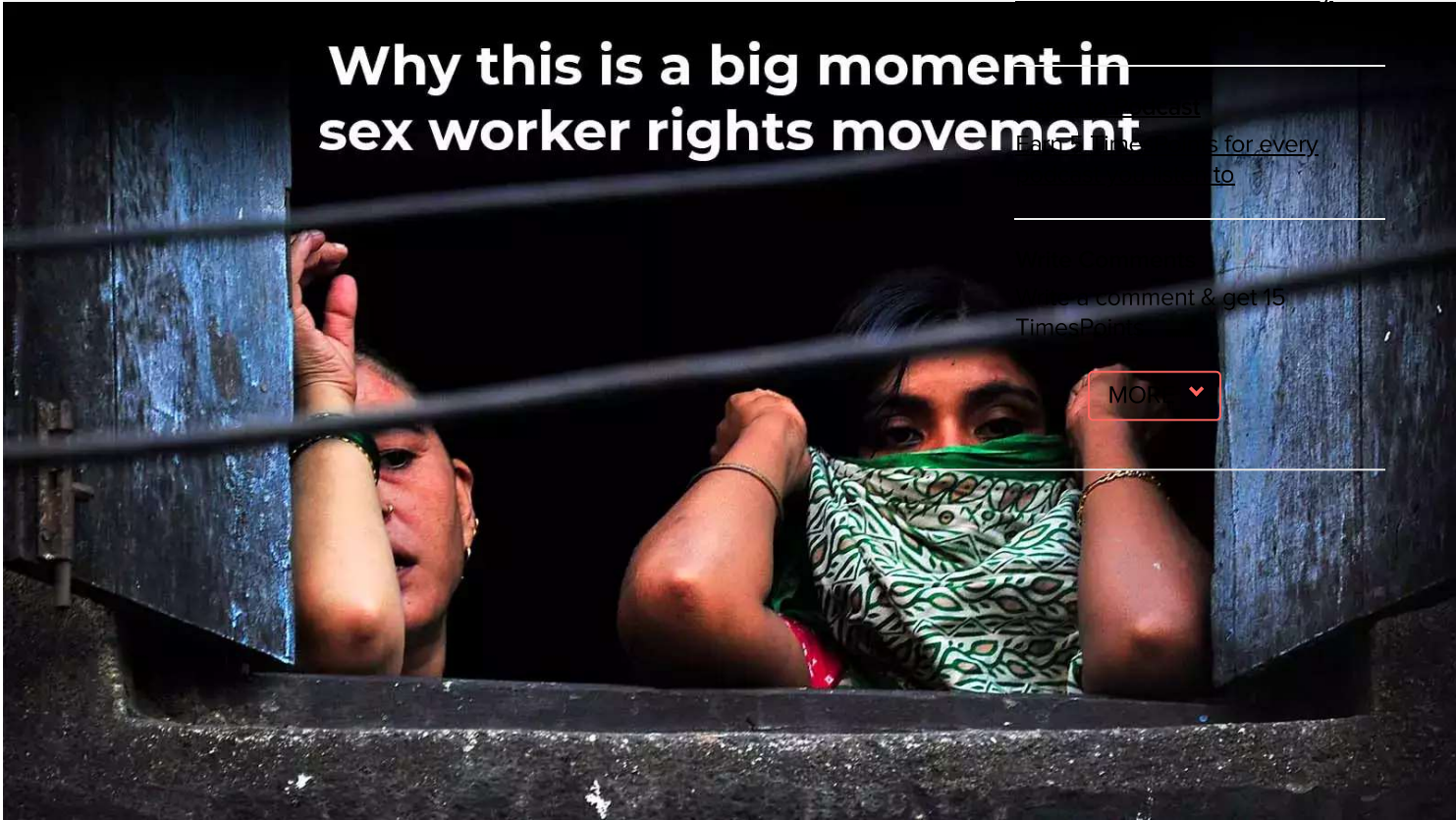


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# Why this is a big moment in sex worker rights movement

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*The Supreme Court's reminder to authorities that sex workers have rights too is a big victory. Fight for full legal status for sex work will continue*

As the news of the May 19 Supreme Court order on sex workers' rights began to trickle in, there was a mixed reaction. On the one hand, many felt that there was nothing new, most of these rights already exist for all citizens of India. On the other, the order was heartily welcomed by those deeply connected to the realities of sex workers lives and struggles. Each recommendation is significant.

Let's make no mistake: these hard-fought victories are being celebrated across India.

To begin with, the Supreme Court writes of sex workers' dignity, notwithstanding their profession and, more importantly, their rights when faced with violence. For many sex workers who have been side-lined and abused in court and heard judges remarking that sex

workers belong in the gutter, the words of the SC bench led by Justice L Nageswara Rao are **Now Reading:**  balm that may begin a healing.

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The recent order came in response to an ongoing petition on the rights of sex workers, *Budhadev Karmaskar vs Union of India* that has been going on for over 10 years. The Supreme Court had set up a panel to give recommendations on how sex workers could live a life of dignity according to the rights promised under the Constitution.

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**Sex workers, collectives and activists alike will be able to use this directive to ensure that law enforcement agencies do not cross the line when it comes to enforcing the law**

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This SC panel met with activists, NGOs, lawyers, sex workers and sex worker rights networks to understand the problems of sex workers and the challenges they face. National Network of Sex Workers (NNSW) members including Karnataka Sex Workers Union, Veshya Anyay Mukti Parishad, Uttara Karnataka Mahila Okkutta, Vadamalar Federation, Saheli Sangh, Sangama, Women's Initiatives and Sampada Grameen Mahila Sanstha were part of the deliberations on many occasions. South India AIDS Action Programme (SIAAP) is a member of the Supreme Court panel.

NNSW members came together and made a detailed submission with recommendations as far back as November 2014 on the problems of the Immoral Traffic (Prevention) Act (ITPA).

The SC panel made detailed recommendations to the court on how the rights of sex workers **Now Reading: 1** could be protected and upheld. It is these recommendations that came up for discussion in the past week.

The second most critical victory has been the directives given with regard to ITPA rescue homes. “The state governments may be directed to do a survey of all ITPA Protective Homes so that cases of adult women, who are detained against their will can be reviewed and processed for release in a time-bound manner,” said the court.

This recommendation is a recognition of the injustice that continues to be meted out to adult women who choose sex work as a form of livelihood, to women who work in brothels in Maharashtra or on the streets in other parts of India; not knowing whether they will be picked up that day as “trafficked victims” and thrown into “Sudhar Gruhs” (rescue/protection homes) awaiting justice. Under the ITPA, female sex workers in brothels have been raided, forcibly rescued and then left to languish in rescue homes.

They have been denied access to their families, lawyers and community-based organisations. Hyderabad, Mumbai, Pune, Sangli, Satara, Nagpur, Jalgaon, Nashik – these chilling stories repeat themselves in the brazen manner of the activists and NGOs who keep them locked up. A research study “Raided” undertaken by SANGRAM and VAMP in partnership with Saheli Sangh and Adhar Sanstha in Maharashtra had brought to the fore this pernicious practice.

[What's stopping India from making sex workers 'equal citizens'](https://timesofindia.indiatimes.com/india/whats-stopping-india-from-making-sex-workers-equal-citizens/articleshow/87928902.cms)

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It has been discussed in Parliament when the trafficking bill was being debated in 2018. Sex workers who have been released after one or two years have related their trauma of being locked up away from their families. None of the rescue homes and the NGOs or activists who

run them have ever owned responsibility for their wrongful actions carried out with active **Now Reading:** knowledge that the women incarcerated were not victims of trafficking but adult consenting women in sex work.


The court's observations about police attitudes and violence are noteworthy. "It has been noticed that the attitude of the police to sex workers is often brutal and violent. It is as if they are a class whose rights are not recognised. The police and other law enforcement agencies should be sensitised to the rights of sex workers who also enjoy all basic human rights and other rights guaranteed in the Constitution to all citizens. Police should treat all sex workers with dignity and should not abuse them, both verbally and physically, subject them to violence or coerce them into any sexual activity," directed the court.

Only sex workers on the receiving end of violence and activists who have visited police stations, met with the DSPs, SPs, written innumerable complaints, petitioned chief ministers demanding and pleading for the violence to stop will understand fully the import of these words. It gives great satisfaction that sex workers, collectives and activists alike will be able to use this directive to ensure that law enforcement agencies do not cross the line when it comes to enforcing the letter and spirit of the law.

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**The Supreme Court has not legalised sex work. The court has underscored key rights of sex workers and called on state governments to protect those rights**

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Another crucial gain for the movement has been the strictures against the media while **Now Reading:**  covering raids and arrests.

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“The Press Council of India should be urged to issue appropriate guidelines for the media to take utmost care not to reveal the identities of sex workers, during arrest, raid and rescue operations, whether as victims or accused and not to publish or telecast any photos that would result in disclosure of such identities.”

Revealing names and faces of sex workers breaking confidentiality is routine both in the English and language media. We have found that regulatory authorities have not been an effective deterrent against this media practice. Lives have been destroyed by self-righteous and over-zealous print and electronic journalists who have splashed names and close-up shots of women who are being pulled out of brothels, escorted into police vans. Such violations and infringements of privacy go unpunished. Women thus exposed are thrown out of their homes or barred from entering their villages and driven further into destitution.

No, the Supreme Court *has not* legalised sex work. The court has underscored key rights of sex workers and called on state governments to protect those rights. There are many more battles that will need to be fought in the courts: for the recognition that an adult woman does indeed have the right to consent and be in sex work; that she has the right to work in a safe working environment without being harassed and violated...and many others. But for the moment, let's cherish this achievement of the sex worker rights movement.

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