

Deem Sex Work as Decent Work: Towards an Inclusive UN Women Policy on sex work.

South Asia Sex Worker Networks (Nepal, India, Bangladesh, Sri Lanka)
Joint Submission

31 October 2016



Nothing About Sex Work without Sex Workers: Towards an Inclusive UN Women Policy on Sex Work was held on 14-15 October 2016, at Bangalore, India. This two day consultation was organised by Sex Workers & Allies South Asia (SWASA) in partnership with Global Network of Sex Workers Project (NSWP); Asia Pacific Network of Sex Workers (APNSW); National Network of Sex Workers (NNSW), India; Jagriti Mahila Maha Sangh (JMMS), Nepal; Sex Workers Network of Bangladesh (SWOB), Bangladesh; Daffodil Collective, Sri Lanka; Stand Up Movement, Sri Lanka and Veshya Anyay Mukti Parishad, (VAMP) India. The consultation was attended by participants from four South Asian countries representing four national level networks, five state level networks, 55 community-led organisations, 25 supporting organisations.

Deem Sex Work as Decent Work: Towards an Inclusive UN Women Policy on sex work.¹

"Sex work and sex trafficking are not the same. The difference is that the former is consensual whereas the latter coercive. Any point of view that casts "voluntary prostitution" as an oxymoron erases the dignity and autonomy of the sex worker in myriad ways. It turns self-directed actors into victims in need of rescue."²

Nothing about Sex Work Without Sex workers!

Film featuring sex workers voices Towards an inclusive policy on sex work
<https://youtu.be/GzOLvMBFeyM>

Sex Workers and Allies (SWASA) believes that collective wisdom gives depth to and empowers policy, and that people in sex work have the right to be involved in formulating policies affecting their lives. People in sex work have valuable contributions to make and they have the right to a participative, inclusive, non-judgmental and safe space.

QUESTION - The 2030 Agenda commits to Universality, human rights and leaving nobody behind. How do you interpret these principles in relation to sex work/ trade or prostitution?

Universality, Human Rights: The strides made by UN Agencies and member states in recognising the rights of people in sex work must be reinforced (Annexure 1). This position must be built on the experiences of women, men and transgender adults, who negotiate sexual services of their own volition³. Implicit in this consent is the act of agency where sex work is a realistic option in the service provision industry. The right to agency must not be denied, diminished or abrogated in any form because of the nature of the work.

Leaving No one behind: Policy and law making bodies/ agencies must be **Transparent, Accountable, Answerable to and Inclusive** of sex workers at every stage of the formulation and implementation process. (Annexure 2)

Sex worker groups globally, UN agencies, researchers and activists have affirmed that **Universality, human rights and leaving nobody behind**, should translate into policies, laws and practices that protect, respect and fulfil the rights of sex workers. Such policies and laws must protect and affirm sex workers' right to Decent Work (Annexure 3) (ILO standard), rights against violence and exploitation in work, prevent illegal police practices, provide them with equality before law and due process.

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² UNDP Global Commission on HIV and the Law

³ Collectives and Networks from Bangladesh, India, Nepal and Sri Lanka who participated in the policy consultation stated that the consent and agency of adult women and transgender people to sell sexual services must be recognised and given primacy in any policy position on them.

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The Right to Decent Work, elaborated in SDG 8 must be applicable equally and without discrimination: sex workers must be given equal rights before the law, including the right to mobilise, form representative bodies and seek legal reform; safe and healthy conditions in a non-discriminatory manner; access to social and health services; legal and other forms of protection from exploitation, abuse and violence.

QUESTION. The Sustainable Development Goals (SDG's) set out to achieve gender equality and to empower all women and girls. The SDG's also include several targets pertinent to women's empowerment. How do you suggest that policies on sex work/ trade/ prostitution can promote such targets and objective?

The letter and spirit of the Montevideo Consensus with regard to ensuring universal access to fundamental services for sex workers must be strengthened through policy. ⁴ Rights guaranteed under the CEDAW Convention must be extended to consenting adult sex workers. (Annexure X)

i. Reproductive Rights

Reproductive Rights guaranteed under various International Declarations and Consensus must be acknowledged and articulated in the specific context and with reference to the specific vulnerabilities of women and transgender people in sex work⁵.

The International Labour Organisation (ILO) and UNDP have emphasised the need to provide sex workers with legally enforceable rights to *occupational health and safety and the right to participate in the process of developing workplace health and safety standards*.⁶⁷ Sex workers are more vulnerable to specific health conditions like RTIs, STIs, cervical cancer, opportunistic infections due to immuno-suppression. On account of stigma and their economic and social vulnerability, they are unable to access commodities (condoms), diagnostic tests (speculum examination, Pap smear), pregnancy and abortion-related services and extended treatment for infections and illnesses like cancer⁸.

ii. Women's ownership of land and assets

Sex workers are denied property from their natal homes because of their status as sex workers. They are also denied the fundamental right to housing, both for owned and rented houses. ⁹

Through the incomes generated from sex work, sex workers have been able to support families and are in many cases, the primary earners with the ability to create assets and property within the household.

⁴ The Montevideo Consensus (August 2013) calls for "universal access to fundamental services for all ... with special attention to women in high risk situations such as older women, pregnant women, women with disabilities... sex workers, women living with HIV/AIDS, lesbians, bisexuals... asylum seekers and victims of trafficking".

⁵ The 6th Asia Pacific Conference (APPC) Declaration, 2013 recognises that sexual and reproductive rights embrace certain human rights that are already recognised in national laws, international human rights documents and other consensus documents and rest on the recognition of the basic right of all couples and individuals to decide freely and responsibly the number, spacing and timing of their children and to have the information and means to do so, the right to attain the highest standard of sexual and reproductive health, the right to make decisions concerning reproduction free of discrimination, coercion and violence... (OP7)

⁶ILO Recommendation concerning HIV and AIDS and the World of Work, 2010 (No 200), Geneva: ILO

⁷UNDP (2012), op cit., p 35

⁸ In Sri Lanka, in order to access government facilities for deliveries, pregnant sex workers are asked for marriage certificates, which they are unable to produce. Hence, they avoid using the services, putting themselves and their newborns at risk.

⁹ Sex workers in Bangladesh are asked the name of their husbands when they go to rent a house. There is mass eviction of sex workers when their status becomes public.

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They have also been able to create other financial assets but are unable to enjoy this income because of the inability:

- To obtain identity proof to access/own property
- To open bank accounts or access any other services
- To access safe and secure housing as single women from the unorganised sector

iii. Building peaceful and inclusive societies

Stigmatisation, rooted in patriarchal morality, is a major factor preventing women from accessing their rights. This structural violence¹⁰ further aggravates discrimination in the lives of women in sex work. It creates a fertile ground for social exclusion and denial of rights as was witnessed in the exhibition of state impunity in *Nippani violence*, Maharashtra, India in 2002.¹¹

Women in sex work are entitled to rights in the economic, political, social, civil and cultural sphere. The rights to education; political participation (including representation at the national and international levels); citizenship; livelihood; health; equality before the law; freedom from gender stereotyped notions about women's chastity and roles and responsibilities within a hetero-normative and patriarchal family, can be fully achieved only if discrimination is eliminated from all spheres. The State must adopt a comprehensive approach to realise the human rights of sex workers and interventions affecting sex workers must be undertaken through consultation, participation and leadership of sex workers.

iv. Ending trafficking of women

The conflation of sex work and trafficking undermines the human rights of sex workers. It fails to secure rights of trafficked persons by misdirecting resources into policing sex work, rather than identifying people who are coerced and providing appropriate support. It exacerbates the lack of legal remedies to redress violence and erodes the efforts of sex workers fighting for legal and social recognition of their rights to dignity and livelihood.¹²

v. Eliminating violence against women

Any argument that seeks to define sex work as violence and exploitation forecloses discussion over the rights of people involved in sex work to pursue it as a livelihood.

Violence against sex workers is linked to the perception of them as criminals and not citizens. This has led to systemic, systematic and large-scale violation of human and fundamental rights such as the right to life, dignity, equality, equal protection and due processes under the law. Stigma attached to sex work exposes them to violence in personal spaces from family members including intimate partners. Violence

¹⁰Structural violence refers to the physical and psychological harm or disadvantage precipitated by systems of oppression and exploitation [See Galtung Johan. (1969). 'Violence, Peace, and Peace Research'. Journal of Peace Research, Vol 6, No. 3, pp 167-91]. This invisible violence embedded in structures of class, caste, heteronormative patriarchy, sexual mores and other structures of hegemony justifies overt violence in the lives of women in sex work on a daily basis.

¹¹Case study of State violence against sex workers in Nippani, Maharashtra, 2002. in Annexure 1, Status of Sex Workers in India, <http://www.sangram.org/resources/status-of-women-in-sex-work-in-india-submission-to-CEDAW-committee.pdf>

¹² In April 2014, the Special Rapporteur on Violence Against Women (SR-VAW) on her visit to India observed that "measures to address trafficking in persons should not overshadow the need for effective measures to protect the human rights of sex workers". The SR-VAW has also called for a review of the Immoral Traffic Prevention Act, 1956 in India that criminalises sex work¹².

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is used as a mechanism of asserting sexual control; it is normalised as punishment for having sex with other men.

vi. Decent Work

The Universal Declaration of Human Rights (Article 23) states that “everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment”. ILO envisages a right to decent work, irrespective of the site of the work, whether the work is in the formal or informal sector, whether the concerned individual is a waged employee, home-based worker, a contributing family worker or self-employed.

The right to decent work is irrespective of the moral or legal positions of the state or society vis-à-vis a particular occupation. Worker rights have to be respected, protected and fulfilled irrespective of whether the national governments recognise the work or not.¹³

Sex work must be included within the agenda of right to work and decent work. Sex work remains a livelihood option for sex workers, enabling them a decent living compared to the alternative informal labour market alternatives that exist for them. Through the incomes generated from sex work, sex workers have been able to support families often as the primary earners. They have also been able to create financial assets that give them financial security and the means for a sustainable decent living.

QUESTION The sex trade is gendered. How best can we protect women in the trade from harm, violence, stigma and discrimination?

The agency of adult women in sex work should be recognised. The policy must recognise the harm of raids, invisibilising a woman’s consent and coerced rehabilitation by:

- a. Not conflating sex work with trafficking which is a criminal offense. Trafficking of adults and children should be dealt with under separate laws to ensure that consenting adults are not infantilised and children are given justice.
- b. Shutting down compulsory rehabilitation centres for sex workers and providing voluntary, community empowerment services.
- c. Ensuring witness protection for sex workers testifying against traffickers and violators
- d. Ensuring that laws against “loitering without purpose”, “public nuisance”, “public morality” and “move on” powers are not used to penalise and harass sex workers.
- f. Sensitising police personnel, public prosecutors and the judiciary to issues faced by sex workers
- g. Prohibiting forced raids and rescue, arbitrary arrest and detention, harassment, extortion and abuse by law enforcement staff
- h. Prohibiting mandatory HIV and STI testing of sex workers following arrest.

¹³ In the Indian context, the Supreme Court has categorically included the right to livelihood as an integral component of right to life.

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- i. Enhancing sex workers' access to justice by strengthening National Human Rights Instruments (NHRIs), increasing their accountability in responding to rights violations.
- k. Ensuring free legal services by lawyers trained in issues faced by sex workers.

ANNEXURE 1. UN AGENCIES' AND COMMISSIONS' POSITION ON RIGHTS OF SEX WORKERS

- A. The Special Rapporteur on Violence Against Women (SR-VAW) has observed that "measures to address trafficking in persons should not overshadow the need for effective measures to protect the human rights of sex workers". The SR-VAW has also called for a review of the Immoral Traffic Prevention Act, 1956 in India that criminalises sex work¹⁴.
- B. UN Resolutions, International agencies and Commissions have stressed on a rights based response to sex work and the need to protect rights not just by *decriminalising sex work, but by eliminating the unjust application of non-criminal laws and regulations* against sex workers.
- i. The UN Economic and Social Commission for Asia Pacific resolution calls on members to address legal barriers¹⁵ to HIV responses including reviews¹⁶ of national laws, policies with a view to eliminating discrimination against vulnerable populations.
 - ii. The 6th Asia Pacific Conference (APPC) Declaration, agrees to address the legal and policy barriers that impede access to HIV prevention, treatment, care and support, particularly among key affected populations, including sex workers¹⁷
 - iii. The UNAIDS Advisory Groups on HIV and Sex Work has specifically recommended that States should move away from criminalising sex work or activities associated with it. Decriminalisation of sex work should include removing criminal penalties for purchase and sale of sex, management of sex workers and brothels, and other activities related to sex work¹⁸.
 - iv. The World Health Organisation, UNFPA and UNAIDS have called on countries to work towards decriminalisation of sex work and the elimination of the unjust application of non - criminal laws and regulations against sex workers¹⁹.
 - v. The Independent Commission on AIDS in Asia,²⁰ UN Special Rapporteur on Right to Health,²¹ Global Commission on HIV and the Law²² and UNDP Asia Pacific²³ have recommended the decriminalisation of sex work involving consenting adults.

¹⁴UNHRC (2014) Report of the Special Rapporteur on violence against women, its causes and consequences, Mission to India, p 19. A/HRC/26/Add.1

¹⁵UN Economic and Social Commission for Asia Pacific (ESCAP) Resolution 66-10, *Regional call for action to achieve universal access to HIV prevention, treatment, care and support in Asia and the Pacific*, 2010 (29 September 2011), available from http://www.unescapsdd.org/files/documents/HIV_IGM1_INF4.pdf

¹⁶UN ESCAP Resolution 67-9, Asia pacific regional review of progress in achieving declaration of commitment on HIV and political declaration on HIV/AIDS, 2011

¹⁷ Economic and Social Commission for Asia – Pacific. Sixth Asian and Pacific Population Conference. Asia and Pacific declaration on population and development, 2013, doc.E/ESCAP/APPC (6)/WP.1/ Rev.3 (ESCAP)

¹⁸ UNAIDS Advisory Group on HIV and Sex Work (2011), Report of the UNAIDS Advisory Group in HIV and Sex Work: December 2011, Geneva: UNAIDS.

¹⁹ Prevention and treatment of HIV and other sexually transmitted infections for sex workers in low and middle income countries. Recommendations for a public health approach. December 2012, WHO, UNFPA, UNAIDS, NSWP, P 8.

²⁰Commission on AIDS in Asia (2008), *Redefining AIDS in Asia, Crafting an effective response*, New Delhi: Oxford University Press.

²¹Human Rights Council, *Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Anand Grover*, A/HRC/14/20, 27 April 2010

²²Global Commission on HIV and law (2012), op. cit., p 43

²³UNDP (2012), Sex Work and the Law in Asia and the Pacific, *HIV and human rights in the context of sex work*. p 34- 39

- vi. National Human Rights Institutions have been called on to hold governments accountable for the protection of sex workers from discrimination, harassment, abuse and violence perpetrated by police or other government officers.²⁴
- C. UN organisations, International agencies and Commissions call for *recognition of Trafficking in persons for sexual exploitation and Sex Work as two different concepts* to be understood and legislated accordingly.^{25,26,27} Sex Work organisations have also called for a review of laws that criminalise third parties who support sex workers to work within a safe environment.²⁸
- D. The International Labour Organisation (ILO) and UNDP have emphasised on the need to provide sex workers with legally enforceable rights to *occupational health and safety and right to participate in the process of developing workplace health and safety standards*.^{29,30}
- E. Sex workers have been recognised as an invaluable resource in the law and policy reform process with a view to developing non-judgmental and rights based laws, policies and programmes.³¹
- F. Elaborating the scope of Article 6 of CEDAW; General Recommendation 19 calls on States to recognise that their (sex worker's) unlawful status makes sex workers vulnerable to violence and hence need equal protection of laws against rape and other forms of violence.³² States were asked to report on the measures to protect women in sex work and the effectiveness of these measures.³³ The CEDAW Committee has recommended the need for measures to prevent "discrimination against sex workers and ensure that legislation on their right to safe working conditions is guaranteed".³⁴
- G. The Supreme Court of India has observed that sex workers are entitled to a right to life and must be accorded the protection guaranteed to every citizen. It instructed the State to provide recommendations on the *rehabilitation of sex workers who wish to leave sex work of their own volition and to provide conducive conditions for sex workers who wish to continue working as sex workers* in accordance with Article 21 of the Constitution.³⁵

²⁴ibid. p 39

²⁵Global Commission on HIV and the law (2012), op. cit., p 43

²⁶UNDP (2012), op cit., p 24

²⁷Human Rights Council (2010), op. cit., p 15

²⁸ Global network of sex work projects (2013), *Third parties briefing paper*: http://www.nswp.org/sites/nswp.org/files/thirdparties3_0_0.pdf. Viewed on December 2013

²⁹ILO Recommendation concerning HIV and AIDS and the World of Work, 2010 (No 200), Geneva: ILO

³⁰UNDP (2012), op cit., p 35

³¹WHO, UNFPA, UNAIDS, Global Network of sex Work Projects, The World Bank. Implementing comprehensive HIV/STI programmes with sex workers: practical approaches from collaborative interventions. Geneva, World Health Organisation, 2013. P XX

³²UN Committee on the Elimination of Discrimination Against Women (CEDAW), *CEDAW General Recommendations Nos. 19, Article 6. Adopted at the Eleventh Session, 1992*, available at: <http://www.refworld.org/docid/453882a422.html> [accessed 14 December 2013]

³³ibid. Specific recommendations 24 (h)

³⁴UN Committee on the Elimination of Discrimination against Women, *Concluding Observations on the combined seventh and eighth periodic reports: Hungary*, 26 March 2013, CEDAW/C/HUN/CO/7-8

³⁵Budhadev Karmaskar v. State of West Bengal (2011) 11 SCC 538

ANNEXURE 2. SEX WORK AS DECENT WORK

The Universal Declaration of Human Rights (Article 23) states that “everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment”. The ILO has envisaged a right to decent work for all workers, irrespective of the site of the work, whether the work is in the formal or informal sector, whether the concerned individual is a waged employee, a home-based worker, a contributing family worker or is self-employed.

Individuals have a right to decent work irrespective of the moral or legal positions of the state or society vis-à-vis a particular occupation. The rights of the workers have to be respected, protected and fulfilled regardless of whether the national governments recognise the work or not. In the Indian context, The Supreme Court of India has categorically included the right to livelihood as an integral component of the right to life: “If the right to livelihood is not treated as a part of the constitutional right to life, the easiest way of depriving a person of his right to life would be to deprive him of his means of livelihood to the point of abrogation”. In this backdrop, there is a need to include sex work within the agenda of the right to work and the right to decent work.

Sex work remains a livelihood option for sex workers, enabling them a decent living as compared with the several other informal labor market alternatives open to them. Through the incomes generated from sex work, sex workers have been able to support families and are in many cases, the prime income generators within the household. They have also been able to create other financial assets for themselves that have given them financial security and the requisite means for a sustainable decent living. We base these arguments on the results of the First Pan India Survey of Sex Workers, conducted across fourteen Indian states and surveyed 3000 sex workers. The survey was instrumental in shaping our understanding of the connections between sex work and informal labor markets in India.

1. It was found in the Survey, that sex work shares a close, mutually interactive relationship with several informal labour forms. A sizeable proportion of women entering sex work came with a long history of working in the informal labour markets as domestic workers, petty sellers, home-based workers in *agarbatti or beedi* rolling, daily wage earners, agricultural laborers etc. In some cases, those in sex work have continued to be in those alternative professions as well. Entry into sex work was based on individual choice, given the experiences of poor pay and harsh working conditions across the informal labor markets.
2. Importantly, sex work emerged as a comparatively higher income-generating option for sex workers compared to the alternative work options they could avail. Attempts at rehabilitation of sex workers forcibly seek to push them into much lower income generating options, which are disruptive of households.
3. The lack of recognition of the right to work in sex work prevents sex workers from accessing other important rights such as right to health, right to housing and right to education.

The understanding of decent work as put forth by the ILO encompasses four components: employment, social protection, workers rights and social dialogue. Sex workers have over the years been working towards achieving these objectives within their communities. It is imperative for the government to recognise these efforts and include them in their agenda for decent work.

**ANNEXURE 3 NOTHING ABOUT SEX WORK WITHOUT SEX WORKERS:
ETHICAL STANDARDS FOR AN INCLUSIVE CONSULTATION WITH SEX WORKERS
National Network of Sex Workers (NNSW), India**

These Guidelines were collectively evolved by the National Network of Sex Workers October 2016. Endorsed by members of JMMS, SWNoB, Stand Up Movement and Daffodil Group

The National Network of Sex Workers [NNSW] India believes that collective wisdom gives depth to and empowers policy, and that people in sex work have the right to be involved in formulating policies affecting their lives. People in sex work have valuable contributions to make and they have the right to a participative space that is non-judgmental and safe.

Sex workers in NNSW have collectivised in many forms of organisation: Community based, Non-governmental organisations and networks of sex worker-led groups among others. Allies and supporters of sex workers have also joined NNSW with the primary objective of promoting the rights of sex workers and the right to sex work. Collectives are organised on the principles of self-determination, self-organisation and self-articulation of the right to work and livelihood in the sex business. Sex workers and their allies believe that the lived experiences of sex workers should inform any sex work-related policy, laws and guidelines for implementation. There are ethical obligations for the greater and meaningful involvement of people in sex work in the formulation of policy and laws pertaining to sex work.

There should be equitable allocation of all resources in every aspect of programming in interventions with sex workers: finance, time, space, representation, meaningful participation (to be ensured by translation, and adequate time); documentation and policy drafting exercises. The rhetoric of rights must be reflected in the manner in which interventions take shape. A set of indicators that accurately reflect these processes will help to translate the principles of equitability into practice.

Nothing about sex workers without sex workers

A meaningful and inclusive consultation with sex workers is guided by the gold standard of community-led processes that use peer-based and/or participatory methodologies. Community participation requires strategy, resources, commitment, time and a planned approach. In order to ensure participation and engagement on a more equal footing, attention must be paid to capacity building in partner agencies as well as communities.

The fundamental requirement for meaningful involvement is consistent with the commitment made by governments in 2001 and 2006 when they endorsed the UN General Assembly's Declaration of Commitment on HIV/AIDS and Political Declaration on HIV/AIDS, which calls for the greater involvement of people living with HIV and of people from marginalised communities.

The International Guidelines on HIV/AIDS and Human Rights, 2006 by the Office of the United Nations High Commissioner for Human Rights [OHCHR] and the Joint United Nations Programme on HIV/AIDS [UNAIDS] used the principle of Greater Involvement of people living with AIDS [GIPA] in a process of participatory consultation and cooperation that was undertaken in the drafting of the Guidelines, so that

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the Guidelines reflect the experience of people affected by HIV, address relevant needs and incorporate regional perspectives.

This participatory method of involving sex work communities in policy making and guidelines for implementation is a process executed in the sex worker implementation tool (SWIT) authored by the WHO, UNFPA, UNAIDS, Global Network of Sex Workers [NSWP], World Bank and UNDP.

Guidelines

NNSW promotes community-led consultations using peer-led participatory strategies to reach all sex workers. In a situation where peers and or participants are not literate, documenters guided by the network will be used.

The safety and well-being of sex workers is paramount and should guide all decisions during the course of the participatory consultation. Sufficient consideration, time and resources must be dedicated to ensuring that rigorous ethical standards are met during the process of consultation and documentation.

With the following standards in place, the process of the consultation itself has the potential to be transformative for peers, documenters and the participant sex workers:

Respect for persons: A basic respect for human dignity must guide the process. All questions should be posed sensitively in a supportive and non-judgmental manner. There must be no discrimination on the basis of gender, caste, class, geographic origin, creed or race. The questions must be meaningful and enable participants to respond in an informed manner. Documenters should be transparent about the objectives of the consultation and make these clear at the outset. Confidentiality of both the sex workers and the peers should be maintained and their responses should not be identifiable without specific consent. The consequences or potential misuse of quotes must be evaluated and accountability mechanisms discussed. The dignity, privacy and interests of the sex workers are paramount and should be protected at all times.

Justice: The consultation is intended to benefit the interests of sex workers. Care should be taken to ensure that any outcomes of the consultation are communicated in ways that authentically reflect the views and interests of the participants. It is the duty of the documenters to report back on the outcomes to the communities prior to public dissemination. When released publically, the outcomes of such a consultation should be disseminated in a rigorous manner and particular attention should be paid to ensure that dissemination in no way reinforces negative stereotypes or attitudes toward sex worker communities. All outcomes should be communicated with the intention of effecting positive change in policy and discourse.

Confidentiality: Privacy and confidentiality are particularly important in such consultations given that identification as a sex worker can lead to sanctions and/or violence. The consultation should establish – in partnership with sex workers– protocols for the safe and secure management of information; for protecting anonymity; and for handling breaches in confidentiality. Participants should be informed of any potential limitations to the confidentiality of any information supplied. Procedures should be put in place to protect the confidentiality of information and the anonymity (if so desired) of the participants in all materials and outcomes produced by the consultation. The specific mechanisms to protect confidentiality include: Peers and documenters should receive instructions about the importance of

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maintaining confidentiality; names, sources of information or personal identifiable markers should be recorded only with informed consent; recordings should be kept in a protected digitised format to avoid misuse.

Effective information and communication: Information should be provided in verbal, visual and written formats in easy to understand terms, avoiding jargon, and in languages and dialects used by the sex workers participating in the consultation. Participants must be well-informed about the need, purpose and objectives of the consultation. The objectives should be made available to participants in writing, while remaining mindful of the fact that possession of such written material might carry with it the possibility of identification as sex workers, which could prove risky for participants in some situations. Organisations need to ensure that professionals chosen to consult with sex workers are persons who have not professed anti sex work/anti sex worker rights sentiment in any forum. At the very least organisations need to ensure that professionals they engage possess some understanding, knowledge and skills to work in partnership and engage meaningfully with communities of sex workers.

Representation and interpretation: Consultations with sex workers and their allies involve the communication of information and ideas that might be unfamiliar and complex. All efforts must be made to translate written, audio and visual (sub-titles where relevant) material into languages and dialects used by sex worker communities. Translators, interpreters and documenters must be committed to empathetic listening and interpreting the voices of the sex workers as authentically as possible in order to ensure that sex workers' narratives are communicated without bias, prejudice or distortion of any kind.

Voluntary participation: Documenters must stress that participation is completely voluntary and not conditional on inducements or coercion of any kind. Where appropriate, incurred expenses (such as for transport or meals) may be reimbursed. Participants must be clear that refusal to participate should not result in any negative consequences. Participants should be made aware that they can withdraw from the consultation at any time. Such withdrawal should not affect any travel reimbursement/compensation already handed over. The participant should also be free to terminate the consultation at any point, and can also refuse to answer specific questions.

Informed consent: The consultation should be rigorous in its efforts to ensure genuine informed consent on the part of sex workers. Transparency is crucial, and all participants should be informed of the purpose and nature of the consultation through an informational handout and consent procedure that should be developed in conjunction with sex workers to ensure that the language used is clear and appropriate, and that methods used can overcome the challenge of low levels of literacy. Consent must be obtained at the outset of the consultation, ensuring that the individuals participating have obtained consent from the organisations they represent. Such consent must be recorded orally or in writing as appropriate.

Accountability and safety mechanisms: Organisations and individuals who undertake to consult with sex workers must be held accountable and ensure that ethical standards are rigorously adhered to. A robust redressal mechanism which includes sex workers must be put in place to address any violations that occur during and after the process of consultation.

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ANNEXURE 4. RECOMMENDATIONS UNDER SPECIFIC PROVISIONS OF CEDAW MADE BY SEX WORKER GROUPS.

Article 5. Measures to be taken by the State

There is a negligent behaviour by the police towards sex workers. They delay the process and the treatment in police station is completely different.

The responsibility of children lies with the women, but in Kerala if the sex worker is arrested, then our children are taken away by the grandparents or to the children's home.

6. Trafficking & Prostitution

In Nepal, police harassment is very high and there is an emerging trend where the police rape the sex workers in the custody.

Traffickers should be punishable and should not be granted bail.

No forceful rehabilitation of sex workers. Consent should be taken before any kind of rehabilitation.

A separate police Complaint Authority Cell should be established and police who are exploiting the women in the police stations should be punished under this Authority.

10. Right to Education:

Children of sex workers have right to education and this is violated by the society when they know the status of the mother.

An enabling environment should be created for sex workers so that they can also go to adult learning programs.

During the admission process, the school management asks the name of the father or a guardian. School should consider mother's name for admission.

Guardians should be considered if the children of sex worker are cared by them in the absence of mother.

Children of sex workers should get opportunity to study in Government and Private schools.

Sex workers should get space and opportunity to create awareness in education departments including ministers to helpers in the school to reduce discrimination in schools.

11. Employment

Sex workers should be given an option to look for livelihood even when they are doing sex work. Often livelihood options are given as rehabilitation, which many sex workers don't want.

Sex workers do not get any income after 40 years of age, so the government should give employment opportunities to sex workers who want alternative livelihood after a certain age.

13. Economic & Social Life:

Government should provide solutions to document employment status of sex workers. Lack of this leads to problems in accessing bank loans and other services. For example, a sex worker in Tamil Nadu wanted a loan for educating her son. The bank denied her the loan saying that she did not have any income nor her husband has. But how can sex workers ascertain that they have income but when

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there are no proofs of such income it becomes difficult. So, the government should simplify the process of processing loans for women in sex work and from other unorganised sector.

In Sri Lanka, though families survive on the earnings of sex worker, sex workers still have discrimination from the family members. Sex workers are not respected.

In Sri Lanka, the banks ask public servant to be the guarantee to open a bank account. But when sex workers go, the public servants do not agree to come forward as guarantee.

In Sri Lanka, sex workers are not allowed to have a decent public life like access to venues of entertainment.

In Sri Lanka, children of sex workers are discriminated when they need a police report. In situations where sex workers go with her child, the police speak badly about her which has its own effects like the child's perspective on the mother, and the employment opportunities thereafter.

Being a fundamental right, sex workers are denied housing rights everywhere. They don't get houses for rent. People should be sensitised about right to life for all which would also include the housing rights.

Sex workers in Bangladesh are being asked the name of her husband when they go to rent a house. There is mass eviction of sex workers when their status is known. In Bangladesh there are 1 lakh sex workers and 3 lakhs children of sex workers. When sex workers don't get basic facilities like water and sanitation then what is the plight of the children.

15. Equality of Men and Women Before Law

Many sex workers prefer not to go to court because of the fear of the fees that are to be paid to the advocate. They don't know about the free legal services available to them at the Legal Services Authority. So such information should be displayed everywhere in the court.

Law enforcement authorities should be responsible for ensuring that justice is done to the sex workers. They should treat sex workers as citizens. Sex workers should be given a chance to speak before the court of law.

In courts, we are not heard. Our voices become immaterial to the judge. Merely our presence and our raising hand matters to them.

The present draft on trafficking is very complex and the sex worker is seen as a victim. There is forceful rehabilitation of sex workers. Sex workers should be consulted over any rehabilitation plan.

Police should register cases of sex workers as they do to others. More privileges are given to the general women when compared to a sex worker.

Police personnel who harass sex workers should be punished.

Sex workers are denied property from the parents because of their status as sex workers.

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ANNEXURE 5. RECOMMENDATIONS ON SUSTAINABLE DEVELOPMENT GOALS

Sri Lanka

Reproductive rights: The midwives who take the responsibility of delivery and care of pregnant women are attached with the Medical Officer, Health of Health. And when sex workers go there to get benefits, they are being asked for marriage certificate in front of everyone. This marginalises the sex workers and to avoid the situation, they don't avail the services both for herself and for the child. Right to health is denied to sex workers.

Bangladesh

Goal 1. A lot of sex work is the result of migration. The structure of a family is also responsible for this where there are step parents. There are various vulnerabilities due to extreme poverty and that results in migration.

Goal 5: Due to low levels of education among the parents and the girls who are being taken away by the agents is also an issue migrated. Parents don't know enough about the nature of employments that are provided for the girls.

Goal 6. Many sex workers have problems with sanitation as they don't have access to toilets or clean water supply.

Goal 3. When the doctors or nurses come to know about the status as sex workers, they do not give beds and the beds allotted are taken back. Even in burial grounds they do not get a place when their status is disclosed.

Kerala (Social security & Poverty)

Goal 1-

The earning of sex workers goes to pay as fines, for bail and for lawyers who takes their case.

After 40 years of age, sex workers don't get clients and hence they should be entitled to some social security measures.

Nepal (Gender Equality & Empowerment)

Goal 5: When women take sex work as an option, they face lot of problems and violence. The police personnel do not take the sex workers complaint seriously and they are just ignored and furthermore the police harass the sex workers. The capacities of sex workers should be built and there should be empowerment in terms of collectivisation so that they can also fight for their rights.

Jharkhand, India

Goal 7. Sex workers are asked for identity (ID) proof which they go to access social security schemes, electricity, housing etc. With no proper ID cards, these social security schemes do not reach the sex workers. The government should make the process of obtaining ID cards flexible so that sex workers also get the basic services like ration and pension from the government.

The other problem is of mobility and migration of sex workers, in their own villages they are denied any social security schemes because they are told that they don't stay here and in the place of residence they are told that since the place of residence is not their own village/town so they cannot get them.

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Far from giving us employment, the government is taking back our employment.

Goal 8: Sex workers want employment opportunities like petrol pumps, Anganwadi centres, PDS shops etc. and does not want cattle rearing, sewing machines that are outdated.

Gujarat, India

Goal 8: Safety and reduced inequality

In Gujarat, there are very few options for livelihood. The wages are very low. Safety is a major concern for women in safe work. Sometimes when sex workers go for other jobs they are sexually assaulted. Many women go abroad in search of jobs due to poverty.

Karnataka, India

Goal 11.

Displacement issues: With expansion of cities and the streets, the pavements get lost which creates problem for sex workers. And sex workers also frequently go to the custody when there are caught by the police on roads. Safety is a matter of concern. Recently, a sex worker was stabbed when she refused to go with a client. There is no safety for sex workers in such conditions and this is also affecting the livelihood options.

Sex workers should be entitled to housing schemes under the government and they should get them on areas where general population resides and not any exclusive schemes.

Chennai, India

Protection and safety:

Sex workers face a lot of discrimination but if the sex worker is HIV positive then they don't even get a bed in the hospital and they make them sleep on the floor. This is a kind of violence which is not acceptable and sex workers should not be discriminated on the status of sex worker nor on HIV positive status.

Andhra Pradesh, India

Goal 14:

Sex workers' lives are affected in drought prone areas where customers pay less amount and this leads to poverty and in such situations daughters of sex workers are compelled to enter into sex work.

Goal 16:

Violence on sex workers leads to lot of deaths among them. After death, the police do not even bother to take up the case seriously. Justice is not being done even after death.

Birth Certificates should be given in the name of mothers.

Maharashtra

Goal 16:

Caste certificates should be given based on the mother's lineage and not from father's side. Many Devadasi face the problem of caste certificates and they don't get it, as a result of which high school fees are paid by the sex workers for educating their children.

ANNEXURE 6. LIST OF PARTICIPATING SEX WORKER COLLECTIVES

1. Saheli Sangh, Pune
2. Kranti Mahila Sangh, Solapur
3. Veshya Anyay Mukti Parishad, Sangli, Satara, North Karnataka
4. Mitra, Sangli
5. Muskan, Sangli
6. Vadamalar Federation, Tamil Nadu
7. Nirangal, Tamil Nadu
8. Krishna Vennela Mahila Society, Andhra Pradesh, India
9. Siri Mahila Saadhikarata Welfare Society, Andhra Pradesh, India
10. Premasangam Mahila Society, Andhra Pradesh, India
11. Pragathi Mahila Sangam, Andhra Pradesh, India
12. Pragathi Mythri Mahila Sangam, Andhra Pradesh, India
13. Shakti Mythri Mahila Sangam, Andhra Pradesh, India
14. Karnataka Sex Workers Union, India
15. Sex Workers Association, (SWA), India
16. Beladingalu, Karnataka, India
17. Mahila Kranti, Karnataka, India
18. Rakshane, Karnataka, India
19. Spandana Mahila Sangha, Karnataka, India
20. Sneha Mahila Sangha, Karnataka, India
21. Sanghamitra, Kerala, India
22. Snegitha, Kerala, India
23. Vanitha Society, Kerala, India
24. Sex Workers Network of Bangladesh, Bangladesh
25. Aviyani Nari Ekata Samuha, Nepal
26. Banke Pragatishil Mahila Sangh, Nepal
27. Ekakrit Mahila Samuha, Nepal
28. Goreto Nepal, Nepal
29. Jivan Jyoti Mahila Sangh, Nepal
30. Kanchan Kriyashil Mahila Sangh, Nepal
31. Kriyashil Mahila Sangh, Nepal
32. Mahila Bikas Samaj, Nepal
33. Mahila Jagaran Samaj, Nepal
34. Mahila Jagaran Samuha, Nepal
35. Mahila Mukti Sangh, Nepal
36. Mahila Paurakhi Manch, Nepal
37. Mahila Sachetana Kendra, Nepal
38. Mahila Sachetana Samaj, Nepal
39. Mahila Sahayogi Samuha, Nepal
40. Mahila Sashaktikaran, Nepal
41. Milijuli Mahila Samuha, Nepal
42. Namuna Mahila Sangh, Nepal
43. Nari Awaaj, Nepal
44. Nari Chetana Samaj, Nepal
45. Nari Ekata Samuha, Nepal
46. Nari Milan Kendra, Nepal
47. Nijgad Mahila Samuha, Nepal
48. Parijat Mahila Sangh, Nepal

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49. Pragatishil Mahila Sangh, Nepal
50. Sangarsha Mahila Samuha, Nepal
51. Srijanshil Mahila Samuha, Nepal
52. Sudur Paschim Kriyashil Mahila Sangh, Nepal
53. Daffodil Collectives, Sri Lanka
54. Stand Up Movement, Sri Lanka
55. Sadhana Mahila Sangha, Karnataka, India

Supporting Organisations

56. SANGRAM, India
57. Sangama, India
58. Samraksha, India
59. Women's Initiatives, India
60. South India AIDS Action Project, India
61. Vidrohi Mahila Manch, Sangli
62. Nazariya, Sangli
63. AALI, Jharkhand, India
64. Chotanagpur Sanskritik Sangh, Jharkhand, India
65. Jago Foundation, Jharkhand, India
66. LAHANTI, Jharkhand, India
67. Lok Prerana Kendra Jharkhand, India
68. Mahila Mukti Sanstha, Jharkhand, India
69. Prerana Bharati, Jharkhand, India
70. Rasta- the way, Jharkhand, India
71. RJSS, Jharkhand, India
72. Sahbhagi Vikas Kendra, Jharkhand, India
73. SGVV, Jharkhand, India
74. SMVM, Jharkhand, India
75. Spark, Jharkhand, India
76. Srijan Foundation, Jharkhand, India
77. Kutch Mahila Vikas Sanstha, Bhuj, India
78. Vikalp, Baroda, India
79. Community Strength Development Foundation, CSDF, Sri Lanka
80. Janasahyog, Karnataka