

VESHYA ANYAY MUKTI PARISHAD



THIRD VAMP INSTITUTE, 15-19 APRIL 2015, BANGALORE

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**Donor Support**  
Levi Strauss Foundation  
United Nations Development Program

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## **PREFACE**

This report captures the essence of the third Veshya Anyay Mukti Parishad (VAMP) Institute conducted by the Centre for Advocacy on Stigma and Marginalisation (CASAM) of the Sampada Grameen Mahila Sanstha (SANGRAM), Sangli Maharashtra. The five-day Institute, titled "Strengthening Community Leadership" was held in Bangalore from 15th to 19th April 2015. SANGRAM and VAMP developed the module in discussion with the faculty members and provided the travel, stay and logistics related with the Institute. The Institute was made possible with the support of the Levi Strauss Foundation, United Nations Development Programme (UNDP) and the American Jewish World Service (AJWS).

This report was written by Pushpa Achanta, who attended the five-day Institute and interacted with participants and trainers. Consent was obtained from the participants to include their inputs in the report.

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**Figure 1** Participants of VAMP Institute, 2015

## **INTRODUCTION**

### ***Background***

The VAMP Institute consisted of around 25 female, male and transgender (male to female and female to male) participants from non-governmental organizations across India. Their ages ranged from 22 to 60 years, and literacy levels varied from semi-literacy to graduates. The participants included children of sex workers; women who run brothels and social workers whose primary role was interpretation in the language spoken by the sex workers.

The participants hailed mainly from the rural areas of six states: Kerala (Kollam); Maharashtra (Solapur, Miraj and Sangli); Gujarat (Vadodara and Rajkot); Madhya Pradesh (Indore and Dewas); Jharkhand (Ranchi) and West Bengal (Kolkata). Unlike the previous Institutes, the third Institute focused on community participants who had no prior training on rights or movement building. Two participants were implementing HIV prevention programs in their organizations according to the mandate of the State AIDS Control Society.

The participants were informed that it was an Institute where participants could mingle with and share thoughts, experiences and ideas with each other. The arrangement of tables could be redone if the participants wished. All the sessions had a mix of presentation, discussions, questions and answers, group work, film viewing and role play. The session presenters/speakers

were requested to provide material and a brief idea of the session flow in advance, to enable translation.



The sex worker rights' movement globally and in India, has held that sex workers should be at the centre of efforts to strengthen their rights. This is premised on the assertion "Nothing About Us Without Us." It is also believed that for sex worker rights groups, activists and leaders to become a part of the rights movement, it is essential to understand the national and global scenario on rights. Furthermore, sex worker activists and leaders also need to engage with other movements in India and globally to

create spaces for themselves.

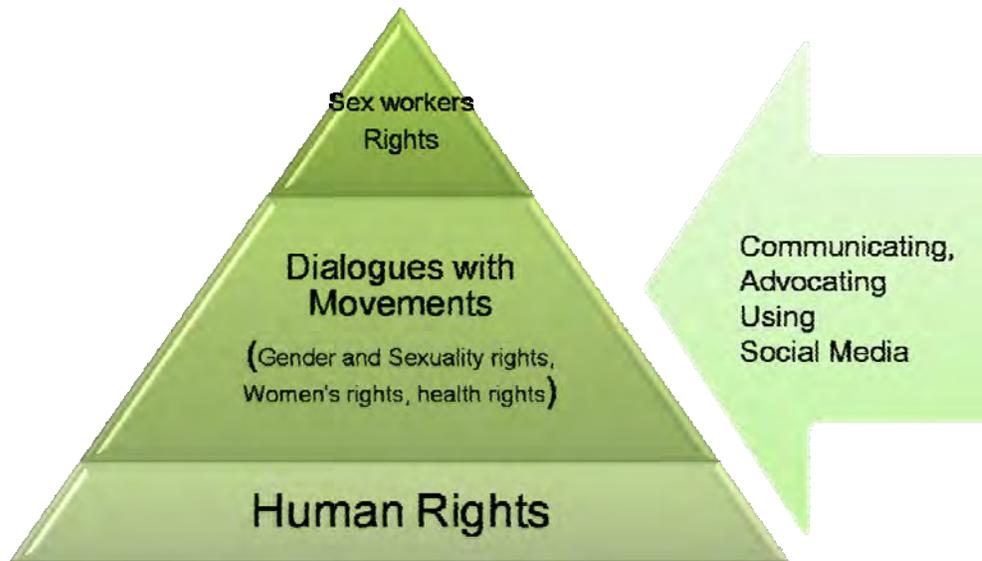
The VAMP Institutes are aimed at sharpening perspectives and strengthening skills of sex workers to engage with and work in partnership with movements for rights in India. Two Institutes have been held since its inception in December 2013 and around 40 sex worker rights leaders and activists have benefited from them. The third VAMP Institute 2015 trained sex workers from various groups across India and sought to sharpen perspectives on varying themes such as gender and sexuality, traditional and social media, human rights, health rights, women's rights and linkages with sex workers' rights in India.



SANGRAM and VAMP are trying to break the traditional notion that sex workers cannot be taught/ cannot learn/cannot teach and also challenge the perception that they do not know anything beyond the HIV and health paradigm. Furthermore, the construction that an Institute can be successful only if the participants and trainers are well read and erudite needs a relook. The constant effort was to make learning contextual and relevant

and applicable to the learner.

### **Course Content**



**Figure 2 Design of the Vamp Institute**

The Third Institute had the following focus areas:

1. Understanding movements for rights
  - a) Emerging movements on gender and sexuality and their impact on the rights of women as well as individuals of marginalised sexualities
  - b) Women's movement and its evolving understanding of women's rights
  - c) Women's health movement through the lens of women's sexual and reproductive rights.

These dialogues on movements were conducted by activists and experts in the field including Prabha Nagaraja, Henri Tiphagne, Laxmi Murthy, Sandhya Rao and Asma in day long sessions. They used presentations, films, anecdotal sharing, games and other activities to encourage participation and responses from the participants.

2. Conceptual understanding of human rights and how they relate to struggles of marginalised communities.
3. The law and rights of people in sex work
4. Communication and advocacy using social media

The content of the Institute was a mix of theory and practical skill building. Learning from the experiences of the first Institute, each group was invited along with a translator of their choice. The trainers emphasized that interpreters were to translate all the proceedings and facilitate two way discussions.

All the documents were translated into Hindi and Marathi so that the interpreters had access to the material to facilitate further translation into the local languages. The core facilitation of the Institute was done by Meena Saraswathi Seshu, whose primary role was to link the segments of the module and to ensure that the sessions remained relevant for the participants.

### ***Principles of the Institute***

Aarthi Pai, one of the facilitators of the Third VAMP Institute whose work in CASAM is centred round the laws and policies affecting women and the sex worker community, listed the following principles as the basis for organizing the five-day programme. (In this section of the document, the words “we, “us” and “our” refer to sex workers).

The general understanding is that people in sex work should be protected from HIV/AIDS so that clients and the general population are also protected. The question is whether sex workers rights should be limited solely to protection from HIV/AIDS or the broader framework of rights. The Institute tries to understand the various facets of these associated rights.



Figure 3 Principles of the VAMP Institute

**1. "AGENCY TO LEAD"**

Sex workers' experiences and voices are crucial in any discussion on rights and must not be limited to the area of HIV/AIDS and health. What sex workers think about their lives, how others in society perceive sex workers' lives and rights, is an important aspect of framing the rights of people in sex work. Sex workers have a right to participate, share their experiences and lead in all discussions about their rights.

**2. "NOTHING ABOUT US WITHOUT US"**

Globally, marginalized communities such as transgender people, drug users, gay communities and sex workers have strongly asserted that issues relating to them should not be discussed without their active participation. This translates into sharpening the skills of community leaders to articulate concerns and engage in a meaningful dialogue with other stakeholders.

"Our rights are never discussed except in the context of prevention and treatment of HIV/AIDS. We need to change that."

**3. "BUILD BRIDGES AND NETWORKS TO COMMUNICATE WITH EACH OTHER"**

Years of struggle have led to an understanding of various understandings of rights which need to be discussed with others in the community. VAMP is therefore networking with its counterparts in other states by sharing learnings with groups from Kerala, Maharashtra, Gujarat, Madhya Pradesh, Jharkhand, Tamil Nadu, Andhra Pradesh, Telangana and West Bengal

**4. "PARTNERSHIPS ARE THE KEY"**

A social movement needs to be built on ideals, principles and partnerships. Historically, the sex worker rights movement has been fighting a solitary battle, and has as yet been

unable to forge sufficient and strong alliances with groups working for the rights of women, Dalits and sexual minorities. Very few women's rights groups include sex workers or discuss our rights. Hence there is a need to engage and discuss, learn from and make them aware about issues concerning the broader rights of people in sex work. This also means participating in the struggles of other marginalized communities.

### *Expectations*

At the beginning of the Institute, participants mentioned the following reasons for participating and what they hoped to gain from it:

- a. Know more about what the world thinks or says about us
- b. Learn the meaning and importance of human rights
- c. Gain exposure to principles of community leadership
- d. Develop awareness about atrocities perpetrated on women, children, dalits, adivasis, linguistic minorities, religious minorities and other marginalized communities
- e. Learn about women's rights
- f. Understand steps undertaken for the advancement of sex workers

## SESSION 1 SEXUAL IDENTITIES, GENDER AND SEXUALITY

**Resource Person: Prabha Nagaraja, executive director, Talking About Reproductive and Sexual Health Issues (TARSHI), Delhi**

### Overview

People have diverse identities, orientations and preferences with respect to their sex, gender and sexuality. However, the understanding of sex, sexuality, sexual and gender identities remains limited in theory, due to lack of exposure to the diversity that exists in the arena. The session provided a detailed introduction to the theoretical concepts of sexual identities, gender and sexuality through experiential learning. Simple techniques such as games, one-on-one exchanges, personal stories and a documentary film were used to communicate these complex constructs. The main aim of the session was to ground these concepts in the experiences of participants.



The daylong session was divided into three sections:

- I. Sex and Sexuality
- II. Understanding Gender
- III. Sexual Minorities

### I. SEX AND SEXUALITY

The first session focused on exploring the difference between sex and sexuality in the context of participants' lives.

Prabha Nagaraja posed the question "Do all of us know what sex is?" The participants responded affirmatively. All the participants were aware that the word 'sex' refers to the act of having sex. Most were aware of the word "sex" as a representative of a biological attribute of all living beings within a hetero-normative premise. Some were aware that the interpretation of the word "sex" as an aspect of biology was different for transgender persons and was based on their sexual identity and orientation. The purpose of the game was to shed inhibitions about sex and share experiences with other participants. The second objective was to



get participants to understand that sex was an intrinsic part of our lives from a very early age. Experiences and associations with sex were varied in different peoples' lives. Some had very good memories, for some others it had associations of struggles of identity.

#### The Game

- All participants except the interpreters were asked to call out the numbers 1 and 2 and form two concentric circles facing each other.
- Prabha asked the questions listed below which were to be discussed by persons facing each other.
- At a clap, they changed partners by moving once towards their right.

The questions were:

1. When did you first hear the word 'sex'?
2. What questions about sex did you want to ask while growing up?
3. Did you get information about sex while growing up? What was the source of the information and was it accurate?
4. What is the difference between sex and sexuality?
5. What is the difference between sex and gender?
6. How will you greet an old friend whom you have met after a gap of 10 years?
7. How will you announce to your partner in the game that you just won 10 crore rupees?

The first question about hearing the word sex evoked nervous energy among the participants. Since many of them were interacting with each other for the first time, they were not very forthcoming in their responses. Most shared that they were about ten to fifteen years old when they heard of the word sex. It was telling that a number of participants' initiation into sex was through negative/violent experiences.

However, the second question regarding curiosity about sex while growing up led to active participation and easy articulation of confusions and questions with the partner. "I didn't know what I had to do; was there anything beyond the act of sex..."

The question about sex and sexuality evoked much less discussion among the group. Some participants were of the view that sexuality is what was in the mind of the individual. Others held that sex was the act and sexuality was the feeling. Many of the participants were unable to discuss this difference. Some felt that there was a difference in the two concepts but they were not able to articulate it. Some of the transgender participants felt that sex and sexuality was learning about the confusion they had about themselves and the fact that they were interested in a person of the same sex.

The next question about the difference between sex and gender led to more confusion among the participants. They felt that they had not understood the difference and asked for the translated word for 'gender'. Some participants



attempted a definition that gender meant what one person thought of herself or himself - as a man, woman or transgender. The issue of sexuality and gender enhanced the confusion.

The reaction of the participants was interesting. A heterosexual man made minimum eye contact while discussing sex, sexuality and gender with a transgender person. However, the body language showed a keen involvement with the issues. A few participants felt shy discussing these subjects with persons they barely knew. As the exercise progressed the group became much more animated and open to sharing. As participants could rotate partners, it engendered a kind of anonymity which facilitated sharing.

Translation could help or hinder, depending on the articulation by the speaker and understanding of the listener. As the participants were playing this game for the first time, at times the interpreters went beyond translation to facilitate communication and discussion.

### *Defining Sex*

Following the game, the participants shared their observations with the facilitator and this led to a debate on the construction of sex.

“I was married at 14 and learnt about sex when my husband approached me for sex. I did not know anything about it before that.” (Mahananda, Solapur)

“I got married when I was 10, but learnt what sex was only after I attained puberty.” “Since I was married my husband came to me but I did not know what it was.” (Meenakshi Kamble, Miraj)

“At 15, I heard the word sex for the first time. I learnt that sex could be possible between two men and that was when I first heard.” (Bhanu Mama, Kolkata)

“I was confined at home due to my effeminate nature. But when I went to school I learnt what sex was. I was very feminine and my friend proposed to me. Gradually, he became close to me. He forced himself on me, it was not very pleasurable the first time. But later it was better. I was 11 years old.” (Saumi Pal, Kolkata)



“When I was 13-years-old, I was married and my husband approached me for sex, I did not know what to do and refused. He reported my behaviour to my older sister and she advised me that I should have sex with him. Of course, I was aware of kissing and romancing.” (Renuka Kale, Miraj)

“When I was 12 years old, I got married but I used to vanish when it was time to have sex. But my friend said marriage is meant for having sex. Three months later, I learnt what it was.” (Shashi, Ranchi).

“When I was 12 I first heard about sex.” (Shari, Kerala)

“I was 14 years old when I got married. Two months before my wedding I had an affair and had sexual intercourse with a male. Until now we thought that sexual intercourse is between a woman and man but we have begun to understand that homosexuality exists. Anyone can choose their partners irrespective of their own or the partner’s gender or sexual orientation.” (Daxa, Vadodara)

“By discussing the method, frequency and consequences of sexual intercourse with my husband, we both understood its implications better and had fewer issues.” (Sharada, Dewas)

The facilitator asked the participants whether their first experience was painful for them - most of the participants responded that initially they found the act of having sex painful.

“I was the child of a sex worker and very early on since I was in Class 6, I used to see my mother with clients. I came to know what sex was. It was in my mind that only my mother used to do this. I thought this was something only people like her used to do. Normal people did not do this. Even after marriage, I was not comfortable having sex.” (Kashibai Jadhav)



“Had I known more about sex, I might have enjoyed it much more in my marriage. When I came into sex work, and doing it as work, I learnt more about it.” (Sharada Bai Malviya)

The participants wished that they had known more about sex earlier. Some sex workers said that there was a difference between having sex with a customer versus doing it with a lover and/or partner.

Prabha moved to the next stage and asked participants the *definition of gender*.

According to Meenakshi Kamble, she used to think that it was only a relation between a man and woman. Now we have learnt that it was sex between man and man and also woman and woman. She translated her understanding of gender from this lens.

### *Sexuality - our own understanding*

In the second part of her session, Prabha sought a discussion on the word ‘sexuality’. Varied responses came from the participants. Some felt that it was an understanding of oneself, while some others stated that it was a method of communicating with others.

Sangeeta said that sexuality is the choice of an individual, what he or she thinks of himself or herself and his or her own identity. According to her that was sexuality. For Sharada, it was how an individual spoke or communicated with his/her partner.

Prabha reframed the question by asking the participants to state what came to their mind when they heard about sexuality (*yaunikta/ laingikta*). Some responses from the participants:

Prabha: attraction for another individual.

Sangeeta Gaikwad: my choice for an individual and whether I like him or her - that is sexuality (Pasand).

Kashibai: my expression (*hau bhau*)



The issue of sexual orientation i.e. towards whom we are attracted also came up, and was parked for later session. Another interesting point was the difference in sex with a partner and sex with a customer. One participant attempted an explanation by saying that with a

customer, one was giving a service and not going beyond that. With the partner there is a discussion and sharing of one's feelings. Another participant felt that with the customer, rates are fixed according to what was demanded by the customer and we refuse some acts. Different customers had different types of demands of sex, and this led to a discussion around diversity of sexual pleasure and experience:

Meenakshi: it is possible to have sex even with the eyes; for me that is sexuality.

Bhanu mama: sex on the phone is sexuality

Shashi: seeing a picture and being excited is sexuality



Meenakshi and Renuka: if a stranger on a bus touches me, I experience pleasure sometimes and that is sexuality.

Sasi: sexuality is any kind of attraction, choice, self-expression and sexual orientation.

Meenakshi: sexuality stands for the various sexual acts

Radha: phone or cybersex between a 50-year-old and 16-year-old could also be sexuality

Prabha: sexuality is a broad concept; sex and attraction are parts of it

When asked what understanding of sexuality they would take back from the session. many participants said that sexuality symbolizes enjoyment.

### *Differentiating between sex and sexuality*

Prabha closed the discussion saying that there were many different aspects of sexuality – orientation, attraction, expression and various types of acts. Sexuality was a much broader construction than sex. For example attraction in itself didn't mean sex. Attraction could remain attraction and not go beyond. Sex is just one concept in the definition of sexuality. Prabha then asked the participants, if they were asked to explain to some outsiders what they had learnt, how would they share their learning?

Meenakshi said, "Sexuality is much broader and not just about the physical body. Sexuality has many more concepts such as communicating with the eyes, love etc. Sexuality is beyond the physical act."

### *Sex as activity and biological difference*

Prabha clarified that sex had two meanings. One was the act of performing sex or the physical act. The second was biological difference at birth.

*Sexuality is a central aspect of being human throughout life and encompasses sex, gender identities and roles, sexual orientation, eroticism, pleasure, intimacy and reproduction.*

*Sexuality is experienced and expressed in thoughts, fantasies, desires, beliefs, attitudes, values, behaviours, practices, roles and relationships.*

*While sexuality can include all of these dimensions, not all of them are always experienced or expressed.*

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WHO working definition,  
2002

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(In Marathi, *ling* is used for the biological difference and *sambhog* for the physical relationship.)

Prabha then explained that sexuality (*yaunikta*) could be understood as a broad umbrella under which many things could be included. Sex was a much narrower concept and just one aspect of the umbrella of sexuality. No two people have the same feelings and experiences. It is subjective and different for each individual. There can be no single definition of sexuality.

When we speak of rights – sexual rights and sexuality rights – it needs to be understood that the approach to sexuality varies and individuals express sexuality in diverse ways. Each individual has a right to express her or his sexuality.

Sexuality is so diverse and variable that it is difficult to arrive at a single definition. WHO has provided a working definition which encapsulates some of these expressions and experiences. (Handouts by TARSHI)



Figure 4 Umbrella of sexuality

### *Sexuality and constructions within sex work*

The discussion moved on to the application of sexuality rights within the context of sex work.

Speaking of the rights of people with differing expressions of sexuality, Meena Saraswathi Seshu of SANGRAM gave an example from the perspective of working with sex workers, "I have observed that women sex workers tend to believe that their sexual acts are pure or straight or perfect. Or that any other form of sex is bad. There is a perception that heterosexual vaginal sex is on a higher platform than homosexual or oral/ anal sex. This hierarchy also defeats the entire discussion on rights. It is an individual expression of sexuality and no one has the right to decide hierarchy. Some women also want the choice of performing different forms of sexual acts. It is the feeling of different people and discrimination based on that is equally problematic."

“A woman sent me a post on Facebook saying that I was a transgender prostitute who stands on the street and services customer. She called me a *raakshasa* (demon). I felt hurt by that as I have breasts and a vagina,” recalled Saumi.

Meena added, “Kothis and hijras are not allowed to come near the brothel areas since they are preferable to the male clients and are willing to provide the sexual services that women sex workers may not want to. Women are not able to get those clients and there is a feeling of competition.”

Lalita, a female sex worker from Kranti Mahila Sangh, a non-profit organization in Solapur that advocates for the rights of sex workers mentioned a popular phrase, “*Choot ka chaar anne, gaand ka baarah anne*” or “*Four annas for the vagina, twelve annas for the ass*”. (An *anna* is a now defunct monetary denomination in India equivalent to 1/16 of a rupee)

Prabha contextualized this with the idea of working in tandem with different movements emphasizing that it was important to understand what rights meant for people from other movements and then fight for equal rights.

Meena added, “The ideas of filth and immorality associated with sex must go. To do sex work is the right of an individual. Having sex in the manner and with the person(s) one prefers or to not have sex is a personal choice.”

“Men discuss bad things about sex or view pornography amongst themselves. They harass girls and women about their sexuality or sexual preferences and often deny them their human rights. We use code words to discuss sex or solicit customers but if a girl dislikes having or discussing sex, she must not be forced,” commented Kashibai Jadhav, founder of Kranti Mahila Sangh.

In response Meena said, “We need to be cautious when we use terms like ‘bad’. There is no aspect of sex that should be classified as good, bad or better than the other. These are personal choices. We have to move beyond this understanding. Some people like pornography, it is their



right as much as the next person who doesn't like it and wants to avoid. When we speak of rights, we need to be cautious of what we are seeking. If two people are speaking of pornography etc. they have that right, the problem is when they force that on me.”

Clarifying her stand, Kashibai specified that in the instances where it was used to harass young girls, this was a violation of the girl's

right. Meena emphasized that the consent of the individual was the most important aspect. If there was force or absence of consent or consent was withdrawn at any point, then the act was one of force. She referred to the example of another participant who had earlier stated that she was excited by the touch of a stranger, an idea that would seem like force to all of us. That participant had the right to experience pleasure from that action as much as all of us had the right to object.



Shari, a young transgender from Kollam narrated her experience, “I eloped with a neighbour but my mother found out and took me back home. I have studied till twelfth grade. Now my mother has accepted me and lets me contribute to the household income. She even told my brother's marital family before his recent wedding that my transgender friends and I would participate in all the rituals and ceremonies and that we must be welcomed and treated with dignity”.

The participants understood that narratives of rights applied to their own lives; every individual had the right to give or withdraw consent to a specific act or expression of sexuality. Admittedly, it was difficult to accept and accord the right to choice to individuals different from us.

### ***Stereotypes about sexuality***

The immediate association with the term “sexuality” is: slim, white, fair, tall etc. Advertisements constantly propagate the message that only a slim, fair complexioned, young girl is sexually attractive. In reality choices and preferences vary. Some are popular because of their manner of articulation, others because of their well built elderly looks.. The myth that ‘sexy’ means only someone who resembles a successful movie star with a size zero figure must be broken.. Trust between partners, clients and sex workers plays a vital role in a personal or professional relationship.

### ***Conclusion***

The facilitator stressed that sexuality was fluid and ever evolving and concluded with the WHO definition of sexuality..It was emphasized that sexuality includes values, principles, fantasies, beliefs, emotions and preferences.

### ***Factors influencing Sexuality***

*Sexuality is influenced by the interaction of biological, psychological, social, economic, political, cultural, ethical, legal, historical and religious and spiritual factors. (WHO 2002)*

Participants shared examples of factors influencing sexuality.

#### ***A. Societal factors***

“As soon as a girl is born, there are restrictions placed by society. Society states that a woman must get married and that too only to a man, should wear a sari and have a sexual relationship with only her husband. That constrains the life and preferences of a woman”. (Renuka, Solapur)

“I was keen on learning about sex and sexuality when I was young. However, I was not allowed to do that. Hence I stealthily started reading about sex in a book that was hidden behind a religious scripture in my house. One day I went to school after leaving the book outside by mistake. When someone noticed it in my absence, I was branded immoral and bad. People want to understand but society treats us as bad.” (Sangeeta, Sangli)

#### ***B. Economic factors impacting sexuality***

"My husband passed away seven years ago. I used to earn 1200 rupees a month as a nurse. A neighbour introduced me to sex work and I started earning better as a sex worker and could support my two children and mother-in-law. Apart from clients, I have four lovers, two of whom live in Miraj. Today I earn much more money. This is my sexuality." (Renuka, Miraj).

A man who has sex with men, whom she met during counselling said that his parents control his sexuality with their money. The parents knew about his sexuality, but used the dependence to control him. (Renuka, Solapur)

"My well qualified woman friend's sexuality is controlled by her physically abusive husband and forced her into sex. She endures it as she lacks the financial resources required to support herself." (Renuka, Solapur).

"My husband is unemployed. I do sex work to support both my children. I believe there is nothing wrong in doing sex work." (Sarita, Gujarat)

"My husband lives outside the home and gives me no money. I have three children who also live elsewhere. I do sex work in secret since people will accuse me if they come to know. A hundred kilometres from Ranchi, we have a piece of agricultural land in a village. I compensate the male farm labourers through sex as I have no money to pay them. Society doesn't allow women to touch the plough". (Shashi, Jharkhand)

"For transgender people there is very limited opportunity for work. We are able to get more income and independence when we are doing sex work." (Saumi, West Bengal)

### **C. *Legal factors that influence sexuality***

"When we are standing on the road, we face violence from the goondas who come as clients; clients refuse to pay money. When we go to the police station and complain of sexual assault, the police refuse to accept our complaints and in fact they tell us that we rape others." (Saumi, West Bengal)

"Our area is known for Maoist activity. When the women want to go and file a complaint against any man for harassing or committing acts of violence; the police refuse to file complaints. Even if they take the complaints, there is a lot of misbehaviour from all the constables. If there is a case which they take up against the miscreants, then the families of people suspected as Maoists are picked up or harassed." (Shashi Devi, Jharkhand)

"Section 377 of the Indian Penal Code is an interference by the state and law in our personal lives, sexual identity and preferences and sexuality. Four years after the judgment by the Delhi High Court that ordered a reading down of Section 377 provided some interim relief to sexual minorities. Even then it was tough to disclose our identity openly in Gujarat." (Rekha, Baroda)

#### *Clarification about Section 377 Indian Penal Code (IPC)*

IPC Section 377 which criminalizes homosexuality stating that it is against the order of nature was introduced in 1860 by the British. It continues here although the United Kingdom abolished a similar law in the 1970s. This is an example of how laws interfere with our sexuality. Certain acts are considered unnatural and therefore criminalized. Interestingly, the same acts between heterosexual couples are not brought within the purview of criminality. So this is also an example of how perceptions continue to govern our behaviour today and affect our lives.

#### D. ***Religious factors influencing sexuality***

In Dewas, there is a *kothi* whose gender identity is rejected by her family and her religion. She is forced to wear clothes of her choice only in private. (Deepa, Dewas)

The primary opposition to Section 377 came from religious groups. There is a deep discomfort across all religions in talking about sex, tolerance to sex and also tolerance to people who are outside the stereotypical notions of sex. (Aarthi, CASAM)

In Dewas, a young Kothi of around 18 years who was a peer counsellor was raped and beaten on the streets. When we heard of the incident, we decided to take the individual to the police station. The peer counsellor refused to go, because even if an FIR got registered, the family would get to know of his sexual identity. The office was the only space where the peer counsellor could freely express his identity. The counsellor, a Muslim, felt that his community would reject him. (Deepa, Dewas)

When a client comes to a sex worker, the caste, class, religion completely breaks down. The client is not interested in knowing whether the sex worker belongs to a specific religion or caste. (Radha, Dewas)

#### ***Sex work as work***

The issue of the construction of victims in sex work versus the right to do sex work led to an extremely lively discussion within the group.. This proved to be the most surcharged discussion of the day as it dealt with the attitudes in society towards people in sex work, and touched a personal chord with participants.

Deepa shared that in the context of payment to peers in the sex worker targeted intervention (TI) program, an official took the view that there is no need to compensate sex workers for their work in the program since they are already earning. Deepa was hurt by the attitude and felt that sex workers would remain downtrodden if social workers did not have an attitude of 'reducing sexual encounters' of sex workers and making them safe. Deepa stated that the aim of NGOs was to reduce the number of sexual encounters and give sex workers alternative options. This brought up the divide which exists in many organizations running targeted interventions for preventing HIV/AIDS and sex work. The divide relates to the perception that to keep sex workers safe we need to reduce their 'encounters' versus the sex workers who are demanding the right to do sex work safely.

The statement led to much debate and argument amongst the participants. Meena stated that the answer to this debate was at two levels. The first was the right to proper remuneration for every individual who was working in targeted interventions. The question is: should sex workers be denied remuneration as they were already earning? Meena held that the work of a peer educator was different from sex work and hence the sex workers needed to be remunerated for the services provided to the project.

Only if sex workers are working can the government run its TI projects. But wages for sex workers are much lower than those offered to government or NGO workers even though the government was investing heavily in sex worker programs for HIV/AIDS programs, said Radha from, Dewas.

The work done by NGOs is heavily dependent on the very existence of female, trans and male sex workers and this needs to be recognised by all staff members working in the NGOs.

The second level of debate was to acknowledge that because sex workers were providing sexual services the targeted interventions were running on the ground. The rights-based approach to this issue would be not to reduce sexual encounters<sup>1</sup>, but to make them safe. This was related to the intrinsic right of the sex worker to work. We consider that all sex workers have the right to work. The construction of sex worker rights is to ensure that the sex workers are able to meet their aspirations and do so safely.

Meenakshi provided another perspective and said that a sex worker like any other working women had aspirations to provide for her family, access material comforts, and provide a good education to her children. The woman chose to do sex work to ensure that she could fulfil these aspirations and her choice must be respected in society. Meenakshi observed, “We do sex work to be independent”.

Sharada stated that she earned Rs 400 rupees working in a school. At present, she is paid Rs 1000 for TI but can support her children only through sex work as it fetches a good income. Hence, every sex worker wants to be paid more through sex work. She also said that it was only because of her hard work as a sex worker that she was able to fulfil her dream and travel on a plane and attend the meeting (VAMP Institute).

Pushpa shared the story of a girl married at 16 who exercised choice and achieved her aspirations. According to Pushpa, she was a shy *adivasi* girl when she came and found it difficult to get clients and said that she was interested in doing sex work. Pushpa counselled her on dressing up to look good so that she could get more clients and discussed different types of sex. Then she learnt of new ways of dressing herself. Pushpa met her a couple of months back and now the woman has a house of her own, sends her children to a reputed private school, has a bank balance of 10 lakh rupees, and supports the entrepreneurial venture of her partner.

Asma narrated the story of a woman who was married at 16 and was evicted from her marital home by her violent husband and mother-in-law because she gave birth to three daughters. Now, thanks to the mother's earnings as a sex worker, one is a software engineer, another a police woman and the third also has a stable job. The woman asked Asma if she was wrong in doing sex work. Asma told her, “that was your need and you were able to support yourself and your family.”

Aarshi concluded the session by linking it with the discussion in the morning and drawing attention to the difference between protectionism and a rights-based approach. She pointed out that every individual had the right to make a choice about their lives and the quality of life. Secondly, the understanding that more educated people could take decisions on behalf of an impoverished and less educated individual was faulty and a violation of that individual's right to free choice. Every sex worker had the right to decide to do sex work to protect their families, earn and achieve their aspirations or even for pleasure.

Meena asked the participants to reflect on this perceived difference created by society since sex workers were considered ‘lowly’. Children of sex workers did not want to acknowledge their mothers since society considered sex workers as different and much lower in status. “We should understand that we are not high or low socially or morally. People who live off the earnings of sex workers often disrespect them – is that not unjust and unacceptable?” asked Meena.

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<sup>1</sup> There was a discussion amongst the participants, that words such as ‘encounter’ and ‘core composite groups’ which had been developed by NGOs for the community were deeply demeaning for sex workers. They took away the human aspect of the women and rendered them as management terminology. Participants said that these terms needed to be avoided and restricted to reporting in government projects.

## II. UNDERSTANDING GENDER

In the second part of the session, Prabha unpacked the construction of gender – nature versus nurture. She began with a game to enable participants to understand how gender was socially constructed. She read out a series of statements to the participants and they were asked to analyse and decide whether the statement was a 'natural' fact or social construction.

The responses varied based on social conditioning, personal convictions and experience. The participants were asked to share their views on all the above points. Most agreed that statements 1 and 3 were based on nature, they had varied opinions regarding the remaining statements. This led to an interesting discussion on how strongly rooted societal perceptions were.



Everyone agreed that the statement “women can bear children” was a natural fact.

On the question of **men have a greater sex drive**, a couple of the women felt that it was 'natural'.

*I assumed that men have greater sex drive naturally while women have less sex drive as they repress their sexual urges. (Sharada)*

On the reason for stating this was **a societal perception**, the participants shared the following -

Women and men both have the same sex drive but women hesitate to express it freely. A married woman believes that if she initiates sexual acts or talk with her husband he may look down on her. Society suppresses her desires. (Renuka, Solapur)

Women lag behind men in many areas due to societal constraints. A woman may be shy to express herself freely due to social taboos. Society has made women ornaments and does not accept their freedom. The wife is scared that if she approaches her husband, he will make fun of her. (Radha, Dewas)

### The Game

Participants were asked to stand in a straight line. Depending on whether they felt the statements were a natural fact or societal assumptions, the participants were asked to take a step forward or back.

At the end of the game, participants were asked to evaluate whether all of them still remained in straight line and where they were in comparison to other participants

- Women can bear children
- Real men do not cry
- Women get monthly periods but men do not
- Men have a greater sex drive than women
- Girls are gentle, boys are tough
- Women have maternal instincts
- It's a man's responsibility to earn for the family

I felt that even if a woman has a desire or an urge she is not able to express it, hence I stated that she has a lesser sexual drive. Now I feel I will need to think this over. (Sharada)

On the statement "men are the wage earners in the family" most of the participants felt that this was a socially constructed perception and not natural.

Bhanu felt that this also depended on the times we live in. Historically, this was seen as natural and man being the sole or primary breadwinner was considered a natural phenomenon; women were supposed to stay at home. However Bhanu has realized that such assumptions are made due to social conditioning.

Meena also pointed out that there can be a shift in what is considered 'natural'. For example, the idea of women going outside the home and working was considered unnatural in the earlier times. Many participants felt that this was completely possible. Deepa stated that this was because society gave permission for this to become 'natural'. This led to a discussion on what was 'natural'.

Sangeeta stated that some things were natural and cannot be changed, such as women giving birth. Radha stated that there was an example of a man giving birth. Meena clarified that when we spoke of women we were referring to people who were born with a uterus. So she said that a biological woman who became a trans man but retained her uterus, could give birth. So the natural statement was that only individuals with a uterus could give birth. After this discussion, the participants were asked to rethink and share whether "man as the bread winner" was a natural or socially constructed phenomenon. Participants felt that today the boundaries of roles were very thin - for instance, men were becoming cooks in hotels and women were driving cars.

On the statement "Women have maternal instincts" many participants responded that this was a social construction, while others felt that it was a natural process. This led to an interesting discussion on nurturing. "It's not only a phenomenon within women, so it's socially constructed," said Shari.

Since a woman carries a foetus in her womb for nine months and gives birth, the feeling of having maternal instincts is considered 'natural'. The father does not have so many responsibilities towards a child as does a mother, hence it is 'natural' for me said Deepa.

Prabha posed the question of whether women who could not give birth did not have maternal feelings?

Deepa said the feeling of motherhood could emerge in an individual who did not give birth to a child and this had nothing to do with giving birth. Hence it was not just a woman, but a man and a trans also who could have maternal feelings.

Said Prabha from Jharkhand, "The man can also have maternal feelings. For a child whose mother is dead, the father may become the primary caregiver. For instance when the father wants to care for his child, the family tells him to leave it to the women. Society does not easily let a father rear the child and advises him to remarry. There are men who prefer the convenience of having women bring up children, but that is not the rule."

“When the question is of a woman who loses her husband, the woman is not asked to remarry. The perception remains that she should continue to care for the husband's family,” said Sangeeta.

Meena linked this to the fact that society expects a man to earn outside and for the woman to provide within the home. Mahananda from Solapur added that this occurred also because society gave a man license to do that while the woman was not allowed to go beyond this construction of the nurturer. Society creates rules for men and women. Gender is a social construct which assigns predefined roles based on biological sex. The body into which we are born, either with a uterus and vagina for a girl and if the individual is born with a penis then the society assigns the gender as male.

The facilitators gave more examples to illustrate the distinction between biological sex and gender.

### A. GENDER THROUGH THE LENS OF SOCIALISATION

We go to birthday parties and give a five-year old girl dolls or kitchen sets as gifts while we present guns or bats and balls to boys. We are socially conditioned to provide these gifts to children of a specific sex. That is gender conditioning. The girl is given gifts that will encourage her to remain within the four walls of the home.

How many biological men here (excluding transpeople) wear bangles? They are considered as a weakness or subjugation. Many popular movies are regressive and the male characters in them are sexist.

Advertisements give the message that boys do not cry and perpetuate a patriarchal social myth of masculine strength. Expressing feelings is projected as unmanly and crying is equated to being a woman. Men are encouraged to express grief by showing anger and not by crying.

Societal expectation is that you fulfil a certain pre-defined role, either that of a girl/ woman or of a boy/ man. Hence the identity of the trans man/woman is not acceptable to society since they break these pre -defined roles in many ways.

### B. GENDER THROUGH THE LENS OF IDENTITY

Earlier gender was defined as ling bhed - "difference based on sex" so either you were a man or a woman based on the biological sex. Today we are translating gender as **ling bhav**. Gender is beyond the male and female box and includes the individual's own feelings and perceptions . It is the recognition that an individual may be born as a girl but may identify with something that is different from being a girl. The individual's own feeling about identity was equally important in framing an understanding of gender.

About two decades ago we women's rights activists realized that gender implies sexual inequality. We introduced self-identity in the women's movement after learning of it from the sexual minorities (LGBTIQAP+) movement. Classical feminism viewed gender only as sexual inequality - it should be also viewed from this lens of self identity.

Speaking about the slow shift in acceptance, Bhanu mama felt that women who wore clothes that were supposedly male attire were being accepted. However, men with moustaches who

wore saris, skirts or other “women’s garments”, are ridiculed, ostracized and even branded hijras.

Prabha responded that this could be understood in part due to the influence of patriarchy which posits the male as superior. So a woman striving to be a man could be understood, but men trying to become feminine were socially excluded or ridiculed.

The session concluded by the following points made by the facilitator

- Gender is a social or cultural construct. Social rules govern behaviour, dressing, and presentation and make them acceptable and sanctioned over a period of time.
- These are not natural facts but societal norms which can be challenged and changed.

### III. SEXUAL MINORITIES

The third segment of the session was to introduce participants to the challenges of sexual minorities in India.

Prabha screened a 22-minute documentary in Hindi and English titled *Who Am I* made by the non-profit organization Naz Foundation based in Delhi. The insightful film has first-person narratives of transgendered and transsexual persons in and around Delhi about their gender identities, sexual orientation and sexuality . The film interspersed the personal accounts with commentaries by a lawyer, scholar and social worker on the legal and social impact of Section 377 IPC on the lives of sexual minorities; the favourable 2009 Delhi High Court judgement on Section 377 and the need for positive portrayal of sexuality and gender by the news media.

#### ***Brief description of the film***

The film shows Shilpa, a young transgender outreach worker with Naz Foundation saying that some call her a *hijra*. Mona Ahmed, an elderly *hijra* relates that she should be a *kothi*. Mona said that changes in gender, sexuality and sexual orientation are often emotional and need not always be physical.

In the film, Shohini Ghosh a scholar and academic in Delhi says that sex, gender and desire overlap and are complex. However, a major part of society holds gender binaries as sacrosanct. She has noticed female to male transsexuals in love with men being asked why they are like that. This is tough to explain or understand especially in a largely hetero-normative society governed by legal restrictions but it is necessary to be aware of the diverse variations in individuals.

Shivangi Rai, from Lawyers Collective remarks that the law in India does not define or recognize who transgender people are. It only accepts the female or male gender. After sex reassignment surgery (SRS), people approach them for assistance to change the sex (the word gender is rarely present) in their documents and certificates. However, the law still identifies them as male or female or the sex assigned at birth. Around a decade ago, doctors performed SRS which cost around Rs 40,000 and gave better acceptance to transgender persons. However, surgeons performing SRS were liable to punishment for causing grievous injury even when such surgeries were requested by the concerned individuals.

The film also showed street plays by *hijras*, *panthis* and *kothis* who highlighted how police harassed and raped *hijras* on the street. Shivangi added that *hijras* and other trans-persons faced extortion from

police and ruffians. Trans-people are unsure if they have citizenship rights and cannot approach police for protection or take legal recourse.

Anjali Gopalan, director, Naz Foundation said that Section 377 was created in 1860. Although it criminalizes homosexuality, the police use it against all sexual minorities. Anjali observed, “In the late nineties, every day I was at the police station as our outreach workers were arrested regularly, while distributing condoms as we were supposedly promoting homosexuality. When we counselled parents of homosexuals that it was natural, they asked us why the law did not accept it. Hence we filed a Public Interest Litigation (PIL) in the Delhi High Court requesting a reading down of Section 377 that would decriminalize homosexuality. We did not ask for the legalizing of homosexuality as it would involve rights to marriage, inheritance, etc. and needs a separate law”.

Shivangi said that the Delhi High Court 2009 judgment recommending the reading down of Section 377 gave homosexuals some relief. However, the state and law accepts marriage only between a woman and a man. This limits the fundamental rights of homosexuals and transgender people.

Shohini Ghosh, professor at the Jamia Milia Islamia University in Delhi said, “The Delhi HC judgement on Section 377 in 2009 generated much press coverage on sexual and gender minorities with around 2000-3000 media clips. While we welcomed that and the focus on the Pride parade, we must ensure that we are not seen only from that viewpoint. The media also wrongly associates us mainly with the subject of sex, *Hijras* are depicted in flamboyant clothes. Further, the media projected the Section 377 issue as a polarization between religion and society. Some non-religious people reject sexual minorities too.

Anjali was excited to hear that in Tamil Nadu, separate toilets are being built for transgender people and college admission forms have a column to specify and the Election Commission has also recognized the other gender. In northern India, there are minimal changes for sexual minorities socially or legally.

Said Shohini, “When asked by mainstream people if I was happy being mainstreamed, I said it is good. The *Hindustan Times* magazine section did a cover story on an attractive *hijra* named Rose from Tamil Nadu. That is welcome.”

Shivangi and Anjali said that society used to fear *hijras* as people who curse people to be impotent or lose their babies. However, they also perform *badhai toil* which is seen as a blessing of a child. Owing to the law, we discuss *hijras* openly as biological men and social stigma is reducing. But that could have a backlash as *hijras* could be harassed.

Mona concluded by saying, “As long as *hijra* culture exists, our lives will continue as such.”

The participants were asked to describe in their own words the difference between gender and sexual identity. Here are some responses:

- Sexual identity is what I am born with and gender identity is what I choose to be (Shari)
- When we speak of transgender, we speak of the various identities that they have. (Renuka)
- I am physically male and mentally a female. I have the freedom to decide what I want to be and with whom to have sexual relations. (Saumi)

Prabha concluded the session on gender by introducing the following terms:

- **LGB are sexual identities while T is a gender identity** - A gender identity relates to what an individual considers herself or himself (as a man or as a woman or other) and not what society assigns to that individual.
- Who an individual is attracted to defines the sexual orientation- a woman attracted to another woman is a lesbian, a woman attracted to another man is a heterosexual, a man attracted to a man is a gay and those who are attracted to both men and women are bisexual.
- **Hijra** is a subculture and is a gender identity while the individual's sexual identity is unknown. The community has transgender, biological men, gay men attracted to other men. They could be gay or kothi.
- An **intersex** infant has both or indeterminate sexual organs and a doctor usually assigns a gender to such a baby.
- A **transsexual** is a person who has undergone a surgery or has hormonal inducement or *nirvana*.
- **Transgender** is male to female or female to male and identifies herself or himself socio-culturally with the other gender.
- These are all English definitions and do not fit our society neatly.

Each group was requested to discuss the topics of the day and share one thing which struck them:

- Saumi: I liked the discussion on *hijras*
- Shashi: I heard of sexuality for the first time and learnt that it means different types of attraction
- Renuka: I learnt about the WHO definition of sexuality and also about the differences between sexuality and gender
- Savita: I learnt about LGBT identities.
- Sharada: I heard and learnt about gender for the first time.
- Sangita: I never discussed sexuality openly with my brother previously - enjoyed being compelled to discuss it here. I will gift my niece a bat and ball.
- Meenakshi: I had sex unknowingly for the first time many years ago but discussed it in detail only during this session.
- Bhanu: Learnt that *hijras* dress according to their choice and have female partners.
- Kiran: I liked "Nothing about us, without us".(*humaare bina humaare baare mein kuch nahin*)
- Some participants liked hearing about classifying gender roles as natural or social, via a game.
- Kashibai: In Solapur, people fear *hijras* and *jogappas*

## *Our Perceptions of Gender and Sexuality Responses*

The participants depicted their understanding of sex, gender and sexuality through colourful drawings and also articulated it in words:

Shashi: Dreams that a boy would click photos of her, clandestinely, from different angles.

Kiran: Sex can be between any two people irrespective of gender.

Meenakshi: People consider us filthy. But I do what I wish. I have multiple partners who support me in different ways.

Radha: *Jeena yahaan, marna yahaan* (we live and die here).

Daxa: Nothing about me without me!

Prabha: I want a lover for fun and another for love

Ajay: The English word sex has two meanings – the act and the biologically assigned identity!

Shari: Sexuality is in rainbow colours implying different perceptions of it.

Kashibai: Lesbian love is based more on trust and love than sex.

Renuka: Sexuality is like five fingers of the same hand.

Bhanu: A rainbow coloured womb with a male born human becoming a Hijra.

Saumi: Gender and sexuality are diverse.

Sangita: We should teach children about sex and sexuality and to accept different interpretations.

Renuka: Religion, society and money influence sexual minorities and vice versa.

Sharada: A human who is neither girl nor boy.

Pushpa: Girls can be lesbian, bisexual or heterosexual with multiple partners. My sexuality, gender and partners are my preferences.

Prabhati: The sun, soil, branches, leaves and fruits of a tree represent various aspects of the WHO definition of sexuality.

Mahesh: The WHO definition of sexuality states that history and cultural also impact sexuality.

Kashibai: The new generation should accept various aspects of sexuality and gender.

Sindhu: The heart is for love, trust, desire and touch.

Lalita: Law and society are like two intersecting circles.

Shantilal: Sexuality and gender are like a vegetable basket which can contain many or a few vegetables of one or more varieties.

## SESSION 2. UTILIZING SOCIAL MEDIA

**Resource Person:** Asma, Consultant, Chennai

### *Overview*

Aarathi: When we discuss advocacy or rights of sex workers, we learn that we can express ourselves through music, dance or pictures. Literacy cannot constrain our self-expression as there are other alternate means to communicate. Television and newspapers are common mediums of getting information but may not be accessible to all. It is thus important to be aware and open to provide and receive information in other ways.

Journalist, trainer and consultant Asma from Chennai will introduce us to alternate means of conveying and obtaining news from known and unknown persons using computers, the (Inter)Net and mobile phones.

### *Distorted communication*



Asma started the session by facilitating a game of Chinese Whispers. She requested all participants to sit in a circle (between two unfamiliar persons) outside the training room, and whispered two sentences to the person seated to her left. By the time it reached the person sitting on Asma's right, it was changed and shortened along the way. Asma observed, "This game demonstrated how messages can be distorted while listening and reproducing. When fighting for our rights we must communicate our message to others like the public and the government. As in the game, when we convey our message to someone unknown it may be misinterpreted or misrepresented."

### *Incomplete information*

Participants were sent off in pairs to learn about and introduce each other. This was done to demonstrate how the information given by traditional media is often incomplete and many times out of context.

Asma explained, “Here we exchanged many of our personal stories which we may want to restrict to only our friends or community. Do we want to share everything about ourselves with everyone (including strangers) and how? Will it form a complete or correct picture if someone else reproduces it? We often find that newspapers print incomplete, incorrect facts or quotes. For example, if Pushpa says that someone she knows has two partners, though it may not be about herself, if Pushpa does not specify that it is about someone else and that the identity of the person needs to be kept confidential, it may get reported that Pushpa has two partners.”

News media may publish misinformation about people, incidents or places due to partial or incorrect understanding, bias, stereotype, incorrect notions or ignorance of reporters or editors about the subject.

Meena pointed out that we must be careful about what, how much, where or when we tell people anything, especially if they are media persons. A sex worker told a male reporter all details of her rape but regretted it after everything was published verbatim. The reporter said that the sex worker had permitted him to and played the recording of the conversation. We must remember that once we reveal all details about persons or events we do not have much control over what is done with the information.

### *Social Media*

Asma explained that in traditional media i.e., TV, newspapers and magazines and radio features or documentary films, it is tough to modify or retract information that is shared, published or broadcast or restrict its viewing, reading or listening. Also, some people may remember or store it for long. Through social media (like Facebook, Twitter, Youtube etc), we can communicate different information to various audiences based on our choice or comfort level. We can suppress or disclose the type, extent, timing and location of information to our friends, acquaintances, professional contacts, public or strangers and the government. We can share text, video, audio, photos to the extent and to the audience we want to.



There are around two billion Facebook users, and many participants too use the medium. Twitter can be used for crisp and brief communication and is used less than Facebook. Mobile phones are used for communication and community journalism.

Asma added that one uses phone calls, SMS, any messaging service (usually Net based) or Facebook to communicate with an individual or group with public or restricted view. For example, the passing away of a state minister will be announced in a newspaper or TV news channels but even the death of anyone associated with SANGRAM may not. This can be communicated via social media. Similarly, a personal achievement, event or incident can also be communicated via social media through a private or public message.

Traditional media must be paid for and acquired regularly whereas social media needs only a Net connection.

Meena gave a recent example of the use of Facebook to mobilise support for an important issue. The recent beef ban in Maharashtra is affecting the children in VAMP hostel, the sex workers and transgender community in the state as it has prohibited the only affordable source of nutrition. Hindus or Jains who worship cows may not report, support or understand the issue. They may suggest eating chicken which is quite expensive. Persons in Mumbai who launched a petition against the beef ban asked if VAMP, SANGRAM, Muskaan and other associated groups wanted to support the petition and we did. This was done within a day via a Facebook post. Otherwise it may have taken longer or never have happened. Traditional media's restricted access or reach is equalized by social media.

Asma asked the participants to identify a local issue that they wanted to highlight but could not, because newspapers or other traditional media were ignoring.

The team from Dewas said, "When sex workers or sexual minorities visit a hospital, the staff is disrespectful or service is delayed or bad. Due to similar social bias, traditional media does not cover this issue. So, social media can be used to highlight it."

According to Kiran, "In Gujarat, due to communal and social taboos, a gender minority person like me must suppress my gender identity and identify my partner as my cousin. I cannot discuss my challenges in traditional media and even allied NGO's do not disclose their work. We cannot even debate the beef ban openly. Social media is being used to highlight such topics but cautiously. I reveal my gender identity only to specific people via social media."

Meena underlined that Kiran had revealed a very important point - we must not share publicly even via social media.



Kashibai, suggesting a topic that did not get prominence in traditional media, said that in Solapur district, young girls are married off to men from Surat for just Rs 40,000. Six months, later they are married off to others in Gujarat despite laws preventing child marriage and trafficking and POCSO. Women also act as middlepersons. We want to highlight these stories via social

media.

Bringing in another aspect neglected by traditional media, Shari said that when a MSM or a transgender person needs blood, other transgender people or MSM's blood is rejected in Kerala due to probability of HIV. This can be highlighted through social media.

Asma related how the worldwide protest against Section 377 was conveyed via social media. Visuals of the Ahmedabad Pride march were also shared similarly. On social media, everyone is like a journalist.

Meena added that they contacted the Bengal group and Vikalp Baroda via social media and Asra Indore through net based information of an old local contact who gave phone numbers, etc. Tickets were bought and distributed via the internet.

“Social media has revealed how many and who support and oppose the beef ban. A beef festival can be publicized via social media, which also allows us to restrict the reach of a message. We must respect the privacy and dignity of all Facebook users, follow etiquette and report abuse or harassment. Further, we need to be aware that there could be exaggeration, anonymity, misinformation, vulgarity,” pointed out Asma.

Adding a word of caution Meena said, “Social media is virtual and can show or hide information. Similarly we can choose to view or ignore anything. I have ignorantly communicated with a male co-worker organization who assumed a girl’s identity and liked all my posts. And there was a teenage girl who met and talked with a stranger until late as he had told her online that she was pretty.”

Giving another example of the perils of anonymity, Bhanu mama said, “A lady’s marital alliance was ruined as someone posted her pictures on Facebook with other men branding her a call girl.”

Pushpa added, “My Facebook account was created by someone who sent many girls vulgar messages without my knowledge. I realized the misuse through an email alert and changed my password.”

Soumi too related an unpleasant experience online, “Although I am active on Facebook, I did not know that someone posted photos of me elsewhere on Facebook stating that I am a sex worker, until I notice that, accidentally.”

### *Game*

Asma requested everyone to cut a piece of jute string, which represented social media. Participants were told them to keep winding the string round the index finger as they spoke about themselves or any other subject.

“You can narrate your issues through traditional media via one or more publications or news channels only if their reporters approach you. However, when you introduce yourselves, you say what and how much you want to; which is what one can do on social media,” said Asma.

The game is in continuation the earlier game where the participants were divided into two groups and asked to introduce each other. When you introduce someone else, who is not know to you, you are bound to make mistakes, leave out important details etc - this is what happens with the traditional media.



In the string game- the information about yourself is controlled by the individual who is free to reveal the extent, when they want to and in a manner they want to - this is what can be done

with social media. The purpose of the game is to show participants how flow of information can be controlled on social media.

### *Activity*

Asma conducted an exercise about creating email id's, mailing, replying, checking mail. She also guided them in creating Facebook accounts, liking, posting, sharing posts, sending and accepting friend requests.

She also introduced the participants to the internet, Google search, mouse clicks, and rules for user id creation and passwords.



"Irrespective of location, Gmail and Facebook help us connect with selected persons and we share information about ourselves and our work at our own pace.

Sharing and posting on Gmail and Facebook regularly keeps us connected and familiarizes us with the medium. We can communicate in languages other than English, and also use

smart phones to carry out these actions.

## SESSION 3. HUMAN RIGHTS

### Resource Person: Henri Tiphagne, Working Group on Human Rights

Human Rights are universal and fundamental to the lives of people irrespective of socio-cultural identities, location, age, occupation, personal beliefs, etc. It is vital for sex workers to discuss advocacy for human rights in their work and build alliances with individuals, organizations, institutions, groups, networks that are working to protect human rights. It is important to understand what constitutes human rights, how they could be violated and how and why they must be defended.

The session was facilitated by Henri Tiphagne, the founder-director of People's Watch, a non-profit organization based in Madurai, a city in southern Tamil Nadu (TN) and the Convenor of Working Group on Human Rights in India.

The themes of the daylong session included:

1. Components of human rights: An introduction
2. Seeking Redress in case of human rights violations



### Section 1. Basic rights

#### About Human Rights Work

Contextualising the issue of human rights, Henri started with a case study of the twenty labourers in Andhra Pradesh who had recently been killed in an 'encounter' with the police. He said that the team comprising of retired judges and police had accompanied him to speak with the families of the dead. He stated that this was the nature of the violations that drew the attention and work of human rights activists across the country. Human rights work is not just about the law, lawyers and courts. It is about ordinary persons and their rights.

#### Hierarchy of Human Rights

Human rights activists rarely talk, train and engage with sex workers. Even within human rights there is an unspoken hierarchy; activists tend to place sex workers at the bottom. This was wrong and needed to be redressed. There was a need to remind the human rights community of the equality of human rights. Rights were not hierarchical but horizontal and none occupied a superior or inferior position.

Given the absence of sex workers from dialogues on human rights, Henri emphasized that it was essential to engage in a two way dialogue, so that the human rights activists and sex workers could learn from each other.

Henri elaborated that we would understand the term of "Rights" through the lens of violations. It was in understanding violations that one would understand the dimension of human rights. And the narration of these violations would come from the participants.

In India, Human Rights has special meaning. There are four rights which are included in the box of human rights.



Figure 5 The Four Human Rights

There are four integral human rights of the individual:

- 1. Right to Life
- 2. Right to Equality
- 3. Right to Liberty or Freedom
- 4. Right to Dignity

1. **Right to Life**

Right to life for example has several vital components. The facilitator asked the groups to discuss rights that were necessary for an individual to live and select three that the group thought were important.

Responses from each group:

- Solapur
  - Most Important -
    - Right to Security
    - Right to Food
    - Right to Clothing
    - Shelter
    - Right to Water
    - Dignity
    - Acceptance
- Dewas
  - Most Important - Right to be Heard/ Speak
- Sangli
  - Most Important - Right to Work
- Kerala
  - Most Important - Right to Education

West Bengal  
Right to Food

Gujarat  
Right to Respect  
Right to Shelter

Right to Water  
Right to Love  
Right to Clothing  
Right to Health

The right to have money could be linked to the right to work, but the amount that would be deemed 'sufficient' was debateable. For instance, would an amount of Rs. 1000 per month qualify as a decent wage?

This led to discussion about wages commensurate with the work done, minimum wages, and equal wages for men and women.

Right to travel or right to mobility - sex workers asked for a specific construction of the word to right to mobility (*Gaman*) since it impacted the lives of sex workers.

Right to *be* accepted (*merey identity ki sweekriti*) many women emphasized the right to be accepted by society for who they were and what they did.

### Right to Life - Freedom from Violence and Harassment

The facilitator asked the participants to share their main interactions with the police in their states. Participants responded with the following experiences:

- When we stand in front of them, they shoo us away as if we are not important
- They ask for bribes
- They are rude and offensive
- They beat us
- They demand free sex in return for letting us do sex work.
- They torture us in custody.

Concluding the session Henri stressed, "The right to life includes bar on violence, torture, abuse, demand for free sex or harassment by the police, government or any other persons".

Sex workers have a right to life and every associated right (See adjoining text box). If the State and society refuse or deny other forms of work, we choose to do this work.

He gave the example of the labourers (Chittoor labourer killing incident) who were travelling 250 km to the sandalwood forests leaving behind their families in their villages. Had these people

#### RIGHT TO LIFE

Key components

- Right to Food
- Right to Health
- Right to Work/ Livelihood
- Right to Water
- Right to Mobility
- Right to a Decent Wage
- Right to Education
- Right to Clothing
- Right to be free of Torture

been given the opportunity of work in their villages, they may not have travelled in search of work. Hence these were constituents of the right to life.

### Understanding Rights through Violations - Exercise

The facilitator then gave an exercise for each group to give examples of five violations of the following rights as an individual, community or organization -

- Right to be free of Torture (Solapur)
- Right to Education (West Bengal)
- Right to Food (Kerala)
- Right to Health (Jharkhand)
- Right to Housing (Vadodara)
- Right to Work/ Livelihood (Dewas)
- Right to Mobility (Sangli)

#### **Torture**

Kashibai : All kinds of torture like oral, physical and sexual abuse, harassment and violence by the police, clients, society, house owners, security guards etc all violate the right to life.

- Family members torture us when we don't give them money on time. They taunt us or abuse our children. They take away the money that we give for our children. [Violation - mental torture]
- Police refuse to register our complaints, forcibly enter our houses and search without cause, including naked search and abuse us when a client complains. When we complain against someone they demand free sex or file false cases against us. When sex workers are arrested and in custody, the police beat and steal our valuables and demand free sex. [Violation - physical torture]
- House owners restrict or delay our water supply.
- Security guards do not let us park our vehicles even outside our office building easily.

Explaining the right to be free of torture, the facilitator elaborated that the right included right to be free from violence or beating by the police, client, goons or partners.

#### **Education**

Prabhati: When I was in school, one friend has a sister and two brothers. They were stopped from continuing school, and the boys were allowed to continue education, since the funds were limited. [Dropout of girls]

A friend who is transgender was denied education in the Ramakrishna School of education. [Denial of education on grounds of identity]

One of our friends was denied education because they didn't have money to pay the fees for the exam. [Poverty leading to denial of education]

A transgender in school was ragged by other boys and was consequently thrown out of school. [Ragging because of identity]

Her niece after marriage was not allowed to continue education and asked to give up studies. [Denial of education to girl because of marriage]

#### **Mobility**

Sangita: Eviction of sex workers from brothel areas and their homes (Nippani)

Trafficking of children for sex work

Denial of identity documents to sex workers who move from one area to another.

Street walkers are not allowed to work on the road and are harassed by the police.

Women are exploited and bought to brothels through deceit, exploiting their vulnerability and need to migrate for livelihood.

In Koregaon there was an issue of food and shelter for sex workers who were coming from other places.



### Inter connected Rights and Violations

The facilitator pointed out that the right to mobility was linked to factors like food and shelter and violations are also connected to each other.

West Bengal  
Bhanu Mama:

Young transgender people travel from West Bengal to Bihar to dance at weddings for their livelihood. In a specific incident, persons supposedly hailing from the Rajput community kidnapped, raped and tortured a young transgender person. He escaped after three days but the local police refused to register a complaint.

Sangli Trafficking of children for sex work, denial of space to sex workers for their profession, especially if they are from other places. Members of SANGRAM and the People's Union for Civil Liberties (PUCL) investigated the eviction of sex workers from Andhra Pradesh and Tamil Nadu due to the issuance of a government order that prohibited them from doing sex work. This violates the right of sex workers to travel or migrate for work or other reasons.

## **Housing**

Daxa Sex workers are not allowed to build houses. We can build in the village since no one knows about what we do. Sex workers do not get houses or office spaces to rent as they are considered immoral or a bad influence on others. Sometimes, the rents are increased for us. Once they know we are sex workers, then we are told to leave immediately. Gay men and transpeople are not allowed to rent houses. No one wants them to even visit houses where we are staying or renting as office space. They tell us not to invite such people.

Kiran Lesbians living with their partners are not allowed to rent houses. We have to declare ourselves as sisters or good friends, if are to get a house on rent.

## **Food**

Shari Food is commonly denied to people who are known to be living with HIV. Transgender people are not given food even within the family. The elderly are denied food by children.

The facilitator emphasized that it was important to understand that people in general were also suffering from hunger across the country and this was a violation of the right to food. Similarly denial of nutritious food was also a denial of the right to food. For instance, the ban on beef in Maharashtra was a denial of the right to nutritious food for a vast number of people who depended on cheap meat as a source of nutrition.

People who didn't have access to ration cards and were denied ration was a violation of the right to food. Denial of access to water also violates this right.

## **Health**

Shashi: Government doctors deny or delay examination or treatment of sex workers. [Discrimination in health care because of identity]  
Doctors or nurses or paramedics demand money.  
Pregnant women in sex work are denied care [Denial of health care]  
There is no healthcare facility, or doctors, nurses or medicines are unavailable. [Absence of medical facilities]  
If we give birth to girls, we are thrown out of the house and denied access to services.  
Women are denied access to services and rights over their own body and the right to choose to have a baby  
Non availability of medicines in hospital  
Sex workers are asked to come after 2 pm (Segregation of and discrimination against sex workers)

## **Livelihood**

Radha: Customers don't give us proper remuneration after agreeing. They know that we cannot pursue the option of approaching the police.  
Police and goons take away our money .  
People say since we are sex workers, why do you need any other work, so we are not allowed to do any other work. [Denied other work since we are sex workers]

Henri concluded the session by emphasizing that the right to life has many components. Secondly, violations of rights are interconnected. For instance eviction - leads to violation of right to food, water and livelihood. These violations were all part of the right to life and hence violation of human rights. Rights violations did not mean only police abuse and violence but also denial of access to hospital, house and water.



“The Constitution or judges or law preaching equality does not guarantee it. Discrimination is varied and omnipresent. Caste discrimination has existed much longer than reservation. The latter is required everywhere to create equality which will not come overnight. Reservation is a right and not charity. It gives equal opportunity and status to systemically oppressed and excluded people,” pointed out Henri.

He requested the participants to share instances of discrimination which evoked the following responses:

VAMP: 80 percent sex workers in Sangli are Dalit but denied caste certificates and hence reservation due to the absence of paternal records.

Renuka, Kranti: We have been fighting for long for polio vaccination to be given to children of sex workers in our area.

## **2. *Right to Equality***



The participants were asked to volunteer for a game. The facilitator tied the legs of two volunteers (Kiran and Shantilal), blindfolded two others (Mahananda and Pushpa) and asked one member to participate (Deepa) without having a leg tied up or blindfolded. All the volunteers were asked to race across 100 metres, touch the judges and return to the starting point. They were asked to run between two ends of the room. Two of the participants acted as the judges of the race. During the race the Shantilal whose leg was tied, tried to help one volunteer who was blindfolded (Mahananda) to run the race by holding her hand. Midway through the race the facilitator came from behind and abruptly pulled them apart. The volunteers who were blindfolded were seen crashing into the side wall or into the participants who were on the sidelines. They were unable to finish the race.

After the game, the facilitator asked the two judges to give their decision on who should be given the first place. The judges declared that the Deepa who ran without any encumbrances was first. The volunteer whose leg was tied (Shantilal) came second. The volunteer (Kiran) whose one hand and leg were tied came third followed by Pushpa and Mahananda the two volunteers who were blindfolded.

The participants were asked to applaud the judges decision and clap for the winner. The participants at first clapped hesitantly. Then one participant openly said that she would not clap, the others also started protesting. The participants began to say that the race was unfair and the judges were not correct in their decision. The participants revolted against the decision and the volunteers who participated in the race were asked to come up front. Again the participants refused to clap for Deepa. But when the participants were asked to clap for the second and third winners, the participants willingly clapped. They also agreed to clap for all the other people who participated in the race.



The facilitator asked the volunteers to share how they felt from the time they volunteered till they participated in the race. The participants made the following observations:

Pushpa: I was glad to be chosen for the contest. I did not know what would happen when I went out. When I was blindfolded I felt insecure, because nothing was told to me about what I was supposed to do. Then I was led somewhere by a person and told, go and touch the judge and come. I felt it was ridiculous, I didn't even know who the judge was and where they were supposed to be standing. In fact I didn't know where I was standing. Who was I supposed to touch and how do I go touch her and then come all the way back.

Shantilal helped me by holding my hand, and said that he would help me across and come back. I was reassured that he would help me. Midway, he just threw off my hand and ran away. I felt so bad at that point, dependent and alone. I felt that I had been led to some place where I could even fall if I took the next step. That was a very bad moment for me. I was thinking that if there was a blind person, that individual must be feeling really bad. Again someone came and helped me and I became totally dependent once again. I don't want to live life like I felt in those five minutes. Don't place us with people who have all their faculties.

Kiran: It was a good experience to participate in this race. I saw that someone's hand had been tied and someone's feet had been tied, someone was blindfolded. My hand and leg were tied. I was not as swift as Shantilal. My hand and leg were paining and I was desperately hoping someone would release me from the bonds. I forced myself free.

Deepa: I was very happy to participate in the race. I had no bonds like the others. I was sure I would win the race from the beginning since the others were disabled and would not be able to win.

Mahananda: I was glad to participate. Pushpa got some support from Shantilal. But no one was helping me out and I just spun round in the same place. I felt directionless. And felt like quitting.

Shantilal: I presumed that it was a role play. I realised that it was a competition and people's eyes or legs were tied, and only Deepa was allowed to be participating with her limbs intact. I realised even though Deepa was strong, I could definitely try to race her. But then I was thinking about the others who were tied or blindfolded. I quietly whispered to Pushpa that I would help and we could go together, but midway we were separated. We had decided that we would come together and prevent Deepa who was strong on her own from winning. It was competition so there was pressure on me to win. I don't feel that I have won anything despite coming second.

The facilitator stated that he had announced this as a competition, with two independent and unbiased judges, contesting persons voluntarily came forward - there was no force or coercion. The judges honestly gave a decision and judgement. The spectators were asked to give their responses:

Kashibai: One person was made to limp and the other was blind. There was no equality between the participants. So how can you have a winner? The one who truly won was the one who was making more effort.

Renuka: One was lame, one was blind. How can there be equality?

Meenakshi: There was a limp person and blind person, they could not walk and one could not see. They were being pushed and they were confused about what they were supposed to do.

Bhanu mama: The competition is like my life. People think that we are blind and without legs and cannot participate in mainstream life.

Daxa: It is a violation of all that you call equality.

The facilitator asked people to raise their hands if they felt that this resonated with their own lives.

In response to the question, all the participants raised their hands and said that their own lives also reflected these circumstances. They also expressed their displeasure against the organisers for organising the competition.

### *Deconstructing Equality: Analysing the Game*

Closing the game, Henri observed that the concept of **equality was connected** with every individual's life and was also as **complicated** as the facets of the competition. He posed another question to the participants. "How can the competition be made fair? What are the rules for a fair competition?"

Participants responded with varied view points:

Kiran : The competition should be amongst equals. You should segregate the blind people and physically handicapped people.

Pushpa: We should not segregate the people. That is not correct. You should have some system, so that the blind and physically handicapped are able to compete

equally. For example, provide a support person for the blind person or a wheelchair for the handicapped person. If you keep creating separate competitions, you will have too many categories.

Pushpa: You should give the person an **opportunity** to move forward and **support** to move forward and **strength**

Talking about the inequalities that exist in society, Henri highlighted gender, caste and economic status. For instance, there were some castes which were high on the pyramid while others were placed much below or outside the caste system itself.

For instance the volunteer who was able bodied in the game, said she knew even before the competition started that she would win. Even before taking part in the competition she knew the result. Similarly, there were many people who participated in competitions who came from the privilege of caste and knew even before entering that they would win. However there were many underprivileged/ disabled, who were **aware of their inabilities**, but still consented to participate in the competition and repeatedly kept losing.



The facilitator made a reference to a real life incident<sup>2</sup> in Chittoor and stated that the widows knew they were up against a very powerful machinery of the State and would never win, but they were still willing to fight.

Recognizing this, the Constitution of India says that all persons are equal only if the same status and opportunities are provided to everyone. The Constitution says that where you have generations of gender and caste inequality, there cannot be any equality. A conversation on equality is a facade in the face of gender and caste inequalities.

Equality was illusory for women and sexual minorities - in the private as well as the public sphere. Equality cannot be achieved because of the Constitution or the existence of a law. Two pre-conditions needed to be fulfilled to achieve equality: status and opportunity. Hence equality is possible only if people who have never had it are given **Status** and **Opportunity**. Once these pre-conditions are met equality may be achieved gradually over a period of time. (Equal Status to utilize Opportunity).

Meena gave an example in the field of education. Every child had an equal right to education. Children from underprivileged backgrounds should get access to same education as a privileged child; even if they may have scored less marks in the qualifying exams. Reservation, free education, compulsory education, food and nutrition are other measures to ensure the opportunity to get an education.

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<sup>2</sup> In Chittoor district of Andhra Pradesh on April-6-2015, 20 poor male labourers from Tamil Nadu were brutally killed in an 'encounter' with the Andhra Pradesh police who claimed that they had fired in self-defence alleging that the victims were smugglers of red sandalwood and had attacked them with sticks and stones. The families of the labourers comprised young widows, small babies and old parents, who were struggling to survive.

**This Opportunity** is translated in the form of Reservation - for SC/ ST, transgender, women and disabled persons. In the absence of reservation equality cannot be achieved and the privileged would continue to corner the benefits of education. Reservation is not charity but a **right and entitlement** that need to be provided by the State as part of the **right to equality**.

Meena said that children of women in sex work should get access to caste certificates. As the children do not have a father it has not been possible to get caste certificates despite efforts. A woman could not produce her caste certificate and hence could not stand for the municipal elections from the reserved constituency. Women in sex work and their children are denied opportunity even though there is reservation for SC/ST.

Caste and gender inequality have been in existence in India for many generations. Equality is not achieved merely by incorporating the right to equality in the Constitution. The negative impact of backward caste and class experienced over generations needs to be redressed through special reservations over a long period .

The facilitator emphasized that any form of **Discrimination** is a **Violation** of the **Right to Equality**. Discrimination based on factors like gender, caste, untouchability, sexual identity, work, colour, sex, religion, economic status, disease and, age amounts to violation of the right to equality.

There are many sites of discrimination like schools, offices, hospitals, government offices and places of employment. Discrimination can be direct as in the refusal to provide services or it could take more subtle forms of denial.

The example of selecting a student for a school play was used to illustrate the working of subtler forms of discrimination. If the character in the play was from a rich family, then the student selected would be fair and conventionally 'good-looking'. If the character depicted in the play was a poor person, a dark person would be selected for the role.

### **3. Right to Liberty**

The right to liberty flows from the right to life and equality and includes:

- Right to Associate and form Collectives,
  - Right to Assemble and peacefully protest (*dharna*),
  - Right to expression i.e. speak, write, sing, draw, paint, dance and perform plays.
- The Right to Information was held to be a critical element for the exercise of the right to speech and expression. Information provides the content and knowledge to express oneself.

Participants were asked to share how an individual could access Information from the State.

Under the Right to Information (RTI) Act 2005, we can ask information by writing to the authority. The reason for seeking the information does not have to be specified. An individual can obtain information on any data, schemes or projects of the government, anywhere in India. The place of residence of the person seeking the information is not relevant for obtaining the information.

For example if a person has applied for a caste certificate and has not got a response, an RTI application can be filed to seek information and the collector must respond to that application. Information about schemes, loans and subsidy programs can also be obtained through RTI.

Henri explained that the Right to Information was a very powerful tool for accessing information.

One of the participants sought a clarification on whether the RTI Act could be used for NGOs. Henri explained:

The Right to Information applies to information held by the government. However, if the government holds information relating to an individual, then it could be accessed by any person. For example, information about whether a citizen has paid taxes to the government could be obtained under an RTI.

Information cannot be sought directly from a private organization, but information can be sought about the information filed with the government by the organization.

The participants shared the following examples of how they have used the RTI Act:

**Kashibai:** The collector had announced that in some wards, people can repair their own houses. I filed an RTI application to the local municipality to know about the ownership and usage details of a specific piece of land.

**Pushpa:** When women in sex work face violence, we are told to go to the Women's Police Station, which is far away. So we filed an RTI to find out the official appointed to handle cases of violence faced by women in our specific area. I got information that the area has a CDPO (Child Development Project Officer).

The second RTI was to know how many lawyers were appointed in District Legal Services Authority (DLSA) in their district, i.e. Ranchi, Jharkhand; and the persons working for the human rights of women. The authorities gave me a response.

**Daxa:** Women from our collective were not getting their dues under the National Rural Employment Guarantee Act (NREGA). So we filed an RTI to find out details of the work done, grants received and how much was disbursed. We got the information.

**Shantilal:** Under a community based monitoring project for health services in Azara block, we were not getting the list of medical officers. We went to the Zilla Parishad office and filed an RTI. We got the information in a couple of days.

For VAMP, a request was filed with the Charity Commissioner for a hard copy of the list of the board of directors as per their records but no response was received. An RTI application was filed to obtain the status of the request. Then the necessary hard copy showing that the government records were updated was provided by the relevant office.

### ***Right to Liberty also includes***

- Right to travel in any part of India.
- Right to follow any profession/ occupation.

The question posed was whether the right to carry on any profession/occupation applies in the context of sex work.

Meena stated that petitions had been filed in the Supreme Court to seek this right, but many negative judgments had been delivered.

Henri reiterated that if some possibilities such as courts were closed, communities needed to pursue relief through other avenues like Human Rights Commissions, treaty bodies, etc.

- Right to religious belief or to have no belief.

The violations of these rights amounted to violation of the right to Liberty.

#### 4. Right to Dignity

Henri pointed out that when any aspect of the Right to Life is denied, it impacts the dignity of the individual. For example, denial of food, water, abuse by police leads to loss of dignity; stripping people in custody violates dignity; violation of equality also impacts the dignity of the individual.

All the four boxes of rights were interconnected and the violation of one right affects other rights. Violations of the right to life, dignity, equality or liberty are human rights violations. Organizations and individuals working for human rights are called human rights defenders (*Manav Adhikar Sanrakshak*). Henri described the participants as human rights defenders, who also have rights.<sup>3</sup>

## Section 2. From Theory to Action - Responding to Violations

In the second segment, Henri addressed the possible responses when faced with a rights violation.

The participants were asked for their opinion of law courts and the legal system in India:

Shari: A horrible place.

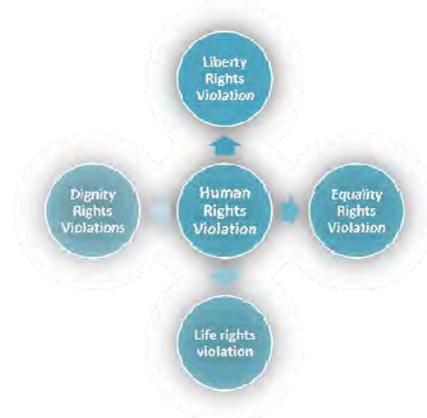
Radha: Good people get injustice while the guilty often get away.

Mahananda: A shy person is usually evicted from court but a confident and well-dressed one is welcomed. It's a place only for the well off.

Sangita: I went to get my name changed. They said I would have to pay around Rs. 2500. I paid all that money and they made me run around and get all the process done.

Kashibai: I went to give evidence and the minute they called my name, I felt like I was entering some ghost house, an unknown space.

Meena: I went to give evidence in the case of one of our sex workers. When I was on the stand, the judge himself asked me why I didn't have the same surname as my husband. He concluded that I must also be a sex worker.



<sup>3</sup> Defenders also have rights recognised internationally. General Assembly Resolution [A/RES/53/144](#) adopting the Declaration on human rights defenders.

Henri concluded that the anecdotes were reflective of a shameful system of courts and justice in India. Approaching courts for justice was a long and tedious process and often unaffordable for the common citizen. In the end, an individual may get a judgment but not justice.

### ***Human Rights Institutions***

In India a number of human rights institutions have been created to protect the rights of vulnerable sections of society. These include:

- National Human Rights Commission (NHRC),
- National Commission for Women (NCW),
- National Commission for the Protection of Child Rights (NCPCR),
- National Commission for Minorities (NCM),
- National Commission for Scheduled Castes (NCSC),
- National Commission for Scheduled Tribes (NCST)
- Central Information Commission

These Commissions were created for the ordinary citizen. Anyone – whether individuals or groups – can approach these Commissions if they experience human rights violations. The complainant could have obtained details of the human rights violations from news reports, the victim or other sources. These Commissions are faster and easier for the individual to approach than courts, and are empowered to intervene on behalf of the person(s) whose human rights have been violated.

### ***National Human Rights Commission - Example of a Human Rights Institution in India***

#### ***Process of Complaint***

Henri facilitated a group discussion around working with the National Human Rights Commission (NHRC). Henri was in Nepal and heard about the killing of 20 labourers in Chittoor district labelling them as smugglers. After obtaining information about the killing by phone and internet Henri drafted a complaint to the National Human Rights Commission through email. The complaint was on behalf of the 20 men killed in the ‘encounter’ and pointed out the grave violation of the right to life.

#### ***Consent of the Victim***

A participant posed the question as to whether the consent of the victim was essential and what happened if the individual backed out of the complaint later?

Henri stated that normally it was better to have the consent of the victim and ensure that they filed the complaint. However in some special cases, other individuals could also file the complaint on behalf of the victim.

Any victim or survivor, family, friend, third party or organization can complain to any of the above bodies with no prior permission of anyone. The NHRC could take *suo moto* action about a human rights violation. However, some Commissions tend to respond slowly while others work more swiftly. A complaint about the same incident can be sent to the various Commissions by distinct groups or individuals. Complaints can be sent via registered post, speed post, courier, email, in person or on the respective website. The complainant receives an acknowledgement.

NHRC can do the following things

- a. Send a complaint on behalf of the victim or by the victim to the government and ask their response.
- b. NHRC has an investigation wing which can follow up the complaint, meet the victim and witnesses and submit a report.
- c. NHRC has senior people called special rapporteurs at the regional level to investigate the complaint and submit a report.

Henri suggested that in the complaint, an individual can request a copy of the response from the State or police, so that the complainant has the opportunity to respond. The complainant can also request the NHRC for a meeting before the taking of a final decision by the Commission. This process can take a long time. It requires constant follow up.

*[In the case of the encounter killing of twenty labourers mentioned earlier, the complaint was sent on April 7 morning and the NHRC issued notice on the evening of the same day. This is case of an exceptional response by the NHRC.]*

The NHRC is not a court but is headed by a retired judge. It cannot pronounce judgments but can make recommendations.

The NHRC can also launch an investigation of a human rights violation through its internal wing and can ask its regional rapporteur to verify, investigate and report about human right violations.

Depending on the facts and circumstances of the case, the NHRC can recommend providing protection to the survivor, monetary compensation (may be as a fixed deposit), medical assistance, employment or livelihood support to the victim(s)/survivor(s) of the human rights violation(s) and punishment of perpetrator(s). A complainant can request that the perpetrator(s) apologize and assure that the violation will not be repeated.

If a state government does not act on or respond to any query or recommendation of the NHRC, the Commission can file a writ petition against the respective state government in the corresponding High Court.

NHRC is also criticized when it does not work satisfactorily, and this vigilance helps improve its accountability.

### ***Roles, responsibilities and rights of human rights defenders***

Henri cautioned that when human rights defenders approach victims or survivors to obtain information regarding the violation, the latter may provide incorrect or incomplete details unless they trust the fact finder. Typically, this happens because the victims or survivors believe that everyone has deceived them.

In instances of human rights violations, members of the news media tend to approach victims or survivors, witnesses and others, directly and suddenly, thereby scaring them. Hence, the latter might refuse to speak.

Most human rights activists like speaking but write minimally or nothing. It is crucial to take written statements as this helps and protects the victims and the, human rights defenders. Human rights defenders must not remain silent on hearing of human rights violations. In a fact-finding into human rights violations, human rights defenders must meet victim/survivors, doctors

who treated the victims/survivors, the perpetrators and all the relevant parties to get a complete picture. If police are perpetrators and refuse to speak, the human rights defenders should state that the report would mention the refusal of the police to speak..

Henri exhorted the participants that information about the cause must be spread and the social media could be a useful medium. Publicizing without always looking for success was emphasized.



### ***Examples of Response to Human Rights Violations***

Henri listed the following instances of intervention by him and his organization in cases of human rights violations:

In Paramakudi (Tamil Nadu) police station, a Dalit woman was raped and killed many years ago. Fifteen policemen were convicted by a lower court. The HC acquitted them, and the case is pending in the SC now. The organization provided education for the children of the witnesses.

In the Andhra Pradesh red sander encounter case, two adivasi witnesses were supported to speak at a press meet in Delhi. This was possible only after four days of staying and eating with them in their homes.

A lady's husband was shot and killed in 1998 in a police encounter. Her policeman father died later. She approached us for justice. She has three children and has been meeting me for long as she needed rehabilitation and other support. We educated her three sons. The oldest is now a lawyer continuing the case of his father. The second son is with his mother as he disliked convent school education. The third is social worker with our organization. For 15 years, we assisted witnesses. However 23 guilty policemen were acquitted.

The Special Task Force hunting for forest brigand Veerappan is reported to have raped women and harassed the local villagers. "My colleagues visited forests to investigate and support them but told me to stay away as my moustache resembled a policeman's and would scare people – such pragmatism is necessary in human rights work," related Henri.

## Our Learning - Group Exercise



At the end of the daylong session participants were asked to represent through pictures various aspects of human rights learnt. The participants were divided into three groups and asked to discuss the feature which struck them most.

- Group 1: In Nippani, a policeman told a female sex worker that she was not a lady due to her profession and abused her. So the sex workers' group complained to the NHRC as her right to life, equality, dignity, liberty and thus human rights were violated.
- Group 2: A tree's branches represent the right to life (including the rights to food, health, expression and education), right to dignity, liberty (depicted by flying birds) and equality (showing a balance between girl and boy but excluded trans people) in which human rights are rooted. The NHRC can be approached when human rights are violated. Rights are all interconnected and part of human rights.
- Group 3: When a girl is assaulted and she gets no help from the police station, NGOs and CBOs unite to approach the NCW and NHRC for assistance to obtain justice.

### *Note:*

Some groups wrote the text in English owing to which some of their group members and others could not understand and describe the content easily. The translators wrote in the common language of English as others did not write in their language. Meena cautioned against the use of English in such group discussion and encouraged participants to express themselves in the local languages. Non-English speakers must not hesitate to express their issues in their language.

## SESSION 4. THE MOVEMENT FOR WOMEN'S RIGHTS

**Resource Person:** Sandhya Rao, Activist, Consultant, Bangalore

### *Overview*

Sandhya Rao, an activist, trainer and consultant on women's rights, facilitated the session on the women's movement in India. The session listed some of the landmark contributions made by the movement to the advancement of the status of women and human rights in India. Sandhya elaborated on the struggles against violence and discrimination highlighting incidents and individuals who had a significant impact on the women's movement and women in India.



### *The movement to define right to bodily integrity for women*

The social movement for women's rights has been defined by the conversations that women have had with each other to strive for these rights. Some of the milestones of the journey:

- Mathura Rape Case, 1970's

In the 1970s, Mathura, a young Adivasi girl in Maharashtra was taken to the police station for interrogation in a complaint of kidnapping lodged by her brother because she had eloped with her boyfriend. She was raped by two police constables inside the police station.

The lower court held that she must have consented, since medical examination showed she was not a virgin. The accused were acquitted. In appeal the Bombay High Court, held the police

guilty of abuse of power. The Supreme Court upheld the Sessions Court Judgment and acquitted the accused police constables.

The reasons given by the Supreme Court were:

- No injuries shown by the medical report on Mathura indicates that there was no resistance and interpreted it to mean consent
- She was "habituated" to sex
- Disbelieved her testimony that she shouted immediately
- Only the fear of death or hurt can give reason for submission. Otherwise submission means consent.
- Circumstantial evidence must be such as to lead to reasonable evidence of guilt
- Assumed due to liaison with lover that she was available for the police.



The judgment went largely unnoticed until September 1979, when law professors Upendra Baxi, Raghunath Kelkar and Lotika Sarkar of Delhi University and Vasudha Dhagamwar of Pune wrote an open letter to the Supreme Court, protesting the concept of consent in the judgment. "Consent involves submission, but the converse is not necessarily true...From the facts of case, all that is established is submission, and not consent...Is the taboo against pre-marital sex so strong as to provide a license to Indian police to rape young girls."

- There is a difference in law and common sense between submission and consent
- Absence of resistance does not necessarily indicate consent. Can the absence of shouts justify that the intercourse was consensual?
- Highlighted many cases where FIR's not filed, medical investigations absent, no access to legal services, no community support.
- The letter stressed the need to get out of the colonial male dominated notions of meaning of consent and burden of proof.

Spontaneous widespread protests and demonstrations followed by women's organizations who demanded a review of the judgement and these were covered extensively by the media.

A number of women's group were formed as a direct response to the campaign against rape, including *Saheli* in Delhi, the Forum Against Rape in Mumbai, later renamed Forum Against Oppression of Women (FAOW).

A national conference was organized by FAOW which started the debate for legal reforms. Issues of violence against women and the difficulty of seeking judicial help in sexual crimes were highlighted by the women's movement.

On International Women's day women from various states including Delhi, Mumbai, Hyderabad and Nagpur took to the streets.

Despite protests courts ruled that there was no reason to rule in favor of Mathura. The Government of India was finally forced to amend the laws on rape.

#### Impact of the Case

- The law was amended to state that if the victim says that she did not consent to the sexual intercourse, the Court shall presume that she did not consent.
- Custodial rape was made a separate aggravated offence.
- In cases of custodial rape, the burden of proof was shifted from accuser to the accused once intercourse was established and the woman denied consent. In camera trials were provided, confidentiality of victim and tougher sentencing were some other measures introduced in the amendment.



#### *Breaking the gender, caste barrier - Workplace sexual harassment*

In the 1990s the Bhanwari Devi case became a major rallying issue of the women's movement. In 1992, Bhanwari Devi, a Dalit woman was working in a program run by the department of Women and Child(WCD) of the Government of Rajasthan to stop child marriages. Men from the dominant caste of the area told her to discontinue her work. Bhanwari Devi refused as child marriage was illegal. As happens with most poor, unlettered, rural Dalit women who need any

assistance or support from the government, Bhanwari Devi's complaint of harassment and threats to the police did not elicit any action. . A month later, Bhanwari Devi was gang raped by five dominant caste men in front of her husband. The husband was attacked by the perpetrators and was severely injured in the attempt to stop the rape. Bhanwari and her husband lodged a complaint of rape with the police. However, a lower court passed a verdict that dominant caste men will not have sex with a woman from a subordinate caste and. The court pronounced that it was impossible that the accused could include an uncle and nephew as both would not sleep with same woman.

Soon after, women's groups in Rajasthan and Delhi filed a Public Interest Litigation (PIL) in the Supreme Court seeking steps to provide safe and dignified workplace for women. Article 32 of the Indian Constitution says that an individual or group can file a public interest litigation (PIL) in a High Court or the Supreme Court for the benefit of a community, group or society. In 1997, the Supreme Court issued what came to be known as the Vishaka guidelines to tackle sexual harassment of women at the workplace. At present attempts are being made to bring transpersons under the ambit of these guidelines. In 2013, the Sexual Harassment at the Workplace (Prevention, Prohibition and Redressal) Act was passed by Parliament. However, Bhanwari Devi's fight for justice continues and the criminal case against the perpetrators is still pending in courts.

Judges are often from a dominant caste. Justice depends on the police, lawyers and judges who are part of society and influenced by the predominant social milieu and public discourse. In a recent case of rape and death of a 60-year old widow by a younger man, a judge pronounced the verdict that such a rape is impossible as an elderly widow would not be sexually active and a younger man would not be interested in her. Women in extramarital relationships, widows, post-menopausal women, single women with or without children, LGBTIQ+ persons et al are like outcastes. Women's groups are fighting to end discrimination against them.

Meenakshi: When I was working as a poor farm labourer at age 11, a dominant caste landlord used to touch me. When I objected he said that I should be happy that he was touching me as I belonged to a subordinate caste. My family also said the same and advised me to be silent.

Bhanu: When we report rape or sexual violence against trans people, we are asked if it is true and how it is possible that such incidents can occur.

Sandhya: The custodial rape of Rameeza Bi and Maya Tyagi led to campaigns that contributed to amendments of laws. International and national research indicates that rape is not associated with love, lust or sex, but with power and control and a compelling need, desire or opportunity to demonstrate it over bodies of women, men or trans-persons.

### *Criminal law amendment*

The 'Nirbhaya' gang rape case was another milestone in the women's movement and millions of women, men, trans persons and children were involved in the protests. This was a result of the continued discussions actions and other work by women's groups in the legal, social and cultural spheres. Many movements found voice in the protests. Sex workers could make their voices heard and tell the world that sex workers are raped too.

After the gang-rape and assault on December 16, 2012, of a young physiotherapy student when she and her male friend were returning from a movie around 9 pm in Delhi, there were mass protests highlighting the lack of safety for women in the capital.

Soon after, the central government set up a Commission headed by Justice Verma (Retired) to give recommendations for amendments to the rape law. After reviewing around 80,000 documents and consulting women's groups, the Justice Verma Commission came up with a report. The recommendations included expanding the definition of rape, to include insertion of items into vagina, mouth or anus forcibly or without consent in the definition of rape. Stringent punishments for stalking, acid attack and trafficking of children and women for sexual purposes were also part of the recommendations. Several of these recommendations found their way into the Criminal Law (Amendment) Act passed in 2013. However, certain path-breaking recommendations such as the inclusion of marital rape and those relating to trans people and men as victims of rape were not included.

When Bhanu asked how children are safeguarded under the law from sexual violence, Meena replied that there is a Protection of Children from Sexual Offences (POCSO) Act 2012 applicable to sexual abuse, assault, violence or rape of girls and boys under the age of 18 years but not for transgender children.

Sandhya: There have been struggles by and for women on women's health, equal wages for equal work, livelihood, political participation, widow remarriage, land rights, child marriage, working outside home, domestic violence, sati, sexual harassment at workplace and in public spaces, public transport education.

Giving a brief historical context to the fight for women's rights, Meena said that outlawing sati and promoting widow remarriage were pre-independence reforms pushed by the colonial rulers. Jyotiba Phule started schools to educate girls which Savitribai continued. In modern times, in Mumbai, in the 1980's, Mrinal Gore launched women's struggles against price rise and water shortage. Men believe that women's rights struggles should be restricted to issues connected with the household and did not bother much about their issues. Many men believe that women must not talk about political participation, but women's groups in the 1980s began to talk not only of political participation but also about violence against women. Further, Adivasi and dalit women have taken the lead in demanding land and forest rights.

### *Personal is Political*

Sandhya related that in the beginning the women's movement did not take up issues of sex workers, Dalit and Adivasi women, lesbian and transwomen and sexuality. The public (livelihood, price rise) and private (marriage, child care, relationship with husband and family, property) lives and issues of women created many conflicts and divides for women. Then we raised the slogan 'Personal is Political' to emphasize that the public and private lives and challenges of women were interconnected and equally important.

On the public-private divide, participants responded:

Renuka: A woman employed outside her home often handles her domestic and professional responsibilities. But a working man believes that he only has to do his job and a woman should take care of household chores, family including children, elders and others irrespective of whether she is gainfully employed or not.

Pushpa: Women must get equal wages for equal work. Male colleagues tell us to finish our work even if it is late and promise to facilitate our safe transport home. The provision of a safe external environment is the responsibility of the police and state. There is often no guarantee of safety for women even at home or at the workplace.

Deepa: My male manager believes that for their personal safety, women especially those who live far off from the office, must depart for home by around 6 pm daily, even if they have work and are professionally capable. Male colleagues offer to fulfil professional commitments that are left incomplete by the women. Such attitudes are also matters of opportunity and special status.

Kiran: Women and sexual minorities do not need charity or sympathy but a supportive work environment anywhere and at anytime.

Kashibai: The police in Solapur prevent *tamaasha* (folk artists) from performing at night as that would encourage young women and men to remain outside late and socialize.

Meenakshi: The main work of sex workers is done at night and we must be able to access the streets freely and fearlessly. At present, when the police come, we are forced to move away or hide, at least temporarily.

Saumi: Apart from police, ruffians also harass us especially when we are out on the streets to do sex work or for anything else.

Aarthi: Women must have safety as a right. An attitude of protection is often held without taking into consideration the consent, needs and choices of women.

Sharada: Women must fight for their rights relentlessly. In Dewas, we live in a society where gender stereotyping and discrimination is present.

Mahananda: A 17 year old boy raped his sex worker mother saying that when she can sleep with 17 men why she can't she sleep with me.

Renuka and Sharada: There are cases of fathers raping daughters who are left with them when their wives go to their natal households for delivery.

Bhanu mama: A married lady faced severe domestic violence and eviction by her husband and mother-in-law for insufficient dowry.

Meena: There are many statistics which dispel the myth that rape, incest, sexual abuse, domestic violence, sexual harassment and gender discrimination are absent in dominant caste, high income, educated or urban families.

Sandhya: Who cooks and cares for children, elders, ill or infirm persons at home? It is mostly the woman. What is wrong if she is given the latitude of leaving her workplace early to perform the duties of an ayah, cook and office worker? Men and sometimes children and other family members may do household chores especially if there is no woman present.

Aarthi and Meena: Sandhya began with the question that should not women get equal wages for equal work? If women get some special privileges for playing multiple roles, it could be positive discrimination. The example that Deepa mentioned is not wrong but the approach is perhaps incorrect as it may not consider the choice or best interests of women but takes a patriarchal approach. Equality does not mean justice. In a graphic showing three people of varying heights watching an outdoor game, the shortest is given double the support after removing it from the tallest. Similarly, giving only place or status is not enough. Equal opportunity must also be given to all. This is what we are demanding for sex workers and their children so that they can

participate and lead lives with fairness and egalitarianism in society. Sandhya says that opportunities and support must be given with pragmatism and relevance to the people lacking them. The outcome of providing support and opportunities must be taken into consideration - if it is sufficient and also gives dignity and comfort to the recipient. It is more important that impact be equal and not just opportunities.

Aarthi: It was often believed that the law and state must not interfere in the private, domestic or marital issues. The discourse of rights must not be brought into this sphere as it is private or personal and should be resolved within the house or family. In this context, it is crucial to remember that women are still fighting against marital rape as it is regarded as the right of a man to have sex with his wife. In 2011, the Hindu Succession Act was amended to give women a share in inherited property. Christians and Muslims do not have this right except in Kerala and other states where there are matrilineal inheritance rights.

Sandhya: All problems and violence that women face are pushed into the private domain as that is where the state or government or law must not interfere. Sex is regarded as a private matter. As sex workers bring it into the public domain and under the discourse of human rights, it is perhaps, not considered work and is being pushed into private spaces. The government and society regards sex workers and sexual minorities as outcasts towards whom the state has no responsibility and they are not given rights.

Meena: Women from many places in India fought for safeguards for women from domestic violence, the burning of women and deaths due to insufficient dowry. These incidents used to be labelled as stove bursts or kitchen accidents even if there was no stove. Apart from the Dowry Prohibition Act 1961, Section 498A of the Indian Penal Code (1961) and the Protection of Women from Domestic Violence Act was passed in 2005 to ensure redress for women experiencing domestic violence or harassment for dowry and to punish the perpetrators.

## SESSION 5. RIGHT TO HEALTH

**Resource Person:** Laxmi Murthy, Activist, Consultant, Bangalore

### *Overview*

Laxmi Murthy, women's rights activist, trainer and journalist facilitated the session on the Right to Health. The session introduced various aspects of health rights and body politics within the context of women's rights, as well as the impact on laws and policies. It also proved to be an important learning experience for people in sex work.



### *Body Politics*

Laxmi began the session referring to the second wave of the women's movement : "The second wave of the women's movement in India started before the 1980s and included feminists with different beliefs and ideas. Songs like *Khaamoshi thodo waqt aa gaya* (Time to break the silence) by Kamla Bhasin highlighted the politics of women's bodies as sites of violence and issues of sexuality came up only later. The women's movement reached the health discourse through the discussion of body politics. Rape, domestic violence sexual harassment, gender discrimination, health, dowry and desire which are various aspects in which women's lives are controlled are interlinked. Women did not talk in public about their body around 30-40 years ago. A few decades ago, some of us in women's rights groups conducted awareness programs about the body - drew posters and pictures about reproduction, menstruation, sexual organs and also the whole body - the digestive system, nervous system etc on five metre long saris, called 'phad'. They were often exhibited in villages around Madhya Pradesh, on walls of Gram Panchyat bhawans. In Delhi, the pictures were drawn on chart paper, saris and long pieces of cloth. This initiated discussions about women's bodies in communities and the media. Women were initially shy about this and were discouraged from listening to or seeing this immoral or filthy stuff."

Many people and specifically women here and elsewhere might be unaware that a woman can become pregnant only on 2-3 days in a month. As women were not told this, women's group gave them 'fertility awareness' information as it was a tool of power. Many women were told that menstrual blood was impure or dirty. They were kept in cowsheds - underfed and disallowed from entering places of worship and prevented from touching pickles under the belief that the pickles would get spoilt. A few years ago, the Karnataka government said that it would build

comfortable sheds so that menstruating girls and women could rest there. This was opposed by many women's groups.

Radha: Muslim women touch pickles always but they do not get spoilt.

Pushpa: During menstruation, women labourers are not allowed to enter farms as crops would supposedly be ruined. Women have demanded payment of wages for the days their entry is barred.



### *Population control*

Due to forcible vasectomies of men in 1975 around the Emergency, there was firing near Turkman gate in Delhi, causing many protests. There is a 'Nasbandi' (means sterilization) colony in Jahangirpuri of those who were forcibly sterilised and relocated here. After this episode, men opposed vasectomy. The government began to target women with the slogan "We two, our two". The government began to eliminate poor people instead of eradicating poverty as it felt that population was increasing poverty. Both incentives and disincentives were used. The government said that it would grant a cycle or other incentives to those undergoing sterilization. Those having more than two children could not contest Gram Panchayat elections or get a promotion in government jobs. This was an example of implementing social policy through incentives and force. People need consumption control not population control said the women's movement. For instance, diapers are made from cellulose obtained by cutting trees. Women's groups said that American babies use enough diapers annually that can feed around 100 families. Many consider that India's problems are due to its high population. India is considered an agrarian society while some wealthy countries in Europe are industrialized with good healthcare and food that people started having lesser children as it was expensive to educate or care for them and and people lived longer. Europe is incentivizing families to have children as its population is quite old. Previously in India many more children died early due to poverty than now.

Rural poor families still bear many children as they can help in agriculture. Some wealthy urban families have two or three children as it is expensive to educate and feed them. India's young population is large unlike US, since we are at a different stage of the demographic transition. Our population rose after Independence. In the 1980's, poor rural women in Andhra Pradesh were given the injectable contraceptive Net En which had severe side effects like blood clots, increased risk of certain cancers, leg ache etc. A women's group called Stree Shakti Sanghatana protested this unethical clinical trial of the injectable contraceptive Net En, which was being done without the informed consent of the women. Even 30 years later, abuse in the family planning program continues - in MP, the recent deaths of women during sterilization was due to post-surgical medicinal contamination. Norplant is an implantable contraceptive that cannot be removed for minimum six months. Although Mala-D is a popular oral contraceptive, it sometimes fails. When India welcomes foreign pharmaceutical companies it asks them to sponsor a year's Mala-D supply to which the companies are willing and agreeable. The women's movement felt that this was a form of control by the government and corporations. They said that women should decide if they want to have children, how many and when. These are called reproductive rights. Women groups initiated the slogan "our body our rights" to highlight that only women must decide about their bodies. The government must not try to eliminate the poor, women, Dalits, Adivasis, Muslims or other socio-economically marginalized communities.

#### Activity



After the above discussion, there was a role play on the reproductive rights of women. The participants were divided into four groups representing the government, drug companies, women and men. Each group was identified by hats of various colours. While the women were discussing amongst themselves the men interrupted them questioning how they could discuss about their reproductive rights without men. The women dispersed immediately. When drug companies approached the government for permission to establish themselves, they were asked for money. When the government, men and companies started a joint discussion, the women

tried overhearing them but were pushed out by the men. A few women went to listen despite that. The body language of women seemed to be submissive while that of men was oppressive and dominant.

Meena intervened questioning whose body it is and mandated a consultation with women.

Radha said that women should have been asked but are rarely consulted. The government and companies often unite clandestinely.

### *Reproductive rights*

Laxmi and Meena introduced abortion as an emotional and essential issue which almost all participants know about. About thirty-five years ago, research began in China involving pre-natal sex determination. The earliest method was amniocentesis which involves extracting amniotic fluid using a syringe. It was complex and risky as it could hurt the foetus.

Abortion, or Medical Termination of Pregnancy (MTP) became legal in India in 1972 for a foetus up to 20 weeks due to it being a population control tool. In some states in US it is illegal. Many think abortion is a woman's right while some think it is murder. Others think it depends on the circumstances. Most Catholic church groups in India believe it is murder. Laxmi showed pictures of posters in Gujarati on pre-natal sex determination collected by Zubaan. Punjabi and Bengali posters portrayed abortion as heinous murder and crime as the child sex ratio was low in Punjab and Haryana. It has been a tough question for women since 30 years as abortion is supposed to be a woman's right but women's groups oppose pre-natal sex determination which leads to selective abortion.

Meena: Feminists say that a woman should have a right over her body. Sex workers say the same when talking about their work. I aborted two pregnancies myself. Nine participants say that women must not have abortion rights. Six say that they are confused. We made pictures on Day One showing that our body is our right. If women wish to have children, it is their right. But they cannot impose their views on another woman.

Radha: Women and men should decide about the consequences of having sex, getting the women pregnant, financial status of family, health of women, children and the child.

Aarthi and Meena: A foetus becomes a child only after it comes out of the womb i.e., it is born. Of course there may be an emotional bond between foetus and expectant mother. Radha has a right to hold her views and practise her beliefs, a right to speak and be heard. No one has a right to thrust their views on others or not believe that they or that their opinions are above or better than those of others.

Laxmi gave a background of the Pre Conception and Pre Natal Diagnostics Techniques (PCPNDT) Act which was passed in 1993 and amended in later years. This law has supposedly taken away the rights of the woman, doctor and diagnostic centre. Luckily no one in India has said yet that the rights of the foetus also exist as it is believed under law in some states of the United States of America (USA). In the USA, a child or the father can file a case against a woman if they are aware that she smoked during her pregnancy. There is a debate on when the right of a child or foetus starts. Some feel that it starts just after fertilization while women's activists feel that the rights of a foetus could conflict with a woman's right over her body. It is a struggle between the right to life and right to choice. Choosing the sex and other physical attributes of children that could be conceived through In-vitro-Fertilization (IVF) and surrogacy

has become a big business in India, particularly in cities like Mumbai. Although, these issues may not have an adverse impact on the reproductive rights of a woman, they can have a huge social impact. Earlier sex determination was easy, omnipresent and cost only about Rs 800. Now it may cost around Rs 15000 because it is illegal. There was a case in Ireland of an 11-year old girl who became pregnant due to rape but was not allowed to abort her foetus in that country or go to another place where it was legal due to the influence of Catholicism on the laws of the land.

Aarthi added that Indian dentist Savitha H died in Ireland due to laws that did not permit abortion even when it was known to be a threat to her life. Moreover, it was known that she was not a Catholic. There are ongoing discussions to amend the abortion laws in Ireland after this case.

Meena recalled, "I have been thrown out of meetings by women's activists as I believed that sex work is work and sex workers must have all rights. The women's movement has accepted and given space for debates, fights, struggles and disagreements on many subjects". When Pushpa asked about the meaning of the word 'Queer' in Hindi, Meena S explained that it could mean *hatke* (unique or distinct). They are people who do not wish to be boxed into a category. The LGBTIQAP+ movement has reclaimed the word queer. Meena related how VAMP has reclaimed the word *veshya* and given it dignity. Sex workers use the word *raand* and *randi* among themselves affectionately. However, they do not like it if others use it as it could come out of disrespect. Language is utilized for political reasons but it could confuse the listener. African Americans are reclaiming the word 'nigger' or 'negro'.

Laxmi continued, "Yesterday we had focussed on the importance of the politics of the body on the health rights movement. There are many aspects which control the body of women such as patriarchy, religion, society, community, industry, etc. We are not here only to create awareness about various issues and discuss them, but also to take up campaigns on health rights."

Aarthi added, "Over the last four days we covered about five percent of issues - each of which takes a lifetime to understand. We hope you will take them beyond this room, ponder over them and discuss them with your communities and try to apply them to your situation."

Deepa mentioned about a 17-year old girl who is three months pregnant and is not revealing how that happened. Further, hospitals are refusing to assist her. Laxmi said that such cases are common in which supportive women's rights organizations/activists sign as a guardian and seek assistance from institutions such as the Marie Stopes clinic. The MTP law allows only women who are 18 and above to undergo abortion. Further, hospitals insist on the consent of the husband which is not required by law. It is essential to note that POCSO is a stringent law that punishes the parents of a minor girl if she gets pregnant without being married even if the sex is with her consent. It also jails any boy or man based on a complaint by the family of a minor girl even if the sex is consensual.

### *Surrogacy - film screening and discussion*

There was an interesting interaction on surrogacy following the showing of the film "Can we see the baby bump please?", a 44- minute Hindi documentary with English subtitles by Sama Resource Centre, Delhi. Laxmi observed that India lacks adequate protections for the surrogate mother under the law which is also weak on other aspects connected with surrogacy.

The production starts with a Skype call between an expectant surrogate lady conversing in Hindi with a English speaking couple abroad (the clients of the surrogacy), through a lady interpreter.

The couple asks the lady, “Do you need any kind of music? Are you getting nutritious food?” She replies that she saw the foetus move (during an ultrasound test) and feels it kicking. Her husband is looking for a job. Another scene shows a doctor who checks the medical records of a patient and assures her of good care and that she is ok. The film traces the lives of women who are surrogate mothers, and discusses the issues they face – from constant monitoring and surveillance of their eating and sleeping patterns, to the neglect and indifference in case of a miscarriage.

“Life is monotonous here. The only TV and lights are switched off by 11 pm every day even if we are not sleepy. The food does not digest easily as we lack physical activities. Some of the biscuits (like Threptin) that provide extra nutrition, supposedly, are not tasty”, a few of the expectant surrogate mothers housed in an exclusive hospital for them, disclose on camera. Further, the women revealed that they getting more payment i.e., around 10000 rupees if they delivered a baby weighing over four kilograms. This served as an incentive to eat biscuits despite their insipidity.



The unequal power relationship between the surrogate and the clients buying the service are well brought out. The lack of laws governing this arena is also discussed.

As per the documentary, the website of a surrogacy clinic advertises packages based on the stages of pregnancy with the prices rising for ‘orders’ placed in the second or third trimester of the pregnancy. A ‘package’ which includes an introductory tour of heritage sites and short term accommodation in India could cost up to two crore rupees while the surrogate gets only around two lakh rupees. Doctors and lawyers say that it is very rare for an expectant surrogate mother to approach them for a written contract for the surrogacy. And the mother is almost abandoned immediately after the final payment with no concern for her health.

Analyzing the film, Laxmi said, “Surrogacy has no equivalent word in Hindi or other languages spoken in India based on my knowledge. Surrogate means one who does something on behalf of another. Assisted Reproductive Technology (ART) is regulated by guidelines have been laid

down by the Indian Council for Medical Research (ICMR), a national body. However, there is minimal monitoring and regulation of ART. And poor women are the worst affected.”

Meena added, “We usually provide emotional, physical and other support to neo-natal mothers and infants. Here the health of the surrogate mother is ignored particularly after she delivers the baby. In fact, she is given injections to stop the production of milk and other reasons which could have uncomfortable or harmful side effects.”

The following were the participants’ response to the film:

- Kashibai: The individuality of the mother is not there.
- Sangita: I am shocked to learn of surrogacy. I did not know that women rent their wombs.
- Prabha: Trade in the womb and is trade in a lady.
- Shashi: A lady is treated like a baby producing machine.
- Savita: Surrogacy is the right of a woman but her not getting full payment due to it is unjust.
- Saumi: A woman becoming a surrogate mother for money is ok. But she does not gain much.
- Shari: The woman bears the pain and brunt of the entire process.
- Sharada: There is nothing wrong in surrogacy but the process is wrong.

Laxmi pointed out, “It is interesting to observe that only a few participants expressed that surrogacy is fine. The rights of the surrogate mother are violated, completely and she is adversely affected. For example, the film showed how women who donate embryos are not even entered in the hospital register. The concerned lady is shunted from the clinic immediately after the procedure is completed. Treatment or compensation for any side or after effects is almost non-existent.”

Interestingly, one participant had a first-hand experience to share. Said Sharada, “A surrogacy agent has started operating in Indore. If I had not undergone tubectomy, I would have become a surrogate mother. Women are being offered three-four lakh rupees for the service. What is wrong in that especially if the person can earn the money in 9-12 months?”

The Jharkhand group added that women from their area are taken to Delhi, forced to have sex, produce and sell children.

Renu opined, “Just like sex workers are slowly getting their rights and social entitlements through a supportive movement, surrogate mothers need a movement that will fight for them.”

Meena, “When we started working in Sangli, brothel owners were exploitative and gave the sex workers 25–50 percent. There were no rights for sex workers although they are the ones who are using their bodies for sex. There is a power imbalance favouring brothel owners. Surrogacy and sex work is similar in that many are controlling the body of a woman. A woman must be informed and only then can she give consent in both cases. Many believe that sex workers have no emotional bonds with clients, so not having an emotional bond with the child is comparable.”

Bringing in another perspective on parenthood, Pushpa said, “Why should not childless persons adopt orphaned children? The surrogate mother also has a right over the foetus and can build an emotional attachment with it.”

Meenakshi and Daxa added, “Many girls from Solapur go under a contract system of Rs 15,000 for a month or so to Sangli. They may be asked to have sex many times with multiple persons.

Their food, healthcare, housing may not really be taken care of as promised. Any fallout or consequences like sexually transmitted infections (STI), pregnancy etc are not addressed.

### *Clinical trials*

Laxmi introduced clinical trials as testing of drugs under research for specific cures and said that they are not wrong in themselves. But the method, persons, timing and location the manner it is done is not adequately regulated. Results of trials performed on women abroad should not be accepted as the climate genetics etc. are quite different from women in India. Abroad also clinical trials are done on more vulnerable populations like African Americans, Hispanics, indigenous people, the poor and prisoners. Prior informed consent is vital but not always taken especially when it involves poor rural persons. An ill person may agree to participate in the trial despite knowing the side effects, but informed consent is a must.

Giving a concrete example, Meena said, "In Pune, a clinic has been opened that is performing clinical trials of HIV medication on sex workers. There is no acknowledgement of the clinical trials of ART medication (supported by WHO) that sex workers underwent in Mysore, Chennai and Pune a few years ago. Thailand has a strong sex worker movement which opposed and it stopped in three months. In Kenya, the trials continued quietly for a year and people who died were projected as having HIV/AIDS. It is important to have a strong network with good alliances. The women's movement only recently started accepting sex workers who are often used in clinical trials. Hence there is not much opposition to clinical trials specifically performed on sex workers.

Laxmi added, "Consent forms often are in favour of the government and the pharmaceutical company. Many women are unlettered or may not know the language in which the forms are. The form must be read out to them. They must also be explained the terms and conditions, content, etc. in a language in which they are comfortable. Women's groups not only spot issues but also offer such pragmatic and fair solutions and recommendations in most situations."

When requested to list the key information required to be known regarding a drug before it is prescribed or administered to a patient, participants specified that the name, purpose, benefits, side effects, manufacturer, expiry date and composition of drug are vital.

Meena, "Most clinical trials are done with free samples. Further, the trust in doctor and the vulnerability of patient are exploited. ART drugs are sometimes tested on HIV positive patients. The government appointed counsellors are absent or do their work improperly. They merely take the signature of a patient on the consent form without disclosing its consent and significance. "

Laxmi underlined that informed consent, compensation to participant, punishment of people involved in trials where violations take place are vital. However, drug companies which are typically powerful, try to avoid regulatory clauses. Consent can be withdrawn at any time because of probable risks and any exploitation. But there are no laws governing clinical trials in India. Currently, only pertinent ethical guidelines are available. If trial participants die during or after the process, the guilty are not punished for murder but for medical negligence. Confidentiality of the participant must be maintained. Further, social benefits of clinical trials must be considered and justice for participants must be demanded.

## SESSION 6. RIGHTS OF PEOPLE IN SEX WORK

**Resource Person:** Meena Seshu, Activist, SANGRAM, Sangli  
Aarthi Pai, Lawyer, CASAM, Sangli

### *Overview*

The session facilitated by Meena and Aarthi addressed issues of rights, laws, policies and entitlements of sex workers. They reiterated that most discussions and support on the issues of sex workers still continued to be linked primarily to HIV/AIDS and sexual health. This is despite the fact that sex workers and their allies have been demanding that their work be recognized as labour and they be treated as human beings with dignity, rights and freedom. Interestingly, a film critiquing the stereotypical depiction of sex workers in 'mainstream' Hindi cinema set the tone for this part of the third VAMP Institute.



### *Film screening and discussion*

There was an engaging exchange of thoughts after the showing of *Zinda Laash: Norms for Dhandewalis*, a 15 minute documentary by Bisakha Dutta and team from Point of View, Delhi. Combining satire with frankness, it highlighted clips from Hindi movies produced over the last few decades, that show negative stereotypes of women sex workers (referred to as *raand*, *tawaif*, *dhandewaali*, *veshya*, call girl and prostitute in a largely derogatory manner).

The film listed 18 typical negative attributes that Hindi movies associate with sex workers. The clips extracted showed that women sex workers use foul language, chew *paan*, are immoral, living corpses with no place in society and deserve to be abused. Further, sex workers are always deceived into entering sex work, are unacceptable as wives or mothers like other women and can never escape their identity. Also, clients of sex workers always dress badly and visit brothels which are typically located in grimy surroundings. The film ends with a scene where

Julie, an adult woman says “I am a call girl, a prostitute” in an office. I do not sell my body but buy masculinity”.

The participants reacted as below to the film:

- Kashibai: Sex workers are usually not like this. In society many women sex workers are different, responsible loving wives, mothers and strong confident women. Media and films represent them negatively always and create a bad stereotype of them.
- Saumi: Even trans persons are stereotyped negatively in popular films and entertainment media
- Pushpa: Most movies typically show negative and regressive constructs of sex workers and sometimes any woman
- Meenakshi: Our realities are never shown.

Meena: Women are typically depicted as weak beings in many situations (movies, books, ads, etc.). There is a patriarchal objectification in showing women with a made-up face and svelte body which is dressed according to the type of woman she supposedly represents,. Typically, married Hindu women are shown with a *mangalsutra* or *thaali* (thread symbolizing marriage worn around the neck) and *sindhoor* or *kumkum* (vermillion paste or powder applied the between the parting of hair above the forehead). That is a form of control which many feminists reject.

Meena explained the following as the six main rights of sex workers (using the SANGRAM calendar).

1. **People have a right to be treated with respect:** Non-profit organizations must take a dignified approach of working “with” sex workers and not “for” them.
2. **People have a right to choice and adequate options:** NGO’s cannot take that away. Targeted Interventions (TI) involve regular testing of beneficiaries and NGO’s are rated accordingly. Gates Foundation specified that internal examination of women is compulsory. It also mandated syphilis testing of only sex workers which was rejected and funds were returned. Many doctors are men who are ready to perform internal testing of women but sex workers are not ready. Pushpa added that when female sex refused to visit male counsellors due to privacy concerns, they were asked why sex workers felt shy. Sex workers and social workers opposed such notions as being wrong and unjust. Meena stated that only sex workers or adults who are children of sex workers occupy positions of Project Manager, peer counsellor, etc. in VAMP with only three social workers performing roles of accountant etc. Only in Satara where sex workers or their children were unavailable to occupy staff positions, are social workers employed.
3. **People have the right to reject harmful social norms:** Women have the right to bear or abort children despite any conditions that religion or society may impose upon them. Trans persons and sex workers have a right to life, self-expression, identity, livelihood and residence of choice.
4. **Reclaiming rights:** People have the right to stand up and change the balance of power. Kamlabai believed and understood the need to remove children out of sex work. While we advocate for the rights of sex workers, we believe that forced sex with a child under 18 years must be viewed as rape. In Sangli, we counsel and rehabilitate such children.

When they were offered sewing machines by the government under a livelihood support scheme, sex workers in Sangli instead asked for a petrol pump. They also went to the office of the local collector to demand that a benefit scheme form must remove the condition that sex workers will discontinue their profession. Also, sex workers suggested that the livelihood support scheme must be offered to poor women rather than financially stable people like them. Pushpa said that women in Jharkhand told the local government officials to provide a housing support benefit so that they live and do sex work or whatever else they wished to. They told the government not to thrust income generation schemes on them for cattle rearing or dairy farming. Similarly, Revathi, a well known *hijra*, poet and performer from Namakkal in Tamil Nadu returned a buffalo worth Rs 15,000 (given to her under an income generation scheme of the government) to the local tehsildar as she had to do double the sex work and invest many other efforts to get it pregnant after many trials for it to start giving milk.

5. **People have the right to not be rescued** by outsiders who neither understand nor respect them. Such attempts are mainly made by moralistic and self-righteous Hindutva and church or other religious groups, individuals and institutions.
6. **People have the right to live as they choose:** as sex workers, lesbians etc. Clips from a film "Save us from Saviours" showed female sex workers crowded inside a police station asking loudly why they did not respond to calls to assist when a woman sex worker was being beaten up. "We are also humans who deserve respect, acceptance and have rights". They were told to remain silent and to leave but did not go easily. When an organization called IDS in the UK wanted to make a film on sex workers using its resources, SANGRAM extended financial support to IDS and specified that IDS could send its crew but in the film sex workers would depict their realities in their way. The IDS crew stayed for a month and co-created a long film in six languages. Other organizations were urged to watch, show and discuss the film in their respective communities.

"We have always worked as a movement for the rights of sex workers. NGO's must decide whether they want to support a movement oriented towards rights? Often NGOs and CBOs aspiring to become NGOs operate with a targeted intervention focus", added Meena.

### *Sex work and the law*

Aarthi outlined some of the laws, guidelines and policies that govern sex work in different countries. She began by highlighting three basic facets of sex work:

1. A sex worker provides a service, and does not sell her body as is often believed and said.
2. Sex work has a client or demand based approach.
3. A brothel owner is a facilitator or third party. It is not viewed as pimping as that is regarded as trafficking or exploitative.



Soliciting is considered indecent and immoral by law in many countries. Hence sex workers are arrested. In India though such actions are less, the fine can be 100 rupees while it is 500 rupees for a repeat offence. When women are arrested from the street or from brothels they are not considered criminals but ordered to be sent a reformatory house where they are taught sewing etc. Many female sex workers disclose their work and are released after paying Rs 500 or 1000 fine. Similarly a client can be jailed for up to three months while the sex worker is sent for reformation. Brothel owners are booked under trafficking and exploitation.

Much of the debate on sex work is now centred around decriminalization and regulation/licensing. Criminalization implies consideration of sex work as criminal. In West Asia, a sex worker is jailed, whipped, beaten, lynched or hung. However, sex between two consenting adults must not be termed as criminal. The term criminal must be used for forcible sex. The law must not be thrust on sex workers. They are citizens like any others and in this profession by choice. Hence, do not deny us our rights or force trafficking law on us, clients or facilitators. We also oppose exploitation, unjust brothel owners or clients.

Legalization is the acceptance of sex work as a legitimate profession which gives licence or permit to do sex work in a particular zone or area. In the Netherlands, this system is in place. The government or police officers oversee the number of service providers in a specific location and this is tracked and complied with by brothel owners. The government also ensures that medical examination of sex workers is done on a regular basis.

Deepa said that legalization is better as it provides a permit and a designated location for doing sex work.

VAMP members expressed that after much discussion, they realized that legalization controls the mobility and location of sex workers and their profession. Thereby the government is trying to establish control over the lives of sex workers.

Aarhi mentioned that the legalization option allows children of sex workers to live in the zone but if sex workers visit people elsewhere they cannot do sex work there.

Meena highlighted, "We must familiarize ourselves with the words decriminalization and regulation as we learnt HIV/AIDS".

Daxa felt that getting a permit may involve interaction with the police or others who could harass sex workers. Action against them is tough to organize and it may cost sex workers a lot of money and effort to get a permit.

Saumi asked if under the legalization option, sex workers get ration card or passport or other documents based on the location where they operate or live, in case the two are different locations.

Kashibai remarked that even if a sex worker wants to leave the profession, she will have the identity of a former sex worker, a fact which she may not want to reveal to her family or others.

Aarhi specified that under the decriminalization demand, sex workers are willing to pay tax.

Meena : The government says that the licence will be valid at a particular place unlike a driving licence.

"I cannot do sex work in another place which may be safer and more remunerative", observed Sharada.

Meena mentioned that the study conducted of 3000 unorganized sector working women in 16 states in India showed that women make more out of sex work than 250 other jobs. Women have tried other work and do sex work full time or part time. Sex work is not a crime under ITPA. A woman who gets a licence may not start sex work overnight and police will get chances to harass her.

Kashibai: In Pandarpur during festivals, attractive women florists openly do sex work at night.

Aarhi mentioned that under the legalization rule, the permit would be granted to a sex worker without STI which must be tested for, every three months. Sex work can be carried out only in a brothel and not on the streets. It limits the number of people who can do sex work in a zone. This debate was started by NCW chair Lalita Kumaramangalam in April 2014. Some sex worker groups in Bengal and Bangalore are supporting legalization. During a meeting Lalita K said that sex workers must register and have a responsibility to not have HIV. This implies a wish of the government to control rather than give sex workers rights and regards them as a reservoir of HIV. The government is willing to amend ITPA under these conditions. It also believes in treating a client as a criminal liable to be imprisoned.

ITPA is to protect people from taking people away for labour against their will or without informed consent or misinformation or forced consent or incomplete or no information. It was actually introduced to stop trafficking but the word was never defined until 2013. Under this, sex workers were arrested during brothel raids and sometimes their families which had adults living off the wages of a sex worker. Traffickers, agents or middle persons were not under the ambit of this law and thereby unaffected.

Pushpa: Jharkhand has no brothels. Sex workers can be arrested from lodges or homes or other places.

Meena reiterated that police cannot enter anyone's house or arrest them without a warrant. If women are not strengthened to fight for themselves in a united manner, no rights can be obtained whether they are in sex work or not. If NGO's working with sex workers for six years do not provide any awareness about ITPA at all, it is sad. We must think of raising funds to give at least an overview of ITPA in the relevant locations. The Constitution or any law gives the right to a police to torture, beat or harass a sex worker or anyone else in any manner. Sex workers or their allied groups must try and have a right to know under which specific law or section of the IPC they have been arrested. We went to NHRC with a complaint and got an investigation order when the police threatened to rape our sex worker colleague Shabana. If brothels are closed or clients are arrested by the current Hindu fundamentalist government, how will sex workers earn their livelihood?

Deepa: Based on 'what we have heard during this session, we should change many of our approaches.

### *Conclusion*

"Awareness about ITPA is vital and is a minimum of two-days of focussed training. The sex worker movement in Southern India is strong. We are surprised that sex workers and their associates in Jharkand, Gujarat and Madhya Pradesh who are in the heartland have not heard of ITPA. Please discuss this with your respective CBO's, NGO's and locations. The subjects discussed here are applicable to all whether in sex work or HIV prevention and treatment work. People who need more information on anything can always contact us. We at VAMP and SANGRAM are grateful that you gave us your valuable time and trusted us despite barely knowing us", Aarthi concluded.

## FEEDBACK

This section summarizes the inputs and comments received from the participants and trainers.

### *Participants*

VAMP team: We found the social media session exciting and valuable as we had heard of it but never tried it previously. It can help us connect with allies in other places to strengthen our struggle and gain support for it. Sex, gender and sexuality are known concepts but we benefited from revisiting them. We will share the knowledge acquired here with our colleagues.

Shasi: This is my first training – I enjoyed the flight travel. Social media, human rights and sexuality are new, interesting and useful topics that I learnt here. I will share the knowledge I acquired with others.

Shari: I liked hearing about women's and Dalit rights movements.

Gujarat group: The social media session was new, useful and exciting except for Kiran. Discussions on human rights, gender and sexuality were insightful although some of the concepts were familiar.

MP group: We do not have adequate knowledge of many of these concepts or laws. These discussions and awareness is necessary and interesting. We will keep in touch with others via email and contact for clarifications. It is better to use learning aids with graphics, activities and interactions as some participants are semi-literate especially in English. It is tough to avoid discussions within group during translation. Interaction helps in building solidarity and networks.

Mahesh: I learnt that we can tell the police to register our complaints and treat us with dignity when we go to the police station to complain about *goondas* or tough clients.

Mahananda: Laxmi provided many useful and vital insights in a lucid manner.

Mahesh: I am confused about the rights of woman who is forced to abort or retain a foetus based on its sex especially if she is weak or lacks financial or emotional support. What if a doctor reveals the sex of a foetus under the guise of a regular ultrasound examination of an expectant lady?

Gujarat group: Some of the terms and concepts explained were familiar but the discussion deepened our understanding. If the whole team knows or understands the topic, then translation becomes unnecessary. We should have been briefed about surrogacy before the film as the understanding would have been better. It is a fairly new and complex topic.

Ajay: As the situation of trans and women sex workers in Kerala is discouraging presently, we hope to build alliances with them and also with Dalit rights groups based on our learning here. We will share our knowledge with the communities that we work with.

Solapur group: women felt that the content and training methods were sufficient and suitable.

Savita: I am happy to participate and discuss different topics.

Radha: I enjoyed flying from Indore and have learnt many new concepts in an engaging manner

Saumi: I liked my first time outside Kolkata learning and interacting with people from across India

### *Trainers*

Prabha: As I had facilitated a session on the subject of gender and sexuality at the Goa institute, I had tailored the discussion to the context of sex workers. However, I was aware that the participants here are different and was open to adapting the session based on the live interactions. If I had more time, we could have discussed more about sexuality and the body.

### ***Responses from Prabha Nagaraja on the broad design of the Institute***

It is an excellent initiative that is much needed. It is obvious that a lot of thought goes into each of them. This group was more 'raw' than the previous one, which meant that perhaps we needed to spend more time with basics before getting into more complex and nuanced discussions that happened close to lunchtime. The last time, the group was more exposed to issues so the discussions went up a notch in spite of time constraints. This time, I felt that the time allotted was enough but we could have initially kept it simple before going into more complex discussions .

The translation/interpretation part of the Institute needs to be tightened, and perhaps you can have one Institute only for oral interpreters and written translators. Often during the sessions, they have to think on their feet and translate something that may be new to them too so am not sure of the quality of the translation, but if we can be certain of their perspective and level of understanding of issues, the sessions will flow more smoothly and hopefully there will be less dilution of information by the time it reaches the participants. This is the way to go if we want long-lasting capacity strengthening – regional language experts need to be developed for this.

In terms of the importance of understanding sex, sexuality and gender for rights advocacy work, to me it seems like an important building block to other discussions and to understanding intersections and inter-movement work.

Asma: I achieved my primary objective of introducing the participants to Gmail and Facebook so that they could be connected with anyone they wanted to irrespective of location and provide or exchange information about themselves and their work at the pace, to the extent and with the persons they wanted to. While I was happy to observe the enthusiasm and interest among the participants who had minimal or no idea of Facebook, I could not introduce them to any type of chat tools, as planned (due to connectivity issues) as chatting is informal, faster and easier than Gmail. To remain connected and familiar, they must access Gmail and Facebook and post/share information regularly. A few trials will familiarize them.

Sandhya: I am convinced that half a day session is insufficient to cover the history of the women's movement, particularly violence against women as most of the participants have a lot to say. Some of the things, like links to other movements, the victories and limitations, dilemmas of the movement had to be left out due to lack of time. Lastly, the most important being the learnings of the women's movement to the sex workers' rights movement could not be discussed due to lack of time.

Laxmi: I planned to present more topics like mental health issues of women in a simpler manner, since this is quite relevant to this group. However, there was not enough time. In all the discussions, I set the context to sex workers. I decided to introduce some concepts like surrogacy or ethics of clinical trials even if they are or complex, so that they can begin discussing these issues. I was happy to see participants forming linkages to their work quickly.

## LIST OF PARTICIPANTS AND TRAINERS

S.NO	NAME	ORGANIZATION, ADDRESS
1.	Bhanu Naskar	Pratyay Trust, West Bengal
2.	Samaresh Paul	Pratyay Trust, West Bengal
3.	Prabhati Mandal	Pratyay Trust, West Bengal
4.	Prabha Premlata Tirkey	Srijan Foundation, Ranchi
5.	Pushpa Sharma	Srijan Foundation, Ranchi
6.	Shashi Devi	Srijan Foundation, Ranchi
7.	Deepa Dubey	Asra, Dewas, Indore
8.	Sharada Bai Malviya	Asra, Dewas, Indore
9.	Radha Sharma	Asra, Dewas, Indore
10.	Rekha Narayan Bhai Toliya	Vikalp, Vadodara
11.	Bhil Daxaben Chandresh Bhai	Vikalp, Vadodara
12.	Vankar Savitaben Rasik Bhai	Vikalp, Vadodara
13.	Ajay	Kerala
14.	Shari	Kerala
15.	Kashibai Jadhav	Kranti Mahila Sangh, Solapur
16.	Renuka Jadhav	Kranti Mahila Sangh, Solapur
17.	Mahananda	Kranti Mahila Sangh, Solapur
18.	Shubahangi Kamble	Kranti Mahila Sangh, Solapur
19.	Sangeeta Gaikwad	Kranti Mahila Sangh, Solapur
20.	Sangeeta Manoji	VAMP, Sangli
21.	Renuka Kale	VAMP, Miraj
22.	Sindhu Kamble	VAMP, Nippani
23.	Mahesh Manoji	Mitra, Sangli
24.	Shantilal Kale	SANGRAM, Sangli
	<b>Trainers</b>	
25.	Meena Saraswathi Seshu	SANGRAM, Sangli
26.	Prabha Nagaraja	TARSHI, Delhi
27.	Asma	Consultant, Journalist, Chennai
28.	Sandhya Rao	Consultant, Bangalore
29.	Laxmi Murthy	Consultant, Journalist, Bangalore
30.	Henri Tiphagne	Convenor, Working Group on Human Rights, India
31.	Aarthi Pai	CASAM, SANGRAM
32.	Pushpa Achanta	Documenter

