

Human Trafficking Legislation Inter-movement Dialogue and state level discussion

Maharashtra, Pune 16th – 18th April, 2018

VAMP, Sangram, Saheli Sangh and Masum - organizations working with Sex Workers, had organized a two-day State Level discussion on Human Trafficking (Prevention, Protection and Rehabilitation Bill, 2018). Pune, Aurangabad, Jalgaon, Parbhani, Sangli, Miraj, Satara, Kolhapur, Solapur and Nagpur – from all these 9 districts, 45 CBOs and NGO representatives had participated in the discussion.

The first day started with an introductory round, where everyone was asked to introduce themselves and also say the name of their loved one.

The first group discussion was held around the incidents that occurred in Mumbai and Hyderabad against Sex Workers.

1. Two Sex Workers in fear of the police, jumped from the third floor of a building in Mumbai.
2. In Prajwala Reformation Home, an Uzbekistani woman committed suicide.

Women present were asked regarding their perspectives and opinions on the above-mentioned incidents printed in the newspaper and were also asked regarding their experiences in dealing with the police force, the raids and the rehabilitation centers and were then called upon to decide and come up with strategies to deal with such incidents and occurrences in the future by Meena Seshu. All India Sex Worker's Organization had written appeals to the Police and also to the Program Director of MSACS, but they were unsure about its effectiveness and hence, believed that they had to choose a new path. There had to be a result of the discussion.

The biggest violation of Human Rights is the death of people in government custody. The Uzbekistani girl who committed suicide in Prajwala Rehabilitation Home had come to India on a Tourist Visa and was staying in Delhi. She was taken into custody in November 2017 and committed suicide on the 13th of April, 2018. She wanted to go back to her country but the tedious and the supremely difficult process of going back, made her commit suicide.

In Mumbai, the police went there around 9.30 pm and the first report mentioned that the police went there post 10.00 pm. But, this was against the rules and regulations and also, there were no female police officers present during this visit. The police then put up a fake story that would fit the bill for their law. Also, sex trade was going on there for the last 30 years, then why the raid and the conflict now? The police, who should be the protectors of citizens and upholders of human rights, are the ones that are feared the most by the women.

Journalists again, have their own prejudices and ask questions that will help them get those exact answers that will prove their perspectives. When women are held as criminals, they do not question, and are sent to Rehabilitation Centers at any given age. This takes away their individual freedom. The women are also not aware of the laws and the rules and hence are unable to fight for their rights. And later it was also discussed that those who try to raise their voices are targeted by the police.

The following are a few feedback pointers given by the women post reading the news articles:

1. The sex workers are arrested by the police and then, they extort money from them. This has increased the fear of police among the women.
2. The police also ask them to have sex for free and try to force them to do it.
3. The police use vulgar language while talking to the women and also use cuss words
4. A woman said – *“Once when my mobile phone was lost and we had approached the police for help, instead of helping us to catch the culprit, they started bad mouthing us.”*
5. The police also many a times have gone to the women’s’ home and bad mouthed them there, making it very difficult for the women to stay there.
6. *We feel that we have being robbed of everything, even though there has been no theft – they have robbed them of their dignity, freedom and a sense of peace.*
7. During a raid in Nagpur, a woman was beaten very badly, leading to her profuse bleeding and it took almost 2 months for her to become better.
8. The same woman is caught umpteen number of times and infact, one of them died while trying to run away from their stranglehold.
9. In a place called Amalner in Jalgaon, women staying in the chawls for over 50 years, had their homes demolished and burned down by goons. They had got a state order to do this by force. The ones, who tried to protest against it, were severely beaten up.
10. Nowadays it has become difficult to differentiate between the police and the goons, they all act in the same manner. It’s the same condition everywhere.
11. The condition has become such that, in Nagpur the goons have infact distributed 10-12 lanes amongst themselves to conduct such crimes against the women.
12. Sometimes, if there are no sex workers around, the police harass other women present in the red-light areas.
13. The police personnel extort money from the women and still, they are the most ill-treated; they do not have a space to voice out their opinions and issues. What is the solution for this? They are constantly struggling to find a space for themselves in the society.
14. It is an outright violation of Human Rights, but no one seems to find anything wrong with this and nor does anyone stand up against it.
15. Subjugation from all sides is a grave issue for the Sex Workers. The organizations who fight for the rights of Sex Workers and the ones who stand against Sex work, all work with different visions and agendas, leaving the women in a quandary.

The second incident that took place in the Prajwala Reformation Centre, the police tried to shirk their responsibility by saying that the girl was depressed and hence, committed suicide. **Meena Seshu** said, *“What were you doing for 6 months keeping her in the rehabilitation Centre? Infact, we had held a similar discussion in Hyderabad, where a female editor from the newspaper **Bhumika**, mentioned that there was an article in a newspaper in America where they spoke about Sunita Krishnan who runs the Prajwala Reformation Centre and how 6 women who were kept there tried to kill her – an allegation made by Sunita. The women who themselves are a pawn of the trafficking trade, were put behind bars*

and held as criminals because of a complaint made by Sunita against them. The ones who were put in her rehabilitation home by the police themselves, had now become criminals and were being put behind bars by the same police personnel. Just because these women had no money, and belonged to a lower social stratum, they could not save themselves and put behind bars. The police, the media and the rest supported Sunita just because she had more power and money.”

Also, a valid question was asked by one of the women participants that how will a person held in the rehabilitation centre reach the home of the supervisor? It was all done for publicity, felt the women.

Meena Seshu said – *“Hence we say that the women actually have to be saved from the so called saviors themselves. We need to understand and see how the world is actually up against these women and come and raise our voices against them. But the challenge has been that the voices that have been raised have been divided and in different groups. For example, in Sangli we were able to fight against the people of ‘Freedom Firm’ but around 5000 women from Nagpur were unable to do this. Even in Jalgaon they were unable to put up a fight. Only if we come together and fight, can we do something otherwise, not only will they stop the work but post that what will happen to the women involved, is something that we don’t know.”*

The women also said that once the people know that there is no one standing with the sex workers’, they are subjected to a lot of atrocities.

Meena said to this – *“Thus we need to say to them clearly that whatever we do is work, it is as dignified as any other profession. We have a right to choose our own profession. There needs to be clarity on this. In the name of sex work itself, the people involved in the work are being dishonored. The women are made to live like culprits throughout their life and we need to raise our voices against it.”*

All the participants agreed to this and also made up a list of things that we could do further. Following are pointers from the list:

1. Women need to be made aware of the discussions happening and the steps taken
2. The women need to be made aware of the **ITPA** (Immoral Trafficking Prevention Act) laws.
3. Everyone needs to come together and take some action Asap.
4. The Rehabilitation Centres are actually places where the women are inflicted with even worse atrocities. They are not livable places and the conditions are not conducive for any human living.
5. Demonstrations should take place.
6. We also need to chart out the sort of advocacy that need to take place.

Some of them recount their experiences here and also mentioned are snippets from the discussion afterward:

Seema – *“For a while I was kept at one of the Rehabilitation Centre in Amravati. We were four girls put into a single room. We weren’t allowed to speak to other girls and they weren’t allowed to interact with us either. They were told that these girls are not good and will ruin you. There was a lot of discrimination that took place there.”*

Jalgaon – *“My aunt’s daughter was kept in the rehabilitation centre for 21 days. She went through a lot and was made to do various activities as sort of a payback for staying there. She was even asked to pay money for her release from the centre.”*

Durga – *“If we aren’t allowed to speak to each other, how are we supposed to bring about any change”.*

Meena – *“Are we really bad women just because we have sex? Who does not have sex? The women who work, do they ever find their profession wrong? The women are never bad, they are just disturbed. Just because others keep saying that the work we do is wrong, we say that we will give up this wrong work. But tell me, the work that feeds me, gives me clothes to wear, helps me educate my children, will it ever be wrong for me? Many women have told me that just because others say that the work they do is wrong, they start feeling that it actually is wrong. But you shouldn’t worry about what the world perceives your work to be.”*

Aarthi– *“We can go to the Human Rights Commission and the Mumbai High Court with a petition only when you’ll come forward and take responsibility. This petition should be framed in a democratic way. Demands, suggestions, recommendations should be from you and also mention the name of the person who can take the petition and present before them. In the court too if you want to speak up against the immoral raids, the atrocities inflicted by the police, the conditions of the reformation/rehabilitation centre, you have to go with proper documents. Speak about your personal experiences, present news paper clippings and also any complaints that you might have registered, any such documents too should be taken.”*

Injustice, Exploitation and Oppression

The story of Kopisha, a Nepali girl was presented before the group. She was sold off to an agent in Ahmedabad by her husband and was forced into the Sex Trade. Later, Kopisha ran away from there and with the help of another agent, reached Sangli where, the women of Sangram helped her to go back to her hometown in Nepal when they realized that she was forced into doing sex work.

The women present were asked to classify what was oppression, exploitation and injustice meted out in this story.

A few of the following pointers also came up during the discussion.

- Is there a difference between oppression and fraud? Yes there is.
- Taking advantage of someone’s helplessness is oppression.
- Not being compensated appropriately for your work is oppression.
- There is a huge difference in being forced into doing something and in doing something with free will and dignity.

Hitting someone, threatening someone and inflicting atrocities on them for one’s own benefit, be it financial or any other; is oppression. The work by itself is not a form of oppression but forcing someone to do it against their free will is oppression. If we do not try to reduce the exploitation being meted out in various forms, then work will turn into a form of oppression.

Raided

Kiran Deshmukh of VAMP and Raju Naik of Mitra presented a report on The Impact of Raids on Sex Workers after a study conducted in Pune, Jalgaon, Kolhapur, Satara, Sangli and Karad. They found that the Sex Workers caught in the raid were not given any help whatsoever.

Sangram and Rights 4Change, a Netherlands based organization gathered some information and evidence against the atrocities conducted on the sex workers under the guise of raids.

Kiran and Raju explained that the study was conducted in a phased manner. The first phase was where they prepared for the study. They underwent a training on how to conduct a research study, then they prepared the questionnaire, they went to every home, every street and all those places where the women worked and then got them together for a discussion. Through the discussion it was found that the ITPA law was actually creating further issues for women. The research went on for two years. When all the women came together, they realized that each of them had their own set of different questions and hence, they decided to work on it differently. In one of the group discussions, it came across very strongly that the ITPA laws were completely against the women. Post the discussion, the research was validated and verified and they even scrutinized the document.

The group discussion was carried out across 4 states, 15 districts and around 151 women participated in the discussions. The research was conducted with 55 brothel-based sex workers, 24 homebased sex workers, 72 street-based sex workers and 5 kids of the sex workers were also a part of the research.

The second phase of the research only focused on the raids in Maharashtra. They focused on the raids conducted in big brothels in Pune, Sangli, Satara, Kolhapur and Jalgaon. This study would not have been possible without the support, involvement and leadership of the women. They had recorders hidden in their blouses while conducting interviews regarding the raids and the brothels. Around 243 women were interviewed for the study.

The following few questions they were re asked :

1. Were you brought into sex work by force?
2. When the raids were conducted, were you in sex work voluntarily?
3. What was your age when the raids were conducted?
4. For how long were you in the Reformation/Rehabilitation Centre? Were you forced in any way there? Were you given any sort of training there? Did that training help you generate any income?
5. Why did you return to sex work?
6. How much was your income/debt before the raid? When you were let out, what was your income/debt?
7. What do you do now?
8. Are you a sex worker now, or a brothel owner or have you left sex work completely?

Out of the 243 women who were caught in raids and interviewed, only 2 were young girls. Around 27 women accepted that when they entered sex work, they were trafficked but now they wanted to stay on and continue in it. Around 79% of women said that they were voluntarily into sex work but they were still put in

reformation/rehabilitation centres post the raids for various time periods. Around 21 girls are still in the reformation/rehabilitation centre.

One of the interviewers said that in the reformation/rehabilitation centres, they weren't allowed to meet any of the girls stating that their identities have to be kept hidden and hence, we cannot let out any information about them. But they still collected their information using the Right to Information Act.

The following points also came up during the discussion.

Meenasaid that – *“A lot of the times, women who are rescued and saved are often treated as properties. The organizations that rescue sex workers feel that the organizations that work for the rights of sex workers are the ones that push them into it. Also, a judge can only allow the woman rescued to be kept in the reformation/rehabilitation centre for maximum upto 5 years and no more than that. She is then given over to her family.”*

Aarthi also mentioned that even though the ITPA is an act against trafficking, a woman was sent to the Reformation/Rehabilitation Centre under the act even after she said that I am 45 years old and I joined sex work according to my free will. Whatever she said was not heeded to. Thus, the time has come to question this outdated law. Under the guise and law of trafficking, the sex workers' rights are taken away from them.

Post the discussion, the analysis of the research study began again. It was found that almost 77% of the women have returned to sex work even after going through the entire rigmarole of raids, reformation/rehabilitation centres and then being let out. Around 7 of the women have left sex work altogether.

Also, while the discussion revolved around the topic of trafficking, people agreed to the fact that the law incorporated to fight trafficking is actually replete with loopholes, making it easier to use it against the sex workers. Infact, the law has been executed on these women in the most inhumane way. The so-called rehabilitation centres do not give them anything. Infact, the women are imprisoned and boxed into a jail made up of traditions and cultures wherein, the only role of a woman is perceived to be cooking and singing bhajans and kirtans all day long.

We learnt two things through this study:

1. Post raids, rescue missions, reformation/rehabilitation processes, the women still returned to sex work.
2. Also, the idea of leading a new and a different life has still not helped in reducing human trafficking in any way. But wherever, the women have been able to come together and organize themselves, they have been able to raise their voices against human trafficking.

One of the woman present (Kashibai) also stated that, the reformation/rehabilitation centres are so badly maintained and stink so much that it is next to impossible to even stand there for a minute. Another woman (Hemlata) said that, in one of the reformation/rehabilitation home in Nagpur, they had not filled the electricity bill for a year and hence, the women kept there had to stay in darkness throughout and they even had to go outside to fill water.

Post the discussion, Meena Seshu posed the following questions:

1. Can we conduct similar studies in other districts as well which will help us in planning strong interventions against trafficking?
2. Will it be possible to collect the required evidences proofs?
3. Can we follow the law and still pose our questions before them?

One of the woman participant (Tejasvi) said that, this research study helped them understand and learn regarding the situations of other women and also helped them find a direction to move ahead. She also said that women need to believe and stand by each other. She mentioned that they learnt regarding the importance of collecting proofs and evidences, the importance of asking questions, the importance of filing complaints and raising their voices against the atrocities inflicted on them.

After women are caught in a raid, they have to pay money at each and every step amounting to almost 1.5 lakhs. They are subjected to even more atrocities post the so called 'rescue.' The amount of mental trauma they go through also affects their family life and many a times, the family collapses because of this.

Does the law really help women or is it against them? The women have to spend huge sums of money on their health, and this needs to be highlighted. Their work has to become more structured, more time and area specific.

Sex Work and Law

The session on Law was taken by Aarthi Pai of Sangram. She spoke about the ITPA Act. She said that for sex work to take place, three things are needed – the sex worker, the customer, the brothel owner or the agent. She also said that three laws govern the world. According to the first law, everyone is at fault. According to the second law, sex work is not seen as illegal but living on that income and the place where they work is seen as criminal. The third law states that sex work is not illegal at all.

Post the discussion on should sex work be made legal or not, many women felt that it should be made legal. Many women also felt that post the legalization of sex work, they could be saved form further raids. Many also felt that, legalization could put in more restrictions though such as mandating of license to work, and the renewal of these licenses from time to time. Such licenses were provided after a thorough check up by the doctors in other countries where sex work was legalized. Also, the women suffering from disease and HIV would not be given these licenses. After these points being brought forth, the women felt that legalizing sex work would not be in their favour.

In many parts of Australia and New Zealand, Sex Work is legalized. Women here want to work in a dignified manner without being made to feel like criminals.

The session also focused on the following acts and sections:

1. ITPA - THE IMMORAL TRAFFIC (PREVENTION) ACT, 1956
2. Article 370
3. Human Trafficking Bill, 2018

Thus, the two day state level seminar was concluded.