

## **REPORT ON THE INTER MOVEMENT OPEN FORUM**

### **Introduction**

This is a report on the Inter Movement Open Forum facilitated by the National Network of Sex Workers (NNSW) in Bangalore from 29<sup>th</sup> April to 1<sup>st</sup> May 2018. It was co-organized by Sangama, Veshya Anyay Mukti Parishad (VAMP), Samraksha, Uttara Karnataka Mahila Okkutta (UKMO), Karnataka Sex Workers Union (KSWU), SIEDS, SANGRAM and NNSW. It had around 30 participants from sex worker groups in districts across Karnataka apart from the co-organizers. It was held in English and Kannada with translations wherever necessary. It consisted of group work, presentations, discussions, questions and answers. The topics discussed included the Immoral Traffic Prevention Act (ITPA) 1956, Indian Penal Code (IPC) section 370, the proposed Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill, 2018 commonly called the anti-trafficking Bill, legalization and decriminalization of sex work, criminalization and exploitation of sex workers, the recent death of two sex workers in Mumbai and the recent detention of sex workers in Bangalore.

### **DAY 2**

#### **Recap of Day 1**

Community members: We learnt about handling police, societal harassment and abuse within state homes. Sometimes, partners also abuse and deceive.

Meena: When does harassment and violence become exploitation? The latter could be sexual, mental or economic. Family and partners can use love and other emotions to exploit us. Sometimes, partners need cajoling to give us attention.

In HIV intervention programs, peer counsellors are exploited by giving them minimal compensation though they do the maximum and toughest work. This is unjust.

Aarthi: Prerequisites for sex work are phone, contacts, clients, beauty, health, pickup place, age, clothes, accessories, make up.

Can you enter sex work without support? Rarely. You need contacts like brokers, brothel owners, paan shopkeepers, lodge owners/staff, dhaba owners/workers, auto drivers, lorry drivers, senior sex workers, bus drivers, bar owners/staff, liquor shop owners/workers, friends, acquaintances. Without them, doing sex work maybe risky due to *goondas* and others.

Community member: One day, I was hungry in Dodballapura 18 years ago. I had no contacts or money but earned 70 rupees by doing sex work with a person I met at a bus stop.

Aarthi: Migrating for sex work to large, lucrative cities like Mumbai needs contacts.

Varsha: In Hijra culture, we have the support of guru, gurubhai, nani (older guru).

## **Legalization of sex work - an overview**

In this session, various aspects and the fallout of the criminalization and legalization of sex work and the need to decriminalize it were discussed.

Aarthi: Sex work involves 3 key kinds of persons, namely, sex worker, client and third party (stakeholders like brothel owners, agents et al). If any of them are criminalized, can you do sex work? No. They are fundamental. While acquaintances and brothel owners could ensure safety, they could exploit you, especially in new places.

In some countries, sex workers need licence from district administration, police or other government agencies. The licence is valid for 1 year. It needs a compulsory certification for the absence of STI and HIV. If a sex worker is undergoing medical treatment, or is HIV positive, this certificate is denied. Medical examination of brothel based workers can be mandated. The licence is valid only for a specific zone. If a sex worker changes zones, the existing licence should be returned and a new one must be obtained after the medical examination. A limited number of licences are issued per zone which is determined by government agencies. This is unlike driving licence. Further, low end sex workers may need to give free sex to various people and yet struggle to obtain a licence.

High end sex workers are likely to get licences easily, due to class, caste, race and other privileges and negotiation skills. Many vested interests are against low end sex workers. Moral acceptance of sex work may never come. But legalization of sex work is being proposed.

Manjula: In Yadgir, brothels are unsafe. Legalization of sex work may give me security.

Aarthi: Decriminalization of sex work exists in New Zealand and a few American states.

Meena: Implementation of the law varies. But changing law is tough. In the proposed anti-trafficking Bill, clients are being criminalized too. IPC section 370 criminalizes sex workers and others. We are requesting decriminalization. The Constitution of India gives citizens the right to migrate for livelihood. Legalization of sex work violates this right.

Nisha: In March 2018, in central Bangalore, 23 sex workers were detained for 3 hours between midnight and 3 am till lawyers and activists got them released. The new DCP admitted that police personnel were rude and needed sensitization about sex workers' realities and treating them with dignity. He suggested that sex workers could use a designated area and time and provide a list of sex workers. This is the same as legalization. We have not given the government the right to deny us freedom. Knowledge of the law and rights give us courage and strength.

## **Global Alliance Against Trafficking in Women (GAATW) Study**

In this session, Madhu Bhushan summarized the GAATW study that she conducted with VAMP members in Sangli district.

Madhu: Sometimes, research and studies especially on sex work can be exploitative and cause harassment. The recently released study report by the Karnataka government is based on the view that sex work is illegal and thereby sex workers are immoral. But it heard sex workers' voices for the first time, perhaps. We highlighted the chapter in this report which documented that sex workers face much harassment, abuse and violation of their rights by the police, to the latter during the recent detention of sex workers in Bangalore that Nisha mentioned above. Thus, we can strategize the usage of specific information.

The GAATW says that only women who are supposedly can identify and state if they are trafficked, abused or exploited. This is unlike anti-trafficking groups which claim that all women are trafficked and want to rescue and reform them. I was part of a team that did a study in India. It asked sex workers, "How and what do you recognize and interpret as abuse, exploitation, violence and handle it?" Feminist participatory action research method was used. It prioritizes the views and experiences of sex workers. It should be useful to your lives and help in changing it. It asks questions about your experience with the police, society, government agencies, brothel owners, agents, clients et al. It was conducted with VAMP. We sought the comfort and willingness of participants and what they wanted to reveal. Before, the study had begun, VAMP members discussed it extensively. They did not want to meet the police, government, lawyers or anti-trafficking groups originally. But they were convinced as the responses of these elements also matter and participated in the study. The study was also done in Canada, Thailand, Mexico, New Zealand and South Africa.

VAMP also is anti-trafficking especially of children. But this is not recognized by the police, government, media or society. VAMP women themselves do not view themselves as anti -trafficking though they have identified trafficked children in India, counselled and rehabilitated them whether they were from India, Nepal or Bangladesh. Contrastingly, anti-trafficking agencies highlight their "rescue" activities in the media although they usually send the children to state homes which are exploitative. Children run away from there and are trafficked again, sometimes. In South Africa, a sex worker's organization Sisonke shared that when they approached the police to seek assistance for trafficked children, the police filed a complaint against the sex workers.

I was delighted to see Mitra, a residential facility run in Sangli district by sex workers for children of sex workers who are largely from the Devadasi community and barely literate. The children are doing well and are not ashamed of their mothers. They support and respect their mothers. Suvarna's daughter is a government employee. A child at Mitra questioned the measly pension, rehabilitation schemes and alternate livelihoods (such as domestic, construction, factory or other daily wage or ad hoc, informal sector work) that the government offers to sex workers. VAMP collective members are not necessarily brothel based sex workers. They prioritize

dignity, self-respect and independent choice. The following are recommendations from the study to various agencies:

To the government:

1. Decriminalize sex work and sex workers
2. Separate children from adults and treat them independently with their agency and recognize their specific needs
3. Give sex workers a conducive environment to live and earn their living
4. Let sex workers be peer educators and counsellors. End rescue and rehabilitation processes and facilities which are uncongenial and unsuitable. Support sex workers' collectives and their communal living facilities.
5. Give soft loans and subsidies to sex workers for their sustenance, livelihood.
6. Stop raids on sex workers' places of residence and work
7. End exploitation of sex workers

To courts:

1. Stop treating us as "public nuisance", accusing us of disrupting public order or questioning our morality.
2. Revoke IPC section 370.

To funders:

1. Support our campaigns and other priorities
2. Support collectivization of sex workers and capacity building of leaders (current and second line).

Bhavana: Police and politicians need us for free sex but fill police stations with us whenever they wish. We can collaborate and co-operate with government agencies if they do not try to reform us. In Davangere, we have sensitized the police and have established an amicable relationship with them.

Meena: You should meet government agencies collectively and discuss your challenges. The police and we all are constrained by the law. We should know the police and law to negotiate support and justice.

Madhu: VAMP members have established a working relationship with the police. Collectivization, networks and alliances are vital to ensure rights are respected and entitlements are availed. Document and highlight your campaigns and achievements. In New Zealand, sex workers movements collectively got the law amended for decriminalization of sex work. The government did not do this by itself.

Pushpa: In March 2015, the Bangalore police arrested sex workers (women and transpersons) under the pretext of complaints against them creating public nuisance. When a few of us (human rights activists and writers) questioned the local ACP if loudspeakers are not a nuisance and who complains against sex workers, he had no answer. Further, when he suggested sensitization sessions for the police, we said that police never responded to earlier requests for the same. At the office of a district administration officer, after giving a written request for the release of the detained sex workers, we informed him that the injustice and mistreatment of sex workers would become news headlines the next day (March 8, International Women's Day) if the detained sex workers were not released immediately. A few hours later, the detained sex workers were released.

Meena and Aarthi demonstrated through a game about exclusion and inclusion of sex workers by peers, the importance of collective decision making and the strength in uniting.

Aarthi: One person's problem should be considered the collective's problem. The movement wins only when everyone is together. We must address Manjula's question on the legalization of sex work.

Meena: Despite internal conflicts, VAMP members remain united as they are all sex workers fighting injustice. This happened even though a sex worker abused us along with a *goonda* who was her partner.

Aarthi: During an NSW meet, when sex workers refused to associate with another sex worker (outside) as she is considered dangerous, a funder who was present observed that such accusations and opinions were capable of breaking the sex workers' movement.

### **Introduction to the Immoral Traffic Prevention Act (ITPA)**

This session introduced the participants to the ITPA, 1986 (preceded by the Immoral Traffic Suppression Act or SITA 1956). The participants discussed various sections of the Act in individual groups. Then they shared their learning and interpretation of the ITPA and were introduced to the IPC section 370 and the proposed anti-trafficking Bill.

Aarthi: In India, the ITPA was passed in 1956 as trafficking was considered a big issue in India like in other countries. Murder is defined by law and criminalized under IPC section 302. But until now, trafficking is undefined though varied activities have been attributed to trafficking. However, women in sex work have been arrested and harassed under this law rather than trafficked women. Since 1980's activists supporting sex workers have been saying that trafficking should be separated from sex work as the former is a serious problem. Though people have been saying that ITPA is not about sex work, the law actually criminalizes sex work. What are its various sections?

Bharati: ITPA section 7 criminalizes soliciting within a 200 metre radius of a public institution (educational institution, hospital, place of worship)

Varsha: Section 4 concerns third parties. It criminalizes persons living off the earnings of a sex worker.

Nagina: Section 8 affects sex workers by criminalizing soliciting through touch, facial expressions or other means.

Aarathi: Section 2 defines a brothel as any space where over 2 persons are earning from sex work there, for their or others' benefit. Do you agree?

Community members (who disagreed): If there is no *gharwaali* (brothel owner or madam) or none earning commission from sex workers there, it is not a brothel.

Community members (who agreed): It is a brothel.

Aarathi: Please read and know the law irrespective of your views. Section 2 affects sex workers. Under section 5, procuring an adult woman for prostitution without or with her consent is criminalized. A woman found in this situation is placed in a detention home for 3 years if it is known that she approached a broker expressing an interest in doing sex work. Section 6 criminalizes the detention of a lady at a place for her to have sexual intercourse with a person who is not her spouse irrespective of her consent. This affects the third party and sex worker. She is considered a victim and institutionalized. The judge in such a case prevents the lady from meeting her family, CBO member, social worker, lawyer, activist or any likely supporter for 21 days.

After the brutal gang rape (though I consider all rapes as brutal) of Jyoti Singh Pandey on December-16-2012 in Delhi and her subsequent death, women were stirred and panicked. The issue of trafficking was publicly discussed and widely, as many women and girls were considered missing. The Justice Verma Commission revisited IPC Section 370 and decided to define trafficking instead of focussing on the violence against women (VAW). We do not oppose laws against trafficking. But it is incorrect to regard trafficking as the sole reason for missing children and women.

Technically, trafficking involves an act, a means and a purpose as below:

Act: recruits, transports, harbours, transfers, receives

Means: threat, force or any other form of coercion, abduction, abuse of power, deception or fraud, inducement with money and/or material to obtain consent

Purpose: For bonded labour, sexual exploitation, organ trafficking, domestic work

After many discussions with lawyers and the women's movement, the NNSW convinced Justice Verma Commission to not consider prostitution as sexual exploitation. If it remained, all sex work would be considered exploitation, and sex workers would be criminalized and sent to a reformation centre. The Justice Verma Commission included the NNSW's recommendation appropriately.

Meena: Sex work differs from sexual exploitation. NNSW appealed against the criminalization of sex workers under IPC section 370. That was accepted but clients are still criminalized. They are being harassed and must pay lots of money to avoid being arrested or be released from jail. Clients do not seek affidavits from sex workers about consent or check if they were trafficked recently or earlier.

Rajesh: Actually, sexual harassment and exploitation exist in various professions. But over last the 3 years in Gujarat, Andhra Pradesh and elsewhere, clients of sex workers are being arrested as only sex work is considered sexual exploitation. The intention of the Justice Verma Commission to not criminalize clients of consenting sex workers is being ignored.

Aarthi: We can try to convince the parliament of India against the anti-trafficking Bill, by July-1-2018. But we must understand the anti-trafficking Bill for that and also the challenges of workers other than sex workers. We should take this forward to our communities. Should we oppose the anti-trafficking Bill or IPC Section 370 or both? NNSW will send its recommendations to the government of India after collecting it from all states where it has members.

### **DAY 3**

The day began with the release of two publications by NNSW, namely Rubaru and Raided, introduced by Nisha Gulur (President, NNSW) and Mukta Pujar (Treasurer, NNSW), respectively.

#### **Release of Rubaru report**

This session provided a summary of the report Rubaru, a conversation between the sex workers' rights movement and other peoples' movements that NNSW organized in October 2017 in Delhi.

Nisha: The NNSW consists of KSWU, UKMO, Vadamalar Federation (Tamil Nadu), Kerala Network of Sex Workers (KNSW), VAMP (Sangli), Saheli (Pune), Me and My World (Andhra Pradesh), sex worker collectives and/or federations from Jharkhand and Gujarat. It has Female Sex Workers (FSW's), Men who have Sex with Men (MSM) and transgender sex worker groups. SANGRAM, Sangama, Aneka, SIAAP, WINS and other NGO's and CBO's are also members of NNSW.

Over the last 2 days, NNSW Karnataka members and sex worker groups in Karnataka like Shakti Mahila Sangha (Belagavi), Durgashakti, (Davanagere), Kolar, Yadgir, Sadhane Mahila Gumpu (Bangalore), Soukhya (Chitradurga), Soukhya Belaku Seva Samsthe (Bellary) participated in this important workshop. Aarthi and Meena facilitated insightful discussions on exploitation, injustice, trafficking, IPC section 370 and the anti-trafficking Bill.

We are glad to share that in October 2017, NNSW organized "Rubaru", Taking forward the dialogue: A conversation between the sex workers' rights movement and other peoples' movements, in Delhi. Over 3 days there were enriching interactions between NNSW members and lawyers like Vrinda Grover and Vivek Diwan, young feminist activists like Vineeta, queer and Dalit rights activist and journalist Dhrubojyoti, movement representatives such as Chayanika Shah, mediapersons like Pamela Philipose, Geeta Seshu and Yogesh Pawar, health rights activists such as Deepa from SAMA and trade unionists Rakhi Sehgal and Gautam Mody and others on stigma, surrogacy, casteism, labour rights, media and relevant topics.

NNSW opened an office in Delhi with Kiran Deshmukh as the coordinator. Our capacity (documentation, communication, leadership, advocacy and networking) has increased over the last few years. Initially, we only distributed condoms. Now, we advocate at the South Asia level. We also have an alliance with the South Asia Network of Sex Workers (SANSW).

#### **Release of "Raided" report**

This session saw the release and a summary of the report Raided, a research conducted by sex workers from different parts of India about raids and rescue of sex workers held between 2005 and 2017.



Mukta: Workers' day greetings. I am the NNSW treasurer and UKMO member, Gadag. We are workers as sex work is work. I will introduce the study report titled *Raided* which contains a legal analysis of sex work, raids on sex workers, community voices, framework of laws and policies. It is about raids and supposed "rescue" of sex workers between 2005 and 2017. Sex workers from 14 districts across Jharkhand, Kerala, Karnataka, Maharashtra responded. There were a total of 156 focus group discussion (FGD) respondents (brothel, street, home based sex workers) and adult children of sex workers.

Aarthi: The *Raided* study is critical as it includes a legal analysis and has also traced and interviewed 243 "rescued" sex workers who left rescue homes. There were large raids on sex workers in Satara, Jalgaon, Sangli, Kolhapur and Pune, between 2005-2017. Anti-trafficking NGOs and police raided brothels, pulled women by their hair, hit and dragged them. Sex workers released from rescue homes are very traumatized. They break links with CBO's and only other sex workers can reach out to them. Hence only sex workers conducted this research and not NGO's. Anti-trafficking NGO's say that there are many minors in sex work but only 2 were found during these raids. And totally only 2 of the "rescued" women had been trafficked. 51% of the women were in the 21-30 years age group during the raids. 79% of the women were adult, voluntary sex workers wanting to remain in sex work during the raid. Adult women are placed in rescue homes for 1-3 years and their rights are badly violated. This shows what rescue is. 77% of the "rescued" women returned to sex work. 6% were not traceable, 1% repatriated to Bangladesh. 2% returned to sex work but left the area, 1% returned to sex work and passed away later.

As per the research, to the state and most of society, anti-trafficking solutions consist of flawed laws, brutal raids, incarceration in the name of rehabilitation and a "new life" myth. Families took huge debts at monthly 15% interest for survival during the sex workers' institutionalization. This burdened the sex worker after return. So sex workers say, "let us collectivize, identify and address our issues ourselves". The proposed anti-trafficking Bill apparently goes beyond sex work and sees the impact of trafficking on various forms of labour but those aspects must be analysed from the viewpoint of workers.

### **Anti-trafficking Bill: a summary**

This session provided a summary of the proposed anti-trafficking Bill to participants.

Rajesh: Apparently, there have been 17 drafts of the anti-trafficking Bill. We did not get any version directly from the government but obtained it through other sources. NNSW facilitated discussions and translations on the Bill in all the states where it works - Gujarat, Tamil Nadu, Andhra Pradesh/Telangana, Karnataka, Maharashtra and Jharkhand. "Nothing about us without us", a slogan that sex workers use emerged from a 5-day consultation held at Bangalore long ago. Usually consultations are held in Delhi in English and Hindi while southern India is ignored. Over the last 2 days we discussed legalization of sex work, criminalization of sex

workers, the need to decriminalize sex worker, trafficking, ITPA and the recent death of 2 sex workers in Mumbai while escaping a raid. We always discuss and provide resources in a language that the community knows unlike privileged others who discuss in English. The rights movement defines sex worker as adult consensual provision of services for money or goods. WHO defines sex workers as women, men, transgender persons who receive goods and/or money in return for sexual services

The rights movement and sex workers believe and state:

- Sex work is work
- Decriminalize sex work
- Sex workers will self-determine and self-organize

Many supposedly educated people equate trafficking with sex work but we know the difference. Also, we must understand and maintain the link between sexual/gender minorities and sex worker movements. Sex workers demand safe space for work and living. Most women's groups and human rights activists support decriminalization of sex work.

Aarthi: All of us have been critiquing the proposed anti-trafficking Bill. Many lawyers, activists and community members have been contributing to this critique. We will include your critique with your permission and present it to the government. It has 59 provisions in 15 chapters. It is about investigation authorities, rehabilitation and relief authorities, search and rescue operations, repatriation. It states that district level courts will handle trafficking cases, protection of witnesses, victims and complainants. It includes offences, penalties and compensation and mentions 10 new agencies/institutions to implement the proposed anti-trafficking law. The agencies constitute the national anti-trafficking bureau, state nodal officers, district police nodal officer, anti-trafficking police and unit (district level) et al. Overall, the WCD secretary will implement this with various secretary level officers in committee and units.

A new class of offences has been created under the proposed anti-trafficking Bill:

- Purposes - forced/bonded labour, bearing child, begging, marriage or forced marriage
- Administering narcotics, drugs or psychotropic substances or alcohol for trafficking/remaining in exploitative condition
- Administering chemical substances or hormones for early maturity/puberty
- Causing serious injury or death due to trafficking
- Pregnant woman or pregnancy as a consequence
- Mentally ill person
- Abetting or encouraging migration illegally into or out of India

Other offences - displaying or distributing audio-visual material, hiring, obtaining or letting out a person, intended usage of space. Many related offences are also included. Also, relevant laws

like the Bonded Labour System (Abolition) Act 1976, the Child Labour (Prohibition and Regulation) Amendment Act, 2016 and IPC section 370 are quoted. The powers of the district anti-trafficking committee (ATC) and state nodal officer are many.

The district ATC has the final authority to dispose off cases for care, protection, development and rehabilitation of “rescued” persons. Under the ITPA, the district magistrate has powers. Also the magistrate or the CWC (if children are rescued) is responsible for repatriation of the rescued person(s) in coordination with other district counterparts. But this does not consider the choice or agency of the supposed victim. In Section 17, if the victim or rescued person is not a child and voluntarily applies for release from the rescue home or wishes not to go there along with an affidavit, the magistrate could still reject the application, if she/he believes that such application is not voluntary.

Under the Bonded Labour Act, the liability of the labourer to repay debt is extinguished, return property of labourer is mandatory, she must not be evicted from homestead, the creditor must not accept payment against extinguished debt. Also it is a magisterial duty to secure and protect economic interests of the freed labourers. This contrasts with new anti-trafficking bill which prioritizes raid, rescue, rescue homes, rehabilitation and repatriation.

### **Panel discussion on the anti-trafficking Bill**

Next was a session on the anti-trafficking Bill where human rights lawyers and activists based in Bangalore critiqued the Bill from various perspectives. Madhu Bhushan, a feminist and human rights activist moderated this discussion. The discussants constituted Prathibha, Garment and Textile Workers’ Union, Arvind Narrain, human rights lawyer and legal researcher; B T Venkatesh, human rights lawyer and former Special Public Prosecutor, Karnataka; Darshana Mitra, lawyer, Alternative Law Forum; Sebastian Devaraj, labour rights activist, Fedina

Madhu: Aarthi and Rajesh summarized the anti-trafficking Bill well. They highlighted key issues that must be included in the critique of the Bill which seems very regressive. With this context, I request the panelists to present their views in tandem.

Arvind: I will critique the anti-trafficking Bill from the viewpoint of the Constitution of India. It gives the right to liberty, life, equality and freedom of religion. Article 23 declares bonded labour and trafficking as crimes. But it does not mention sex work. Everyone has the right to life and liberty. Choosing sex work is our right to freedom of choice. The right to life also protects dignity. Is sex linked to dignity? Recognizing sex work as work gives it dignity. In trafficking, no one asks or respects choice. Article 19 gives right to livelihood of choice or freedom to practice trade. Morality does not figure here. In the Naz Foundation case, Justice (retd.) A. P. Shah said morality should be seen from the constitutional viewpoint. The right to life, right to liberty, right to livelihood and all other rights safeguard the dignity of an individual. On Jan-26-1950, Ambedkar said, “We will have political equality but social inequality. How long will we

live with this contradiction? It will affect the deprived and disadvantaged, who will rise against the prevailing inequality and destroy the democracy that we have created.”

Darshana: The history of the term “trafficking” is important but its definition is dubious. There was panic about white European women being sent to non-European countries for sexual slavery. The enslavement and forced movement of persons for labour and campaigns against them did not inspire the term “trafficking”. European countries started discussing trafficking and though many white women sought employment in non-European countries willingly, they were considered trafficked. And their views were not sought as it happens till now that supposed trafficked persons are rarely included in discussions on trafficking. Rehabilitation does not include economic needs, accommodation, material, health benefits. This contradicts UN definition of rehab. Manual scavengers’ rehabilitation includes many benefits for them such as support for their children’s education, family members’ health, accommodation, alternate skill and stipend when not working. This Act which demands the eradication of manual scavenging, considers the fact that the work while being exploitative provides financial support, sustenance though with disproportionate compensation. The Budhadev Karmaskar versus state of West Bengal case judgement states that children in “red light” areas need child care centres suitable to their location and other needs.

The anti-trafficking Bill merely prioritizes rescue and repatriation but not suitable rehabilitation unlike other laws which consider the realities of the exploitative situation, people being exploited and their realistic needs for rehabilitation. The Juvenile Justice (Care and Protection of Children) or JJ Act 2015, allows children who supposedly have less agency to choose rehabilitation outside state facilities, presence of their families, etc. But the anti-trafficking bill denies adult women the right to refuse to live in rescue homes and does not consider them in isolation and not with families. It also does not specify the duration of rehabilitation and women cannot choose to move out of the rescue home if it is unsuitable. Contrastingly, in the JJ Act, every 6 months, the Child Welfare Committee should review the status of the child and the law also specifies the duration for rehabilitation.

Bhavana: In our recommendations, we should demand that a rescued woman’s choice be considered and respected.

Darshana: The anti-trafficking Bill does not allow a supposedly “rescued” person to appeal against magisterial orders or to not appear before a magistrate. Further, it ignores the possible facts of investigation if it finds no trafficking. As per the anti-trafficking Bill, rehabilitation only means placement in a rescue home and for a duration specified by the law. The ITPA at least considers that a rescued person could have family members and allows them to appeal on behalf of the rescued person. According to the Bill, repatriation means that the rescued person would be sent back to her original geographical location. No reintegration or restoration with the family or

community in a location that the rescued person refers is considered. Reintegration or restoration improves the situation for the rescued person which is what rehabilitation should do.

Madhu: Rehabilitation has not been considered in depth in the proposed anti-trafficking Bill.

Prathibha: Darshana asked a vital question about whether privileged class migrants will be considered trafficked. The garment manufacturing industry has people who have migrated from Assam, West Bengal for their livelihood. This can be made unnecessary if suitable earning options exist locally. Trafficking and rehabilitation are being seen through a patriarchal lens. Both can be exploitative, unjust and constrain women.

Sebastian: should we look at this bill or any law only from its provisions, benefits that it recommends or from its political and social impact also? Everyone should be able to work, protest, organize, unionize as per their needs and choices.

BT: Our constitution says all are equal. Everyone has the right to freedom of expression, liberty, work, etc. But do we all have equality or these rights? No. There is an ongoing case about 40 factory workers who were assaulted, 9 of whom workers were injured and dismissed for requesting a discussion with their factory management on the need for clean drinking water as existing water was causing skin, stomach and other ailments. Such are our employers. Please note that ALF and other organizations/groups/individuals recently had to intervene to demand the release of detained sex workers in Bangalore. Rescue homes are jails. (A participant agreed with this).

Garment workers get low wages. So a few of them do sex work at night. They lack enough to live and cannot afford proper cooking or sanitation facilities. If existing facilities and implementation of the law is so terrible, such new regressive bills would be dangerous. False cases are filed against ignorant, disadvantaged persons who are jailed sometimes for years without bail or trial. Raids usually catch sex workers, children and their backers. This anti-trafficking Bill helps NGOs' that accompany the police on raids to run rescue homes and thrive on government funds for these activities. Our society severely restricts women's choices and liberties and justifies this in the name of honour. We should translate a summary of the issues and objections with this anti-trafficking Bill into various languages and seek recommendations from communities and labour, gender rights organizations and movements.

Madhu: Bill is anti poor, anti Dalit, anti workers, anti women, anti outsiders and anti Constitution. It is xenophobic, misogynist and classist. This was a great discussion with inputs from experienced and diverse speakers and it is symbolic as this was held on May-1, i.e., International Workers' Day.

### **Thanks and conclusion**

This consisted of acknowledging and expressing gratitude to the organizers and support personnel and sharing of a brief follow up plan.

Rajesh: We planned a 1.5 day discussion initially. But extended it to include Labour day. I thank Nisha, Bharati and Mukta for mobilizing participants from many districts. We are grateful to Madhu for her valuable feminist perspective, Arvind for providing the crucial Constitutional viewpoint, Darshana for offering an insightful historical context regarding trafficking and Pratibha for highlighting workers' realities and raising vital questions, BT and Sebastian for their pertinent suggestions, Kavita for her superb translation and Pushpa for rapporteuring. The NGO's who participated in this workshop should consider becoming supporting members of NNSW. We appreciate SANGRAM for having the material printed and transported quickly. We could meet as small groups and critique the Bill from a labour perspective. We should discuss this Bill and seek recommendations from communities in districts and taluks nationwide. Our journey starts now. We must trash the Bill.

### **List of Participants :**

1. Nageena, Vijayapur
2. Latha, Hassan
3. Manjula, Doddaballapura
4. Noor Jan, Vijayapura
5. Bharathi, Bangalore
6. Manjula, Yadgiri
7. Shantamma, Yadagiri
8. Bhima Bhai, Yadgiri
9. Bhavana, Davangere
10. Saleema Begum, Raichur
11. Lalitha, Bidar
12. Lingavva, Gadag
13. Shantamma, Yadgir
14. Kottamma
15. Halamma
16. Lakshmi, Bellary
17. Shantamma, SIEDS, Kolar
18. Mamta S Yajman, SIEDS, Banaglore
19. Pushpa Achanta, Independent
20. Chetan (Varsha Hassan), Hassor
21. Aswini Rajan, Kolag
22. Annapurna, Himkurur
23. Ningavva, Gadag
24. Yallavva Singadi, Gokak
25. Lalita Harijan, Gokak
26. Shankamma, Koppal District
27. Gowramma, Jadegondanahalli
28. Akkanamma, Jadegondanahalli

29. Chandrashri. V, Sadhana Mahila Sangha
30. Hulligamma, Raichur
31. Sharanamma, Uttar Kannada
32. Mukta Pujar, Gadag
33. Ramakka, Koppal
34. Shankamma
35. Madhu Bhushan, Bangalore
36. Nisha Gulur, Banaglore
37. Aarthi Pai, Bangalore
38. Meena Seshu, Sangli
39. Kavita Srinivasan, Banaglore, PUCL
40. Padma B Samraksha, Raichur
41. Mahbool, Chinpatana
42. Deepika , Bangalore
43. Ummar, Bangalore
44. Haseena, Bangalore
45. Arun, Banaglore
46. Rajesh, Banaglore
47. Georgekath, Bangalore
48. Thomas
49. Pratibha R, GATWU
50. Darshana Milo, ALF
51. Nitin Bubberjung, Reachlaw
52. BT Venkatesh, Reachlaw
53. N. Venkateshwara, SIEDS
54. Sebastian Devaraj, SIFTH/FEDINA
55. Vijaya A, Radio Active