
UN Special Rapporteur on Violence Against Women calls on India to take measures to protect Human Rights of Sex Workers

India, April 2014

In a crucial step towards recognizing sex worker rights in India, the Special Rapporteur on Violence Against Women called on the Indian Government to review the problematic ITPA legislation which criminalizes women in sex work. The Special Rapporteur also calls on the State to take measures to protect the human rights of sex workers.

The "*Report of the Special Rapporteur on Violence Against Women, its causes and consequences, Mission to India¹*" was submitted by the Human Rights Council for consideration to the UN General Assembly on 1 April 2014 and was based on the India mission undertaken by the Special Rapporteur in April 2013. The Special Rapporteur on Violence Against Women, Ms. Rashida Manjoo had received written submissions and listened to depositions from women's organisations, networks, affected individuals, care givers across the length and breadth of India during her visit.

The report highlights the violence and rights violations faced by women in the private and public sphere through state and non state actors. The report underscores that the discrimination and violence impedes the enjoyment of rights in every aspect of life from civil and political, to economic, social and cultural rights.

The report highlights four areas where rights of sex workers are being constantly violated i.e. violence faced within sex work and as a consequence of being a sex worker with family, community and law enforcement; absence of redress and access to justice for violations; forced detention and rehabilitation of sex workers.

In perhaps the first time, the Report of the Special Rapporteur on Violence Against Women, has underscored the need to address the **violence faced within sex work from state and non - state actors and the lack of avenues for legal redress**. It notes that sex workers in India are "*exposed to a range of abuse including physical attacks, and harassment by clients, family members, the community and State authorities*". It further states that "*sex workers are forcibly detained and rehabilitated and consistently lack legal protection*"; and that they "*face challenges in gaining access to essential health services, including for treatment for HIV/AIDS and sexually transmitted diseases*".²

Calling for the separation of efforts to combat trafficking from sex work the report reiterates that **conflating sex work with trafficking** has led to assistance that is not targeted for their specific needs. It has also led to coercive rehabilitation measures by the State.

¹ Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo, Human Rights Council, twenty-sixth session, A/HRC/26/38/Add.1

² Para 20, page 6

"In her discussions with interlocutors, 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."³

The Report states that violence against women in custodial settings is a matter of concern and notes that sex workers are also sent to rehabilitation centres⁴.

Against the background of these observations the Report calls for a review of the trafficking legislation.

The Special Rapporteur recommends that the Government 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 worker⁵s.

The observations in the report emerge from a sustained effort by VAMP (Veshya Anyay Mukti Parishad), the collective of sex workers in Sangli and the National Network of Sex Workers, India to draw attention to the violence faced by sex workers in India. The Network members submitted detailed case studies of violence and rights violations occurring in all spheres prior to the Special Rapporteur's visit. During the India visit, VAMP members and SANGRAM deposed in Delhi and Mumbai and gave recommendations including review of laws and policies that criminalized sex work, shutting down detention centres for sex workers, separating adult and child trafficking amongst others.

Addendum

In other references to marginalized women, the report notes that women are often "unregistered citizens" and "lack identification cards", a status that results in the normalization of violence against them.⁶

The reports highlights the failure of the justice system to provide judicial safeguards for women who complain of, or witness violence. Women are denied the right to a fair trial owing to a failure to receive legal assistance to pursue their cases.⁷ They also experience numerous obstacles in gaining access to mechanisms of redress including legal aid⁸.

³ Ibid.

⁴ Para 21, page 7

⁵ Para 79, page 21

⁶ Para 70, page 17

⁷ Para 65, page 16

⁸ Para 71, page 17