



COMMUNITY LED ANTI TRAFFICKING STRATEGIES

Sex Workers Organising for Change: Self Representation, community mobilisation and working conditions

The VAMP Experience

An Executive Summary

This paper constitutes the India chapter of the seven country study brought out by the Thailand based GAATW titled “Sex Workers Organising for Change: Self representation, community mobilisation and working conditions” that was an attempt to analyse how self organised collectives and unions of sex workers have sought to understand and respond to issues related to trafficking in their own specific socio-political and cultural context

This micro case study of VAMP, an independent sex worker collective located in the state of Maharashtra, was contextualised in the the complex history and realities of prostitution/sex work and trafficking in India, the legal and moral regime that attempts to conflate the two, the impact of doing so on sex workers and the ways they have evolved to understand, define, and respond to issues of abuse and exploitation within the industry and also the stigma and criminalisation from society, police and anti-trafficking organisations.

The research also took a closer look at VAMP’s multipronged approach to addressing the rights of sex workers includes, among others, the Thanta Mukti Samithis or Conflict Redress Committees which deal with issues of conflict and abuse within the community, as well as issues of trafficking; Mitra that seeks to empower and educate the children and sex workers; and their continuing networking and dialogues with different social movements.

About VAMP and SANGRAM

Initially called the Veshya AIDS Muqabla Parishad, in 1998 the name was changed to Veshya Anyay Mukti Parishad. As they claim in an analysis of their own beginnings ‘this transition from “AIDS Muqabla” (struggle against AIDS) to “Anyay Mukti” (freedom from injustice) is an important marker for a collective journey that began as a struggle against AIDS but has now broadened to a movement that seeks liberation from oppression and injustice.

VAMP is one of the collectives initiated by SANGRAM which started its work in 1992 with women in sex work in the context of the merciless rise of the HIV/AIDS pandemic in the early nineties, and the identification of this group of women as a particularly ‘high risk’ population that needed targeted intervention. Based in Sangli district, which has the highest incidence of HIV/AIDS in Maharashtra after Mumbai, SANGRAM has since then spread its work among diverse populations across the districts of South Maharashtra and Karnataka including rural and Muslim women, as well as sexual minorities.



Methodology

The primary methodology, based on the principles of Feminist Participatory Action Research, used to gather the different dimensions of the work and thinking of VAMP vis a vis trafficking, migration and sex work, included focus group discussions within communities, individual interviews and field visits.

Accordingly, the following was planned and executed with the community as part of the research:

- a. Documenting through interviews, video recordings, and publications, three case stories on trafficking and how the group dealt with the issues that arose from them:
 - a woman trafficked from Nepal and returned to her family by VAMP
 - a woman trafficked from Bangladesh
 - a minor trafficked from Rajasthan.
- b. Documenting the return of a grant to USAID since VAMP refused to sign the Anti-Prostitution Loyalty Oath (APLO), commonly known as the 'prostitution pledge', and the backlash from this act resulting in 'raid and rescue' operations in 2005.
- c. Two focus group discussions with the Gokulnagar and Miraj communities on the raids and the Thantha Mukti Samithis (TMS) respectively.
- d. Meetings with organisations and individuals they have reached out to while seeking support to address issues they identify as trafficking or violence within /against their community. These included the Deputy Superintendent of Police, representatives of the District Legal Services Authority, and a senior Advocate who has helped them deal with false cases of trafficking that are foisted on their members.
- e. Visit to Mahalingapura, a neighbouring district on the Karnataka-Maharashtra border which is part of the 'Devadasi belt'.
- f. Individual interviews with sex workers in the different communities, with representatives of Mitra, and Meena Seshu and Aarthi Pai as the representative of SANGRAM.

The Socio-political Context

The first part of the Study tries to understand sex work in the specific historical, cultural and socio political context of India, a land of multiple cultures, diverse realities, histories and economies. A diversity that has also informed the institution of sex work/*veshya vyavasay*, or *dhanda*,¹ as it is colloquially known, that itself

¹ In Sanskrit and Hindi, *Veshya* means prostitute and *vyavasay* and *dhanda* mean business. All the three terms, i.e. sex worker, *veshya vyavasay* and *dhanda* are used in this research as appropriate to give both the global and local context while acknowledging the diverse strategies of women in the *dhanda* who choose to define themselves and the work they do in different ways and in different languages. It is also to acknowledge



has multiple histories and many forms linked with gender, religion, caste, class and even the arts. It sought to give an overview of how this plural if complex reality has been systematically homogenised and increasingly devalued, stigmatised and criminalised by the logics of colonisation, urbanisation, and globalisation on the one hand, and the dominant legal, cultural, and moral regime on the other. It traces how the colonial understanding of prostitution as a “necessary evil” but one that needed to be regulated and the perception of the women as “undesirable” women who yet needed to be reformed since otherwise they would otherwise be a threat to moral health and hygiene, laid the basis for the ambiguous Suppression of Immoral Trafficking Act and the contemporary legal jurisprudence on sex work and trafficking. For despite not being criminalised in law, sex work is becoming inseparable in legal and public perception from the criminal offense of trafficking that is defined by some as the ‘the activity of buying and selling goods or people illegally’. By criminalising the women’s “choice” to this livelihood and forcing them into conditions of unsafe mobility the law infact is making them her more vulnerable to violence both by the state and by traffickers and goondas within their “profession”.

The study also tries to contextualise trafficking in the processes of globalisation which has had both a negative and positive impact on the lives and livelihoods of marginalised communities. For instance, in the rural areas in particular, the forms of violence against women globalisation has unleashed are linked to disintegrating livelihoods in agricultural communities, enforced insecure migration to cities and exploitative working conditions in the unorganised sector. On the other hand it has also opened up opportunities, increased mobility, economic independence, and technology-engendered autonomy that were not hitherto available, particularly for women from the more marginalised castes, dalit, and minority communities. It is at this cusp of change and challenges that the study suggests that we need to locate the complex factors that lead to the conflation of trafficking with migration, and sex work with trafficking. For it is these same intertwining factors of vulnerability and ‘choice’ that lead to both trafficking of women into different forms of labour, including sex work or domestic work, and to creating conditions of an enabling anonymity and safe mobility within which women can “choose” sex work as a way to survive and sustain their families.

Legal Frameworks for Trafficking and Sex work

Sex work and trafficking are conflated in law, policy, practice, and public perception. The study attempts to give an overview of the primary legislation at present in place to address both sex work and trafficking i.e The Immoral Traffic (Prevention) Act of 1986 (ITPA) along with the other national and international Conventions and national laws that impact on the ways trafficking is being defined and addressed. These include the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000) and the South Asian Association for Regional Cooperation (SAARC) Convention on

organisations and collectives who have retained the word prostitution to reclaim it and divest it of its inherent stigma. As VAMP did in its earlier years when it chose to put ‘Veshya’ in its name Veshya Anyaya Mukti Parishad.



Preventing and Combating Trafficking in Women and Children for Prostitution (2002). There has been pressure on India to amend its trafficking laws and policies thanks to the US annual *Trafficking in Persons* Report (TIP Report).

Since India does not have a law that directly criminalises sex work, the threat of sanctions from the US pressurised the Indian government to draft the Immoral Traffic (Prevention) Act (ITPA) Amendment Bill, 2006, that completely ignored trafficking into other sectors and criminalised sex workers' clients, omitting employers or companies that use trafficked labour. While this Bill ultimately lapsed in Parliament due to the pressure of sex worker organisations and the Health Ministry, in May 2016, the Ministry of Women and Child Development released a draft of the Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill that was pushed as the country's first ever anti-trafficking law whose main purpose was to unify existing legislation, increase the definition to cover other sectors, and make rehabilitation a right for those who are rescued. Although presented as a unique opportunity to address police violence, significant sexual health risks, sexual assault, financial insecurity and other issues sex workers face, the proposed Bill was opposed by sex worker collectives and unions since it did not adequately define trafficking nor did it involve sex workers in the process of drafting the Bill.

Major Findings

Based on a detailed understanding of the work of SANGRAM and VAMP gained through the FGD's, interviews and field visits the following were the major findings in terms of how the collective saw the benefits of organising themselves, the major challenges that confronted them, the ways that they have understood and responded to trafficking and a summary of their recommendations to the government on issues related to sex work and trafficking.

From the interviews and discussion with representatives of VAMP and SANGRAM it is clear that they have been responding to all the elements of what is legally defined as 'trafficking' almost from the beginning of their work. Specifically, this would include the entry of minors into sex work, women being brought by deception and against their will, and their exploitation and ill-treatment by *gharwaalis*, pimps and clients. While initially SANGRAM made clear that they considered these acts illegal, it was only after VAMP was formed that the community too began to internalise and respond to them as acts of violence, which however were and continue to be viewed as acts of exploitation and *anyaya* [injustice] that are defined by the women's own sense of collective morality and ethics and therefore need to be addressed from within, and not so much through the legal lens of 'trafficking'.

While reiterating that sex work is a matter of personal choice and right to livelihood, they believe that trafficking is a crime that they are ready and willing to counter and fight from within the community. This they are doing at several levels.



1. Dealing strategically and not emotionally with the law

Following the emotionally debilitating impact of the raid and rescue operations that were launched against them in 2005, with the help of lawyers, VAMP put into place a systematic process of understanding ITPA within their own context and in the context of the law. Based on this knowledge they became even more vigilant within the communities on issues like minors in sex work and exploitation by *dalaals* and *gharwalis* especially in the context of an increase in migration from other states and countries. Monitoring the ages of new entrants into the local sex worker community became routine and in cases of suspected minors, in Sangli, the controversial bone density tests are done at the public hospital to verify age.

2. Strengthening community organisations to counter violence/redefine rehabilitation

Thanta Mukti Samithis:

As the VAMP collective developed, the organisation's attempts to deal with injustices were often frustrated by mainstream redress mechanisms, such as the courts and the police, which were moralistic and anti-sex work. The Thanta Mukti Samithis (Conflict Redress Committees) were therefore initiated to explore organic community solutions for all the internal and external issues that confronted the collective. Formed at the level of every community that VAMP works in, the members are chosen for a specific term during which time they organise regular meetings, intervene and resolve local disputes, file police complaints, hand over violent clients/bullies to the police, and keep track of money lenders to ensure equitable rates of interest. They also keep track of new entrants to ascertain that they are adults and in sex work of their own volition. They sit together and formulate strategies on how to deal with the internal violence even while they ensure that they are not violating laws that might criminalise them. As for instance women in brothels are being encouraged to live alone and ply their trade independently so as to not be under the regime of a *gharwali*.

They therefore are playing a critical role in not only increasing the confidence of the community to deal with the stigma and discrimination of the outside world but also deepen its own capacity to deal with forms of injustice in the way that they would choose to define it.

Mitra and working with children of sex workers

Since its inception VAMP has been working with sex workers' children, since members recognise the impact that stigma and discrimination have on them, leading to low motivation and self-esteem, poor academic performance and ultimately diminished opportunities and choices of livelihoods. Mitra implements an after-school programme, which uses older children of sex workers as leaders, and provides extra tuition classes as an entry point to teach children core life skills. These are safe spaces in which the children are not only given emotional support and academic guidance, but also encouraged to examine their identities and explore ways to claim self-worth and respect.



The members of Mitra feel happy that the younger children have access to alternative livelihoods other than sex work. Based on their commitment to self rehabilitation they believe that when a woman wants to give up sex work after her children begin to earn their own livelihood that should infact constitute real rehabilitation.

Expanding Choices for Coming Generations

Organising the women within the context of the community in which VAMP is rooted, coming as it does from long-term intergenerational involvement, has allowed for a more sustainable vision of change and transformation to take root that is relevant to their realities. One sees a clear concern among VAMP members for the children of the community, without being apologetic about choices they themselves have made or judgmental about the choices that their daughters might make. This nuanced position has guided SANGRAM and VAMP's decision to work with the children of sex workers, and to implement programmes that enhance their self-esteem, self-confidence and knowledge levels. These programmes have had a positive impact in terms of broadening the children's livelihood options, but without the judgment and shame that often accompanies morality-driven 'exit' programmes.

The *devadasi* practice of dedicating girls to the Goddess at a young age for instance has also been considerably reduced as a result of the influence of the collectives. Many devadasis are ensuring that their children are not dedicated to the Goddess, and are instead receiving an education that provides opportunities for alternative employment. This however has not been an easy journey.

3. Forging a Fragile Consensus with Authorities

There was a general consensus from the participants that by and large police violence, including that associated with mass raids, had decreased since the 1990s. This can be attributed to the tremendous amount of work done in the initial years to address police attitudes and violent misuse of the law. SANGRAM and VAMP conducted advocacy and lobbying, sensitisation programmes and legal education at all levels from the local, through the district and state to the national and international. As a result, the police today are more aware of the nuances of the law and appreciative of the work that the collectives are doing in terms of addressing internal violence. VAMP and the police have developed a fairly stable, if uneasy, working relationship with each other.



4. Advocacy highlighting the difference between sex work and trafficking, and between trafficking and unsafe migration

VAMP and SANGRAM consistently engage in advocacy at the local, national and global level, through their membership of broader networks such as National Network of Sex Workers (NNSW), the Asia-Pacific Network of Sex Workers (APNSW), and the Global Network of Sex Work Projects (NSWP). Through these platforms, they emphasise the distinctions between sex work and trafficking, and between human trafficking and situations in which women enter the sex industry through voluntary, but irregular migration. Based on the fundamental principle of 'Nothing about us, without us', they also advocate for and facilitate bringing the experiences and perspectives of sex workers into the debate on trafficking.

At present both VAMP and SANGRAM through their national network are also engaged in an intense and widespread consultative process and advocacy to highlight the shortcomings of the Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill, 2016.

Recommendations

VAMP, along with several other organisations comprising the National Network of Sex Workers² have put forth the following recommendations regarding trafficking, many of which have been drawn from their submissions to the UN Special Rapporteur on Violence against Women during her visit to India in April 2013.

To the Indian Government:

1. Decriminalise sex work so that sex workers can legitimately assist in the efforts to fight trafficking and all forms of exploitation.
2. Trafficking is a criminal offense and should not be conflated with sex work. Trafficking of adults 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.
3. Repeal laws that prohibit consenting adults to buy or sell sex, as well as laws that otherwise prohibit commercial sex, such as laws against 'immoral' earnings, 'living off the earnings' of prostitution and brothel-keeping. Take complementary legal measures to ensure safe working conditions for sex workers.
4. Shut down all compulsory detention or rehabilitation centres for people involved in sex work or for children who have been sexually exploited. Instead, provide sex workers with evidence-based, voluntary, community empowerment services. Provide sexually exploited children with protection in safe and empowering family settings, selected based on the best interests of the child.

² See NNSW, <http://www.nnswindia.org/>.



5. The policy of raid, rescue, repatriation and rehabilitation as a primary and only response to trafficking for sexual exploitation needs to be reviewed. Survivors of trafficking need to be supported through affirmative mechanisms such as extinguishing debt bondage, schemes that release their families from debt cycles, soft loans that enable them to escape the cycle of poverty and vulnerability that force them into all forms of forced labour.
6. Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and ILO conventions related to migrant workers, to ensure adequate human rights protection to women who have migrated across borders for work.

To judicial officers:

1. Anti-trafficking laws must be used to prohibit sexual exploitation and they must not be used against adults involved in consensual sex work.
2. Enforce laws against all forms of child sexual abuse and sexual exploitation, clearly differentiating such crimes from consensual adult sex work.
3. Ensure that existing civil and administrative offences such as 'loitering without purpose', 'public nuisance' and 'public morality' are not used to penalise sex workers.
4. Ensure that the intent of Section 370 IPC as developed by the Justice Verma Commission is adhered to in spirit. The commission stated that recast Section 370 IPC ought not be interpreted to harass adult sex workers who work of their own volition and their clients.
5. Section 370 A IPC should not be used against adult clients of sex workers.

To donors:

1. Support communities of sex workers to research and collect data on the impact of anti-trafficking policies on their lives; document case studies of sex worker collectives fighting exploitation and force within the sex trade.
2. Ensure long-term support to sex worker collectives and networks as a strategy to strengthen leadership to fight trafficking for sexual exploitation.
3. Ensure accountability of all grantees to human rights framework. Take all precautions to ensure that grants are not used to forcibly raid, rescue and incarcerate adult consenting sex workers in detention homes resulting in large scale human rights violations.

In Conclusion:

The study yielded several invaluable micro insights into the ways in which a vibrant process of collectivisation and self-organisation can enable a marginalised and stigmatised community to become central to the process of challenging the dominant moral and legal regime which by conflating sex work and trafficking has historically tried to trap them between the binary of the victim or the vamp; the trafficked or



the trafficker. Breaking this binary through reclaiming their dignity and the power to define their own realities, rights, and destinies has been as much a pedagogic as a programmatic imperative.

By defining violence, work, livelihood, and rehabilitation on their own terms and in their own context they've been able to not only question the roots of the violence and injustice they have been subjected to, but simultaneously redefine and broaden the moral and legal framework for sex work and also trafficking. It is clear that this process of self-organising at different levels has empowered the community to deal with the challenges they face from society with great clarity and confidence, despite the threats from resurgent moralities and regressive legal and policy level changes that threaten to undo all the successes they have been able to garner over the past decades.

Limitations

A primary limitation of this research is that it is restricted to those self-organised collectives of women in brothel-based sex work located in a very specific geographical location of Sangli/Miraj in the state of Maharashtra that has its own history and culture. Since the aim was not to obtain a representative sample of sex workers but to focus on those collectivised in this specific context, the findings cannot be generalised to understand the situation of all unorganised street-based sex workers or even brothel-based sex work in larger metropolises like Mumbai or Calcutta. However, lessons can surely be learnt from their struggles and strategies.