulties accessing health care, housing, and supplementary employment opportunities. They risk verbal, physical, and sexual abuse, arbitrary arrests, and harassment. Stigma decreases their ability to seek protection from the courts or the police when they suffer from violence and discrimination.

AS A RESULT OF LAW AND SOCIAL PRACTICE, SEX WORKERS FACE DIFFICULTIES ACCESSING HEALTH CARE, HOUSING, AND SUPPLEMENTARY EMPLOYMENT OPPORTUNITIES.

<sup>50</sup>Case studies of Manisha Salunkhe, 2011; Rekha Bidkar 2012; Shanta Jadhav, 2010; Sunitha 2010 op.cit.

<sup>51</sup>Structural violence refers to the physical and psychological harm or disadvantage precipitated by systems of oppression and exploitation [See Galtung Johan. (1969). 'Violence, Peace, and Peace Research'. Journal of Peace Research, Vol 6, No. 3. pp 167-91]. This invisible violence embedded in structures of class, caste, heteronormative patriarchy, sexual mores and other structures of hegemony justifies overt violence in the lives of women in sex work on a daily basis.

<sup>52</sup>Case study of State violence against sex workers in Nippani, Maharashtra, 2002. No RRC#4 in Annexure 1

IN MANY CASES,  
SEX WORKERS  
WHO HAVE GONE  
TO FILE  
COMPLAINTS OF  
VIOLENCE HAVE  
REPORTED  
EXPERIENCING  
FURTHER VIOLENCE  
AND ABUSE FROM  
THE POLICE.

### iii) Violence from non - State actors

A direct correlation exists between the criminalised status of sex workers and the violence faced by them in their work. Sex workers are forced to work in highly volatile and risky settings where they are at constant risk of verbal and physical abuse. Criminal and punitive laws targeting sex work then provide a justification for the violence and rights violations. Sex workers can face violence from support staff, managers or clients in establishments where sex work takes place. Criminal elements, clients and third parties use the threat of criminal sanctions to exploit sex workers. Despite evidence<sup>53 54</sup> indicating a high incidence of violence these acts do not get legal recognition and police refuse to register FIRs or investigate the assaults. Sex workers hesitate to file complaints because of the fear of police retribution, or fear of being prosecuted for engaging in sex work. In many cases, sex workers who have gone to file complaints of violence have reported experiencing further violence and abuse from the police.

### iv) Conflation of Trafficking and Migration, leading to denial of Labour Rights

There is an urgent need to distinguish between “trafficking”, “sex work” and “migration”. The Special Rapporteur on Violence Against Women observed there was a tendency to conflate sex work with trafficking in persons. She observed that when sex workers are identified as victims of trafficking the assistance that is provided to them is not targeted to their specific needs<sup>55</sup>.

The Special Rapporteur noted a tendency to conflate sex work with trafficking in persons, and when sex workers are identified as victims of trafficking, the assistance that is provided to them is not targeted to their specific needs. Report of the Special Rapporteur on Violence Against Women, India Mission, 2013

Increasing evidence and global norms confirm a clear distinction between trafficking and sex work and describe the characteristics of trafficking. “Trafficking” refers to “the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat of use of force or other forms of coercion, of abduction, or fraud, of deception, of the abuse of power ...or the giving or receiving of payment or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.”<sup>56</sup>

<sup>53</sup>Power to tackle violence: Avahan’s experience with community led crisis response’ BMGF 2009. [www.gatesfoundation.org/avahan](http://www.gatesfoundation.org/avahan)

<sup>54</sup>Pan India Survey of Sex worker (2011) op. cit.

<sup>55</sup>UNHRC (2014) Report of the Special Rapporteur on violence against women, its causes and consequences, Mission to India, p 6. A/HRC/26/Addl.1

<sup>56</sup> See, e.g., Palermo protocol at <http://untreaty.un.org/English/TreatyEvent2003/Texts/treaty2E.pdf>; Inter-Parliamentary Union, UNAIDS, UNDP (2007) Taking Action Against HIV – Handbook for Parliamentarians, at 191 (box 54). Available via <http://www.ipu.org/english/handbks.htm#aids07> or at [http://data.unaids.org/pub/Manual/2007/20071128\\_ipu\\_handbook\\_en.pdf](http://data.unaids.org/pub/Manual/2007/20071128_ipu_handbook_en.pdf).

Though many sex workers have been deceived or lured by payments into sex work and might be said to be “trafficked”, there is a large number, who have not entered sex work due to any basis involving coercion or deceit. They have moved in search of a better life and livelihood. Though poverty and inequality are deplorable reasons for people to enter sex work and indicate inadequate “free choice”, it cannot be said that all people suffering from such conditions have been trafficked. They, should benefit from human rights support, including social and economic choices.<sup>57</sup>

When trafficking is confused with women’s voluntary migration (for the purpose of employment, residence, or escape from persecution by State or non-State actors) protectionist measures steeped in patriarchal control over women’s mobility result in curbing female migration within and outside the borders of the country.<sup>58</sup> This limits women’s access and opportunity to travel away from the family, kinship in search for a better life. Even though the lines between deceitful transport of a person and her will to travel may be blurred (with women facing either situation at different points in their lives), curbing women’s mobility is not the answer.

Gendered notions of women as companions of migrating men lead to a denial of her independent agency, whether in sex work or otherwise. This stereotype results in lack of access to labour entitlements due to biases against mobile women, secondary status accorded to women workers and their wages, and societal stigma against sex work. The problems are multiplied for women in sex work. Lack of support from family and exploitative relationships at the workplace (as well as from family members who would like the income to reach back home, but without the ‘sullied’ woman returning home) renders an older sex worker destitute and disenfranchised, even if she may have earned a considerable income during her working years.

### ***Conflation with Trafficking and Resulting Rights Violations***

While sex work is not an offense in India; the Immoral Traffic (Prevention) Act 1956 (ITPA) consists of a range of provisions that criminalise almost every aspect relating to sex work. Provisions of ITPA have been used to arrest and harass sex workers, regardless of whether they are in sex work voluntarily or have been coerced. A report commissioned by the National Human Rights

WHILE SEX WORK IS NOT AN OFFENSE IN INDIA; THE IMMORAL TRAFFIC (PREVENTION) ACT 1956 (ITPA) CONSISTS OF A RANGE OF PROVISIONS THAT CRIMINALISE ALMOST EVERY ASPECT RELATING TO SEX WORK.

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<sup>57</sup>Case Study, Jharkhand Migrants, 2012. No. MP#1 in Annexure 1

<sup>58</sup>‘Trafficking’. WOREC, Nepal. <http://www.worecnepal.org/programs/trafficking> (downloaded on 14.04.2014)

POLICE RAIDS, FREQUENT  
IN RED LIGHT AREAS AND  
UNDER THE PRETEXT OF  
RESCUING MINORS, DO  
NOT DISTINGUISH  
BETWEEN MINORS AND  
CONSENTING ADULTS.  
DESPITE EXTENSIVE  
DOCUMENTATION THAT  
VIOLENCE AGAINST SEX  
WORKERS OCCURS AT  
THE HANDS OF THE  
STATE, ORGANISATIONS  
EMPLOYING A RAID,  
RESCUE, AND  
REHABILITATION SCHEME  
RELY ON THE POLICE.

Commission found that the soliciting statute was the primary law used in ITPA and observed, “It is disturbing to note that out of almost 14,000 persons arrested every year under ITPA, approximately 90% are women”.<sup>59</sup> A study in red light areas found that 66% cases registered in Mumbai and 56% in Delhi were under the soliciting statute.<sup>60</sup>

### **Raids - A Human Rights Violation of Sex Workers.**

Raids are executed by the police for many reasons, including complaints lodged by NGOs who intend to rehabilitate sex workers and repatriate them, in an effort to abolish this work. The complaint is lodged under the ITPA to rescue minors and adult women believed to have been trafficked into sex work. The raid could also be undertaken to evict sex workers from a “red light area”<sup>61</sup> under ITPA and other public nuisance laws. Raids are often used to ‘sweep the streets’ of sex workers, and clients vagrancy laws, and soliciting under ITPA. Police conduct the raid and indulge in physical violence and extreme verbal abuse which is often sexual in nature, to intimidate sex workers.

### **Rescue and Rehabilitation**

Perhaps the most widespread human rights abuse emerges from the rescue and rehabilitation provisions of ITPA. These interventions involve brothel raids by special police officers and NGO workers, where women are “rescued” and placed in rehabilitation facilities. Police raids, frequent in red light areas and under the pretext of rescuing minors, do not distinguish between minors and consenting adults. Despite extensive documentation that violence against sex workers occurs at the hands of the State, organisations employing a raid, rescue, and rehabilitation scheme rely on the police. In 2012, in perhaps one of the largest raids in recent times, an operation was carried out over 3-4 days in a red light area called **Simplex building** in Mumbai and over 200 women were “rescued and sent to correction homes”.<sup>62</sup> Narratives of raid and rescue operations indicate the highly abusive and violent nature of these operations.

*On 19<sup>th</sup> August 2013 at 11 am Police raided the sex workers community. Between 50-60 Police, and 5-6 police vans directly entered the community and started catching women. Since it was morning time, most of all the women in their homes; washing clothes, preparing food, pooja (worshipping) and bathing. Police came without any information or warning. They pulled hair, used abusive language and started throwing women into the van. Women did not even get a chance to wear saris, and were forced to sit in the van. Collated from the Narratives of Sayara Jamadar (42), Bilkis Inamdar (45) Sharda Yadav (45), Manda Chavan (42), Sangita Nikam (30), Surekha Rajmane (40). Raid on Dombarwada community of sex workers, Kolhapur, 2014.*

<sup>59</sup>Nair P. (2004), A report on trafficking in women and children in India 2002 - 2003, New Delhi, NHRC, UNIFEM ISS, p. 363

<sup>60</sup>Grover A., Kukke A., Bhardwaj K. eds (2003), Legislating an epidemic, Delhi Lawyers Collective, p 125

<sup>61</sup>Case Study of Dombarwada raid, Kolhapur, Maharashtra, 2013- 2014. No. RRC#1 in Annexure 1

<sup>62</sup>Case study, Simplex building raid, Mumbai, Maharashtra 2012. No. RRC#5 in Annexure 1

*We were organising a community meeting in Gokul Nagar when two vehicles came. There were many more vehicles following this vehicle. The police and Greg Malstead came into our community without our permission and started pushing girls out of their homes. There were so many girls without clothing! They were forcefully pushed out! They pulled the women's hair. They pushed them and put them in the vehicle."* Kamlabai, VAMP, Raid on Gokulnagar, Sangli, 2008.<sup>63</sup>

Consent of the adult women in sex work who are "rescued" is immaterial, and they are remanded to correction homes despite testifying that they were in sex work willingly.<sup>64</sup> These adult women are released into the care of parents or family members on the condition that they will give up sex work. Often the judgments handing over "custody" of the adult sex worker to the parent or family member are based on moral judgments.

*Out of 38 women, 16 women released by court, and 12 women were sent home after they agreed that they would not remain in Kolhapur and would leave sex work. Rejecting the application for custody of one sex worker filed by the family, the order said that if "the family member had really taken care of the victim, she would not have suffered from HIV disease".* Collated from the narratives of Sayara Jamadar (42), Bilkis Inamdar (45) Sharda Yadav (45), Manda Chavan (42), Sangita Nikam (30), Surekha Rajmane (40). Raid on Domburwada community of sex workers, Kolhapur, 2014

The final step in the rescue intervention is the (often) involuntary rehabilitation of women in sex work. Rehabilitation programmes are run either by non-governmental organisations or are part of government programmes. Sex workers are taken to rehabilitation programmes where they are kept in jail-like conditions; experience repeated sexual abuse,<sup>65</sup> and eventually released. Sex worker organisations have drawn attention to the health and safety concerns of women involuntarily removed from brothels. Rehabilitation programmes often undermine the very purpose of their existence, given the high rates of violence experienced by women in rehabilitation homes; the return of women to sex work; and, disrupting their everyday existence because of being detained for extended periods of time.<sup>66</sup>

*The Special Rapporteur on Violence Against Women has reported that rehabilitation of sex workers in India is an issue for concern.<sup>67</sup> The Supreme Court of India has observed that rehabilitation training assistance for sex workers should not be made contingent on forcible stay in corrective homes, nor can sex workers be involuntarily incarcerated in corrective homes "which they consider a virtual prison".<sup>68</sup>*

Despite these observations, forced rehabilitation continues to be the norm across the country.

<sup>63</sup>Resisting Raids and Rescue, VAMP Collective and SANGRAM, July 2008. [www.researchforsexwork.org/downloads/r4sw10.pdf](http://www.researchforsexwork.org/downloads/r4sw10.pdf)

<sup>64</sup>Case Study of Domburwada raid, Kolhapur, Maharashtra, 2013- 2014. No.RRC#1 in Annexure 1

<sup>65</sup>Mankhurd State Shelter: Forced Detention of women sex workers, 2012, No.RRC#3 in Annexure 1

<sup>66</sup>Extract from Ahmed, Aziza, Seshu, Meena, "We have the right not to be rescued...": When anti - trafficking programmes undermine the health and well being of sex workers. Anti - Trafficking Review, June 2012, p 155

<sup>67</sup>UNHRC (2014) Report of the Special Rapporteur on violence against women, its causes and consequences, Mission to India, p 7 para 24. A/HRC/26/Addl.

<sup>68</sup>Budhadev Karmaskar v. State of West Bengal (2011). Interim order dated August 24, 2011

## SUPREME COURT

THE REHABILITATION TRAINING ASSISTANCE FOR SEX WORKERS SHOULD NOT BE MADE CONTINGENT ON FORCIBLE STAY IN CORRECTIVE HOMES, NOR CAN SEX WORKERS BE INVOLUNTARILY INCARCERATED IN CORRECTIVE HOMES "WHICH THEY CONSIDER A VIRTUAL PRISON".

JUSTICE VERMA  
COMMISSION

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THE AMENDED SECTION  
370 WAS TO PROTECT  
WOMEN AND CHILDREN  
FROM BEING  
TRAFFICKED. THE  
SECTION DID NOT  
INCLUDE WITHIN ITS  
AMBIT, SEX WORKERS  
WHO PRACTICE OF THEIR  
OWN VOLITION. IT  
FURTHER CLARIFIED THAT  
THE AMENDED SECTION  
SHOULD NOT BE  
INTERPRETED TO PERMIT  
LAW-ENFORCEMENT  
AGENCIES TO HARASS  
SEX WORKERS WHO  
UNDERTAKE ACTIVITIES  
OF THEIR OWN FREE WILL  
AND THEIR CLIENTS.

### **Eviction, Repatriation**

Sex workers are often evicted from the premises and are unable to return to their residences.<sup>69</sup> In the case of the **Dombarwada raid** in Kolhapur Maharashtra in 2013, over 200-250 women were residing in the 30-40 houses, and many had been resident for the past 30 years. Ever since the raid, the place has been locked and the sex workers are being prevented from entering their houses. The women have requested the district authorities to provide them with alternative residences, but the authorities have ignored them.

In 2004, the State Government of Goa launched an eviction operation against migrant communities including sex workers in Baina, using brutal police violence.<sup>70</sup> In the case of the Dombarwada raids in Kolhapur, small lodges and hotels were warned by the police against giving rooms to the sex workers.

Thereafter women began to work on the streets in highly risky settings such as bathrooms or open spaces, facing the constant dangers of police and goon violence, gang rape and abuse. They also lose the power of negotiating safer sex practices.

In 2013, the Justice Verma Commission recommendations to the Criminal Law Amendments, inserted the Amended Section 370 to define the offence of Trafficking. In a clarification issued by the Verma Commission it stated that the Amended Section 370 was to protect women and children from being trafficked. The section did not include within its ambit, sex workers who practice of their own volition. It further clarified that the amended section should not be interpreted to permit law-enforcement agencies to harass sex workers who undertake activities of their own free will and their clients.<sup>71</sup>

Despite irrefutable evidence emerging from government, non-government research and voices of numerous affected sex workers, the State has failed in its obligations to respect, protect and promote the rights of sex workers who are arbitrarily arrested and evicted. State inaction to assess and amend punitive laws that impact sex workers and their families has led to sex workers living in a criminal and stigmatised environment. By giving rehabilitation schemes as the only option to sex workers, the State has failed in its duty to protect the rights of sex workers.

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<sup>69</sup>Dombarwada raid, August 2013, op. cit.

<sup>70</sup> Case study of demolition of homes of sex workers, Baina, Goa, 2004, No. RRC#2 in Annexure 1

<sup>71</sup> Clarification from Justice Verma Committee on Section 370, IPC, February 2013, India . <http://sangram.org/resources/Amending-section-370-IPC-verma-commission-clarifies-intention-behind-legislation.pdf>. Accessed on 10 January 2013

## v. Stigma in health care

Sex workers experience debilitating stigma and discrimination that erodes their ability to protect their health and well-being. The government services are typically routed through primary and tertiary health care set up comprising the district hospitals, primary health care centres, sub-centres and community health centres. Due to the Government of India's emphasis on HIV prevention, the National AIDS Control Organisation and its partners set up STI and HIV prevention initiatives across the country for vulnerable communities including sex workers. These centres provided stigma-free STI and HIV related services to sex workers.

The National Commission for Women observed that accessing health care is a major concern for women in sex work.<sup>72</sup> While the 'immoral whore' image makes it difficult to get good medical treatment, illiteracy, ignorance and fear of the medical establishment renders them open to exploitation and extortion of money and resources.

Sex workers prefer not to reveal their occupation when seeking care at government or private hospitals due to their experience of being stigmatised and discriminated against. Female sex workers are humiliated and criticised, made to wait for inordinately long periods of time, not examined properly, forced to undergo HIV tests, overcharged for services at private hospitals, denied medical services<sup>73</sup>, delivery care<sup>74</sup>; and their confidentiality violated.

## vi. Social Security and Support<sup>75</sup>

The 12th Five Year Plan approach paper outlined the need for a pragmatic mix of policies and programmes combined with institutional and attitudinal to achieve inclusive development paying attention to the specific needs of excluded groups.<sup>76</sup> The demand for social security nets for the unorganised sector has emerged as a right to ensure social protection for marginalised and invisible sectors of the workforce in India. Social security of sex workers also needs to be placed within the concerns of unorganised workers. In December 2008, the Social Security for the Unorganised Sector 2008, legislation was enacted by the Indian Parliament.

## NATIONAL COMMISSION FOR WOMEN

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AT ACCESSING HEALTH CARE IS A MAJOR CONCERN FOR WOMEN IN SEX WORK. WHILE THE 'IMMORAL WHORE' IMAGE MAKES IT DIFFICULT TO GET GOOD MEDICAL TREATMENT, ILLITERACY, IGNORANCE AND FEAR OF THE MEDICAL ESTABLISHMENT RENDERS THEM OPEN TO EXPLOITATION AND EXTORTION OF MONEY AND RESOURCES.

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<sup>72</sup>National Commission for Women, "Societal violence against women and children in Prostitution," NCW, New Delhi, 1997

<sup>73</sup>Case study of Valarmathi, Kanyakumari, Tamil Nadu, 2013. No. MS#1; Bharati Kamble, Sangli, Maharashtra, 2004, No. MS#5; Kiran Deshmukh, Sangli Maharashtra, 2010 No. MS#4, Usha Kamble, Sangli Maharashtra, 2013, No. MS#6 in Annexure 1

<sup>74</sup>Case study of Vimala, Bangalore, Karnataka, 2012. No. MS#2 in Annexure 1

<sup>75</sup>The committee recommends the speedy enactment of the Unorganized Sector Workers Social Security Bill. ...The Committee urges the State party to pay specific attention and adopt a comprehensive approach, to address the problems of poor women in the urban areas. Para 45, Concluding Comments, India, CEDAW Committee. 2 February 2007 [CEDAW/C/IND/CO/3]

<sup>76</sup>Faster, Sustainable and More inclusive growth: An approach to the 12th five year plan, Planning Commission of India, August 2011

LACK OF IDENTIFICATION  
CARDS OR STATUS OF  
UNREGISTERED CITIZENS  
CONTRIBUTES TO THE  
NORMALIZATION OF  
VIOLENCE AGAINST  
WOMEN.

Sex workers have voiced the need for inclusion into these social protection schemes and to participate in broader campaigns and forums demanding rights for the unorganised work force. However, income generation schemes at the district level are made conditional to sex workers giving up sex work, a clause that many sex workers reject.<sup>77</sup>

Another factor that impedes participation in income generation schemes is that sex workers are required to be part of self -help groups within their village or areas. Many sex workers participating in such self -help groups have reported being discriminated and marginalised by other SHG members. Hence the demand for identity based self -help groups needs to be considered by the government as a specific relaxation for marginal communities. The *Pension Parishad*, a national movement to demand Universal Old Age Pension has included the concerns of old sex workers including relaxing the eligibility age to 45 years for highly vulnerable groups such as tribal groups, transgender and women in sex work.<sup>78</sup>

### ***The challenge of documentation***

Stigma related to their work and identity and the migratory nature of work prevents sex workers from accessing identification documents, essential to accessing entitlements. For instance in 2009 it was estimated that only 20 percent of over 5000 sex workers in Delhi had a voter's ID card.<sup>79</sup> Sex workers from the National Network of Sex Workers also shared that residence proof, father's name and caste, and the ration card were some documents required for getting their children registered in schools.<sup>80</sup> Sex workers applying for housing schemes narrated that they were asked for proof of residence and ration cards. The Public Distribution System (PDS), meant for people below the poverty line to access food items cheaply, needs supporting proof of sex workers being below poverty line.

The Special Rapporteur on Violence Against Women has observed that lack of identification cards or status of unregistered citizens contributes to the normalization of violence against women.<sup>81</sup>

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<sup>77</sup>VAMP, the collective of sex workers approached the district officials in Maharashtra in 2012 to access income generation schemes advertised by the Department of Rural Development and Ministry of Women and Child. At the time of signing forms for registering, they noticed a clause on the forms requiring them to give up sex work. While the District officials in Sangli agreed to drop the condition, the officials in the other districts did not respond. Narrative of VAMP sex workers

<sup>78</sup>Charter of Demands, Pension Parishad, 2012.

<sup>79</sup>UNDP 2012, Sex work and the law in Asia and the Pacific, p 56

<sup>80</sup>Report of Meeting on CEDAW status and sex workers, National Network of Sex Workers, Bangalore, 2013

<sup>81</sup>UNHRC (2014) Report of the Special Rapporteur on violence against women, its causes and consequences, Mission to India, p 17. Para 70 A/HRC/26/Addl.



While the Supreme Court's recommendation to the central and state government to relax verification criteria for obtaining identity cards and ration cards for sex workers needs to be implemented by the State, it is critical to engage with the barriers posed by the stigmatised identity of sex workers. Sex workers recount that they are asked to provide sexual favours in return for obtaining these documents,<sup>82</sup> humiliated<sup>83</sup> and commissions and sexual favours are sought to relax the verification criteria.<sup>84</sup> Landlords refuse to issue rent receipts or rental agreements.<sup>85</sup> The State needs to ensure that these documents are provided to the applicants in a time bound manner and the reasons for refusing the documents be clearly provided in written to the applicants.

#### **vii. Denial of Safe environment and labour protection**

Sex work happens in informal settings and is an occasional form of income or a long term occupation. Despite this, a safe working environment through standard labour protection measures continue to be denied to sex workers.<sup>86</sup> This includes access to benefits, legal redress for workplace grievances, adequate health and safety regulations. Detention of sex workers in rehabilitation centres without access to legal counsel or right to appeal are human rights infringements that need protection under adequate labour clauses.

## **SEX WORKERS**

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**WE ARE ASKED TO PROVIDE SEXUAL FAVOURS IN RETURN FOR OBTAINING THESE DOCUMENTS, HUMILIATED AND COMMISSIONS AND SEXUAL FAVOURS ARE SOUGHT TO RELAX THE VERIFICATION CRITERIA.**

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<sup>82</sup>Case study of Jyothi, Ongole, Andhra Pradesh, 2013, No. SE#5 in Annexure 1

<sup>83</sup>Case studies of Mohana, Bangalore rural, Karnataka, 2010, No. SE#2. Sumalath, Kalahasti, Andhra Pradesh, 2013. No. SE#4 in Annex. 1

<sup>84</sup>Case study of Radhika, Bangalore, Karnataka, 2013. No. SE#3 in Annexure 1

<sup>85</sup>Case study of Maliga, Tiruvanmalai, Tamil Nadu, 2013. No. SE#1 in Annexure 1

<sup>86</sup>UNAIDS (2009) Guidance note on HIV and sex work. ILO Recommendation 200 on HIV and the world of work, ECOSOC, overview of good practices for multi sectoral cooperation, 2011

## CHAPTER 5

# STATE RESPONSE AND CONCERNS

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Government has sought to address the stigma and marginalisation raised by sex worker collectives and networks through the rehabilitation and alternative livelihood discourse.

MINISTRY OF WOMEN AND CHILD DEVELOPMENT HAS FOCUSED ON A MORE PROTECTIONIST APPROACH OF SEEKING TO REHABILITATE PEOPLE IN SEX WORK. ITS CENTRAL FOCUS HAS BEEN THE RESCUE, REHABILITATION OF “VICTIMS” THROUGH SAFE SHELTER, MEDICAL CARE AND LEGAL AID, VOCATIONAL TRAINING AND THEIR EVENTUAL RE-INTEGRATION IN SOCIETY.

There has been a duality in the State Response in meeting its obligations towards sex workers. The Ministry of Health, through its HIV/AIDS programme emphasised on community owned and community led HIV prevention services.<sup>87</sup> By 2009, this ambitious transition of HIV programmes to the community based organisations (CBO) of sex workers had already begun happening across the country. Emphasis was placed on training sex workers from the collectives to manage and run programmes, including the design, monitoring and evaluation, and financial and administrative management of small grants which were provided by the Department of Health of the State and Central Governments. Key to this intervention strategy was the affirmation of the principle of “voluntary entry and exit from sex work”<sup>88</sup> and the need to strengthen community ownership through collectivisation and strengthening the enabling environment.<sup>89</sup> Guidelines were evolved for a systemic approach to implementing a crisis response by engaging in police advocacy. By its own admission this strategy has enabled it to reach out to over 0.68 million sex workers across the country, covering an estimated 53% of the sex work population.<sup>90</sup>

The Ministry of Women and Child has focused on a more protectionist approach of seeking to rehabilitate people in sex work. Its central focus has been the rescue, rehabilitation of “victims” through safe shelter, medical care and legal aid, vocational training and their eventual re-integration in society. Action plans have been suggested to include children of sex workers into welfare programmes designed for children including pre-school programme, day-night care centres and counselling centres for children.<sup>91</sup> The government has sought to address the stigma and marginalisation raised by sex worker collectives and networks through the rehabilitation and alternative livelihood discourse.

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<sup>87</sup>Strategy and Implementation Plan, National AIDS Control Program Phase III (2006-2011), November 2006, p 24

<sup>88</sup> Targeted interventions under NACP III, Operational Guidelines, Volume 1, Core High Risk Groups, p 17

<sup>89</sup>Targeted Intervention, National AIDS Control Programme, Phase -III, India; Ministry of Health and Family Welfare. P 24

<sup>90</sup>Ibid. p 28

<sup>91</sup>List of issues in relation to the combined fourth and fifth periodic reports of India, Addendum. Replies of India, CEDAW/C/IND/Q/4-5/Add.1, 21 January 2014

The Police approach to complaints of violence has consisted of ensuring police reforms for a more sensitive approach towards policing and in dealing with vulnerable populations. In 2005, the Inspector General of Police in Karnataka state, in response to complaints of widespread police abuse against sex workers, issued instructions that strict disciplinary action would be initiated against police officials ill - treating, abusing and extorting money from sex workers.<sup>92</sup> Similar guidelines were also issued in Andhra Pradesh and Tamil Nadu.

A cohesive approach that recognises the agency of consenting sex workers and people trafficked alike, and upholds a right based approach has to be the cornerstone of the State policy towards trafficking and sex work.

The Indian State needs to meet its obligation to respect, protect, fulfil and promote the rights of women in sex work (as well as their children). The Annexure with case studies attached, is testimony to the fact that State actors as well as non-State actors continue to violate the rights of sex workers with impunity and there is lack of due diligence to address violence against sex workers.

Were these acts of violence, humiliation and discrimination preventable?  
Were they adequately investigated? Were perpetrators prosecuted?  
Were victims/ survivors duly compensated?

If the answer to these questions is 'no', then evidently the State has failed in its duty to protect and enhance the human rights of people within its jurisdiction. It is imperative that the State be reminded of the core Articles of CEDAW, namely 1-4 which define discrimination and emphasise State Obligation in the removal of all forms of historical and current discriminations through active measures, including putting in place processes of substantive equality for sex workers and their children.

#### CEDAW, ARTICLE 1-4

STATE SHOULD REMOVE ALL FORMS OF HISTORICAL AND CURRENT DISCRIMINATIONS THROUGH ACTIVE MEASURES, INCLUDING PUTTING IN PLACE PROCESSES OF SUBSTANTIVE EQUALITY FOR SEX WORKERS AND THEIR CHILDREN.

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<sup>92</sup>Karnataka Inspector General of Police, Circular on Action under Immoral traffic (prevention) Act, 1956, 22 November 2005, available at <http://www.altlawforum.org/gender-and-sexuality/rights-of-sex-workers>

## CHAPTER 6 RECOMMENDATIONS

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Structural barriers and obstacles in accessing justice and achieving equality must be removed by addressing denials based on livelihood options, gender stereotyping and sexuality.

The over-arching recommendation to the Indian State is to address concerns of women (and trans-women) in sex work by not relegating their issues to Article 6 of CEDAW. Women in sex-work are entitled to rights in the economic, political, social, civil and cultural spheres of their lives. The rights to education; political participation (including representation at the national and international levels); citizenship; livelihood; health; equality before the law; freedom from gender stereotyped notions about women's chastity and roles and responsibilities within a hetero- normative and patriarchal family, can only be fully achieved if discrimination is eliminated from all spheres of sex workers' lives. We therefore urge India to adopt a comprehensive approach in realising the human rights of sex worker. We also recommend that interventions affecting sex workers be undertaken through consultation, participation and leadership of sex workers.

Structural barriers and obstacles in accessing justice and achieving equality must be removed by addressing denials based on livelihood options, gender stereotyping and sexuality. An intersectional approach that addresses class, caste, gender, sexual orientation, gender identity, disability, religion, ethnicity, health status, age, marital status and so on should be adopted so that all discriminations are removed. Further, progressive laws that protect women's rights in India must be equally enjoyed by sex-workers. Efforts must begin by challenging restrictive and moralistic views related to women's sexuality because these beliefs normalise violence against women who transgress moral codes of conduct.

To ensure accountability of the State in terms of respecting, protecting and fulfilling the rights of women in sex work, it is imperative to ask<sup>93</sup>: How will the

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<sup>93</sup> Written submission on Women's Access to Justice; Drafted by International Women's Rights Action Watch – Asia Pacific (IWRAP-AP), Kuala Lumpur, January 2013

person, department or mechanism responsible be held accountable? What will be the relief/remedies for the woman/women who has been affected by lack of implementation? How will the denial of the right be redressed? What would be the sanction for non-adherence to laws and policies and non-implementation? Addressing the accountability of the state for acts or omissions of state and non-state actors, instituting an independent monitoring system to hold the judiciary accountable in maintaining the checks and balance between state organs; is also crucial.<sup>94</sup>

### **1. Avoid conflation of sex work with trafficking**

- a. Trafficking is a criminal offense and should not be conflated with sex work. Trafficking of Adult Persons and Trafficking of Children should be dealt with under two separate laws to ensure that consenting adults are not infantilised and children are given justice.
- b. Shut down compulsory detention or rehabilitation centres for people involved in sex work. Instead, provide sex workers with evidence-based, voluntary, community empowerment services.
- c. Ensure witness protection for sex workers testifying against traffickers and violators.

### **2. Decriminalise sex work and all related activities**

- a. Repeal laws that prohibit consenting adults to buy or sell sex, and laws that prohibit commercial sex, such as laws against “immoral” earnings, “living off the earnings” of prostitution and brothel-keeping.
- b. Ensure that existing civil and administrative offences such as “loitering without purpose”, “public nuisance”, and “public morality” are not used to penalise sex workers and administrative laws such as “move on” powers are not used to harass sex workers.

### **3. Ensure Participation of sex workers in policy making**

- a. Ensure participation of sex work organisations in drafting/ amending laws, policies and programs relevant to them and in its eventual implementation process.

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<sup>94</sup>Ibid

- b. Sensitivity to issues faced by sex workers should be made a part of training for police personnel, public prosecutors and the judiciary in partnership with community organisations of sex workers.

4. **Develop mechanisms to recognise and act against violence faced by women in sex work**

- a. Take measures to stop police harassment and violence against sex workers. Register complaints of sex workers and take decisive action against law enforcement authorities who commit acts of violence against sex workers.
- b. Guard against arbitrary arrest and detention of sex workers, and investigate harassment, extortion and abuse by law enforcement staff
- c. Prohibit the mandatory HIV and STI testing of sex workers following arrest.
- d. Maintain confidentiality and respect the privacy of sex workers approaching law enforcement and judiciary for redress in cases of sexual assault, exploitation and violence. Ensure skills and sensitivity in dealing with women, persons who identify as women and transgender women in sex work.

5. **Strengthen sex workers' access to justice**

- a. Strengthen National Human Rights Instruments (NHRI's) and increase their accountability to respond to complaints or initiate *suomoto* action reports of violence and rights violations by state and non – state actors against sex workers.
- b. Ensure that existing gender biases against women offenders are apprehended, because these stereotypical views are exacerbated when women in sex work interface with law enforcement.
- c. Ensure all women's access to information, with special attention being paid to those from subordinated or discriminated groups, as they are likely to be denied access to justice.
- d. Ensure Free Legal Services are available in rural areas for sex workers and offered by lawyers who have been trained in issues faced by sex workers.
- e. Ensure delivery of legal services and/or referrals to existing legal services to ensure that sex workers have support to seek redress including appeal to higher courts.

- e. Ensure training to officers of the Legal services on vulnerable populations such as sex workers so that their specific conditions, marginalization are understood by the judicial / legal officers.
- f. Ensure that caste panchayats, religious leaders and unconstitutional bodies do not violate the rights and entitlements of women in sex work.<sup>95</sup>

**6. Implement Supreme Court recommendations on social entitlements, identification documents**

- a. Ensure implementation of the Supreme Court recommendations to issue identity documents and ration cards to sex workers at the national, state, district and sub-district levels.
- b. Ensure the empowerment, active participation and leadership of sex work networks, federations and collectives in designing policies and processes for accessing social entitlements.
- c. Delink social protection schemes from compulsory exit from sex work. Do not project social protection schemes as options for rehabilitation, but give sex workers the agency to select such schemes as supportive options to sex work.

Specific questions to the Indian government for the consideration of the CEDAW Committee include:

1. Is discrimination faced by sex workers on a daily basis, not in violation to Article 1 of the CEDAW?
2. Since the State perpetuates violations and takes no cognisance of violence perpetuated by non-State actors, is India not violating its obligation to respect and protect the rights of women sex workers?
3. What measures has India taken to prevent violation, humiliation, dispossession and disenfranchisement of sex workers during raids and rescue missions? What measures have been taken to ensure that sex workers are not alienated from their children, homes, assets, livelihood options and health care services?

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<sup>95</sup>Case studies of Madhu, Uttara Kannada 2013; No. SPRC#1. Shahnaz, Uttara Kannada, 2013, No. SPRC#2. Meenakshi, Koppal, 2013 No. SPH#1 in Annexure 1

4. Why do raids lead to forcible detention of adult sex workers who do not wish to leave sex work?
5. What is India doing to stop trafficking of minors?
6. What measures has India taken to ensure women sex workers' access to justice?
7. What measures has India taken to ensure the principle of due diligence of prevention and investigation of discrimination, prosecution of perpetrators and compensation of victims / survivors?
8. What measures has India taken to address the impunity of State as well as non-State actors in instances of violence and discrimination against sex workers?
9. What measures is India taking to remove historical discriminations in terms of putting in measures of substantive equality?
10. Why has India reported only on Article 6 of the CEDAW, conflating trafficking with sex work, when it is known that trafficking occurs not only for sex work, and that all sex work is not trafficking?

Just as discrimination is an on-going process, so is achieving gender equality an on-going endeavour. Equality needs to be measured in terms of opportunity, access, benefit and result. Monitoring processes should necessarily include sex workers' collectives and those involved in strengthening the rights of women in sex work. Only the full participation and leadership of rights holders can ensure State obligations towards removal of all forms of discrimination and achieving substantive equality.



Primary cases have been collected by the authors and members of the National Network of Sex Workers, India in 2013, for submission to the CEDAW Committee.

Names have been changed to protect the identity of sex workers at their request.

Informed consent has been obtained by the sex work collective to share the narrative.

### 1. POLICE VIOLENCE

#### **PV#1 Anu Mokal, Veshya Anyay Mukti Parishad (VAMP), Satara, Maharashtra. April 2012**

On 2<sup>nd</sup> April 2012 at about 6:45 pm, Anu Mokal a sex worker and her friend Anjana Ghadge were on their way to the City Civil Hospital, Satara taking dinner to their hospitalised friend, Jaya Kale. When they were trying to catch an auto-rickshaw at the S.T. Bus Stand, Satara, a Constable Mr. Bhonsale asked Anjana Ghadge to come and meet the Senior Police Inspector Dayanand Dhome of Satara Police Station, who was present near the bus stand. When Anu and Anjana Ghadge came before the Police Inspector, he started to verbally abuse Anjana Ghadge and accused her of soliciting. Anjana Ghadge told him that she was there to deliver dinner to her friend admitted in the Civil Hospital, Satara, but the police officer accused her of using the dinner as a cover-up and further that she was soliciting customers. Anjana Ghadge denied this but the Police Officer started abusing and beating her with his baton. Anu Mokal intervened and requested the Police Officer not to beat Anjana Ghadge, as she was of his mother's age but he became more furious and replied that women like her could never be anyone's mother. He turned towards Anu Mokal and started abusing her and beating her with his baton. Thereafter she and Anjana Ghadge were picked up, pushed into the Police van and taken into custody. 60 year Anjana Ghadge and the 30 year old pregnant Anu Mokal were arrested at or about 9 pm under a cognisable but bailable and petty offence.

At about 9:30 pm on the same day, i.e. 2<sup>nd</sup> April 2012, Anu Mokal along with Anjana Ghadge were taken to the Civil Hospital, Satara by the Police Constables due to their complaints of severe physical pain.

On 3<sup>rd</sup> April 2012, at about 3 pm, they were produced before the Chief Judicial Magistrate in Satara. Anu Mokal and Anjana Ghadge were both charged under Section 110 & 117 of the Bombay Police Act and were fined Rs 1200 each. Both denied having committed any of the offences as charged, however having no other option they paid the fine imposed, and were released. Thereafter they immediately went to the Civil Hospital, Satara for treatment of the severe injuries they had suffered.

On 3<sup>rd</sup> April 2012 a press conference was held by the community based organisation, Veshya AIDS Muquabla Parishad (VAMP) and a written complaint was given to the Superintendent of Police, Satara.

On 4<sup>th</sup> April 2012, Anu Mokal approached the doctor with severe stomach pain. At about 2.00 a.m. on 6<sup>th</sup> April 2012, the pain intensified and she started bleeding heavily. This resulted in abortion, on 6<sup>th</sup> April 2012.

So far no action has been initiated on the complaint dated 3<sup>rd</sup> April 2012 by Anu Mokal. The CBO has written to the Superintendent of Police, seeking an official inquiry into the incident, and asking that police violence against sex workers be stopped. They also wrote to Shri. R.R. Patil, the Home Minister of Maharashtra, and Shri. Tukaram Chavan, Inspector General (IG) of the region. Anu Mokal has also written separately to the Superintendent of Police, seeking action into the incident. Feeling Satara was no longer a safe place for her and her children, Anu Mokal moved out of Satara. Anti social elements in Satara put up posters in the three main *chowks*(squares) in Satara asking if sex workers were destroying the culture of the town.

### **PV#2 Reshma, Transgender 25 years old, Warangal, Andhra Pradesh.2011 (own narrative)**

'I am Reshma from Warangal. Most transgender community members used to beg as they don't receive any support from the family or government. There are no job opportunities because of the extreme stigma and discrimination. They beg at railway stations and in the trains. Wherever the railway police see us, they arrest us, take us to the police station without any reason, and beat us mercilessly. They used to arrest us and beat us even when we stood inside the railway station. They abuse us very badly in front of all passengers and travellers. They treat us like animals. The most painful thing is that the police used to forcibly remove our clothes, make us naked and call other staff in the police station to see us. They say 'you have not have seen how the TGs are'. The

doctors do physical examination in front of everyone in the hospitals and use a lot of abusive words. We were totally helpless and suffered a lot of trauma due to this abuse. Our request to the policy makers is to create an enabling environment to lead our lives normally. Provide us with opportunities to live like others. Treat us like human beings and allow us to access legal rights equally.'

**PV#3 Uma, Leela, Jareena, Lakshmi. [Sadhana AIDS Tadegattuva Mahila Sangha], Shimoga, Karnataka. 2012**

Four sex workers (Uma, Jareena, Leela and Lakshmi) were standing near Nehru Road, one of the busiest public places in Shimoga, Karnataka on 5<sup>th</sup> September 2012 at 5 pm. (This is a spot where sex workers stand silently; because of 'police problem' the sex workers find it difficult to get even a single client in a day). It was evening and all the women were standing in a corner. Suddenly a woman Sub-Inspector (SI), along with four other women constables attacked them and took them to the police station. The Inspector along with constables exhibited great brutality and beat them inhumanly, seized all their mobiles and kept them in the police station without giving them a single drop of water to drink. The peer educator informed the Community-Based Organisation (CBO) staff about this incident, following which CBO representatives along with staff rushed to the police station. The Inspector behaved very badly with the CBO staff, yet finally the CBO staff managed to get the women released. The CBO staff helped the sex workers to submit their complaints to the Superintendent of Police (SP). Then team went to the police station along with their lawyer. After hearing about the incident from sex workers, the SP assured sex workers that such incidents would not be repeated, and directed the Inspector to handover the mobiles phones to the sex workers. The Inspector visited the CBO and apologised.

**PV#4 Subbamma, Tirupathi, Andhra Pradesh. 2011 (own narrative)**

In 2011, I knew this auto driver who took me to a place near the Devasthanam (temple) at night and offered me Rs. 1000/-. When we reached the room, there were eight policemen in mufti (plainclothes) inside. They shut the door and raped me. I started yelling and they threatened to throw me from the fourth floor of the building and kill me. They all raped me even as I was crying. They threw Rs. 50 on the floor and even took away my clothes. I escaped from the room without my clothes and they chased me. I managed to hide and they threw away my clothes. I was hospitalized for two days and could not get up for a week. It left me extremely traumatized.

Despite this experience last year, when my partner stole some gold that I had accumulated as my savings, I went to the police station to file a complaint. I

went for three consecutive days. The constable asked me for Rs. 500 to push my case. On the third day the SI called me to the police station and said they were able to recover some of the stolen money and gold. But he asked me to sign on a blank paper. The SI also asked me to have sex with him. I refused and left the police station. I don't have the courage to go back to the police after these two incidents.

## **2. POLICE HARASSMENT AND FALSE CASES**

### **PHF#1 Anjuman, (name changed), [Rakshane Jilla Mahila Okkuta], Gadag, Karnataka. 2013**

The wife of Anjuman's partner attacked Anjuman and her mother, and left her bleeding in the head. The wife then went to the police and complained against Anjuman and her mother, accusing them of beating her. The police registered a case against both the women and arrested them, despite their attempt to explain what had actually happened. The sex work collective went to the police station and also raised the issue of why the police had not filed Anjuman's mother's complaint.

It was thereafter learnt that the Anjuman's partner had never informed her about his marriage; he had told her that he was unmarried. The local religious leaders (Jamaat) now asked Anjuman not to pursue the issue and assured her of justice. She was asked to divorce the partner; in return she was assured alimony. The police also suggested that Anjuman should 'compromise' and not get involved in a court case. However, Anjuman is yet to get justice. The Jamaat is aware of her work as a sex worker and is therefore not supporting her. In fact they are supporting her partner and are persuading Anjuman to settle the case without a fuss. Though the sex worker collective is supporting her, the case has not moved forward.

### **PHF#2 Kalpana, 28 years old, Tirupathi, Andhra Pradesh. March 2013 (own narrative).**

'My chain was snatched by four men who showed me a knife at Tirupathi bus stand on March 2013. It was not a real gold chain. I ran and found a constable (Govind Swamy) who helped me to report the incident. The crime police who were there, took me to the place where the encounter had happened. The head constable asked me to have sex with him; he said he would only follow up my case after that. I went to the CBO, and then together we all went to the police station and met the SI, who was present along with three other police. I helped the police to identify the thieves who stole my chain. The police abused me

and refused to act on my complaint. So I went to another SI with the CBO member. The SI refused to apologise.'

**PHF#3 Sumathi (name changed), Haliyal, Uttara Kannada, Karnataka.  
2009 - 2013**

Sumathi is a sex worker living with her parents and children. In addition to sex work, she also works as a part time insurance agent. She is a leader of the sex worker collective, but the police in the area are opposed to her work. In 2009 she was boarding a bus to travel to Bangalore for a meeting, when a police constable came up to her and asked her to accompany him to the police station, as the police inspector wanted to meet her. On reaching there, the police did not inform her of the reason for being summoned. Her phone was taken away and she was not allowed to call her family or friends. She was kept in the police station the whole night and forced to sign a statement. The CBO got to know the next morning that she was arrested for 'being found in a brothel', they then arranged for her bail.

Sumathi was produced before the magistrate after three days, and bail was granted. The case went on for five years in front of four subsequent judges. The lawyer kept prolonging the case at every hearing, and forced her to have sex with him. It was only in 2013 when after a colleague attended a legal conference shared this case with a judge, that it was dismissed in 2013. False cases are often filed by the police against sex workers. The prejudice and negative attitude against sex workers is very high amongst police, lawyers and court staff.

**PHF#4 Vanaja, Tirupathi, Andhra Pradesh (own narrative)**

'Police used to beat the community and arrest the women. Even CBO members who visit are arrested. I go as an outreach worker. On the one hand the constable asks for training from the CBO, and on the other hand they are arrested. When I go to the Sub-Inspector (SI), he tells me to sign a blank paper saying that the women have been counselled. The constable now says that since my signature is on the document, I have to appear in court. They now ask me to be a witness for raids, and any matters related to the brothel. Sometimes students are also arrested in these raids. I have signed in only one or two cases, but now my signatures are there in all the papers. They threaten me that I will have a case against me for not appearing, I have already gone five times.

I met the Deputy Superintendent of Police (DSP) and he assured me that the matter would be looked into. I appeared before the judge and said that the signature was not mine. The defence lawyer has accused the police of using my signature. They asked for a bribe of Rs.500 but I refused. There is a problem

between the lodges where sex work is done, and when that happens they use my name. The SI of East Tirupathi, Jagan Mohan Reddy invited all sex workers to see a stolen necklace and then they were all arrested. We were asked to say that we would leave sex work.'

#### **PHF# 5 Lakshmi, Chittoor, Karnataka. 2012**

Lakshmi is a sex worker, living with her partner. On September 2012, she was in her house with her partner. It was dark since there was no electricity. The Home Guard walked into the house and told her that the police inspector wanted to meet her. He was accompanied by another home guard. She refused to accompany him since it was late in the night. Hearing the commotion house, her neighbours gathered and began to ask questions. The home guards left the place. When Lakshmi went to complain to the police station the next day, the SI placed charges of soliciting on her and detained her. She was made to sit the entire day at the police station and her mobile phone was also taken away from her. The police also called her partner to the police station to ask him what Lakshmi's activities were. Since Lakshmi was a member of the local sex worker collective, she spoke of her work there. It was only after the intervention of the collective that she was allowed to leave.

### **3. ARREST AND FINE**

#### **AF#1 Manisha Salunkhe, 35 years old, Sangli, Maharashtra. 2011**

Manisha has been working as a sex worker since the past ten years. She was on standing on a road near Sahara Lodge in Sangli with her friend. Two policemen came out of a van and started asking whether she was on the road for soliciting. They refused to listen to Manisha when she said no, and forcibly arrested her. The next day she was taken to the court at 2 pm. The lawyer told her that she may have to pay a small fine for the case. He told her to admit to the charge in front of the judge, saying that only then would she be released. The judge fined her Rs.1600, and then released her.

#### **AF#2 Rekha Bidkar, 30 years old. Sangli, Maharashtra. 2012**

Rekha has been doing sex work for seven years in Sangli. She was standing near Shivaji Vegetable Market. One of the shop keepers came up to her and told her not to stand there. Rekha asked him "We are earning our living. Why you are interrupting our life." This angered the shopkeeper enough to call the police, who arrested Rekha along with her friend took them to the police station. Rekha was trying to narrate the incidence with the shop keeper who had beaten

and terrorised her. Then police replied her that it was not only one shop owner's complaint but that all shop owners in the market had given a written complaint against sex workers. The police did not listen to anyone in the collective. He filed a case under 'soliciting on road'. When VAMP members went to investigate, the police asked them to come the next day in court. The next day, in court, the lawyer advised Rekha to admit to soliciting on the road. Rekha paid Rs.1200 as a fine for her 'crime' against her will. 'Even though we have not done anything, we get arrested and pay a fine.'

### **AF#3 Shanta Jadhav, Sangli, Maharashtra. 2010**

Shanta is 42 years working as street based sex worker in Sangli and also has a hearing disability. In 2010 she was standing on road. Two police person came and caught her saying "these sex workers create a lot of trouble here". Shanta did not hear them approach due to her hearing disability, but the other sex workers ran away. Shanta was taken to the police station and kept overnight. On the next day the lawyer advised her to accept the charge. She accepted that she was soliciting and paid Rs.900 as a fine for standing on the road rather than contest the charge and fight the case.

### **AF#4 Sunita, 25 years old. Sangli, Maharashtra. 2010**

Sunita was alone in a lodge in Sangli when the police came and caught her, saying that she was doing sex work. She tried to escape from the police and started running, but she fell down and sustained injuries to her feet and hand. The police took her in that condition to the police station and filed a case against her. She was kept in jail overnight, and the police did not bother to get her injuries treated. The next day in court, she paid a fine of Rs 1600 despite the fact that she was not with a client at the time of arrest. However her fear of the court and police prevented her from raising this issue. Further her lawyer advised her to accept the charge. It was only after she was released by the court that members of the VAMP collective got her to hospital. She was diagnosed with a fractured leg, which the doctors found difficult to set because of the delay in hospitalising her. She still has difficulty walking.

#### 4. SOCIAL PREJUDICE AND RESULTING HARASSMENT

##### **SPH#1 Meenakshi, (name changed), [Sneha Mahila Sangha, UKMO],Koppal, Karnataka. 2013**

Meenakshi is a middle aged sex worker living with her daughter. When her daughter fell in love with a boy from another caste, the “caste leaders” came to her house and beat up the girl, abusing her for having a relationship outside her caste. They tried to force her to marry a boy within the caste. When Meenakshi returned home, they abused and started beating her too. The daughter escaped and complained to the police, after which the crowd dispersed. Meenakshi complained to her sex worker collective, and the members accompanied the woman to the police station to file a complaint. The police however advised the woman to compromise rather than pursue a complaint. As the girl was a minor, the police warned the leaders against trying to harass her into marriage. The leaders continued to abuse Meenakshi and her daughter for approaching the police. Sex workers find it difficult to find any support against societal prejudice and abuse.

##### **SPH#2 Radha, (Name changed), Lingasugur, Raichur, Karnataka 2013**

Radha is a young widow living with her children and does sex work. She has a small house from her husband. When her brothers learnt of her occupation, they approached her and said that they would take care of her children if she handed over her property to them. When Radha refused, the brothers started harassing her saying that she was destroying the family name and children’s future. Despite the constant harassment, Radha preferred not to approach the police since her family was involved. She approached the sex work collective who encouraged her to speak with the police and explain about the harassment and not wanting to file a complaint. The police have promised to speak with the brothers and ensure she is not harassed. Social prejudice and family ostracisation is a key factor that prevents women in sex work from seeking police intervention.

##### **SPH#3 Sudha, (Name changed), [Beladingalu Mahila Okkuta],Raichur, Karnataka. 2013**

Sudha, a young sex worker who lives alone was harassed by local men in the area where she lived. They asked her for free sex, and threatened to reveal her identity as a sex worker if she resisted. They also began to harass her, waylaying her, stuffing bananas in condoms near her house so that she would get noticed by the public. Sudha spoke with the local sex work collective who accompanied



her to the local village leaders. The leaders spoke with the local men and even threatened to file a police complaint against. It was only then the men stopped harassing her.

**SPH#4 Vidya, (name changed), [Mahilakranthi], Karwar, Uttara Kannada, Karnataka. 2013**

Vidya is a young sex worker living with her daughter, and has a small vegetable vending shop. At the behest of the woman having an adjacent shop, local goons began to physically harass her. The woman's partner would ride his bike over her vegetable baskets, rendering them unsalable. He would abuse and harass her in public. The woman and her partner attacked Vidya, threatened her and told her to vacate the shop. Though she was injured in the attack, she approached the police to take action. The police refused to file a complaint. This incident was repeated and she was once again injured. She went to the police a second time accompanied with representatives of the sex work collective, but the police refused stating that it was a petty quarrel between neighbours and they would not intervene. The members spent an entire day in the police station waiting to ensure that the police would take action. The police assured them of taking up the issue but did not register a case.

**SPH#5 Subhamma, Tirupathi, Andhra Pradesh. 2013 (own narrative)**

'I used live in a village in Tirupathi and am a sex worker. The neighbourhood women know about the work that I do. When my daughter went to the community tap to fetch water, the women did not allow her to stand there or fetch water. They would abuse her saying "Do you think this water is meant for sex workers". I could not get water for 2-3 days at a time and I was forced to buy water for my family. I tried to speak to the women asking them not to discriminate against my family since I have been living there for nearly two years. But they refused to listen. I also chose a self help group meeting where the women gather and sought permission of the teacher to speak with the women. I spoke to them about my work beyond sex work, and my health related peer activities. I asked them why I was being abused in front of my children. It was painful. People used to throw stones at my home and tease my daughter who are young and good looking. My daughter used to cry when she had to cycle to her nearby school because of the comments and harassment from men and the neighbours. They used to follow her shouting out that her mother was a sex worker and she should be too. I was not able to tolerate this harassment and I was scared for my daughters, so I decided to leave that area. My daughter refuses to speak to me as she feels that my work has brought this stigma on the family.'

## 5. VIOLENCE AND POLICE REFUSAL TO FILE COMPLAINT

### **VRC#1 Prema, 40 years old, Kanyakumari district, Tamil Nadu. 2013**

Prema lived alone after her husband left her. She was initially living with a partner and after he left her, she started living with another partner. On 22<sup>nd</sup> November 2012, at 11 pm in the night, her second (current) partner entered her house and set her afire. Hearing her screams, neighbours rushed to assist her and took her to the government hospital. Her daughter shifted her to a private hospital where had to undergo plastic surgery. Prema was forced to sell her training school business and personal belongings to finance the surgery. She now only has earnings from sex work. When the police came, during the first couple of days Prema was unconscious and her daughter did not have an idea of the assault. When Prema's wounds healed she went to the police to file a complaint, but the police said it was too late now, and that she should approach them if the assailant harasses her again. Her second partner keeps threatening to pour acid on her. She is demanding compensation and would like to file criminal charges, but the police keep refusing, citing lack of evidence and delay.

### **VRC#2 Rathna [Vimochana AIDS Tadegattuva Mahila Sangha], Mysore, Karnataka. 2012**

Rathna is a sex worker from Mysore city. She earns Rs.300 to 400 per day. She stays with her partner who harasses her and demands a minimum Rs. 300 per day for his needs. Unable to bear his violent behaviour she asked CBOs support to resolve the problem. The CBO president along with other community member tried to convince her partner but in vain. However the violence escalated to the extent that she nearly died. The CBO then decided to file a complaint against him at the police station. The police refused to file a case; instead they asked, "Why you want to file a case? You are a sex worker and spoil society. Today you are here; tomorrow you may go to other city, so how can we contact you? You do not have any documents like ration card, voter ID to send notices to your home address. How can we contact you?" The police asked her to bring her husband to file a case. 'How can they ask her to bring her husband when the complaint has to be registered against him?', the collective asked.

Due to the fact that police refuse to file FIRs as victims don't possess proper documents, the CBO is facilitating sex workers to avail social entitlements in the district. They have also appealed to the state legal services authority for help in accessing social and legal entitlements.

**VRC#3 Shanthi (name changed), 33 years old, Tirunelveli district, Tamil Nadu 2013**

Shanthi was offered money to provide sexual services by a neighbour. He paid her on three occasions and thereafter started threatening to expose her identity in the neighbourhood. Out of fear of being ousted, Shanthi was forced to have sex with him, but after six months, he began to demand money from her. When she decided to stand up to his threats and refused to give him money or free sex, he began to abuse her in public and revealed her identity. The landlord of her house told her to vacate the premises. She shifted her house five times, but the harassment continued. Though she registered a complaint with the police, they only warned him. However, the perpetrator still continues to abuse and harass her in public.

**VRC#4 Sunitha, [Mahilakranthi], Karwar, Uttara Kannada, Karnataka. 2013**

Sunitha lives with her daughter. She was being harassed by her partner who would take away her earnings. He stole the gold jewellery that Sunitha had made for her daughter. Sunitha approached the police for assistance in recovering her jewellery. The police refused to file a complaint. It was only when the local sex work collective intervened that the man was called to the police station. However, Sunitha has not managed to get the gold chain back to date. The police do not follow up on her case.

**VRC#5 Huvakka (On behalf of 12 other sex workers); [Shakthi AIDS TadeGattuva Mahila Sangha], Belgaum, Karnataka. 1<sup>st</sup> July 2012**

In one of the Belgaum's busiest roads, around 13 female sex workers were beaten up by the local *Karnataka Rakshana Vedike* group. A group of around 20-25 men suddenly attacked the sex workers and beat them like animals; they were beaten inhumanely with bamboo sticks. One of the sex workers was critically injured and hospitalised. The Community Based Organisation helped sex workers to file a case against the offenders, took them to the hospital, got the doctor's certificate and went to the police station. The Police Inspector refused to file the FIR even after the CBO leader argued with the police and narrated the violent act. Instead, he abused them and stated that 'the public has taken the right action on all of you'. The CBO then contacted the Women's Commission, after which the Chairperson of the Commission insisted that the inspector file the FIR.

Huvakka on behalf of other 12 sex workers appealed the State legal services authority to appoint an advocate to fight their case. She has given a written complaint to the state legal services authority on 13<sup>th</sup> March 2013.

**VRC#6 Suchitra, [Rakshane Jilla Mahila Okuta], Gadag, Karnataka. 2013**

Suchitra is a sex worker's daughter. She was physically harassed by her mother's partner. He repeatedly kept molesting her in her mother's absence. He would ask her mother to send Suchitra to him. Suchitra complained to her mother about the molestation but was ignored. One day when he tried to rape her, she ran out and complained to the sex work collective.

Suchitra went to the police along with her brother, but they refused to file a complaint and in turn abused the two children. The police made them sit for hours. Suchitra contacted the CBO and requested their support. It was only when the collective approached the police and questioned them that they took action and called the mother and her partner to the police station. Since the children did not want to pursue the case, the partner had to be let off. As individuals, sex workers and their children don't have any negotiating power with the police or government officials.

**VRC#7 Lalitha, [Soukya Belaku Samudaya Sanghatane], Bellary, Karnataka. 2013**

Lalitha is working as an outreach worker in DC Nagar in Bellary for the past 10 years. The sex workers who live in DC Nagar face a lot of violence by local rowdy groups who collect their share every day. If sex workers refuse, they abuse them physically and verbally. The sex workers have to entertain them for free and sometimes they bring their friends for sex, and the sex workers have to accept whatever they do. Last month one gang came on a bike and suddenly attacked one sex worker who was sitting outside with a sharp object. They beat her with a wooden stick due to which she was hospitalised for over a month. The police refused to take cognisance of the violence and in fact blamed the sex workers. The local CBO had met the *goondas* and tried to convince them but the violence has not stopped; sex workers still have to give money and free sex.

**5. PERPETUATION OF SOCIAL PREJUDICE BY RELIGIOUS AND CASTE LEADES**

**SPRC#1 Madhu, (Name Changed), Kumta Taluk, Uttara Kannada, Karnataka. 2010.**

Madhu lives with her husband and two children. She is not open about her sex work in the family. In 2010, one of her partners met with an accident, which was reported in the local newspapers. It was also reported that he was with a sex worker, and the name of her village was mentioned. People in her village assumed that the sex worker was Madhu and the caste *panchayat* of the Naik

community threatened to ostracise the family unless they paid a fine of Rs. 25,000. Madhu sought financial assistance from the sex work collective, which they were unable to provide, but they agreed to speak with the *panchayat*. However the *panchayat* leaders refused to speak with “outsiders”. The partner in hospital also refused to intervene in the matter and speak with the *panchayat*. Madhu and her family have been outcaste by the *panchayat* since 2010 and not allowed to participate in social activities of the community.

**SPRC#2      Shahnaz, (Name changed), [Mahilakranthi].Yallapur,  
Uttara Kannada, Karnataka. 2013**

Shahnaz is a sex worker living with her children, mother and sisters. After her husband deserted her and married another woman, Shahnaz married again. However when her first husband came to know about this, he visited her and started harassing her. Shahnaz went to the local police station for assistance, but the police refused saying that this was an internal matter concerning her religion and that ‘two marriages were allowed’. The local Muslim leaders (Jamaat) wanted to intervene and resolve, but Shahnaz feared that her work as a sex worker would be revealed within the community and hence refused and sought the assistance of the police. Not only did the police refuse to assist her, but the Jamaat leaders also began to harass her. They advised the second husband to divorce her and did not come to her assistance even when the husband started beating her or harassing her in public. The Jamaat leaders threatened to ostracise her from the community. The sex work collective tries to assist her but is not able to do much since the Jamaat has a very powerful voice in the community, and Shahnaz does not want her identity revealed. The provisions of the religious Personal Law prevent her from getting justice against her first husband. The Jamaat continues to harass her.

**6.      REFUSAL TO PROVIDE MEDICAL SERVICES**

**MS#1   Valarmathi, 33 years old, Kanyakumari district, Tamil Nadu.  
November 2013**

Valarmathi is a sex worker living with her two children. She visited the local testing and counselling centre for an HIV testing in November 2013. When the counsellor learnt that she was a sex worker, he asked her whether her family was aware of her work. The lab technician who was supposed to draw blood for the test asked her to wait for nearly five hours and then told her that she would have to go elsewhere since they did not have the facility. Valarmathi refuses to visit a hospital or doctor after that experience as she doesn’t trust them to provide her with good services once they learn of her identity as a sex worker.

**MS#2 Vimala, [Swathi Mahila Sangha], Bangalore , Karnataka - 2012  
(own narrative)**

'I am a sex worker living with HIV for the past two years. I live with my husband and we decided to have children. We were being counselled by the counsellor and the doctor in Vani Vilas Hospital in Bangalore. The doctor suggested some of the safety measures along with the importance of institutional delivery. The staff of the hospital knew us, as we went for our monthly check ups there. When I was experiencing labour pain, we went to the hospital and got admitted. The nurses started discriminating against me. They told me that it's false pain and not labour pain. I begged the doctor to conduct the delivery. But no one came to see me; the doctor or the nurses did not even attend to me. After one day the doctor said that I had to be operated. They said that they have to conduct a Caesarean the next day and asked me to be on an empty stomach. But after two hours they refused, saying that they didn't have the right equipments. We called the representatives of Karnataka HIV Positive Network (KNP+). They argued with the doctor after which he agreed to conduct the delivery. But they demanded Rs.500 after the delivery.'

**MS#3 Padmamma, Kalahasti, Andhra Pradesh 2013**

Padmamma is a sex worker who also works as a peer educator in a HIV prevention project, encouraging and mobilising sex workers to access HIV counselling and testing facilities. She takes 2-3 female sex workers at a time to the counselling centres at the government hospital. However the counsellor refuses to see or counsel the women. She also abuses them for being sex workers and sometimes asks very humiliating questions about their work. The women refuse to get tested and undergo the humiliation. Padmamma finds it difficult to bring the sex workers because of this humiliation. The experience with the technician at the lab of the hospital is similar. He refuses to attend to them, asks them to return the next day and sometime makes lewd remarks at the women. If the women complain, they tell the women to go and access private services where they can ask for better services after paying.

**MS#4 Kiran Deshmukh , Sangli, Maharashtra. 2010**

Kiran had gone through a Caesarean delivery for her third child. After 11 years, she started having stomach pain and was rushed to the civil hospital. The sonography revealed a hernia. She underwent a series of tests such as x-ray, blood tests, and physical examination, and was asked to undergo a surgery. But when Kiran showed her HIV status report (ART medicine record book) before the surgery was scheduled, the civil hospital gave a 'normal' report for

sonography, saying that she had no problem. Kiran developed severe pain again and went to check with the local private hospital (Kulloli hospital) where the doctor asked her to get a sonography done. After looking at her report the doctor advised her of the need to undergo surgery for hernia. He said that it would take 6-7 hours to operate. Once again, when Kiran informed him of her positive status, he refused to operate.

Members of the VAMP collective then went to the civil hospital and discussed her issue with head of the surgery department. He used the pretext of a low CD4 count and said it was not possible to conduct the surgery and hence her operation had been cancelled. Even today Kiran lives with the constant pain in her stomach. She has been wearing a stomach belt, which also affects her ability to do sex work.

#### **MS#5 Bharati Kamble, Sangli, Maharashtra. 2004**

Bharati Kamble, a sex worker was affected by TB and was taken to the civil hospital in a serious condition. However the doctor in the civil hospital asked VAMP members to take her back home saying “Bharati is an AIDS patients and there is no need to give her medical treatment. Let her go home and die”.

VAMP member fought with the doctor and pressurised him to give Bharati the treatment in the civil hospital. The doctor gave treatment for two three days, after that Bharati decided to go Pune for better treatment by Dr. Vinay Kulkarni. She got much treatment in Pune, and that helped her to build up her confidence in further treatment. Bharati is living happily now and she is on ART. She keeps up her follow up visits to the civil hospital with the help of VAMP members. This happened only because of the sex work collective’s pressure on the health system that Bharati and other sex workers manage to get treatment.

#### **MS#6 Usha Kamble, Sangli, Maharashtra. 2013**

Usha a sex worker was living with HIV and had a TB co infection. When she was very ill, she came to Sangli . She had Drug resistance to TB. The VAMP collective members wanted to get her admitted to the civil hospital. After seeing her condition ; civil people decided not to get admitted her in the hospital. She had water collection in her back. We collected all the necessary documents for getting her treatment but the hospital refused and said please take your patient, we cannot treat her. The VAMP collective was there asking the civil hospital staff to assist, but they didn’t respond. The VAMP collective took Usha back to their homes and took care of her till her death.

## 7. REFUSAL TO PROVIDE IDENTITY DOCUMENTS, SOCIAL ENTITLEMENTS AND HARASSMENT BY OFFICIALS

### SE#1 Maliga, Thenimalai, Thiruvanamalai district, Tamil Nadu

Maliga is a 45 year old sex worker living with her daughter, a construction worker and a mentally challenged grand-daughter. Due to her weak state, Maliga is not able to do work and support the family. Maliga's mother transferred the property to her sister and brother, who threw her out of the house. Maliga filed applications for a voter ID and a ration card. She has completed the application rounds more than three times in the past two years and has been following up at the government office. However, the officials refuse to cooperate stating that the necessary supporting documents have not been provided. It is difficult for Maliga and her family to obtain documents such as rental agreements. The landlord refuses to give a rental agreement or a rent receipt. Getting access to voter ID cards and ration card is important to ensure that Maliga can get access to schemes for deserted people and facilities for her grand-daughter.

### SE#2 Mohana, 33, [Karnataka Sex Workers Union], Vijayapura, Bangalore Rural(own narrative). 2010

'I am a sex worker doing sex work for the past 13 years. In 2010 I applied for a passport. I was asked to provide my education proof, marriage documents etc. Since I am not educated, I approached the municipality office for a character certificate required as part of the documentation. At the office they started harassing me saying that I was a sex worker and hence my character was questionable. After a lot of argument with the officials, and standing my ground, I managed to get the certificate. When the police completed the necessary verification, I visited the police station to ask about the passport. They made fun of me saying why should a sex worker require a passport? I managed to get my passport only in 2012. We are harassed by government officials when we attempt to seek any entitlements.'

### SE#3 Radhika, 35 years old, [Karnataka Sex Workers Union], Bangalore Rural (own narrative) 2013

'I am a sex worker living in Bangalore and doing sex work for the past 15 years. I am also a member of the Karnataka Sex Workers Union for the last seven years. I had applied for a ration card at the *gram panchayat* office. But the ration card officer refused, saying that I had to submit many supporting documents to show residence proof such as the electricity bill, election ID proof etc. Despite submitting the documents he continued to delay my application on some pretext.



When I approached him, he started harassing me saying that since I was a sex worker I should “sleep with him”. He continued to stall my ration card and after many months I agreed to his conditions. Despite that he stalled my application and I managed to get my ration card only after many months. Now the officer threatens to cancel my ration card if I don’t have sex with him. I don’t have problems in getting the free food grain, but I am reluctant to go near the *panchayat* office due to his harassment. I approached a journalist from the print media, but he also sought sexual favours from me. It was only when I mentioned that I was a member of the sex workers union that he stopped harassing me. I do not want to approach the police for fear of further harassment.’

#### **SE#4 Sumalath, Kalahasti, Andhra Pradesh. 2013**

During the process of getting my Unique ID Card, I missed the date to get my biometrics recorded, since I had to go to visit my mother in another village. When I returned the next day and heard that the biometrics had been completed, I visited the Taluka office and requested for my details to be taken. However the officials said “Why does someone like you need a ID card, you are a whore, I don’t need to listen to you.” I approached my colleagues in the sex work collective and they visited the village head (*sarpanch*) for assistance. However he also said that it would not be possible and abused me. The members of my collective then *gheraoed* the *sarpanch* for abusing us and threatened that we would complain against him for denying our rights. It was only when the collective members threatened a complaint and a public campaign against the officials and the village head; including a police complaint that they agreed to help me complete the biometrics and get my card.

#### **SE#5 Jyothi, Ongole, Andhra Pradesh. 2013**

My husband died a year ago and I am doing sex work. I approached the district officials to apply for widow pension so that I would be able to support my children. It was a mass contact programme for schemes. However the official refuses to give me the widow pension unless I give him sexual favours. I am yet to receive the pension. Some of the women tell me to have sex with him so that I can get the widow pension and support my family.

### **8. SOCIAL SUPPORT FOR OLDER AND ILL SEX WORKERS**

#### **S#1 Anandhi, 28, Doddaballapura, Bangalore Rural. 2013**

Anandhi has been doing sex work for the past seven years and is affected by HIV. She stays in a rented house with two children. Her husband works as a

driver and often abuses her because she is a sex worker. Because of the fights, everyone in the neighbourhood has come to know that Anandhi does sex work. When the landlord of the rented apartment got to know that Anandhi is a sex worker, he falsely accused her of theft and threw her and her children out of the house.

Anandhi's in-law got to know of her positive status after it was disclosed by the doctors. They threw Anandhi out of the house refusing to take care of them. Since Anandhi is unable to take care of her children, she has sent one of her children to a hostel run for children of sex workers. She now lives in a dilapidated shack with her child since her husband refuses to support her. She plans to seek a share in her property from her in-law.

Anandhi's in-law refuse to enter her and her children's name in the ration card, so she has to apply for her own ration card. But she does not have the supporting documents needed to apply for the card. Anandhi does not want to pursue any legal options till her children are older and married. She is fighting for her legal entitlements but needs support to survive on a daily basis.

#### **SS#2 Mageswari, Thirvanamalai District, Tamil Nadu. 2013**

Mageswari is a 54 year old sex work who is widowed. She suffers from excessive bleeding for the past two years which affects her ability to do sex work. She is also HIV positive. She has two daughters and an aged mother to support. Mageswari's elder daughter regularly abuses her, and demands money to feed her and her mother. Mageswari is weak due to the excessive and unable to do much sex work to feed herself and her mother. She also needs to undergo surgery to have her uterus removed and support till she undergoes the surgery and recovers. The sex work collective has agreed to bear her expenses to travel and undergo the surgery and also to provide her a short stay home for her post operative care and recovery. As women in sex work get older, they are unable to earn much to support themselves. Hence social support is important.

### **9. DISCRIMINATION IN EDUCATION OF CHILDREN OF SEX WORKERS**

#### **CE#1 Saira, 34 years old, Doddaballapur, Bangalore Rural (own narrative) 2013**

'I admitted my children to a well known private school. They were able to study there for a year before the teachers and principle got to know that I am a sex worker. I was called to the Principal's office who informed me that I would need

to make alternate arrangements for the children as they didn't have enough seats. I asked the principal the reason why my children were being targeted since I had paid the fees on time and my children were not badly behaved. After much persuasion, he informed me that since they were sex worker's children they cannot study next to regular children whose future would be affected. Despite a lot of discussion I was forced to take the children out of school and put them in another school.'

## **10. VULNERABILITY TO HARASSMENT, MEDIA ETHICS**

### **VH#1 Shanti, (name changed), [Mahilakranti, UKMO], Karwar, Uttara Kannada, Karnataka. 2013**

Shanthi is a young sex worker living with her children. Following a news report where the name of a sex worker from Karwar was mentioned in February 2013, a local leader in the area began to harass Shanthi saying that he would reveal her identity to her children and other community members. He approached her children and the members of her self help group saying that she had been caught doing "prostitution". Shanthi managed to convince them that the news report was about another person with the same name. Shanthi threatened to file a complaint of harassment, but that didn't affect the perpetrator. Scared of the impact that the harassment would have on her children, she approached the sex work organisation, which agreed to intervene. Seeing the support that she was receiving, the leader apologised and requested that Shanthi not approach the police since his political career would be ruined. Shanthi decided to keep quiet since she did not want problems in the area that she lived in. Sex workers are constantly vulnerable to threats of blackmail and are often forced to provide sexual favours under fear of being 'outed'.

### **RRR#3 Subhashini (Name Changed)[Mana Mahila Sangham], Tirupati, Andhra Pradesh. 2013**

Police action has suddenly increased in the last fifteen days and women reported this during the meeting and WINS met gave a representation to the District Superintendent of Police (DSP). He, in turn directed Sub-Divisional Police to visit and meet the women victims of violence.

Subhashini is 40 years old, street based sex worker. On the 27<sup>th</sup> of March 2013 at 11:15pm, she along with her two friends was at the bus stand near Ganggama temple, Tirupati, Andhra Pradesh. They were chased by a police constable. The two women fled, but as Subhasini could not run, she was caught by the police constable, after which he beat her severely.

She suffered seven deep bruises on both her knees upper and lower arm, bottom and back. She developed chest pain and fell down. She visited the drop in centre for female sex workers on 28<sup>th</sup> March 2013, and reported the violence and abuse during an advocacy meeting with the police.

## 11. PARTNER VIOLENCE

### **PV#1 Beebeejan, 21, Thenali, Guntur, Andhra Pradesh. 2012 (own narrative)**

Beebeejan a sex worker from Tenali in Guntur is the second wife of her husband, and has two children. Her husband is in the clothes business. He never took responsibility for the family. 'He was always drunk and beat me regularly. I brought my problem to the notice of our village elders but they did not pay any attention. The problem became unbearable and I decided to give him a *talaak* (divorce). I discussed the issue with our religious leaders who discussed this with my husband and gave him some time. I went to my parents' house in Guntur and have been staying with my mother.

I had asked him for a *talaak*, (divorce) which made him become angry. In January 2012, he came to our house. Seeing that I was alone, he came back after half an hour with a knife. He tried to stab my son with a knife and when I tried to save him, he stabbed me on my back many times. I was bleeding and became unconscious.

When I fell, my husband sat on me and cut off both my hands with a knife while my children were watching. Later, he took both my hands and roamed on the streets for two hours and finally surrendered in a police station.

When he surrendered in the police station, the police came to the place where the incident happened. My five-year-old son told everything to the police. After two hours of the incident happened, my brother came and took me to a government hospital, and the police also came there by that time. The police asked the doctors to start treatment immediately.

The representatives of the Community based organisation Siri Mahila Sadhikaratha Welfare Society came to know about my condition and rushed to District Collector. The District Collector spoke with all concerned doctors to provide me the best treatment. Because of the doctors, I have been re-born. All the CBO members have given me a lot of psychological support. With the help of the CBO, the District Collector pooled some donation for me. My husband is threatening that once he is released from prison he will kill me and my son.'

### **PV#2 Hanumamma,[Shakthi AIDS Tadegattuva Mahila Sangha], Belgaum, Karnataka. 2012 (own narrative)**

'My name is Hanumamma and I am doing part time sex work. As a livelihood option I started a small cloth business in my village. One of the clients started

blackmailing me by sharing my mobile number with other clients and threatened me by demanding money and forcing me to have sex with him.

I got scared and shifted to other place for a rental. But the harassment from the client continued. Now I am scared that my house owner might come to know about my past and throw me out. Most times, society feels that sex workers should be rehabilitated and should find alternative livelihoods. However, even if we get some alternative livelihood option, we are not allowed to do so.” Hanumamma asked the CBO help to take to the client. CBO representatives spoke to that client and warned him. Hanumamma is now doing cloth business in the same village

## 12. DENIAL OF LEGAL ENTITLEMENT

### LE#1 VAMP, Sangli, Satara, Karad, Koregaon, Maharashtra. 2013

Representative of VAMP and Muskan sex workers collectives visited the Satara District Legal Service Authority (DLSA) office in 2013. There they met the DLSA project coordinator and discussed the needs of sex workers, mainly in the area of free legal aid.

‘We planned a workshop attended by sex workers from Satara, Karad and Koregaon which was presided over by the principal Judge of DLSA, and the district women and child development officer. Women shared issues such as raids by police and the need for free legal aid. However the legal aid officers said sex work was illegal. They said they could support cases of violence against women by the husband or family members. Our peer educator Jaya Kale asked “My husband has not giving me property rights, so what kind of support will I get through DLSA?” Then they said to her “Please come with an application to our office. We will decide there”. Another women said “I have spend all my earning on my *maalak* and his needs. Now he is not giving me property rights. Can I file a complaint against him in court?” The Judge said that now there is a new law, and he explained the live-in relationship aspect of it. But both of them didn’t go to DLSA for follow up.

We also contacted the DLSA for opening a free legal aid centre for sex workers’ issues and advocacy about the law. We were informed that only the state legal services authority (SLSA) or National Legal Services Authority (NALSA) can approve this, and we need to contact them. We requested the assistance of the DLSA to forward the proposal, but she refused. The women were disheartened and stopped following up with DLSA, Satara.

We had similar discussions in other districts to establish a legal cell at Karad, Koregaon and Satara to provide free legal aid to people in sex work which

would include a *taluka* level representative of Women and child development, CBO, local news paper and the police department. We didn't get a positive support.

Advocates and staff at the legal services misguide the sex work community to accept rehabilitation. The government should start a long term process oriented programme at district levels through DLSA which will lead to strengthening and empowerment of sex workers, especially related to legal aid.

### **13. FORCED RESCUE AND DETENTION OF PEOPLE IN SEX WORK, DENIED ACCESS TO PROPERTY BY FAMILY, DESTRUCTION OF HOMES BY THE STATE**

#### **A) *Individual instances:***

#### **RRI#2 Girija, [Soukya Belaku Samudaya Sanghatane], Chikmangalore, Karnataka (own narrative) 2013**

'We are four daughters. My father was working in cotton factory in Davangere. I studied till 9<sup>th</sup> standard and then got married and went to Chikmangalore. I have faced domestic violence from my husband and my in-law. When I started resisting, they threw my husband and me out of the house, so we went to my father's place. My husband drank heavily and used to beat me. My father asked us to leave and live separately. Again we went back to my in-law's house for some time. My husband and mother-in-law continued the torture. I left them and came to DC Nagar. Now my two sisters have divided my father's property between themselves, and they have refused to give me a share. They know that I am HIV positive and because of that they say "Why do you want property? Today or tomorrow you will be dying, so what will you do with the property?" Am I not entitled to access my father's property? Does my HIV status create an exception to inherit property?'

#### **RRI#3 Savitri Talgeri, 24 years old, Sangli, Maharashtra. 2011 (narrated by VAMP members).**

Savitri has a speech and hearing impairment. In November 2011, she was caught by the police in a raid on her aunt's brothel where she was doing sex work. The police accused the aunt of forcibly keep a deaf girl in sex work. Over 250 sex workers visited the police station with proof of her age to show that she was above the age of 18 years and doing sex work of her own volition. However the anti-trafficking cell officer refused to release her, saying that she was unable to speak and hence there was no proof that she was willing. The aunt who was a brothel owner was also arrested.

Savitri was sent to an observation home where the anti-trafficking group members and counsellors regularly counselled her on various skills and related jobs. After a four months detention period, she was produced in court where a court appointed translator asked whether she wanted to stay in the observation home or go back home. Savitri insisted that she be allowed to go back. Members of VAMP were in court for that hearing and were shocked to hear the judge say in open court *“This girl has come from the gutter and wants to go back to the gutter. She is not listening to us.”* Savitri was detained for 14 months after which she was handed over to the family, by making her give a declaration that she would not do sex work.

Savitri lives in the village and earns very little money from her daily wages. She has to travel every month to Sangli to be present in court and has to spend money on lawyers. She wants to live the life of her choice and not be punished for her choice. Since giving up sex work, she has very limited means of income.

**RRI#4 Sony, Transgender, 25, Ongole, Prakasam, Andhra Pradesh, December 2011 (own narrative)**

‘On 24 Dec 2011, I was in my room with my clients. During the evening around 6 pm, the Circle Inspector (CI) along with eight women constables pushed open my door and beat us severely without giving any reason. They searched my belongings in the room and found condoms and money. The CI said “You are doing sex work”. They took my money and took me to the police station and beat me. They used my money to have their dinner, but they did not give me any food during the night. They booked a case against me under sections 377 and 3 & 4 of ITPA Act. On the next day, the 25<sup>th</sup> of Dec 2011, they took me to the hospital and asked me to sign on a blank paper. When I asked why, they threatened me and told me to remain quiet and do as they say. Later they took me to the Judge. They informed me not to tell the Judge that they had beaten me. When the Judge asked, I said what the police told me to say under their threat. I was taken away and kept in jail. It has been two years, but I am still attending court to settle my case.’

**B) Collective experiences and fact finding reports**

**RRC#1 Dombarwada, Kolhapur district, Maharashtra. August 2013**

*Sayara Jamadar – 42 yrs; Bilkis Inamdar – 45 yrs; Sharda Yadav – 45 yrs; Manda Chavan – 42 yrs; Sangita Nikam -30yrs; Surekha Rajmane – 40 yrs*

Dombarwada is a place where around 25 women in sex working were living for the past 40 years. It was situated outskirts of Kolhapur city, but as the city has grown, the residential areas developed, and slowly the community of sex workers found themselves in the middle of mainstream society.

A group of young men living in the same area gather there in the name of 'Bandkhor Sena'. Six years ago a boy from the group had had a relationship with a sex worker. He threw acid on her and committed suicide thereafter. In a meeting between the *Bandkhor Sena* members and sex workers, the former blamed the women for the boy's death. They said that their children would get affected by HIV because of sex workers. They also said "Because of your presence, our daughters are not getting married. We could not find husbands for them".

'Then onward, other people started writing letters against us to the police station saying that "these women are keeping minor girls". They were blaming us as traffickers. They published news in the local newspaper against us. They met the District Collector to have protests against sex workers.'

Because of the complaints, and in order to show that they were action on these complaint, the police decided that on daily basis 5-6 sex workers should report to the police station. The women decided not to send new sex workers, fearing some action by police. Older women started repeatedly going to police station, so the police department decided to stop this attendance routine.

Members of the youth group put up a big poster regarding HIV in the community – it has a message through a picture "If you go to sex workers, it leads you to HIV". The youth group members then started accosting clients on the road, and began taking their photographs, next to the poster. They held a protest against sex workers to evacuate us from our homes. They also asked the police to take action against us.

So on 19<sup>th</sup> August 2013 at 11 am the police raided the sex workers community. Between 50-60 police and 5-6 police vans entered the community and started catching women. Since it was morning time, most of the women were in their homes washing clothes, preparing food and conducting *poojas* (worshipping). Police came in without any information or warning. They pulled women's hair, used abusive language and started throwing women into the van. Women did not even get chance to wear saris, and were forced to sit in the van.

38 women were arrested in this raid. When women asked why this had happened, the police gave many reasons: that a minister is visiting our district; your surrounding youth members pressurised us to raid you; we are taking you in for some time and will release you later on.

Then police filed a complaint on the original owners of the place, saying that they gave their places for sex workers to be used as brothels. There were no minors among the arrested women. Even though all the sex workers were willingly doing sex work they were identified as *victims*.



The arrested women were forced to undergo a medical examination. Out of 38 women, 16 women were released by the court, 12 women were sent back through the police to their respective home towns in Karnataka and the remaining 10 women were kept in custody until morning, saying that they would be released later. 'When we went to enquire about them, we got to know that these women were sent to *Mumbai Sudhar Gruha*, a correction home in Mumbai. The other women had to give in writing that they would not remain in Kolhapur and would leave sex work. Only then were they released.'

For a long time women have followed this case through governmental departments, but they are not getting a satisfactory response. Women demanded to settle down in the same place. They demanded that they get their residences, but nothing is happened. When women went to the District Collector he asked them to go to the municipal corporation and ask for a place to stay. However they have not received any response from the municipal corporator either.

The women now face a challenge in earning their livelihood. They have started working on streets, but often face police violence and abuse. The police also gave orders to lodge owners for not to give any space to the women. Many lodges deny place to the women out of fear.

## **RRC#2 Baina, Goa. 2004: Demolition of homes of Sex workers**

### **Report of the fact finding committee**

At 7 am on 14 June 2004, as the monsoon unleashed its full force on the state of Goa, residents of Baina woke to the sound of bulldozers tearing through their neighbourhood, brutally and ruthlessly razing their homes. In a matter of hours, hundreds of homes were bulldozed and thousands of people, including a community of sex workers, lost their homes and livelihood. In a gross violation of human rights, they were intimidated, abused, beaten and arrested by the police.

Women and children were forcibly evicted and their homes demolished before their eyes. Frightened, confused, without food or shelter, in the middle of heavy rains, they had nowhere to go. The undisputed basic human right to shelter has been wilfully violated by the government of Goa.

The demolition was done by the Goa government using massive police force. As compensation, the people were asked to accept train or bus tickets and return to their native places, although some of them had been living in Goa for more than 40 years! At least two generations of them have lived in Baina. They have children who were born in Goa and are adults now. They possess birth certificates issued by the Vasco municipal council.

*Most of the evictees possess valid ration cards, house tax bills, electricity bills and voter identity cards. They had voted in the Assembly and Parliamentary elections in Goa. They have been dutifully paying their taxes.*

The local authorities claim that residents of the area primarily comprise immigrants, mostly from Karnataka, Andhra Pradesh, Uttar Pradesh, Maharashtra and Tamil Nadu and since they are non-Goans, they should leave Goa and return to their respective states.

The Goa government has carried on this inhuman operation in wilful circumvention of due process of law (such as serving adequate notices to the would-be evictees, rehabilitation in alternative venues, etc) and the spirit of the High Court judgement. While the matter was pending in the Goa Bench of the Bombay High Court, a plea from the National Commission of Women to stall the evictions was also consciously ignored. The Goa government has sought to justify its act by arguing that the demolitions were done to abolish sex work from Goa.

In fact, the real reason for the demolitions of the houses, not just of sex-workers, but also of others living in the area, was purely and simply an attempt to grab prime commercial land.

A team of representatives of the National Network of Sex Workers, India from Kerala, Karnataka, Andhra Pradesh and Maharashtra was in Goa, met the evicted sex workers and others affected. The team visited Vasco, Baina and Panaji between June 27-29 to assess the situation. Shabana Kazi, general secretary, VAMP (Veshya Anyay Mukti Parishad) – the sex workers collective from Nippani, Karnataka, lived on the streets with the displaced people in Baina for a week.

The stories that she heard and witnessed during her visit are those of violence and violations, cruelty and discrimination unleashed by the state. This report is based on the voices and stories that are not heard in the mainstream media and the appeals that the Goa government refuses to hear.

The Goa government evicted the people during the monsoon, which is in itself an inhuman act. The homeless people— including children, new-born babies and pregnant mothers— are now braving the rains without a roof over their heads. Shabana while investigating the issue met with some of the women in a hall provided by the municipality. The police were intimidating the 'outsiders' on a daily basis in order to compel them to leave Goa. The same treatment is meted to the other women who have not been accommodated in the hall and are living on the streets.

The Goa Government has wilfully ignored the fact that sex workers are equal citizens of the Indian Union and have human rights as any other citizen. It is

unfortunate that a segment of the displaced population comprises sex workers and the government refuses to provide them with any rehabilitation scheme or compensation because they are in the sex trade. They have been asked to return to their home towns as they are 'outsiders' and thus have no business to remain in Goa. The police authorities as well as the Goa State Women's Commission have mentioned that "Baina kind of activity will not be allowed to take place in Goa" and any body trying to do so will be booked under (The Immoral Traffic (Prevention) Act' 1956.

The women are living under constant fear of losing the only makeshift shelter they have at the moment. They have also reported the intimidation and humiliation they are subjected to everyday as 'outsiders', as sex workers, as Kannadigas, Telugus and others.

Brutal police violence has been used during the entire process of this systematic eviction. Any resistance and protest put up by the people have been countered by violent police attacks. The Kannadiga Association tried to take a protest rally demanding rehabilitation and compensation for the evicted people. However, the rally was stopped before it could start and people were arrested randomly. A woman reported that the police broke her son's fingers while beating him in the police station. Another woman reported that the police broke her arm when she tried to save her house from the bulldozers during the eviction. Threatening and beating up of people by the police continues till date.

### ***A brief backgrounder***

In 2003, the Goa Bench of the Bombay High Court passed an order to demolish 250 cubicles in the Baina area, near central Goa's Mormugao taluka. According to reports from social workers in the area, the High Court, in its order on the Baina beach red -light area, also directed the authorities to ameliorate the lives of these people. The socio- economic survey which was the conditioned precedent as per the directions of the High Court was not completed before the demolition. This is a clear violation of the High Court judgment which directed that the recommendations of the Kamath Committee, should be implemented. The Kamath committee calls for consulting the women regarding their future and providing for their rehabilitation, with their consent, in Goa, Andhra Pradesh or Karnataka.

The process of eviction has been a planned one and the state systematically used mechanisms like police intimidation, harassment, raids and propaganda to create division within the people by projecting the victims as sex workers and "outsiders" from Karnataka and Andhra Pradesh. Most of these women had left their homes years ago and came to Goa. They do not have any other place to go back to. It is clear that the Goa government is intent on 'cleaning up' the

place to utilize the prime land for commercial purposes. It is also intent on projecting Goa as a tourist destination and 'undesirable' residents must be removed.

### ***Who are outsiders ?***

An important aspect of the Baina demolitions that has not been adequately projected is the 'outsider' status that has been imposed on the evictees, thus justifying all violations against them. The government— through the police and the officials dealing with the issue— has made it clear to the evicted people that they have to leave Goa because they are from 'outside'.

This is also the primary reason why the government is refusing to rehabilitate the evicted people within the state of Goa. The fact is that Baina is a settlement of migrant people. Many of them migrated years ago to Goa. The Indian constitution allows its citizens the right to live and move anywhere within the country. The use and promotion of this kind of xenophobic sentiment is unconstitutional.

Attempted interventions by this team were resisted as outside interference and it was made clear that such initiatives were undesirable. The women we contacted were voicing their fear of associating or of being seen with the team as this could result in additional persecution.

### **Our investigations have revealed:**

***A gross violation of Human Rights*** : The Baina eviction is not a stray incident. It is a clear reflection that government can abuse its power against its people in a lawless manner. This act of gross violation of human rights of people at the hands of the state is undemocratic and unconstitutional. The displaced people need immediate rehabilitation and compensation. The nation and the international community should condemn this dictatorial and undemocratic act of the Goa government.

***Discriminatory against sex workers and a denial of their status as human beings***: We from Rainbow Planet protest against the cruel and inhuman and illegal ways in which sex workers along with other people were rendered homeless by the government of Goa. The Goa government, ignoring all human rights standards has gone ahead with its eviction plans making hundreds of people homeless. Hundreds of evicted women, men and children are now braving the rains without a roof over their heads.

***Brutal police violence*** : We are shocked by the brutal police violence that has been used during the eviction to crush any kinds of resistance and protests by the people. The violence continues till date and people are living under constant threat and fear. Many people reported serious injuries and physical damage done to them by the police.

***Anti-constitutional act of the Goa Government*** : Many of these people have been living in Goa for over 40 years. They have ration cards issued by the Goa government to

their names. They vote in the state of Goa and are citizens of the Indian Union. They have the right to protest against injustice done to them. The Goa government is duty bound to protect its residents and not illegally evict them.

**Government's real intentions of grabbing land:** We also condemn the way in which the government has used moralistic arguments against sex workers justifying the eviction of sex workers. The entire slum colony was evicted, not just the brothels, by the government, only to get hold of the prime property for the construction of Mormugao port.

### **RRC#3 Mankhurd State Shelter: Forced Detention of Women Sex-Workers. Mumbai. 2012**

On Saturday, around 60 women housed in the Navjeevan Mahila Vastigruh in Mankhurd, a state run shelter for women rescued under the Prevention of Immoral Trafficking Act, tried to escape after a fight with the caretakers. Of the 36 who scaled the compound wall, 13 were caught while 23 are still at large.

One of them is a 24-year-old from Kolkata (who is not being named to protect her identity) who came to Mumbai four years ago to earn a living. She has a six-year old son who stays with her parents back home. She was working as a waitress at a city orchestra bar when the police nabbed her in a raid in May this year after which she was sent to the protective home.

Mumbai Mirror traced her through a friend who gave her shelter immediately after her escape. In this meeting at a restaurant in a central suburb on Saturday, she spoke about the horrors she lived through at the home.

"I used to work as a waitress in a bar. In May, the police raided the place and nabbed three of us. They took us to the Navjeevan Mahila Vastigruh from the police station. On the very first day we realised that the place was hell on earth. Living conditions were pathetic, food was never enough, and the place was overcrowded.

But all that seemed trivial in front of what we witnessed next. Late one night, a group of six to seven drunken men armed with knives and choppers barged into the home. They randomly picked up a few girls who were sleeping and started kicking them. They then raped the girls. We were all too scared to intervene. When the girls who were raped told the caretakers the next day, they just shrugged it off like nothing had happened. In the past four months, I have personally witnessed at least half-a-dozen such incidents. Those who are picked have to suffer while the rest just huddle up in one corner and dare not create a fuss.

The boundary wall of the home is porous and men walk inside as they please. The woman constables and a lone male guard posted at the home sit near the main gate. Even if the girls who get picked up in the night cry for help nobody comes to their rescue.

Most nights, we would stay awake through the night fearing that men would walk in and pick us. Not long ago one such group assaulted two girls. When the girls protested they were brutally beaten and then raped. One of the girls was so disturbed after the incident that she started wandering around the house naked. A couple of weeks later, the authorities called her parents and let her go as she had become a liability.

There are over 350 girls in the home at any given time. Recently a large group of girls rescued from a brothel in Grant Road (Simplex) were brought there. The place was swarming with women. Of the two toilets in the home, only one is open. The other has been locked ever since a girl committed suicide in it a couple of months ago. Just one toilet for more than 350 women.

The food was equally pathetic. They gave us small portions of dried and stale vegetables for breakfast. Lunch was unheard of. For dinner we got watery dal and rice. If we asked for chapattis we were abused. The 'kitchen mummy' would often force us to work for hours without a break. Those who refused to work were beaten with pans. After a few weeks of torture I realised that there was no point complaining. I just continued to suffer.

In the meanwhile, two of my friends who were rescued with me developed severe medical complications — one of them was bedridden and could barely swallow any food or water. Despite repeated pleas for medical help, the authorities never called a doctor or shifted my friends to a hospital.

On Friday night, another group of men armed with knives barged in as usual. They picked up four women and raped them. On Saturday morning, some of the girls decided enough was enough and demanded that the authorities increase security at the home. We told the chief caretaker about the incident. Instead of giving us a patient hearing she said there was little she could do. One thing led to another and in no time we started complaining about food and living conditions. After a while the argument got out of hand.

Just then we realised that the women constables and the lone male guard had come over to the caretaker's office to check on the commotion. We spotted an opening in the fencing above the compound wall and made a run for it. I just ran out on to the main road and got into an auto-rickshaw. Only when I was far away did I ask the auto driver for a phone to call a friend for help. I will never ever go back to that place. I would rather die than go back there."

*(Source: India Mumbai- Armed men would come, pick women and rape them ; Starved, herded and assaulted at State-run 'shelter' Yogesh **Sadhvani** Oct*

29,2012. <http://kractivist.wordpress.com/2012/10/29/india-mumbai-armed-men-would-come-pick-women-and-rape-them-vaw/>)

#### **RRC#4 [VAMP, SANGRAM], State Violence Against Sex Workers, Nippani, Maharashtra. 2002**

On 18<sup>th</sup> February 2002, an armed mob of ruffians hounded 30-odd women in prostitution out of their homes in Nippani, a small town in Karnataka. The prostitutes' collective, VAMP, to which the women belonged, had acquired a piece of land in Nippani for its regular HIV/AIDS prevention meetings. After the second meeting, local corporators tried to stop these meetings. The women refused. They were then threatened and subjected to violence. One of the women, Shabana Kazi, complained to the police and asked for protection. A delegation of SANGRAM staff and members from the collective met with Circle Police Inspector (CPI) SS Khot who refused to file her complaint, verbally abused her, stated that he will tear her vagina apart and threatened to rape her in public. CPI Khot was not concerned that Shabana was accompanied by a delegation that included a reporter from Times of India, Mumbai. Fearing for their lives, the women fled to neighbouring villages.

The Nippani incident catalyzed many groups working with women in prostitution to act and protest against all forms of violence against sex workers. In response to these protests, the Chief Minister of Karnataka and the National Human Rights Commission called for action against CPI Khot, while the National Commission for Women (NCW) launched an inquiry into the matter. In March, the Superintendent of Police, Belgaum district wrote to the NCW saying that a preliminary internal investigation had showed the need to initiate disciplinary action against CPI Khot. The letter also mentioned that women in prostitution would be given police protection to conduct HIV/AIDS programmes at Nippani. Despite these assurances, no action was initiated. On 9 April, 1000 women in prostitution marched on the streets of Sangli to demand justice for themselves. The rally was followed by a protest march to the Inspector General's office at Belgaum the next day. More than 200 activists from women's organizations in Karnataka and Maharashtra demanded that the police authorities act immediately on the Belgaum SP's findings.

In Karnataka, a support group was instituted. Members of this group started meeting regularly and a programme to stop violence was undertaken. To keep up the pressure on the State, a delegation from this support group met the Chief Minister of Karnataka SM Krishna on 3 August in Bangalore. The CM assured the delegation that he would personally see that the concerned authorities put a stop to this violence.

On 12 August, Congress leader and Member of Parliament (MP) Virkumar Patil met activists from VAMP and SANGRAM. He apologized on behalf of the State and informed the women that they could go back to their homes. He also instructed CPI Khot to apologize to the activists and to be present on 15 August - the date on which the women were to be moved back to their homes.

CPI Khot, who wore the mask of concern in front of the MP decided to teach the women a lesson. On 15 August, when the women tried to go back to their houses, they found the entire street up in arms. They were helpless. On appealing to the police station, they found that Khot was on leave and unavailable. On their return to the street, they were surrounded by ruffians, who in the presence of constables, tried to isolate and beat up the women. Reshma, a woman in prostitution, was viciously beaten up - but when the activists intervened to save Reshma, the police continued to turn a blind eye.

A First Incident Report (FIR) was filed in Nippani, but the culprits were not arrested. The activists contacted MP Virkumar Patil who organized yet another meeting on 24 August, and invited Member of Legislative Assembly (MLA) Kaka Patil, Police Inspector Kudachi, and local government officials. After heated negotiations, Kaka Patil - who is a representative of the Nippani Municipal Corporation - decided to reserve a separate piece of land for the women and promised to do so by the end of September. The talks ended peacefully with CPI Khot, who apologized yet again for his behaviour.

To date ten years later, the women are still struggling to make a living, some of them who ran away from Nippani never to return and many of them have not been able to go back to their houses. Even the satisfaction of some form of justice - in the form of suspension of CPI Khot - has been denied to the women who put up such a heroic fight for their dignity.

## **RRC#5      Simplex Building Raid and forced detention, Mumbai, Maharashtra. October 2012.**

### **Report of fact finding team on police raid**

*Fact Finding Team - Bisakha Dutta and Manjima Bhattacharya*

What happened that night, from the perspective of these women (Asha Darpan, NGO working with sex workers in the area) at Simplex building, a long multi storeyed building with chawl-like rooms accommodation on top, with small shops on the ground floor along the façade of the building.



“On Thursday night around 8.30pm suddenly many police vans turned up in our lane. They blocked the two gates and whoever was inside was trapped inside. There must have been hundreds of policemen, at least 10 to 12 vans. From these big vans the door opened and ladies (police) burst out of them in hordes and went into the building. Both the gates were then locked and no one could go in or come out. Whoever was inside was stuck inside – whether it was the vyaparis or the guys who ironed clothes or sold fruits or sold little knick knacks like make up or clips or ear rings and bangles. They were all taken by the police.

Along with the police vans there were also media vans. They came with the police. The whole lane was filled with these police and media. There must have been 800 or 1200 people. No space to move around.’ We saw it on all the TV channels later. We learnt later that police had also come from outside. Through Friday and Saturday, till Sunday there were 10 plus vans that remained here. The girls were led out and taken by the police in batches over the 3 days. So many squeezed into each van some even sitting on the floor. The building is still shut. There is police at the gate and nobody can go in or come out.

In fact some girls were taken in a van, and then brought back. They must not have found place to keep the girls so they were brought back here until space in some centre found for them. Six o clock the centre closed but we live nearby so we saw what was going on. 12.30 am they took the girls and 2.30am they brought them back. They were kept here till then. The babus (customers) were also taken. 160 men according to the media. Even those who sell earrings, makeup, fruit, the small vendors. Everyone who was still inside was taken – whether vyapari or customer. Many were stripped to their undies and made to sit like that on the steps. Some of those trapped inside hid themselves without food inside somewhere to escape the police. Some paid 2500 rupees to get free. Like this it went on till Saturday night. Then on Sunday the vans left. Inside the building there are only some old sex workers who are remaining. After 30 years of living in Mumbai and living in this area, and doing dhanda here, we are seeing this type of raid. Never before has the building been emptied like this.

We don’t know where the girls are now. There is no contact with them. We tried calling them a few times (we have a list of the girls because they used to come to this clinic) but their phones are all switched off – must have been confiscated by the police when they were taken. They must first have gone to DN Nagar police station and then to one of the homes in Bycullam Saat Rasta, Kasturba Government Hospital maybe. Maybe Thana jail. That is also big. They took them all – *apna wali umar wali ladkiyan*, (women of my age) even those who were sick – *unka TB ka dawa chalu tha yahan* (they were on TB treatment

here). Raids happen here sometimes, but never like this. The police keep asking us trying to get information: some ask, so are there any children now in your building? There are four more buildings like this here. Next it can be us.”

Following this we went with two representatives (Gulabi from Karnataka, who works at Asha Darpan and was a sex worker in the area for many years, now lives in Andheri, has 3 kids including a son who works in BMC, she fell off a train and fractured her hand a few days after the raids; and another man whose card I have who does some admin work at AshaDarpan and also runs a web business on the side) to the DN Nagar Police Station. This was after we went with the group to the entrance of the building and met the group of policemen on duty to prevent entry in the building. They said they did not know anything, and that they had been brought from outside the area only for bandobast and suggested we speak to Senior, ‘Surve sir’ at the DN Nagar police station.

At the DN Nagar police station, we waited from 3pm to 4pm for Senior Inspector Surve, who had just stepped out. As we were about to leave, we saw a van draw up and about 12-15 women getting out of the van escorted by 6-8 police women. Many of the women were dressed in nighties with scarves covering their faces. Gulabi confirmed that they were some of the Simplex building girls. They were coming back after medical testing at Nair hospital (for age confirmation). They all looked like adult women. They were escorted to the back of the police station where there was a large hall, in which they were going to have snacks etc. go to the bathroom before being taken back to whichever centre they had been brought from. About 12 police men and women were guarding the hall and asked us to speak to the Branch Officer.

By this time, Surve had returned so we waited again to speak to him. He gave us details of the raid, making distinction between the accused and the victim (the women, ‘veshyas’). Taken into custody after the raid, where he himself had been present, had been: 290 veshya, 57 lady accused, male accused including managers. A total of 477. *‘Itna hamne manage kiya’*, (we managed this much) he says.

They are now making enquiries. Male accused are in Arthur Road jail, female accused are in another jail... veshyas (“prostitutes”) are in police custody/ remand, and will be produced at the Special Court 54 in Mazgaon which deals with only ‘PITA-gunha’. Victims will spend 21 days in remand (count from Saturday after the raid date) during which the enquiry will be finished, and then they will be produced before the judge who will decide where they will go.

The entire machinery of the station, as well as from outside have been put to work round the clock for the raid which seems on the whole taking up much

time and resources of all involved. Surve says, 'I didn't sleep for three days. My whole team did not sleep. Only on Sunday in the morning I could sleep a little.'

**RRC#6 Neelambari, Dommera Community, Warangal, Andhra Pradesh. 2010(own narrative)**

'I belong to the Dommera community. Our community members have been in traditional sex work for a long time. We never had any problem with the police. The police also know that the community is into traditional sex work. In March 2011, due to a misunderstanding between us and the nearby village, the police came into the picture. The police came to our village at 7 pm, dragged all of us into a jeep and took us to the police station. No lady constable was present. They booked us under a brothel case. They did not see us with any client since we were all standing near our houses at that time. Under fear of police brutality some community members were forced to say that they would leave sex work. The police told one of the community members to collect the ration cards of the 15 women who had said that they will quit sex work so that they are rehabilitated. After the police left we took back our ration cards. We are in sex work and cannot start a business. Who will come and buy from us if we open a shop?

Soon after this police raided Siddhpuram and arrested five sex workers from the village. One woman was not well and fell down when the police was dragging her. They took her to the hospital and arrested the rest. We managed to get bail for them. Since then a police camp has been set up in the village. They check every new entrant to the village. We have lost our livelihood. Many of the sex workers have fled the place and migrated. We are concerned about their health. The police check post still remains outside our village. It has affected our daily livelihood.'

**14. FORCED RESCUE OF MIGRANTS**

**MP#1 Jharkhand, October 2012.**

Over 500 people migrating from Ranchi, Jharkhand were apprehended by the local police, aided by NGOs at the railway station stating on the grounds of were being trafficked. They were kept in a stadium without food, water and other basic facilities and treated as criminals. The people included women with their children, and men who had found work in kiln or factories. They shared that they had managed to find work after taking loans from local money lenders and would now because of the action of the police, be forced to return to their villages without any hope of employment and livelihood. The Government of Jharkhand announced that identification documents would be issued to

people intending to migrate for work and they would be given employment opportunities within the State. However after that announcement in 2012, there has been no further action by the Government. *Courtesy – Association For Advocacy and Legal Initiatives, Lucknow, May 2014*

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