

MODULE - LAWS AND POLICIES
THAT IMPACT PEOPLE IN SEX
WORK IN INDIA

Session –Approaches to Sex
Work

Approaches
to Sex Work



Developed by SANGRAM
Sanstha, 2014

Updated 2023
VAMP Institute



Session – Approaches to Sex Work, 2014 (update 2023)

Credit, Disclaimer

The Module has been prepared by SANGRAM Sanstha for creating awareness and training people in sex work, activists.

The sections in this module have been updated to reflect recent discussions and judgments wherever needed.

The Modules and its contents may be used with due acknowledgement to SANGRAM Sanstha. The contents of this module are not intended to replace law in any manner. The purpose is educational and information sharing

2023/ SANGRAM Sanstha. VAMP Institute

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Session Objective

Participants will understand various approaches to sex work.

This will help participants to understand decriminalisation of sex work

Target audience for this session is CBO members /workers

Part 1. Components of Sex Work

According to you what are the components of sex work?

Four Important Components of Sex Work



Sex Worker



Space
Brothel



Third Party



Clients

Components of Sex Work

- **Sex worker** is an adult female, trans or male who provides sexual services in return for money or other benefits.
 - Adult
 - Sex workers do not sell their bodies/sex. They provide a service like other service providers.
 - They have the right to enter and exit this work with dignity.
- **Client** is an adult female, male or trans who receives sexual services.
- Agent/ Third Party includes auto rickshaw drivers, cigarette and pan vendors, brothel madams, sex workers themselves who provide reference to other workers or give rooms on rent to other workers, out of work or older sex workers.
- **Brothel** is any room or space given out for sex workers to work.
- All these components need to operate within **safe working environment**. This is an environment where sex workers can negotiate safety and protect themselves from sexually transmitted infections, violence, abuse, harassment, stigma and discrimination by law enforcement, societal interventions and paying and non – paying clients.
- Safe working environment includes availability of free life saving commodities such as condoms, lubes; access to health services; freedom to access justice, complain against violence by clients or goons.

Part 2. Legal approaches

Understanding how view
these four aspects



Approach of the Law

Laws are aimed at each of the four categories

1. Laws aimed against the sex worker.
2. Laws aimed against the third parties involved in management and organisation of sex work.
3. Laws aimed at those who purchase sexual services.
4. Laws against the use of spaces for sex work.

1. Laws aimed at the sex worker

a. The act of prostitution / sex work (Provision of sexual services).

b. Soliciting (loitering for the purposes of prostitution/ sex work).

c. Type of work engaged in.

For instance, laws can make the act of sex work illegal dependent on where or how it occurs: in a brothel; outdoors in public places (i.e. street work); as escort work (i.e. where a sex worker is dropped off / goes to the client); or as an independent sex worker working from a private residence.

Distinctions can be made by whether a sex worker is working alone or with others.

d. Eviction, rehabilitation on arrest

e. Nuisance and Public Order

2. Laws aimed at Third Parties



- a. Living off the earnings of a sex worker – those who depend wholly or in part on the income of a sex worker (e.g. a partner, adults in a family).
- b. Brothel keeping – i.e. those owning or managing and, sometimes those assisting with, operating a brothel.
- c. Procuring – arranging or making someone available for prostitution

3. Laws aimed at those who use sexual service

4. Laws aimed at spaces



~~✗~~ Demand Reduction laws aimed at the client

~~✗~~ Brothel keeping

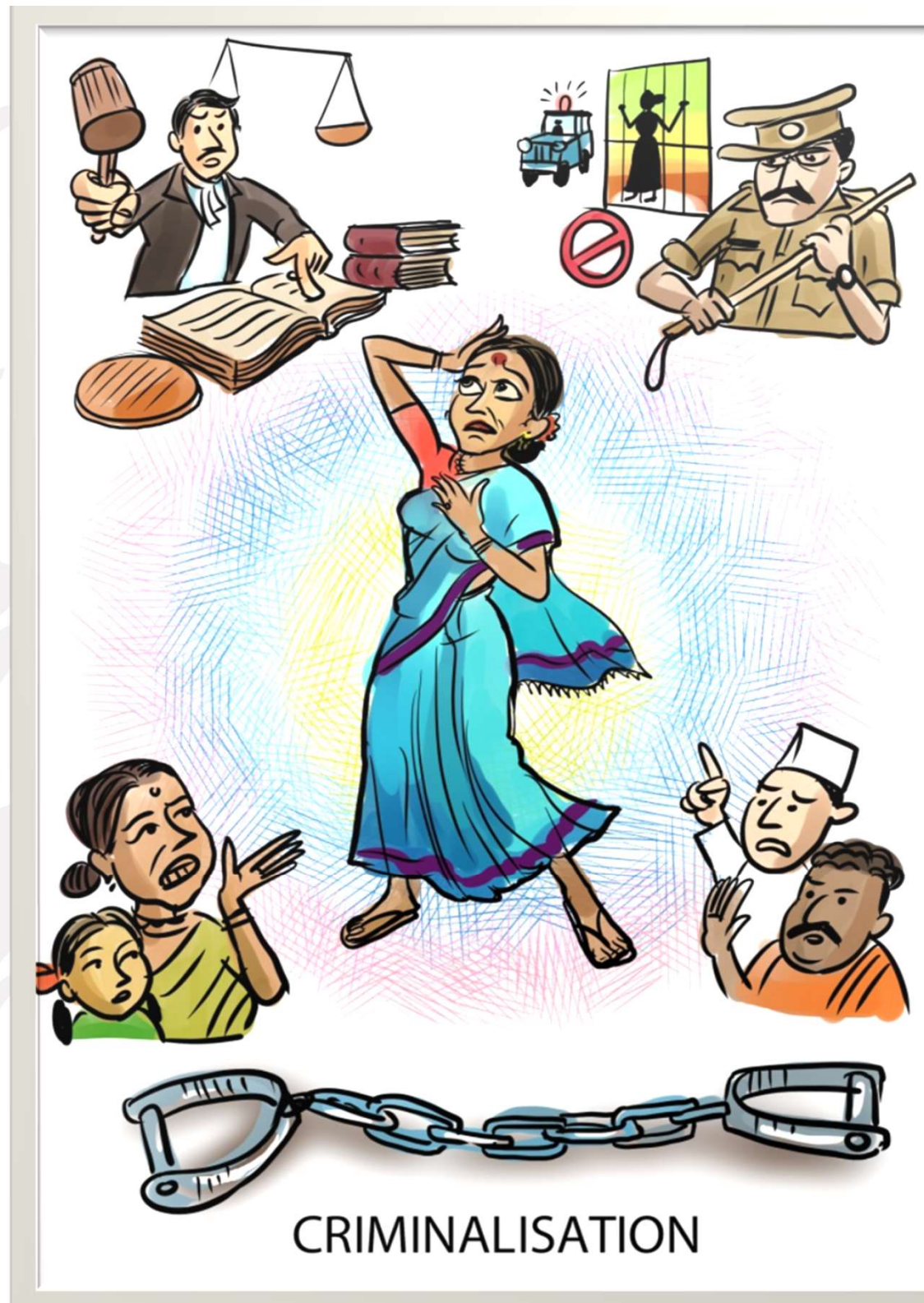
~~✗~~ Lodges and rooms used for sex work

Legal Approaches



1. Criminalisation / Prohibition
 - a. Total criminalisation / Prohibition / Abolition
 - b. Regulation - Partial criminalisation / Prohibition
2. Legalisation
3. Decriminalisation

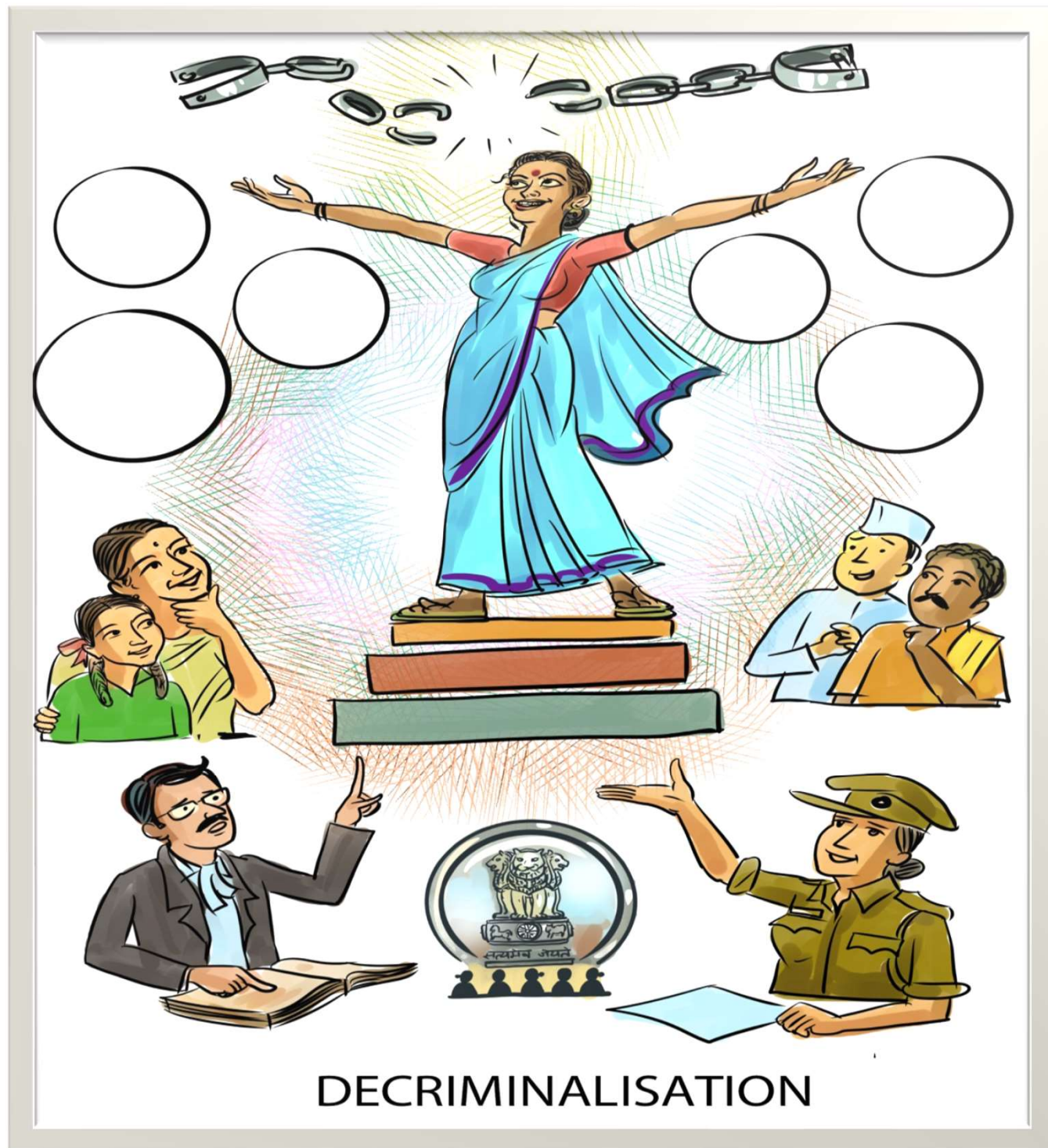
Legal Approaches Criminalization



Legal Approaches Legalisation



Legal approaches Decriminalisation



Demand of the sex worker rights movement

Sex workers demand a decriminalised set up

When sex workers come together without fear of persecution they are able to fight exploitative practices

Removing the criminalized environment

Though sex work is not illegal in India, there are laws such as the Immoral Traffic Prevention Act that continue to criminalize women in sex work and those who support her work such as third parties.

Unsafe Working Conditions

Criminalized environment results in unsafe working conditions for sex workers including exploitative practices by third parties and lack of access to nondiscriminatory health services. Decriminalisation helps sex workers organise and address all forms of exploitation, including abusive, sub-standard or unfair working conditions instituted both within and outside sex work