



SUBMISSION TO THE ANDHRA PRADESH HIGH LEVEL COMMITTEE

BY ME AND MY WORLD, NATIONAL NETWORK OF SEX WORKERS

SUBJECT : CRIMINALISATION OF DEMAND / PURCHASE OF SEXUAL SERVICES

JUNE 2018

The National Network of Sex Workers (NNSW) is a national network of sex worker-led organizations and allies committed to promoting human rights of sex workers in India. NNSW consists of 12 CBOs/ State Networks/ State Federations/ Collectives and 8 NGOs across seven states. With strength of 50,000 members, it is the only National Network that brings together female, transgender, male sex workers and sex work(er) rights activists. National Network of Sex Workers, India, joins anti-trafficking groups in condemning all forms of human trafficking. Indeed, sex worker collectives are frequently important agents for combating trafficking, especially that of minors. Sex workers recognize the ills of trafficking and want to fight it, which is only possible if the communities of sex workers are strengthened as workers with a right to fight against criminalization.

The suggestion that criminalizing clients of sex workers is an anti-trafficking solution is not supported by evidence. In fact as is being seen in the case of Sweden where the purchasers of sexual transactions are criminalized, it exposes sex workers to increased violence. The Supreme Court of India in *Budhadev Karmaskar v. State of West Bengal*, stated that along the recognition of prevention of trafficking and rehabilitation of sex workers who wish to leave sex work, it is essential that conditions conducive for sex workers to live with dignity in accordance with the provisions of Article 21 of the Constitution, must also be recognized. The distinction between sexual exploitation and consensual adult sex work is very significant as it enables sex workers and their advocates to legally contest oppressive and forced sex work towards creation of safe and dignified work conditions for sex workers.

The proposed move of the Andhra Pradesh State government to criminalize buyers of sex goes against the decision of the Supreme Court of India. .

Further, in 2016 an expert panel mandated by the Supreme Court of India to examine the lives of sex workers in India recommended that a clear distinction should be made between voluntary sex work, and trafficking, with appropriate amendments to ITPA (<http://www.dnaindia.com/india/report-give-legal-recognition-to-sex-workers-supreme-court-2271497>). The panel specifically called for legal recognition of voluntary sex work and upheld the rights of voluntary sex workers to non-discriminatory services, including sexual and reproductive healthcare services. (doc. attached vide the letter)

Only rights can stop the wrongs! A key feature of the rights-based approach to sex work is that it distinguishes between consenting sex work and trafficking. It defines 'women' as persons being above

18 years of age and recognises the agency of consenting adults in sex work. Minors in sex work are viewed as victims of child sexual abuse and this approach demands that trafficking in the context of adults and children be clearly separated into two different laws to ensure that consenting adults are not infantilized and children are given justice.

State and non-state actors who use morality to stigmatize and discriminate against sex workers contribute to physical, mental, economic and emotional violence against sex workers. The violence of a judgemental attitude has contributed untold misery on sex workers encouraging lumpen elements to justify the violence meted out to sex workers. NNSW recognizes that **abolitionist approach contributes to making sex work unsafe exposing sex workers to violence and murder.**

Lastly any decision taken on behalf of affected communities without due consultation with them violates every principle of justice. Experience has taught us as sex worker communities - at local, national, regional and global levels that policies imposed without being informed by the lived experiences and meaningful involvement of sex workers can often have a severe detrimental effect on the lives of sex workers and their families. In light of sex workers experiences with such harmful policies, we wish to be involved with the High level committee on Trafficking, for a human rights affirming approach to sex work. We believe it is important for any committee that the Andhra Pradesh government sets up to hear “from various people and groups, agencies and organizations which have an interest in this issue including: sex workers / sex worker groups, survivors of prostitution and groups representing them, feminist and women’s rights organizations.