

Women's rights, human rights activists and sex workers call for decriminalisation of sex work

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Women's rights and human rights activists expressed solidarity with sex work networks in their call to stop all criminalisation of consensual sex work. Proposed amendments to the Immoral Traffic (Prevention) Act (ITPA) seek to criminalize clients and customers, rehabilitate 'prostitutes' engaged in sex work by sending them to protective and rehabilitation homes.

According to Vrinda Grover, Advocate Supreme Court, "*The Verma Commission clarified (on section 370 IPC) that trafficking laws are aimed at protect women and children from being trafficked and should not to be interpreted to permit law-enforcement agencies to harass sex workers who undertake activities of their own free will, and their clients.*"

Criminalization of clients and customers is likely to increase harassment and violence against sex workers, says Shafeena Sayyad, National Network of Sex Workers.

Says Anand Grover, Senior Advocate, Supreme Court of the proposed amendments and its impact, "*Though sex work or prostitution is not illegal under the ITPA, in its implementation all acts of sex work or prostitution are seen as sexual exploitation. Hence, it is likely that the term sexual exploitation in section 5A may be interpreted to include all transactions. Although the proposed amendment does not intend to punish consensual sex with non-trafficked sex workers, that is what is likely to happen.*"

A complete lack of transparency in amending legislations will impact the lives of people engaged in sex work and further drive sex work underground, says Madhu Mehra, Human rights lawyer from Partners in Law and Development, New Delhi.

Tripti Tandon, Lawyers Collective states "*The Swedish experience shows sex workers will rarely testify against customers. While public witnesses may corroborate the presence of the accused in a brothel that in itself does not establish that the accused intended to sexually exploit a trafficked survivor. In its present form, **Section 5A may become unenforceable and is likely to remain an inert provision, without much application in Court.** In practice, Section 5A will be used by the Police to interrupt, harass and extort money out of persons seen in and around brothels.*"

"If the intention is to act against trafficking and rescue trafficked victims, what is the purpose of rehabilitating consenting sex workers? This will only increase the instances of abusive raids and violence faced by the sex workers", says Bharati Dey of All India Network of Sex Workers referring to the proposed move to rehabilitate "prostitutes" engaged in sex work in brothels by sending them to protective and rehabilitation homes.

Says Meena Seshu, SANGRAM "*Legal frameworks that treat consenting adult sex work as violence and exploitative will drive the practice underground and make the sex worker vulnerable to violence, reduce her access to legal remedy to redress violence. It will be a setback to sex workers who are fighting for legal and societal recognition of their fundamental rights to dignity and pursuit of livelihood.*"