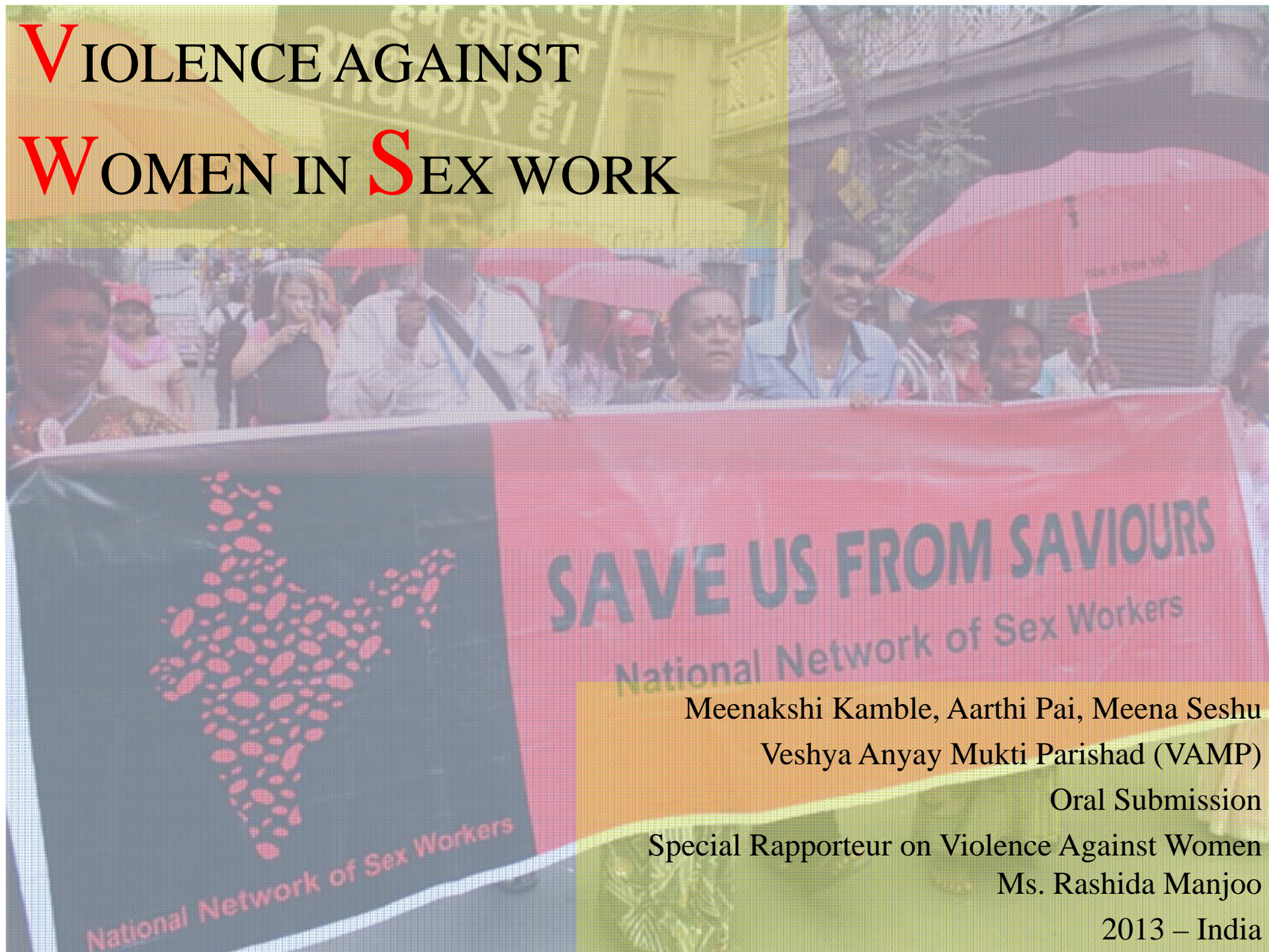


# VIOLENCE AGAINST WOMEN IN SEX WORK



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Oral Submission

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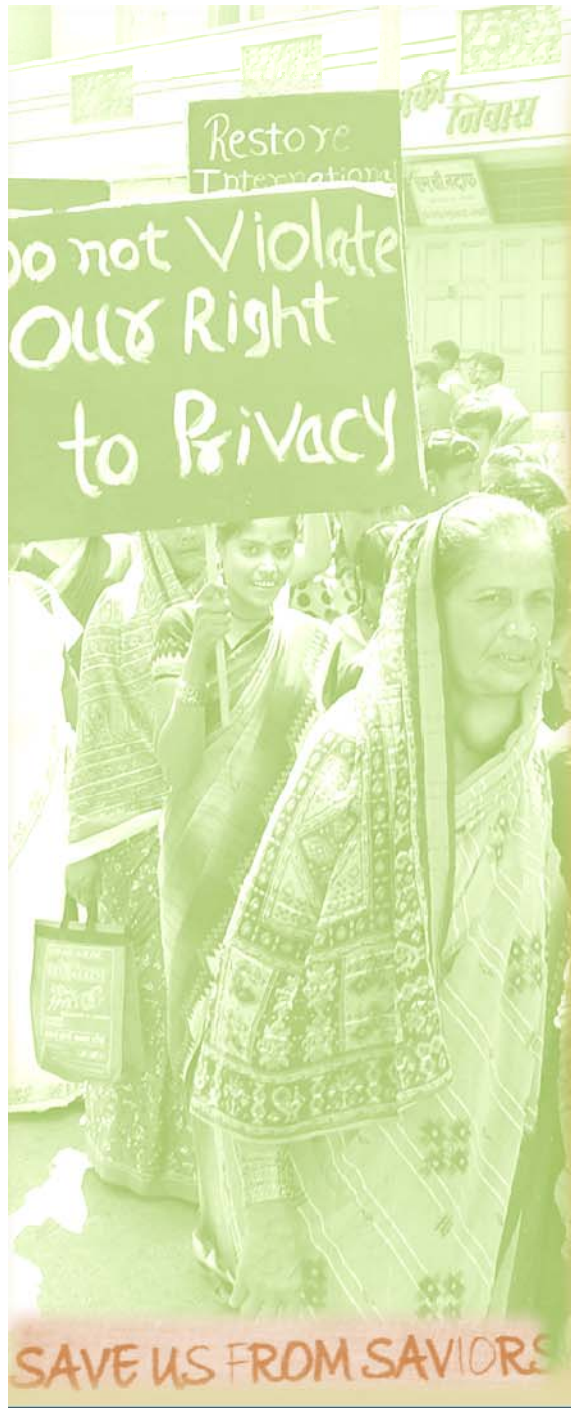


## Violence faced by women, persons who identify as women and transgender women in sex work

- There is violence *within* the sex industry.
  - Exchange of sexual services for money *does not in and of itself* constitute violence.
  - Adult **consensual sex work does not constitute violence**. Sex workers experience disproportionate levels of violence
  - Violence and exploitation is overlooked, ignored resulting in discrimination by state and non-state actors.
- **Anti-trafficking laws are interpreted broadly that they conflate voluntary sex work with the exploitative, coerced trafficking of people** for the purposes of sex.
  - Results in abuse and forced rescue to rescue homes/ corrective homes and destruction of homes by state



## Legal framework impacting People in Sex work



- Activities related to sex work are influenced by laws such as the Immoral Traffic Prevention Act and Public Order that are used to harass people in sex work
- These acts include Soliciting in Public, living off the earnings of prostitution.
- Tremendous powers
  - Given to law enforcement to conduct forced raids and rescue and eviction of sex workers
  - Judiciary to close brothels and evict sex workers
  - Detain and “rehabilitate” sex workers in corrective institutions

# Consequences



- Risk of human rights violations for sex workers deepened by criminal prohibitions of sex work. Systematic violence documented in many settings.
- Criminal prohibitions facilitate social stigma and marginalisation, difficult to enjoy the protection of the law when they face violence.
- Legal provisions enables environment or harassment and extortion by the police.
- Link between low levels of condom usage amongst sex workers who are arrested and prosecuted.
- Criminalizing sex work undermines efforts to prevent new infections, and hinders the provision of treatment and care to those infected.

*“Commission on AIDS in Asia and the Pacific, 2008”*



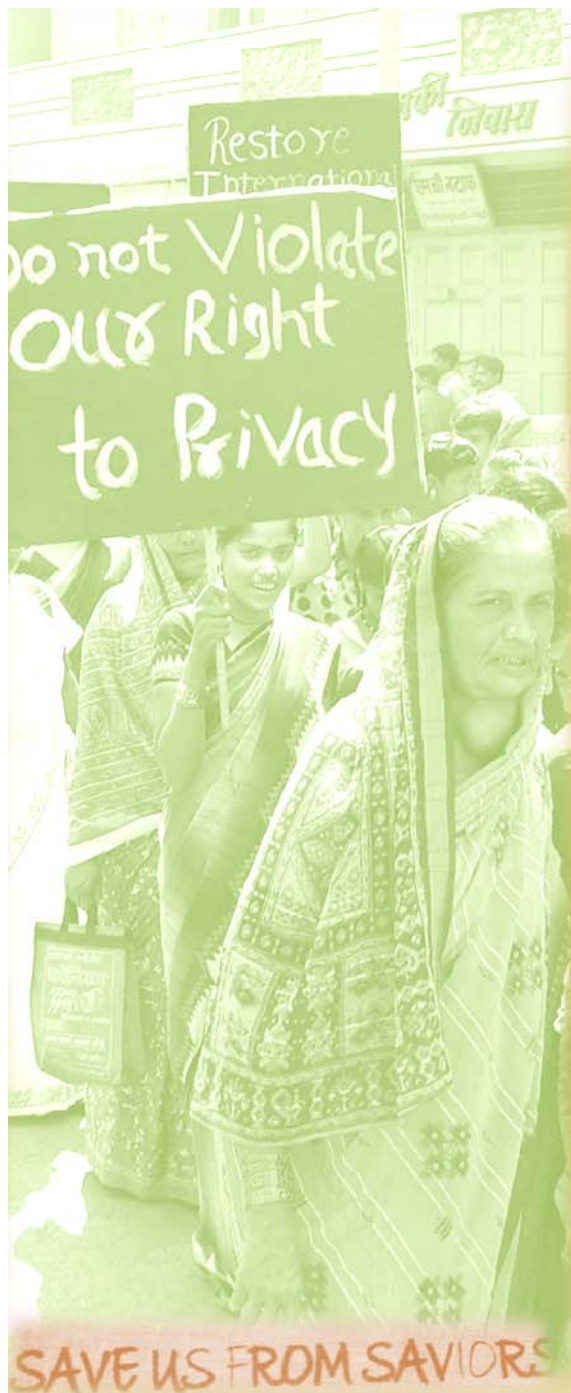
## Recent developments

Justice Verma Commission (Appointed by the Government of India) on the framing the Trafficking law

“The thrust of **intention** behind recommending the amendment to Section 370 was to protect women and children from being trafficked.

The intention not intended to bring within the ambit of the amended Section 370 sex workers who practice of their own volition.

Recast Section 370 ought not to be interpreted to permit law-enforcement agencies to harass sex workers who undertake activities of their own free will, and their clients”



## Recent developments

Supreme Court on measures to address trafficking and sex work

- Prevention of Trafficking
- Rehabilitation of sex workers who wish to leave sex work
- Conditions conducive for sex workers who wish to continue working as sex workers, with dignity

Rehabilitation of sex workers should not be coercive in any manner and it shall be voluntary on the part of the sex worker



# Recommendations

- Trafficking should not be conflated with sex work.
- Trafficking of Adult Persons and of Children should be dealt with under separate laws
- Repeal laws that prohibit consenting adults to buy or sell sex, that prohibit commercial sex
- Shut down compulsory detention or rehabilitation centres for people involved in sex work or for children who have been sexually exploited.
- Ensure that existing civil and administrative offences such as "loitering without purpose", "public nuisance" and "public order" are not used to penalise sex workers.

