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SEX WORKERS DEMAND LEGAL REFORM; RIGHTS AND RESPECT

3rd March 2011, New Delhi: On the occasion of International Day of Sex Workers' Rights, the National Network of Sex Workers (NNSW) urged Members of Parliament (MPs) to adopt a fresh outlook towards prostitution and get rid of laws that criminalise their work.

Having sex in exchange for money is not an offence but everything around this transaction is criminalized under the Immoral Traffic (Prevention) Act, 1956 ["ITPA"].

Brothels are illegal, as is sex work in hotels, rooms, lodges, streets and nearly all other premises. In the absence of a designated place, sex workers have to solicit business on the streets or gesturing from other conspicuous sites. But this too is punishable with imprisonment for six months and monetary fine. Describing the absurdity of the law, Bharti Dey of NNSW said – *"it's like telling a person that you can drink water but you cannot go to the well"*

Further still, having no place to service clients, sex workers have to escort them to unknown locations, where their safety is at risk. Meena C Menon, NNSW member from Surat, narrated how since the closure of their *chakla* in 2004, several of her peers have been brutally injured, gangraped, even murdered when they were out with clients. *"Despite facing the worst excesses, sex workers cannot seek legal relief as the Police are either complicit in or indifferent to this violence"* – said Tripti Tandon of the Lawyers Collective, an NGO that advocates reforms in the ITPA.

The illegitimacy attached to sex workers hounds their children as well. 16 year old Tanjula Khatoon, who hails from Sonagachi red light area of Kolkata, said *"My mother's earnings out of sex work support my education. She is keen that I pursue higher studies and become a professional. But when I turn 18, I will be liable to arrest as living on earnings of sex work is an offence under the ITPA"*.

On the one hand, the government is concerned that children of sex workers do not enter their mothers' trade but on the other, they incapacitate the means through which they can come out of prostitution.

“We shared these and other concerns with MPs. They were understanding and supportive” - said Veena, a transgender sex worker, who represents the Bangalore based Karnataka Sex Workers’ Union.

Organized by the Lawyers Collective on 1st March in New Delhi, the interaction between sex workers and law makers saw several prominent MPs including Mani Shanker Iyer, Basudev Acharia and Oscar Fernandes express firm support for empowerment and give thumbs down to laws that create fear among sex workers. Echoing the need for reform, Minister of State for Health and Family Welfare, Dinesh Trivedi, told the 200 sex workers in attendance - *“Many laws, instead of helping, get in the way of progress and welfare, and such laws, I say, must change.”*

Describing their meeting with MPs as *“positive and encouraging,”* Bharti Dey reflected – *“everyone agreed that sex workers have the right to live with dignity.”* While some Parliamentarians like Prof. Sk. Saidul Haque, felt that respect could be accorded by recognizing sex work as work, others like J.D Seelam were of the opinion that dignity means not living a stigmatized life. *“But all MPs unanimously stated that criminalization affronts sex workers’ dignity and must be done away with.”* Politicians also observed that while one may consider sex work immoral, that does not make it illegal.

“In her message, Mumbai M.P Priya Dutt addressed us as women with an unconventional job, who are entitled to security, health and livelihood” – exclaimed Kokila, who travelled all the way from Chennai to talk to law makers about her profession.

This approach is in contrast to the recent observations of the Supreme Court that wanted sex workers to give up their work and take up other vocations. *“This is feeble sympathy”*, remarked Veena. *“What we need are practical measures that free us from exploitative elements, which are a creation of criminal law itself. If we can’t solicit clients without getting arrested, we will naturally rely on pimps to carry on our trade.”*

“We will pursue the suggestions of MPs to raise debate on this complex yet pressing issue” – said Tripti Tandon. All is not well with the current law and there is a critical need for change. Sex workers have a long drawn battle ahead. This 3rd March, they have made significant strides towards realizing legal rights.

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