



# “Rubaru”



## **Taking forward the dialogue**

A conversation between  
the sex workers' rights movement  
and other peoples' movements

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# The Invitation

*Rubaru means face-to-face*

*Rubaru is a festival.*

*Of thoughts, expressions and dialogue*

*Of conversations between sex workers, sex worker rights activists*

*And peoples' movements.*

*At a time when all of us are co-travellers in a struggle against oppression and injustice;*

*This space seeks to express inter-movement solidarity.*

*We invite you to be part of this space.*

We walk in even as the room is being prepared, festive in red. Sarees are being carefully pleated and draped across the walls and ceiling, red umbrellas are cheekily hanging in our faces; the latest Malayalam hit song "Jhimki kamal..." playing in the background.

Banners displayed across the room identify the different organisations that have come together: WINS from Tamil Nadu; Saheli and HIV/AIDS Karyakartha Sangha from Pune; Srijan Foundation from Jharkhand; Me and My World AP Network; Stree Sangharsh, Vikalp, Vadodara, Sangama, Karnataka; VAMP, Maharashtra, and so many more. The writing on the walls display slogans proclaiming the core principles of the National Network of Sex Workers (NNSW):

We march for democracy!

We demand justice!

Sex work is my business!





# The Introductions



Each session opened with speakers of the carefully curated panels being welcomed by NNSW representatives with badges pinned to their shoulders: “Sex work is decent work” and “Save us from our Saviours”, articulating two core concerns.

The panellists are introduced to the network, reiterating its core vision and objectives and explaining the reason they are in Delhi: to announce and establish their presence in the capital and to emphasise the importance of understanding and extending solidarity to other struggles and movements.

“We have spoken amongst ourselves, with unions, federations, brothel based workers etc. Now we will be meeting different social activists who will be listening to us and we will be talking to them. We are deeply thankful for this moment,”

- Nisha Guler,  
President, NNSW.

# Not in My Name : Campaigning against hate



## Intent

Catalysed by the mob murder of a teenager on a train near Delhi on June 24, followed by a Facebook post on June 24 by Delhi-based filmmaker Saba Dewan, the #NotInMyName campaign took off across India. Simultaneous protests were held in several cities on June 28, against the ongoing vigilante violence targeting Muslims and Dalits. This session was a sharing of the strategies used during this mobilisation.

Filmmakers **Rahul Roy** and **Saba Dewan** talked about the Not in my Name protests that started spontaneously on June 28, 2017.

People felt the need to speak out against violence caused by the communalisation of politics. For the past three years since 2014 we have been hearing of increased attacks on marginalised people and minorities especially Muslims and Christians, Dalits and Adivasis.

Killings have largely been taking place in the name of cow protection, like the lynching of Akhlaq and then Junaid who came to do shopping for Id. As citizens there was silence on our part because of fear; if we are silent then we too become complicit.

The night Junaid was killed many of us did not sleep. Saba felt that we should do something: "Let us go down to Jantar Mantar the next day." Several people said that nobody would come but we felt that should not matter. "Let whoever comes, come."

We gave out a call on Facebook to come together against the lynchings. A lot of people began to respond, none of whom knew each other. We also realised that the responses were coming not only from Delhi but from across the country. We were clear that this was not to be an organisational event but one where citizens were reclaiming our Constitution.

“Not in my Name” is an old statement/slogan that came out of the anti-Vietnam war demonstrations in the US in the 70s. This came into our minds very spontaneously as the title for what we wanted to initiate. The response was overwhelming. There were some questions raised at that time which we felt were important to reflect about and which informed the initiative.

1. How can you be part of a political process only as a member of an organisation/ political party and not as a citizen? The atmosphere too was so polarised that even people who wanted to speak out could not since it would be seen as either pro- or anti-government.
2. Can protests happen in different ways, apart from giving speeches and shouting slogans?
3. In today’s context where media too is getting polarised how do you work and deal with the media?

Some critics felt that this apolitical initiative would not go far without party support. But we were firm that this space should be kept open for individuals to participate in a non-party political process. In our organisational committee we had diverse and different people: someone working on property issues, retired journalists, a dancer, an educationist etc. Unlike any other organisational committee, every citizen was welcome but without banners and slogans. Political but without any political affiliation; we wanted everybody to take individual ownership of the process.

It became so popular since you could not only participate but also organise. The question also was whether we could protest/talk without necessarily giving speeches which change nothing. Poetry, music, performances were meant to be not only a protest but also a mourning for Junaid and for all those who have been killed. Nobody had cried with Akhlaq, Pehlu Khan or Junaid. Our message was “We are with you in your grief.”





As far as the media was concerned we were getting invitations to speak from different channels. But we decided to boycott Zee, Republic and Times Now since they were encouraging fundamentalism. To the other channels we said we are not coming to your studio and talking in your format of pitting one against the other. We asked them to come to our protests and talk to whoever they wanted. As you know, protests took place all over the country. After 12 days the Amarnath Yatra incident happened and we did another protest at Jantar Mantar. Then on September 10 2017 we did a series of protests in 100 residential areas of Delhi.

## The Dialogue

The **Sangli group** brought up the fact that at the UN level, the country signs all these agreements that are supposed to control what happens within countries. What is the international community saying about this? Where is the law that we cannot eat beef? We all are beef eaters.

In response, **Saba Dewan** confirmed that it was not written anywhere. "It is not as if protectors of the cow bother to look after cows in a humane way. The argument is not **for** the cow but **against** beef eaters who are usually Muslims and Dalits. This is against our fundamental rights and not even part of our Constitution. The Hindu right has constantly tried to whip up this issue. Their idea of India is not mine ...Hindi, Hindu, Hindustan," she said. Added **Rahul Roy**, "In international forums, lynchings are being raised and condemned. After June 28 2017 it was written about extensively and this did put pressure on the government to at least make a statement against it."

The group from **Tamil Nadu** reiterated its belief in the power of collectivisation: "As sex workers we don't see ourselves as Hindus or Muslim. We also accept clients from all religions. We should get together and protest against the politics that divides us." **Sanghamitra** added, "We had a strong community leader who came and told us that sex workers are plural in nature and I learn from that. Yes, we can't accept violence against anybody. NNSW also strongly believes that there is place for everybody in our India."

Said **Rahul Roy**, "Communal politics deepens existing schisms. Cow politics has been around for a long time but only now it is being used to mobilise Hindu sentiment and homogenise Hindus. That is why it is important when we discuss these issues that we talk of law, constitution and speak out as citizens. That is why the focus of the campaign was on reclaiming our citizenship."

A question raised by the **Sangli group** was: "We say we are the world's biggest democracy? Before doing it in our name why isn't every Hindu asked what we want? Why are we being taken back 100 years?" **Saba Dewan** responded, "The [Sangh] Parivaar is not concerned about asking everybody. They are taking leadership and pushing their agenda. The irony is that the RSS and Hindu Mahasabha never even took part in the freedom movement."



The palpable fear among citizens came up for discussion. Said **Meena Seshu**, "We also did 'Not in My Name' in Sangli under a broader network. Normally more people would come out for protests but now because of fear, people are afraid of coming out." Concurring, **Saba** and **Rahul** said, "Yes, this silence and fear was something that everybody was facing and also trying to break. The June 28 protests indicated that a dam had burst and people came out in large numbers in places like Bangalore, Delhi, Calcutta, Bombay. Even if there were fewer people in other places and they only stood at crossings and held placards this meant that the silence was broken and the issue was made visible. The fact that people did come out to protest in itself was good. Before this, even progressive people did not want to raise the issue of violence against Muslims, use the 'Mussalman' word or even speak about the violence in the name of the cow since they thought it would be playing into the hands of the right wing. Their thinking was that we should stick to talking about issues like the economy and demonetisation. But it was fascinating to see, during and after the UP elections, different groups using language other than which has been used before to counter communal politics for instance 'Movement against Hatred'. We need to think now outside traditional ideological positions. We need to constantly think of new ways of doing politics."

## Reflections

"We heard about larger issues like violence in the name of caste/religion and the lynchings done to stop people from eating beef etc. If we allow this to go on by being silent, this will affect all of us and injustice will be done. We have to protest saying you might be of a higher caste but you are as human as we are. We will discuss all these issues we have learnt with our women back in our communities. Amongst us we have high caste, Dalits, Muslims etc. We have no discrimination amongst us. See, the other day a social worker like Gauri [Lankesh] got killed. People like her and like you have supported us. We also should be aware of what is happening. And protest in the wider community apart from within our own.

- **Maya**, Maharashtra

"One of the main things I learnt from this three-day event is that when we have to build an organisation we have to work together in solidarity with others. I also understood the importance of sex worker organisations like ours joining hands with organisations like Not in my Name that had come together on the lynching of Muslim youth and are working against violence in the name of religion and caste. I have also learnt that when you are a broader network your voice and presence get amplified otherwise nobody really would listen to us. The sex worker community embraces all religions and beliefs. We know politicians play these games since they need votes based on identities. The BJP wants the votes of the high castes, the Brahmins. Congress wants the votes of the SC/ST. We transcend these identities and work."

- **Hazrat Bi**, Karnataka

## In Summary

For a community whose identity as sex workers either masks, erases or makes irrelevant all other markers of caste or religion –especially in public spaces that are denied to them– this conversation enabled them to respond as concerned citizens to what has been happening in the country vis a vis identity politics. This was evident in their responses and reflections during and after the Rubaru as also in the fact that almost all of them had participated in these protests in their own cities. It would be important



to tease out those elements in this movement that perhaps enabled the sex workers movement to identify with its vision and politics and also understand how this movement in turn could be enriched with the perspectives and experiences of the sex workers.

**1. Reclaiming citizenship :** After the 'Nirbhaya' protests following the gang rape and murder of a young woman in a moving bus in Delhi in December 2012, it was perhaps the 'Not in My Name' protests which brought the urban middle class out of its comfort zone out into the streets to protest the wave of fanaticism and hate stalking the country. That was perhaps because the campaign deliberately shifted the locus of protest away from specific disenfranchised communities whose rights had been violated to individual citizens holding the State accountable for its failure in maintaining its constitutional obligations to protect the life and liberty of all its people and vulnerable communities, in this instance the Muslims. 'Secular' and an all-encompassing citizenship became the marker of identity and point of mobilisation rather than any specific cultural or religious markers. This is why perhaps sex workers too could see the relevance of and participate in these protests since it enabled them to speak out as individual citizens and not as members of any religious or caste community that has traditionally kept them outside its fold. This reclamation of



citizenship becomes more critical for sex workers who are neither considered citizens nor human beings who have rights.

2. **Inclusive politics** : In addition to the expected criticism from the Right wing, there was also criticism from Left and progressive forces to what was seen as a depoliticised



approach of the campaign that was seen as being too Brahminical, liberal and even elitist. It was felt that instead of speaking out against structural oppression and violence, it allowed self-righteous individuals to give themselves a clean chit whitewashing their own complicity by virtue of their privileged positions in the caste or class hierarchy. However, the large numbers of people who came out across classes and communities testified to the fact that the campaign did manage to politicise large segments of apolitical individuals, giving them the space to speak up and stand for those who are the direct targets of the politics of Hindu Majoritarianism i.e Muslims and Dalits. And it did so by articulating a language of resistance and politics that was more inclusive and accommodative in an atmosphere of polarisation and divisiveness.

3. **Sex work and syncretic cultures** : This language of resistance resonated with the realities of sex workers who subscribe to different faiths but are not circumscribed by them. Their marginalisation has enabled them as a community to create their own syncretic traditions of living together with multiple faiths without being impacted by the hegemonic mainstream culture of homogenisation. Which is why they participated not only in the protests but also in the discussions with a distinct awareness of their own inclusive sub-culture being a response to the politics of divisiveness. The challenge for the sex workers' movement will be at two levels: a. that of protecting and strengthening this organic and subversive secularism towards enriching and strengthening larger movements against violence, hatred and fascism and

b. ensuring that these politics of divisiveness do not affect their own self organisation as they move from being marginalised into the mainstream.



# Conversations on Consent

## - Vrinda Grover



### Intent

At a recent discussion on the draft trafficking bill, it was stated that consent of a person rescued from trafficking is not actual consent, since it may be given under duress, fear or coercion. An NNSW member stood up and asked “When do you accept my consent as valid? Does my consent become valid, after I have undergone behaviour change in correction home for two years?” This conversation has remained with us on all discussions around consent.

Advocate Vrinda Grover addressed the notion of consent and how it impacts lives of sex workers in the aftermath of the controversial High Court judgement in the Farooqui rape case.

**Vrinda Grover** started by giving a background to the recent reforms in the rape law following the recommendations of the Verma Commission which fed into the passing amendments to the existing criminal law under which new offences came under the definition of sexual assault e.g stalking, taking photos when a woman is having a bath etc.

She pointed out that in law, the victim is a woman and the assaulter is a man. The definition of rape too was broadened, in keeping with an old demand of the women’s movement to which the government had earlier not conceded. In the context of gang rape during communal and caste conflicts it was demanded that violence like insertion of objects like lathi into not only the vagina but also the anus should also constitute rape. In the new amendments the definition of rape therefore went beyond penetration in vagina including violation of other parts of the body against her consent. The basis that was clearly made was the issue of women’s consent. Sexual acts can happen in different contexts as for instance in intimate consensual relationships, and also in the course of work like for sex workers, and consent is crucial.

The two major changes in the law therefore revolved around penetration and consent. But the question was about how you define consent. This had also come up during the time of the Park street rape case where Suzette, the victim/survivor was seen as a woman of loose values, drinking, indulging in sex and therefore somebody who had asked for it.

New definitions existed earlier in other judgments but for the first time this was put into law. Consent was defined as that which could be stated through verbal or non verbal ways i.e. "affirmative consent". Injuries were not the only evidence of the lack of consent. The women's consent or the lack of it is the primary evidence.

In the Farooqui case unfortunately the woman paid the price for her honesty. When the incident was taking place and Farooqui came on to the woman she said, "You don't need this now." Then she even pushed him away and said "No". But he was strong and tried to overpower her. She finally "consented" so that the situation did not get more violent. She told another friend about what had happened on the phone as soon as she left in a taxi for another party she had been invited for. She says she did not want to be alone. After two days she wrote to Farooqui saying, "what you did was wrong and that I accepted it only because you used physical force. I love you but can't accept what you did." He wrote back apologising for what he did.

She went back to the US and wrote to him in anger saying, "I am not able to get back to normal work and forget this incident. Because of this I am going back without even completing my research." Farooqui by this time was in rehabilitation so his wife saw the mail. In June the survivor came back to India after counselling in the US, convinced that the only way to get over her demons was to face them and she then filed an FIR. She wrote out a complaint which was converted into an FIR in which she says, "I used to own my sexuality, but you took that away from me."

Said Vrinda, "I took her case after the FIR was lodged and we went to the lower court that accepted her statement and even passed a judgement which held Farooqui guilty. However, when the case went on appeal, the High Court denied that such an assault could happen in the span of 3-4 minutes. The High Court also said that there was a relationship between the two in which consent can be ambiguous. "Yes" can't be "Yes" and "No" can't be "No" since women are passive and men the active partners. The argument of the Court was that there was an existing relationship and therefore her "No" was not a "No". As a matter of fact in relationships where you know the other person, you don't say a firm "No." The law has put the burden of understanding consent

## Reflections

Listening to the lawyer talk about the Farooqui case, we learnt something more about consent. Having sex is a matter of choice and consent for us. We must be strong and speak out for our rights even with our clients. We have always taken the issue of consent seriously in our work. Once there was a girl who was forcefully taken against her will by a man who was trying to rape her and then run away without giving her money. She had complained about this with us earlier so we went and caught him when he was with her and told him that he cannot touch her unless and until she agrees to sleep with him. We told him 'You have no right to touch her against her will.' We forced him to give her 500 for the previous time that he had violated her against her will. We told him that a sex worker does sex out of her will and not according to that of the men. If we say "No" then it is "No entry". Mamta, Jharkand In the lawyer's session on rape I learnt how it is important to be careful about writing an FIR without being too detailed. I also understood how the law understands consent which they say should not be "feeble" but loud and clear. What kind of law is this? When friends come to have sex with us we might say "No" in a very soft way because of our friendship but the law does not recognise or understand that. Our women face a lot of problems for which we go to the police, for instance when our partner beats us up. Or when instead of one client he brings four. This for us is force and a lack of choice. And so, we go to the police.

- **Hazrat Bi**, Karnataka

on man not on the "strong" expression of the woman. According to an earlier ruling and law of 2013 a woman's character could not be ruled against her.

Extraneous factors were brought into the arguments, for example, the woman's friend in his response to the message she had sent him immediately after the assault, called her "baby" because of which the lawyer for the accused stated that perhaps they were in a relationship. While the defence never used the term "bipolar" in their arguments, the Judge went ahead and devoted a whole paragraph to it.

When this judgment came out my other clients started calling me saying is this what is going to happen to us too? What this case also demonstrated is the value of social capital that men have and which we undervalue. Women do not possess social capital.



And we need now to integrate social capital with gender.

This is not an individual issue, but it will impact on sex workers who will just not be able to talk of the sexual violence against them given the circumstances in which the violence may be perpetrated, which is that they have consented to the sexual act in exchange for payment.

## In Summary

Following the controversial “Feeble No” judgement in the Farooqui case as presented by Vrinda Grover it is apparent that the issue of consent is central to the lives of sex workers since the power to define it has been taken away from them both by State and society in different ways. Based on ongoing engagement with the issue by the sex worker groups in the context of their everyday lives and work, the following issues can be drawn out for deeper conversations between the women’s movement and sex worker right groups:





1. **Consent as commodity** : Consent is clearly an issue that directly touches the world and work of sex workers. Particularly since in the eyes of the moral majority consent is an irrelevant concept for sex workers, given that the selling of sex itself is seen as an immoral activity if not a crime. So, whenever sex workers have been raped and have no grievous injuries to show or have been forced into sex to which they have not given consent or the client refuses to honour the terms of contract, or when the police extract free sex in a blatant misuse of their power, they have rarely complained to the authorities since they will not be taken seriously, nor have their cases registered. For both clients and the police, the sex worker's consent is presumed to be a commodity that has been bought in this contractual exchange of money. Just as a married woman's blanket consent to sex at any and all times is ensured once the "sacred" bond of matrimony is forged.

2. **Infantilisation of "trafficked" women** : The issue of consent is also reflected in the way in which even victims and survivors of trafficking are viewed by the law. The Draft Trafficking Bill, 2016 denies agency to persons categorised as 'victims' and makes no

provisions for ascertaining the wishes and taking the consent of persons to be rescued or rehabilitated. This constitutes infantilisation of adult women by the law and those who implement it include anti-trafficking groups who conflate sex work with trafficking.

**3. Redefining consent :** Infantilisation and stigma cloud issues of consent in the context of sex workers' rights. In an effort to foreground the agency of women in "choosing" sex work as a livelihood and at the same time tackling the violence within and around it, sex worker collectives are attempting to address the issue of consent at several levels. First at the level of the community itself where they directly do crisis intervention when women's consent is violated by the client or even her community that would include the malak (agent) or gharwali (brothel owner). If any woman states that she has not consented and has been forced into sex work, then coercion and violence is tackled. It is also addressed at the larger level in terms of advocacy for a working environment for women who "choose" sex work as a livelihood within which their safety, security and dignity are ensured. In this context there is a need both for the women's movement and sex workers' rights movements to:

- a. expand the definition and notion of consent in intimate and/or contractual sexual relationships from the perspectives of sex workers so that it becomes integrated into law
- b. deepen the concept of consent within sex worker communities to enable and empower the women to enter non-exploitative sexual relationships with their clients and partners.



# Reimagining Decent Work



## Intent

In the context of International Labour Organisation's construct of decent work, we quote from a paper written by Rohini Sahni and Kalyan Shankar (Sex Work as Decent Work), University of Pune, 2011 based on a research with over 3000 sex workers across India.

"Qualifying sex work as 'decent work' remains a contentious issue; more so given the resistance to accepting sex work as a work form in the first place. As reported by ILO (2004), there are serious deficits of decent work in the global economy. Particularly in developing countries like India, a large proportion of the work force is employed in the informal labour markets, with little work security, social benefits and low pay. However, sex work remains particularly singled out as a hazardous activity. Such biases against prostitution (or even waste picking) serve to reinforce the stigma on the occupation. They do not acknowledge the complex realities that go into the making of sex work as a calculated work choice for a certain set of women. This is not to negate the existence of trafficking for sex but rather to portray another facet. What are the parameters for determining decent work? The notion of decent work encompasses four components: employment, social protection, workers' rights and social dialogue. Where would sex work fare on these parameters?"

Two members of NNSW have tried unsuccessfully to register as trade unions. Is it time to review how we go forward on this?

We hope to be able to have conversations in this panel with representatives of trade unions like the New Trade Union Initiative (NTUI), Hero Honda Theka Mazdoor Sanghathan and AICCTU that will help us understand the complex issue of sex work as decent work [ILO standard] with the conviction that such conversations will help us build alliances for the rights of all workers and marginalised communities. Rakesh Shukla, Advocate, Supreme Court of India moderated the session.



**Gautam Mody, Secretary,** NTUI reiterated that they do not call themselves “national” as they don’t believe that we are a nation but a country comprising of different nationalities. “We believe that we must always be in the opposition and not part of parliamentary politics. We believe that we must not be controlled by any one political thought but be inherently pluralistic,” he said. The NTUI stands directly with the struggles of all who are part of the working class. No union should be bound by its own specific constituency but work for the entire working class, said Gautam.

There are three fundamental questions to be considered when talking about sex work.

1. The first is whether it is work at all since according to traditional Marxists only that work which generates surplus value can be considered as work.
2. Secondly it is believed that workers who undertake sex work don’t do so out of choice. However, our view is that no worker in a capitalist society does so out of choice including those in domestic work, mining etc. Do we have any choice for any of the work that we do? It is a short-term choice that the worker makes when the situation warrants it and then may come out to do something else. Sex workers too don’t do it as a long-term choice. These are difficult choices when they are already victims of enormous exploitation.
3. We oppose criminalisation of sex work and therefore oppose the trafficking bill. But we do believe that there is a section of these workers who are most exploited those who are trafficked. And trafficked not only into sex work but also into other industries like the garment industry etc. Therefore you should be there to not only fight trafficking from within but also help the world to do so.

Gautam acknowledged that there are problems in not being recognised as workers and therefore sex workers have not been able to register unions. "The larger context is difficult for all. It is so difficult that even agricultural workers are not being allowed to unionise. So this is a challenge that you don't face alone for the worst of reasons and we need to address it collectively. We will work with you to register the organisation," he assured.

**Shweta Raj, All India Central Council of Trade Unions (AICCTU)** asserted that it was a fundamental right to form associations and unions. However, many forms of work – such as domestic work – are not recognised as work. This stems from the patriarchal construct of work in which women's work is not accepted as labour that is productive and contributing to the economy. It is not only sex workers but also other workers who are discouraged by the government from forming unions e.g. the ASHA workers. The government is refusing to accept and register even other informal/unorganised sector unions as well. The government fears workers organising and asserting themselves as in the case of the Maruti workers. This work should be considered as "decent work" and sex workers should be accepted in the same way as a person identifies herself/ himself as a lawyer, student etc.

**Rakhi Sehgal, Hero Honda Theka Mazdoor Sanghathan** pointed out that the story of sex workers is similar to that of contract workers. "Yes, you are more vulnerable because of your illegality and also immorality so it is difficult for you to identify your possible allies in the process of organising. For instance, bar dancers or women from the entertainment industry may not want to be your allies.:



You also need to address some issues internally. Issues should be separated out for sex workers and then alliances should be sought based on commonality of issues,” she said. Rakhi reminded the group that there was a time when the hospital workers union had to go to the Supreme Court to be recognised as an industry for them to come under the Industrial Disputes Act.

The other issue Rakhi flagged was that of stigma and asked if it would be possible for sex workers to ally with sex work educators as a possible strategy. She admitted that even within NTUI, members are dogged with questions of stigma and morality which have prevented them from addressing issues of sex work as that of labour rights.

She then raised the question: “What are the improvements you want to make in your working condition? What are your demands? There is a lot of diversity amongst you all. Some of you are full time, some part time, some are street walkers, and some are in brothels. The oppression comes also from employers apart from police etc. You need to sort out what the common issues are with other workers and what your own specific issues are and seek out alliances based on commonality of issues.”

Ten years ago, in the case of the Karnataka Sex Workers Union they were not able to register on grounds that sex work is not work but when they reapplied a few months ago it was rejected again, but this time on technical grounds that the bylaws did not specify that only workers above 18 years could be members. If they amend their bylaws, reapply and are granted the status of a union then it will be a precedent. But the question is whether this is the route CBOs would want to explore. Lal Basti Kamgar union filed an RTI but there has not been a response and the legal battle will depend on this response, she said.

Labour lawyer **Jawahar Raja**, pointed out that when criminal law is activated, the impact of it unfortunately falls on the poorest and the weakest. The anti-trafficking law has alerted all of us to make the connections, he said.

“India became free in 1947 and this brought a series of freedoms including the right to dignity, freedom of expression, right to coming together etc. I studied law between 1995-99. I also began to understand that the idea of that freedom that was given to us during independence and how law understood freedom were totally different. Freedom meant freedom to form groups; that we are all equals; and fundamentally underlying all this is the right to dignity; to be treated with dignity as a human being. This is what law taught us but the example of social movements such as Narmada



Bachao Andolan made me see how despite the right to live in dignity and equality, some people are more equal than others and some are oppressed time and again. Communities that had been living in one place for several generations, without any forewarning or compensation, were told that they could not live there anymore and an entire way of life they knew for generations was destroyed. It was through the struggle of small and migrant farmers that I learnt what it meant to struggle for what was promised in our Constitution. These contradictions led me to work with movements whose struggle was for dignity," he explained.

For 30 years after independence, the Courts were fairly progressive, according to Jawahar. But now the gains of those years are being set back. "Courts now seem to be saying, 'Don't come to us. Go back to those who are in power for justice and redress since this is not our concern'. As lawyers and as part of the judicial system our duty was towards those who were the weakest and least accessible to power. Now not only are the courts abdicating their responsibility but they are also bringing in draconian laws which are being used to punish the weakest and the poorest, for instance the Muslim community," he said.

Jawahar said that he had never thought of the sex workers issue as a labour rights issue till he was invited to a conference in Bangalore in July 2017 where Aarthi Pai and Rakesh Shukla brought to our attention the manner in which law looks at the rights of sex workers and the rights of those who are treated as bonded labourers. "It was in thinking of how law treats these two categories so differently that sex work as a labour





rights issue came alive to me. Because today the law does not say it is not going to punish the sex worker but what it actually does is penalise everything around the sex worker. So, where the sex worker stays will be called a brothel; anyone who makes it possible for travel will be called a trafficker and by that process and everything that could make possible sex work as "decent work" is criminalised, even while the same time law says it is doing this to prevent exploitation. However, in the case of bonded labour the law has a very different approach. It says that it will support the worker and do whatever is possible for the worker to assert her/his right.

On the other hand, in the trafficking bill while saying that they want to prevent the exploitation of sex workers what the government is seeking to do is pass a law that constitutes 14 new offences with the highest form of punishment. And we know that when criminal law is activated, it always falls heaviest on the poorest and the weakest," he said.

In an ironic way the government bringing in such draconian laws has had a positive effect. People who did not make the connection between sex work and the routine practice of law or sex work and the right to equality of procedural equality have woken up to create alliances in order to articulate what we don't want but also to demand what we want. It has pushed us to make a charter of demands stating what we expect from the State pushing them to address those issues which makes it difficult to do sex work.



## The Dialogue

Raju from VAMP highlighted the questions they were faced with when they went from VAMP/Mitra to register the union :

1. Who are you organising against? Who is your employer?
2. Sex workers are women so how can men be sex workers?
3. If forming a union is your fundamental right why are you coming to us, you should go to the Charity Commissioner/ registrar of societies. Why do you need a union?

Another question is regarding the right to sex work itself. We get cards as transgenders, but we cannot get identity cards as sex workers.

Added **Rajesh**, In Karnataka we are connecting issues of bonded labour with sex work and there are chances that we can register as a Union. Left trade unions are not open to sex work. AIDWA in Karnataka was responsible for changing the terminology from sex worker to 'damanitha mahile' or the "oppressed women" in the government committee that was set up to write out a status report on sex workers. There was a heavy backlash even from Dalit groups like in the Chalo Nagpur protest. When we wanted to donate money, they refused it saying that it is "tainted" money. We are willing to sit and talk with trade unions and we want you to help us through this."





The group from **Gujarat** wished to know more about how they could start a sanghatan/union.

Sharing her experience of a journalists' union, **Geeta Seshu** said that they had to challenge the Act that prevented them from becoming a Union since they were told that they were "intellectual" workers who cannot be unionised.

The group from **Jharkand** shared that when they went to register a CBO, they were told that the software does not accept "sex worker" and so could they not register. "We have both organised and unorganised labour within us. Can women be registered as unorganised labour?" they wanted to know.

**Hazrat Bi, Karnataka** raised the question of how the government could define sex workers when it did not even know who a sex worker is? "If journalists cannot get organised since they are intellectual workers, why is it then that we who do physical work also can't get unionised?" she asked.



Added **Kiran**, "Yes, we use our bodies for sex work and our minds to run our business so what about us?"

In response, **Gautam Mody** said, "We have not tested the law sufficiently to see how sex workers can be registered. Some have worked and struggled outside the law and some within. Stigma is not something you can struggle against in the abstract. You can only cope with it when it is in your face. In 2006 I was asked 'so you have now brought prostitutes into NTUI!' Today there is a change and there is much more acceptance. When we have not won the fight even within, the fight outside is more complicated. The question of registration is first a laborious clerical question and then a legal question and finally a judicial question.



"I disagree with Geeta when she says that unions centre only around a particular notion of industry. I would say they centre around work – different kinds of work which is defined by different industries, mining, construction etc. Today there is a demand from many unions including within NTUI that there should be a special law for sex workers."

**Gautam** pointed out that where the law is concerned, one is working with multiple overlapping jurisdiction and the progressive community has to bring in a law on universal working rights. In NTUI there are some who accept sex workers and some who don't. "All one can say is that a space exists to discuss this question and we need to keep continuing to push that space. I am not sure whether those who accept sex workers as workers, as legitimate affiliates of NTUI and celebrate their status as one would any other affiliate of NTUI do really believe that there is no stigma in sex work," he said.

"There is an interesting lesson we have learnt about unity. You can unite workers in a bearing factory with an automobile factory since it is easy to explain why they need to





connect with each other. Sex workers perhaps would never be able to unite with the union of cabin crew members since the latter want to get away from the stigma they were themselves are tarnished with, even though they are stigmatised only at the secondary level. In NTUI when a space was finally created for the issue of sex workers to come in, the support came from the most unlikely quarters! It came from our union of medical representatives when they found that sex workers are one of the biggest victims of patented medicine because of the threat of HIV virus. On the question of patents and costs of medicines therefore the biggest fighters in the NTUI are our medical workers and sex workers. This is an interesting unity which we did not expect or plan for. Medical representatives are usually white collar, typically male workers who come from different social strata of working class; not working but middle class who ended up in a working-class profession protected by union jobs. This was for us a huge learning and we need to put more efforts into finding a common ground across the working classes. NTUI is not going to 'help' you. We can only be in solidarity with you all. Your struggle is our struggle," said **Gautam**.

Responding to Geeta's question and Gautam's response about labour laws being only about the industrial worker, **Jawahar** said that it might have been so at some point. But over a period of time the law has shifted. In 1978, the Supreme Court defined the Industries Act so broadly that hospital workers, workers of charitable institutions, quasi professional situations were all covered under the definition of industry. "Do not take the law to mean what it says for it could mean the exact opposite in real life and sometimes even in the Court itself. We need to bear in mind that definitions in law are not stable as the law would have you believe and the law is only one kind of struggle.

## Reflections

After coming here we learnt what sex work is and how and why to collectivise so that we can support each other. I have been with the sanghatan for the last 7-8 years. We take up issues of clients not paying money and understand each other's sorrow and pain. We understand today that sex work is work like any other – a business. Will we not work where there is greater income? Samya Devi, Jharkhand This is the first time I have come out of Jharkhand for a meeting of this nature. I am married with two children but felt that I needed to do sex work because of the difficulties at home. Although I had children with my husband I did not really enjoy sex so what is wrong in me getting into sex work? I have also got a lot of love and affection and money from men. Yes, there is no dignity in this work but I don't pay attention since today I can see that all we are doing is selling sex like somebody else is selling their labour and skills. We have got a lot of value and recognition as sex workers. Here we heard all about creating a sanghatan and not separating from each other. Before forming a sanghatan we all used to do our work very furtively either at home or outside. Slowly we learnt the abc of doing sex work. How many clients can we take? How much money will I get from this? Many clients try to establish direct deals with us. Mamta, Jharkhand We are sex workers but we also do so many other things like TI, HIV AID activists etc but we are typecast as only sex workers. Somebody asked why men don't come into sex work. We are service providers. We give service to men who want pleasure. For example when we go to doctors to get treated we give him money, he does not pay us. He is giving us service. So how and why will those who we service turn around a form an organisation. We too accept that this is our work. He wants pleasure. I want work. Which is why men will also not go to do domestic work. For so many it is not clear who or what is a sex worker.

- **Hazrat Bi**, Karnataka

Yes, it is an important one and which arms an entire apparatus like the police but If we cannot change the law we have to see how we can change the definition and how the courts apply it. We need to see all these strategies together and not in exclusion," he said.

In conclusion, **Rakhi** reiterated that unless you address the issues of stigma you can't address the issue of how and why unions are still not being registered.

## In Summary

The trade union representatives and sex worker community challenged each other, with intense discussions ranging around how work is defined across different industries; stigma around sex work even within unions that has prevented them from recognising the community as a labour force; the caution that needs to be exercised around seeing unions alone as representing their interests and the need to look at other possible collective formations; the need to find common ground both in law and politics and across different sections of the working class. The following issues emerged:

1. **'Good' and 'bad' workers: stigma and unionisation** : Apart from limitations in laws and definitions, one major reason for mainstream unions not to take up the issue of sex work and for sex workers' unions to not get registered is that of stigma and morality. Stigma thus operates within unions as well as in the practice of labour law. Although legal reasons are given for not registering 'sex workers' unions, such as: lack of identifiable employers etc, it is a fact that self-employed contractors and hamal (coolie) panchayats have registered their unions and got life insurance, health cards and identity cards, indicating that stigma continues to be the primary reason for non-registration of sex workers' unions. Even if the law does not clearly say so, such workers





will find it easier to register since they are “good” workers and not “bad” like sex workers. While the law is still to be tested and stretched as far as the registration of unions is considered, it needs to be challenged until stigma becomes a non-issue in law. Challenging societal stigma is a longer and on-going battle that must continue in different ways and at different levels both within and outside unions.

**2. Sex worker rights vs the right to sex work :** While the right of sex workers to unionise is one issue that has proved difficult to realise, articulating the right to sex work itself has been even more challenging. Given how the anti-trafficking discourse and the recently introduced Anti Trafficking Bill is attempting to criminalise, if not the sex worker, the eco-system that sustains sex work, as for instance criminalising clients. Therefore, while the government might be persuaded to give ration cards, Aadhar cards and welfare entitlement to sex workers, it will be far more difficult to get legal and social legitimacy for those who declare their primary identity as sex workers. Is there a difference between destigmatising sex workers and sex work or are they inseparable or is the former dependent on the latter? If the issue of the right to sex work is complex and a more contested space, can one deepen strategies to destigmatise sex workers such that the work they do can also get a legitimacy and they are able to access and claim their basic rights and entitlements as every other citizen.

**3. Redefining sex work :** Given that the dominant definitions of labour have evolved from within the framework of the Industrial Revolution and post-industrial evolution of work, a question that arises is: should the specific rights and realities of sex workers be fought for through other strategies that do not depend only on the law and legal processes and inclusion into the universal definition of work? On the other hand, mainstream definitions of work need to be challenged and expanded through the specific and rooted ways in which sex workers understand and define their work.

**4. Building solidarities :** There is a need to continuously engage with unions to keep the dialogue going between sex workers and workers from other sectors and unions. Such ongoing interaction is required not only to sensitise them to the specificity of their issues that are clouded by issues of stigma and morality but also find and forge common ground and solidarities across the working class.

# Debates Around Surrogacy



## Intent

Commercial surrogacy, like sex work, is stigmatised in India with moral rhetoric being invoked especially when the bodies of poor women are central to the discourse. Like sex, reproduction too is considered by and large acceptable only within marriage. When performed for financial gain it is seen as "dirty work" that is done by women who are willing to sell their womb for a price.

Drawing from the experience of the sex workers' movement and the debate around sex work, can surrogacy also be seen a "choice" and/or "work" which even in adverse circumstances is made with her knowledge and consent? If yes, should there be a comprehensive legal framework that can address concerns around the rights of surrogates to protect them from violations that emerge from the unchecked proliferation of these potentially harmful technologies and a corrupt medical industry?

Speakers Deepa from SAMA and Chayanika from LABIA drew out the connections between sex work and surrogacy.

**Deepa** from **SAMA** defined surrogacy as renting out of your womb to have a child for somebody else. She pointed out that there was a lot of debate on this since there is a question of whether surrogacy can be seen as labour/work and compensated as such.

“If I am carrying a baby does that constitute work? The question is can/should we get paid for having babies? The fact is that when we have children within the family, no monetary value is put on it but when it is out in the market then it gets a value. Therefore, can we make child bearing a marketable activity, challenging the ‘sacred’ bond between mother and child?” she asked.

Surrogacy is usually facilitated through hospitals. Detailed screening takes place with a lot of factors considered – like that of the health of the surrogate, her class/caste/background, medical facilities etc. The egg and the sperm are fertilised outside and placed in the uterus of the surrogate and a lot of injections are given to prepare the body.

Continuous surveillance is done before and during surrogacy. The woman has no control over what she eats, when she eats, what kind of atmosphere she should surround herself with, the timing of birth (which is always through a caesarian) which has to be according to the convenience of surrogate parents. Many times, she is made to listen to bhajans so that the child grows up with the “correct” values.

The amounts paid ranges from Rs. 1-2 lakh only for that period since it is felt that the work period is only nine months. No responsibility is taken for what happens to the



woman after the period of the surrogacy. The money is given in instalments and the last one paid after the child is handed over.

Surrogates are kept away from each other. There is little idea of the total numbers of surrogates. Like the NNSW, there should be a platform for surrogates to come together, said Deepa.

**Chayanika Shah**, academic and feminist activist, LABIA, flagged the following issues for discussion :

1. The broader context of a medical industry that is exploiting the surrogate; an industry that is controlled by people with money.
2. The stigma associated with reproductive labour becoming commercialised.
3. The debates within women's groups some of who say that "commercial" surrogacy is bad but "altruistic" surrogacy is alright. This argument helps the doctor not the individual woman.
4. A parallel can be drawn between the surrogates and bar dancers. The surrogate is bonded to the doctor and the medical industry who are fighting for the right to surrogacy just like the bar owners' associations are fighting for the right of bar dancers to dance. While on the one hand society is stigmatising the surrogates and bar dancers, ironically it is their employers or those who are profiting from them who are becoming saviours because unions and progressive groups are refusing to take up this issue saying it is 'wrong'.

As of now there is no law or regulation that governs surrogacy. The last Bill that was proposed spoke only of "altruistic" surrogacy and later added compensation for women without looking at it as a growing industry.

## The Dialogue

A participant from **Andhra** said, "I know at least five or six sex workers who have become surrogates. But they are kept away from everybody. They have said that when injections are given then there is a lot of pain. They can only wear nighties and there is a lot of fear, so they cannot speak out."

In response, **Deepa** shared, "Women who have babies are usually stigmatised so they prefer to go away and stay in a hostel, have a baby and then come back to their community."

Members from **Tamil Nadu** too shared that there were many surrogates in their state who are called “rented mothers” and said that there should be a union for them too.

Members of **VAMP** raised the issue of what would happen when the baby is not healthy or is born dead or dies soon after birth. Normally no compensation is given. C-section is done because it is supposed to be good for the child, nobody thinks about the health of the mother. There is no process that monitors the eventuality of a child being born deformed. Usually such children are abandoned or put into an institution.

## Reflections

“I also understood much more about surrogacy after coming for this meeting. All I knew was that to get pregnant you did not need a man and it could be done by getting an injection. We also understand that it is a kind of work. But here I have a question. Yes, you may look after me very well till delivery, take me to the hospital, give me good food etc. But after I deliver the baby what if I start developing feelings for it? After all it is my name given in the hospital as the mother. Will I be able to give it away? If I say I will not do it, what will you do? I have conceived it and nurtured it inside my body why should I give it to you? What if I go to Court saying it is my child? I will even be prepared to give you back your money. What if the child is not normal....if it is born deformed? What then will happen to the child? If they abandon the child what will become of the child...poor thing. Does it not have a right to survive? These women [like us sex workers] also do what they do for their livelihood and as a service. But my question is what of their future? How much can she earn? Even if she bears a maximum of three children she might earn three lakhs. What of her health and her future after bearing these children? Yes I agree this is a valued and sacred work that these women are doing, by helping childless couples. What then if she wants to have some children of her own that she can't have since she cannot have more than three C-sections that she would have gone through to have children for other women? The other question that comes to my mind is how will society view a young girl who is unmarried and has babies to help childless couples. However difficult it is we will never give our children away. For us, our children are our greatest security. We can't trust our lovers. At least our children will look after us in our old age and give us a decent burial! We will give our lives to our children.”

- **Chanda**, Maharashtra



## In Summary :

Due to the stigma that surrounds it, surrogacy too is carried out in highly secretive circumstances, making the surrogate more vulnerable to exploitation at the hands of agents and doctors. Further, the commercialised medical industry is one that exploits the patriarchal valorisation of motherhood, reducing the woman only to her womb and body without considering her deeper emotional, psychological or larger socioeconomic self or reality. Ironically however on the other hand, by taking the womb out from the private sphere of the individual and the family and placing it in the public domain of work it does help to subvert the mother myth even while giving the woman some negotiating power, however circumscribed, within a market society. The following issues were flagged for further discussion :

**1. Motherhood, morality and beyond :** For sex workers, the ethics and empathy that underlie their understanding of sex work and surrogacy are clear, given the transactional nature of the 'service' and 'work', and the stigma attached to both types of work. This is revealed in the way the concern is both for the woman who decides to go in for surrogacy as also for the child who will be given away after birth. Motherhood here is not so much a "status" as a "relationship" that is much valued in a context where children (be it their own or others) and not male partners are a source of emotional security and stability. To value these forms of marginalised and stigmatised motherhoods is perhaps one way of subverting and countering the dominant notion of motherhood that is exploited by the moral majority and/or medical establishment to perpetuate either altruistic or commercial surrogacy for reasons of profit – either cultural or economic.

**2. Regulatory frameworks and medical technology :** The rise in commercial surrogacy has also raised several ethical concerns around the use of assisted reproductive technologies (ARTs) the misuse of which on women's bodies has been countered by the women's movement in India. Feminist critiques of surrogacy have pointed out that the ART industry positions itself on the intersection of patriarchy and market since these technologies exploit rather than question the pressure on women to be mothers. Much like how sex selection technologies were marketed by doctors in the 1980s and 90s in the name of "choice". While surrogacy is able to push motherhood and pregnancy from the private to the public sphere and from care to work, thereby challenging patriarchal constructs, the fact is that the disembodied womb/body continues to be a slave to different kinds of control. Given the stigma that surrounds surrogacy, as it does sex work, the challenge is for regulatory frameworks to define

the control surrogates can continue to exercise over their bodies and claim the compensation they are entitled to when they willingly consent to being used for gestating a child, either out of “altruism” or for commercial considerations.

**3. Exploiters as saviours :** Unlike sex workers, by the nature of their “work” surrogates operate in isolation and there are no unions or collectives that will take up issues related to their exploitation or even support groups that will enable them to deal with the psychological or emotional aspects of bearing a child for somebody else. Ironically both the government and the medical establishment claim to be the saviours of the surrogate women while they are in fact only protecting and promoting their respective brands of altruistic and commercial surrogacy. One dictated by morality and the other by the market; both circumscribed by patriarchy. In the absence of surrogates being able to organise themselves like the sex workers, how can unions take up the issue and stand for the rights of surrogates to safe and secure working conditions that do not jeopardise their health, exploit their economic vulnerability or capitalise on the most regressive if fundamentalist notions of motherhood and child rearing that would reinforce caste, class and gender prejudices.



## Interaction with UNAIDS

Members of the National Network took time out of the main workshop on the second day to visit UNAIDS officials. 10 NNSW members including NGO supporters met with the senior Programme Advisor of UNAIDS, Ms Nandini Kapoor. The



objective was to introduce NNSW as a network of sex worker CBOs, NGO allies, and independent supporters, to request the UNAIDS to collaborate with the NNSW in policy meetings related to sex work, and to advise the NNSW of the new office in Delhi.

Nisha, President NNSW gave a short introduction about NNSWs vision and mission to recognize sex work as work, and to protect and promote the rights of sex workers across India, and to build solidarity with other marginalized groups in the efforts for empowerment.

The NNSW partners also introduced their own organizations and briefly described the status of sex workers in their own areas, especially in the context of their rights to non-discriminatory HIV prevention and care.

Key issues that were discussed included discriminatory attitudes and practices of health care workers towards sex workers, especially FSWs, in many ART centres, lack of confidentiality because of demands to link Aadhaar cards with other details of the patient, and a uni-directional emphasis on services for STIs/HIV/AIDS treatment instead of empowerment of the SWs community, especially the FSWs community as a whole.

The UNAIDS representative was supportive in her response to these requests, and has promised to incorporate them in going forward on SWs related policy commitments. The meeting ended with video recordings of three SWs representing their issues related to female, TG, and male sex workers. UNAIDS has said it will use the video as part of on-going advocacy efforts.

## Sikkidre Shikari Ildidre Bhikari (Bird Trapper or Beggar)

Another kind of Rubaru happened when the sex workers encountered the nomadic bird trappers or Hakki Pikki tribals on screen in the film Sikkidre Shikari Ildidre Bhikari that was screened as part of the three-day programme.

"If I trap a prey I am a hunter, if not I remain a beggar!" is the matter of fact philosophy of the Hakki Pikki, a free spirited nomadic tribe that began its journey many generations ago in the North Western part of the Indian subcontinent. The Hakki Pikki have traveled through and settled in different states of the country.

Exiled from the forest, reviled by the city, their traditional ways of life outlawed, the irreverent Hakki Pikki of Karnataka shared their stories of wit and survival in this film made by Vinod Raja and Madhu Bhushan.

Madhu who has been working with the Hakki Pikki in their settlement near Bannerghatta National park on the outskirts of the city of Bangalore was present and provided the introduction and overview.

Despite all viewers not being familiar with the Waghri and Kannada languages used by the tribals, not surprisingly, their stories and life philosophy struck a chord with the audience.

After the screening, Imtiaz, a sweet and gentle young man who transforms when he wants into a beautiful young woman, speaking in hesitating Kannada/Marathi said, "I really loved the film, the way it was shot and the characters. It was beautiful.

Obviously the language of irreverence towards mindless social norms is universal and empowering for all communities who live their difficult yet autonomous lives on the margins of mainstream moral economies.





# Shaping Young Minds

## Intent

YP Foundation works with young people with a feminist and rights based approach. A team from the Foundation talked about the sex worker rights movement and the feminist intersect.

**Vineeta** said that they had come to share their concerns as young people. In the last 10-15 years the Indian government and the UN are making a lot of policies on young people and adolescence especially on sexual and reproductive health of young people/women since they feel that young girls will one day become mothers. They also assume that all sex happens after marriage and therefore all programmes prepare them for sex later and not now. By focussing only on this dimension of the problem of youth, they are not placing the real needs and issues of young people at the centre of their programmes. This is largely because there are no young people deciding what young people want. The reason we exist is so that we can as young people represent ourselves and our issues with the government.

The young people who are generally included in the UN or government programmes are usually from a homogenous background: heterosexual families without any diversity of caste, class or religion. There is little recognition that children can come from a range of less privileged backgrounds, for example, children of sex workers, abandoned children from broken homes, street children etc. There is no imagination that draws together different kinds of young people across the social spectrum. Now more and more youth are speaking out, for instance Kanhaiya Kumar who is talking of free speech; the issue of sexual harassment in Benares Hindu University by the young girls there; Pinjara Tod which is run by students to speak of systemic discrimination against youth that is trying to connect with larger unions on issues of social justice etc. Pinjara Tod was formed to protest discriminatory hostel rules. Many colleges are coeducational but do not have accommodation facilities for girls who have to seek it





privately which is expensive. Where there are hostels for both boys and girls, timings are an issue for the latter since the assumption is that the outside world is bad for girls.

Authorities in educational institutions reinforce the caste/class/gender dynamic creating the good woman and bad woman divide with expressed attitudes like "You all are from good backgrounds so we want to control you for your own good." When you look at the concept of safety on the streets it unfortunately hides the lack of safety inside our own homes.

The more people and women are out on the streets in the nights, the safer it will be for women. We need to open up the collective imagination on safety.

## The Dialogue

**Raju** said, "We are people who have broken the good/bad framework! We think that what we do is work. There is a lot of money here and so we work.

"Movies portray us as drunks, smokers and indulging in free sex. We are not that alone. We are also mothers, sisters and other roles. We may be "bad" but we are not that bad! Society always says we force our children into sex work. But we give them



education, send them to professional colleges and then we leave the choice to them. They are adults and capable of choosing what they want to do with their lives,” said members of VAMP.

Participants from **Kerala** said that sex workers are seen as bad in society and their children are also stigmatised. “Police and others in positions of power go to sex workers in the night but in the day, say that we are bad. Many times, we don’t get houses for rent. We are exploited in the outside world, for instance in hospitals where they see us differently when they know that we are sex workers and are stigmatised as HIV carriers despite the reality of how the virus actually spreads,” they added.

**Rao Saheb** from **VAMP** said that so far the talk was around problems of young people in general. “But we are not talking about transgenders and those youth from amongst them especially in sex work. When we do sex work as TGs it is difficult for us to tell our families. Transgender youth feel lonely because we are totally isolated from our families and society,” he said.

**Sharavathy** from **Karnataka** said, “Before we became part of an organisation we used to go out with our heads down and people used to spit on us. Now one of my sons has done his diploma and is working in an MNC. After learning that sex work is work I have gained more confidence and walk with my head held high. I have told my

children not to be ashamed of what I do since it is from these earnings that I am able to provide for your education.”

Speakers from the YP Foundation asked the participants: Is there any way that you can complain about violence by the client or can you refuse to consent? Is police exploitation economic or also sexual?

**Bharathy**, general secretary of NNSW said, “The police frequently put false cases of drugs etc on us and demand hafta (bribe) from us and also our clients. They sleep with us and then demand money. Our families want money from us but they don’t accept sex work. Positive women are treated worse. Since we are becoming stronger the government is trying to get at us through other ways like criminalising clients. The Jayamala Committee renamed us as damanitha mahile, the oppressed women. Our demand is decriminalisation and we want to be identified as workers.”



## Reflections

We come into this line only because of compulsions at home. I had problems with my husband and so was forced to come out because of an older woman who helped me. I have three children and got into this work because of which I have been able to educate all of them. One is doing ITI, one is in her tenth and the third MSc. None of them have come into sex work. But they are free to come into it if they feel they have no other go. It is their choice.

- **Samya Devi**, Jharkhand

## In Summary :

This dialogue took the form of the YP Forum sharing the concerns of youth and seeking to understand and engage with the world and reality of sex workers. The following issues emerged as points of common concern:

1. **Diversity** : The need to recognise diversity amongst youth in general as well as among the youth of the sex worker community. If diversity is not recognised, it leads to marginalisation and alienation, for instance the absence of Dalits, sex workers, different genders, children from broken homes. The alienation of transgender youth in sex work from their families and communities must also be taken on board.
2. **Redefining safety** : Underlying the concern of safety for women is the subtext of the “good” woman versus the “bad” woman where the former has to be protected from becoming the latter. While sex workers have broken this divide through claiming sex work as their right to work and also reclaiming public spaces that were hitherto denied, the young women from mainstream society too are refusing to be pushed back into the home in the name of safety. They too are occupying public spaces by challenging moralistic notions of sex and sexuality that have been used by all authority figures to police and control young women’s movement. With young people and marginalised communities speaking out against violence within the home and community and the violence of stigma and discrimination, a new and broader collective imagination of safety and security is emerging.
3. **Reclaiming choice** : The diverse meanings and context for choice emerged with great clarity in this dialogue. For sex workers their greatest pride is that through their hard work they have been able to educate and create those circumstances that give their daughters/children a choice of a way of life and livelihood different.





# The Road to Repealing Section 377



## Intent

This session engaged with the challenges around Section 377 IPC which currently criminalises homosexuality. As the Supreme Court hears the petition challenging the validity of Section 377 IPC, once again the rights of LGBT people have been placed at a cross roads. Vivek Divan, lawyer and activist Dhrubojyoti, spoke about on the challenges ahead.

**Advocate Vivek Divan** recalled a day back in 2003 when, as part of Lawyers Collective he was in the same hall at the Vishwa Yuva Kendra to draft the HIV/AIDS Bill on the request of the Government of India. "We were sex workers, gay men, transgenders, those who used drugs etc. who had all come together. We had



thought that the community would support us but many were angry with us. Some of the dissatisfaction centred around questions of processes not being consultative," he remembers. Regarding the HIV Act and Sec 377, one of the provisions in the proposed Act was a clause which stated that pending criminalisation of sex work, all work that happens to provide access to condoms and to provide safe sex information is outside the purview of criminal law. The idea behind this was that criminal laws were going nowhere and a safe space was needed for interventions with communities that are deeply impacted by the epidemic. This was meant as a stop gap. HIV became the entry point because it was an issue of fundamental rights and in the Act we sought private consensual sex to be decriminalised.

"In 2003 the government said that Section 377 should stay. But when we met in 2003 a dialogue began and from there emerged the collective cry from the LGBTQI community that 377 should go. In India we don't have an LGBTQI network. There is an ecosystem of diverse views unlike the NSW. The only common demand we have is



that this Section should go,” said Vivek.

“When we began walking the streets to protest 377 and demand for affordable medicine, sex workers and transgenders were the ones who walked with us. Our battles were that of all the oppressed. In the queer world, issues of class, caste, urban, rural, gender divides are great challenges. Unfortunately, it seems that we are always under a state of siege which is why we don’t seem to be reaching out to each other but are only caught within our own communities. This is why I am happy to be here. Not only because it brings back those memories when we worked together but also because it is an attempt to connect with each other’s issues,” said Vivek.

Vivek gave a short history of the case, from 2001 when a case was filed in the Supreme Court saying that Section 377 is unconstitutional since it interferes with adult consensual conduct. There were a lot of problems within the movements and attempts were made to sabotage the case. In 2009 the case was won in the Delhi High Court which said that 377 should be struck down. The government and religious heads came together saying that this was a wrong step since it would affect the institution of the family. In 2013 homosexuality was recriminalised.

Supreme Court has a process through which a panel of five judges can rehear a case and so in 2014 we filed again. The right to privacy is in the process of being heard now in the Supreme Court which will impact upon this case. This includes privacy of information which cannot be forced out of anyone and privacy includes autonomy which means the right to decide as an adult for myself what is or is not good for me.

The fact is that every right has a limitation/restriction which is what the Supreme Court also says. Where do we draw the line for sex workers and queer people such that we can exercise our choices? You can create a private space in a public sphere in which many live - queer, people living on the street, sex workers. This idea helps to interpret our right to do what we feel like as long as it is not harmful to anyone else.

**Dhrubojyoti** spoke about being queer in the city and how queer people come in contact with the law, live outside it and live with differences of caste, class, faith etc. “As a gay man growing up in Delhi when I started looking for people like me I was asked to go to the ‘Gay Park’ which was filled with gay people, queers, sex workers and beggars; to cruise, to take somebody back home. It was a bit of home for all – a non-judgmental and less violent space. A space in which two women could hold hands without people staring at them. But the outside world saw this as an “unsafe” space,”

he said.

Now the 'Gay Park' is all walled up. There are two gates with security guards and all the "wrong" people don't and cannot go inside anymore. The only ones who can get in are people who look like me. It has been made into an agraharam (upper caste enclave) and only respectable and the "right" queers can be found there, he rued.

"A lot of the ways in which we transact sex now is through WhatsApp, Instagram etc. The public spaces where we can meet are shrinking. A lot of my friends who are Muslim and queer say that it is difficult to sit in public spaces primarily because they are Muslim and not so much because they are queer. A queer person who has an upper caste surname has more access to public spaces than lower caste ones," said Dhrubo.

Where you come from in terms of location, also makes a difference, he pointed out. "On Tinder it is sexier to call yourself a Rajput or Jat boy rather than a Dalit/OBC boy. Because LGBT is not a movement/network it is an ecosystem that can be stratified by class, caste etc. and so the way they look at themselves is not through sex alone but also other identities," he said.

They concluded by saying that even if Section 377 goes, it doesn't necessarily lead to becoming better gay people since other identities of caste, class, religion etc. will survive. Therefore, it is important to see that all identities are as important and impact us as much as our sexuality.

## The Dialogue

The group from **Tamil Nadu** said that they were all different kinds of people who face problems from the State and thus should all come together. **Mala** from VAMP pointed out that though Dalits are in huge number, yet they are ostracised by the upper castes.

A participant from **Kerala** shared an incident of discrimination based on gender. "In my locality there was a boy called Jishnu with long hair who was talking to a girl. He was picked up by the police and the family was called and he was forced to cut his hair: 'Are you a woman or a man. Cut your hair and be a man.' He subsequently committed suicide. A lot of protests by student groups like DYFI followed and the Sub Inspector was suspended."

**Vivek** concurred that any form of non-conformism is getting more difficult to express. "Diversity is under threat and as a queer person I am deeply troubled by that. But I do believe that democracy works in different ways and not only through voting."

## Reflections

Coming to Delhi we are also learning to network with like-minded organisations. We also got a chance to understand about the different sexualities within our own profession and communities. Be it transgenders, MSM....I have also learnt that when you are a broader network your voice and presence get amplified.

- **Hazrat Bi**, Karnataka

## In Summary

Connecting personal memories and painful experiences, the conversations revolved around marginalised, criminalised and stigmatised identities even while stressing the need to draw strength from networking across diverse identities to strengthen a collective voice. The following issues emerged :

**1. Negotiating multiple identities :** Listening to voices from both the sexuality and sex workers' movements it is apparent that identities cannot be reduced to just that of being gay or that of a sex worker. For the former especially, an awareness of one's sexuality is as important as recognising that you are defined by other identities like that of caste, class, gender etc for that would also go towards a more holistic understanding of the place of power and privilege or powerlessness you come from. Among sex workers on the other hand, due to their marginalisation and powerlessness they are also divested of other public identities like class, caste, religion and even sexuality, that would have contributed to constituting their place in a larger community. Now, on account of other social movements of caste, gender and sexuality there is a rising self-awareness of these identities as political constructs that intersect with that of being sex workers.

**2. Extending solidarity across marginalities :** Today, more than ever, the struggle against the moral majority involves coming together across multiple marginalities. If the sexuality movement initially drew strength and support from the sex workers' and transgender movement in their common struggle against HIV and AIDS, sex workers too have drawn strength from other movements like the women's movement, trade union and human rights movements to integrate their voices into broader struggles for justice even while drawing attention to their own specific issues.

# The Lesbian Struggle and the Feminist Lens



## Intent

This was an effort to break the silence around lesbian issues. This panel hoped to unravel the silence of female sex workers who are also lesbian but are too intimidated to speak out. Interestingly lesbian women in the communities have a lot of space to be lesbian. The session also addressed the issue of disability and sex work.

The speakers were Rithambra from Nazariya QFRG, Meenu Pandey from South Asia Women's Fund and Chayanika Shah from LABIA.

The conversation was conducted through responses to a series of questions that **Chayanika Shah** put to the group: "Speaking about our sexuality even in the sex workers' movement is very difficult. As Meena says even for sex workers to say that they are lesbians is difficult. Why do you think it is so?"

According to **Nisha**, it was because of class. "If two rich women say it, nobody objects but if middle/lower class women say it, they are frowned upon." Putting it succinctly, **Mala** from **VAMP** said, "In India, women having sex with women is itself a problem." Said **Raju**, "Older myths like Shikandi have spoken about men having sex with men but not women. That could be one of the reasons." This view was reiterated by the group from Gujarat. **Kiran** from **Maharashtra** said, "It is true that we do not learn about things like this in families. I can live with the naming of it but not the shaming." The group from **Tamil Nadu** said, "For women to love women is difficult and unheard of. There is little awareness of it and there are not many organisations for them." **Sashi** from **Jharkhand** said, "You are talking about India! In our village or even in our homes we never speak about it since it is prohibited."

Highlighting the silence around the issue, the group from **Kerala** said, "In the late eighties there was a movie that came out about two lesbians who ran away from home. There were a lot of protests about the film at that time. But even now nothing much is known about lesbianism."

However, in **Gujarat**, said **Rolisa**, they have a support group for lesbian women. "We had a case recently of a girl who was running away when our madam met her on a bus. She revealed that she was running away because she was a lesbian. Our madam brought her back." The stigma against lesbianism runs deep however. Said members of **VAMP**, "In Miraj in our brothels there was a case of two women in love with each other. We protested saying how can one woman keep another. We wanted to throw them out but after we spoke about it within the group we said that they should stay." **Bharathi** from **Karnataka** related a similar issue, "Two women in the union loved each other. I don't want to reveal their names. One was too possessive and that caused a lot of problems between them. They were referred to LESBIT and they got the support they needed."

**Chanda** from **Maharashtra** said, "In our community problems between malaks and maalkins can be resolved because one is a man and one a woman. In lesbian relationships we can never resolve their problems since we don't know who the man is and who the woman. How do you resolve this in the lesbian world?"





Said **Hazrat Bi** from **Karnataka**, "It is not unusual to have a lesbian sex worker. We had one in UKMO too. Some years ago, a rich woman called one of our women for a massage and to pleasure her. When she came back and told us about it we were surprised. But gradually more and more women started calling us and we realise that women too have a need. The way that we became strong and started speaking out as sex workers, lesbians too need to come out."

Members of **VAMP** wanted to know, "In same-sex male relationships one is a male/active and the other is female/passive. Does this happen among the lesbians too?" **Chandrika** from **Kerala** said, "In Thrissur 10-15 women are staying together as lesbians. Like sex workers they too are alienated from their families and the government is not supporting them. In lesbian relationships there is no clearly defined female and male roles like in MSM relationships."

**Chayanika** responded, "We are not going to give you lessons about how sex happens between women. We leave it to your imagination. What is of greater concern to us is why society does not like lesbianism? In lesbianism we are saying that desire is more important than reproduction which is what society invests in heavily since it is linked to core issues like caste and property. Since lesbianism threatens this order, the outside world and sex workers fear lesbian sexuality. How have we resolved questions of lesbian fights? Power is not always unidimensional, it shifts from one to the other. Though gendered power maybe taken away from lesbian relationships there is a

learning that we can take from here to heterosexual relationships.”

Further, **Chayanika** asked, “When we ourselves are stigmatised why do we stigmatise others? Within women’s groups we asked ourselves how we could not accept sex workers. So also, we are asking you now: why can you not accept lesbians?”

**Rithambara** added, “Sex workers have taught us about sexual diversity. Why have you not been able to resolve issues related to lesbianism? Why do we always feel that power flows from Malak to Malkin and from men to women? Can it not also be different? Nisha spoke of class but relationship between two women is not related to class at all. Why is it that when we talk of women’s sexuality we always obscure it with issues of class?”

Stressing the need for solidarity, **Meenu Pandey** said, “The more we marginalise others the more we hurt lesbians with stigma and discrimination. There are organisations like LABIA and Nazariya reaching out to lesbians which is building the queer movement in the country.”

**Rajesh** highlighted the question we need to ask ourselves: “are we able to transcend caste, class and privilege in our relationships?”

Taking it further, Sanghamitra asked “Are we able to transcend barriers of caste, class etc. that can be transcended in lesbianism?”

Drawing attention to the marginalisation of lesbians even within the queer movement, **Aarthi** said, “The L has fallen off LGBTI and we need to bring it back.”

“Our politics is about challenging/changing these structures be it of class, caste or gender. The battles are not only about leading our lives but also questioning hierarchies from wherever we are. What we need to see is that how we pose a challenge to the structure which we see as problematic from our own lives and lived experiences. It is not merely an act of two women living together and so the battles are not just about leading our lives. These dialogues are about speaking about ourselves, reaching out to learn from you, questioning each other and together seeing what the alternative picture could look like,” said **Chayanika** in conclusion.



## Reflections

I understood better about lesbianism, how they are marginalised and stigmatised and tortured by society. I understood how the world sees them and how they see themselves. I hear statements like "How can women be with women... why can't you get men in your lives?" We also used to be stigmatised for being sex workers. But now after collectivisation we have become stronger and are learning to come out in public. To get us to this point it took 20-25 years. What needs to be done now is to bring lesbianism out into the public eye and make it acceptable. See this is also a choice. They can be with a woman or a man if they so wish. When I want, I accept a client. If I don't, I can push him away saying I don't want sex. How do we make them ready to face the world and how does the world accept them?

- **Chanda**, Maharashtra.

This is the first time I have come out of Jharkhand for a meeting of this nature. An issue I understood more about was lesbianism which I had heard about a year ago. I understood about MSM and man-women sex but I could not understand women and how they would have sex with each other. Now we understand about diverse sexualities.

- **Mamta**, Jharkhand



## In Summary

This was a session in which the speakers who were from the women's movement that has been challenged by sex workers on their understanding of sex work as a form of patriarchal violence, in turn challenged sex workers on not being able to accept lesbianism. This reluctance on the part of both movements indicates that each carries prejudices vis a vis sex work and lesbianism, despite the fact that both lesbians and sex workers face stigma and discrimination due to transgressing accepted norms of women's sexuality. The specific issues one can draw from this conversation include :

1. **Destigmatising sexuality and desire :** In foregrounding women's sexuality in the life and livelihood choices they have made, women in sex work as well as lesbians in their own ways transgress the dominant patriarchal norms of sexuality. Lesbians have dared to cross this gendered divide of desire and have rejected reproduction thereby posing a fundamental threat to the heteronormative model of family and private property along with caste and religion. Sex workers too have challenged the domestication of desire by going to the extent of commercialising sex and doing "dirty work" that poses an even greater threat to the institution of family and marriage. The challenge is for both lesbians and sex workers to deepen this dialogue towards demystifying and dismantling the stigma within their respective movements,



challenging themselves to accept both sex work and lesbianism as legitimate life choices even while being aware that they could themselves be perpetuating prejudices related caste, class or gender that inform the mainstream and malestream discourses on sexuality and desire. As for instance both externally and internally there is a greater acceptance and legitimacy given to gay relationships also on account of the impact of the HIV/AIDS interventions that have targeted MSMs while there is either ignorance or denial of lesbian relationships which are still shrouded in silence and stigma.

**2. Degendering power in lesbian relationships :** Strangely enough, more degendered notions of power appear to work, even if they are impacted by mainstream notions of masculinity or femininity in both sex work which is a woman-centric community and lesbianism. These dialogues are important to arrive at an understanding of these notions of power that could pose a challenge to more hierarchical notions of patriarchal power that inform mainstream relationships, processes and institutions.

**3. Creating spaces for alternative sexualities :** While some forums have emerged to provide support for lesbians they are still few and far between. Apart from within mainstream society even within social movements like the women's movement or sex worker movements there should be conscious attempts made to open out and create safe spaces for articulations of alternative sexualities such that they find their own autonomous voice and place, both in analysis and action.







# Beyond Vice and Victimhooda Media Panel

## Intent

Sex work and trafficking in women are highly emotive and sensitive issues. Today, print and online media, and more so television, are opinion makers that are an integral part of our daily lives. The media plays a significant role in creating and perpetuating stereotyped images of sex workers in the popular imagination: hapless victims in need of rescue and rehabilitation or representatives of corrupt morality and vice. Yet, some media representations are empowering and move beyond clichés. We would like to think that it is possible to jointly re-imagine the standard media depiction of sex workers.

This interaction between journalists and sex workers was organised in the hope of developing better understandings of these two worlds. On the one hand discussions such as these could allow a more realistic understanding of the lives and realities of sex workers and the issues we confront, and on the other, we hope to understand the functioning of the media industry and the compulsions and pressures under which journalists work in order to tell their stories. Pamela Philipose, senior journalist and public editor, The Wire moderated the panel.



**Pamela Philipose** recalled her visit to Kolhapur with the women of SANGRAM and VAMP 15 years ago when she carried some prejudices about sex work. "It was at that time, listening to the women that I realised the agency of these women. I remember that on Bandavva's arms were tattooed the names of so many women that echoed transformative sisterhood. Women who had devised ways of dealing with men of all kinds – politicians and pimps. This binary of good vs bad women was broken by their self-assertion. While speaking of women who cleaned the tap after a sex worker has used it, Bandavva had said 'My body is my own field from which I make my money. These women dedicate their body/field to one man.'" Media exercises power in different ways – making some issues visible and some invisible. Journalists also come from privileged sections and are not able to relate to marginalise communities. They need to get over stereotypes related to sex work, said Pamela.

Independent journalist **Dhamini Ratnam**, talked about Judith Butler's notion of how sex materialises and naturalises bodies/gender which in turn naturalises heterosexuality which naturalises procreation which naturalises genitals which naturalises sex. This circle she calls the norm of 'heterosexual patriarchy' which sees the bodies outside them as vectors of vice or as victims. Bodies that lie outside this circle which include that of the disabled/lesbian/sex worker are empowering since they question and destabilise the circle. And sex worker bodies especially not only question

the perspectives emanating from within the circle but are also delinking from procreation. Breaking this circle and bringing sex work into the realm of labour and rights breaks the dichotomy of women as agents of vice vs virtue. "My biggest learning from writing about sex workers is that despite having multiple identities we only adopt one identity and view other bodies only through the single lens. If we think sex work is not work then what is it that we understand as work?" she asked. Damini urged journalists to question their own assumptions.

**Yogesh Pawar**, Deputy news editor, DNA, said, "To tell you how sex work is viewed even by more progressive forces I would like to share with you the thinking of a senior activist who tried to dissuade me from coming for this meeting. She warned me about the argument of "individual agency" that would be used to legitimise the demand to declare sex work as work against which she pitted the notion of "contextual agency" which according to her is the larger exploitative context within which individual women are forced to make choices. My decision to come was not impulsive but well thought out. I came into this work with my own bag of prejudices. As a student in TISS I was placed in the organisation Prerana and I used to be sent to brothels. I would only look for sad stories and it took me a long time to break out of that because naturally I am more drawn to pathos."

Yogesh shared the model of community organisation developed by the American sociologist Edward Ross, and how media covers social change and changes in status quo.

**1. The social policy and planning model :** This is change from the top that wants to retain the status quo. In this context how does the media cover social change? It does so in the form of human interest stories.

**2. Clash between elite and masses model :** Elites and masses wanting change which is reflected for instance in the women of Manipur facing the army in the nude or the clash between sex workers and police. The media would cover this as a clash between people and the State with the oppressed masses wanting change.

**3. Locality development :** The third model revolves around small groups at the local levels wanting change. Such groups will not even try fighting a mega giant like Times of India. They will start maybe a Sangram Times. These stories are not glamorous like those from the field of politics, sports, films or industry. But real change is that which comes from these smaller more local models.



**Pamela** commented that it is important to analyse how the Indian media looks at work especially when 90 percent of labour is in informal work which is never highlighted.

**Sujata Madhok**, trade unionist and journalist remarked that it was a long time since she saw the kind of energy present in the room; the energies that come from communities, from local organising. "I do have some questions. I am from the women's movement which started off as a middle-class issue since women's issues were marginalised and made invisible but now that too has become mainstream. When women's groups started asking questions in small groups around "personal is political" the primary issue was that of equality which opened up issues of gender and sexuality. We did not know anything about LGBTI. But how equal do you think women are today? Perhaps the elite women have achieved some measure of equality but not the masses whose day to day existence remains the same. In this context if you are saying sex work is work or that it is "decent work" the question I would like to ask is why there are no men in this work."

**Shambhavi Saxena**, Youth Ki Awaaz said, "While Pamela introduced me as the youngest journalist I draw on the long history of the women's movement and journalism. We are totally a web based newspaper with only young voices. We follow a digital journalist model. Our newspaper falls into the category of what Yogesh mentioned as locality development. We follow the citizen journalist model and have an option of people coming and self-publishing their work. We have in-house investigative stories. We also have an internship and feedback process where we directly engage with young people and college students from the age of 16 years and more. Why am I talking about citizen journalism? In this we are different from other media organisations because we open out to young people who want to talk about literally anything. And what this does is it amplifies voices and gives a space for those who are not necessarily in traditional media; it gives a space for local models of change and for local communities. What can this do for coverage of issues related to victimhood and agency? Citizen journalists could reinforce these stereotypes. But we have a strong editorial board that has a good policy. If we have a story on sex work we ensure that we don't carry it without the voice of a sex worker for she is central to the story. There has to be a process of empathy building before the citizen journalists write their story. How do we prepare them? We have a set of guidelines that we share with our writer. For instance, when we talk of sex work we don't use "prostitute", we say "sex worker".

"Shambhavi commented that the process of "othering" a community is alienating. It distances you from the person you are writing about and does more damage. Talking about what goes into a news report, she said, "How do you start the story and get out of the victimhood mode? How do you even begin to write a story where you have to avoid stereotyping? One way we do it is by getting their perspectives on other issues rather than looking at them only as human interest stories. For instance, while writing on menstruation or demonetisation we would try to get the perspective of sex workers. Or on policies on prostitution and trafficking we would ask the question how it is possible to have a policy without them. Why should we not get a sex worker's perspective on Mother's Day? Why don't we look at intersectionality? What about male sex workers or TG sex workers? "I am excited about the possibilities of how we can take this conversation forward," she said.

**Pamela** remarked that Shambhavi was talking about the future of journalism when it is not caught in the midst of power interests.



## The Dialogue

Members from **Maharashtra** asked, "What were the difficulties you encountered in writing about us? And what were your difficulties in reaching us? Secondly you ask the question why men don't do sex work. We are also asked why we don't do domestic work which we are told is better than sex work. My question is why then are there not more men in domestic work?"

Commenting on the impact of the mass media, participants from **Kerala** said, "Common people believe what is shown on TV. But we also know that each channel belongs to different political parties. If the PM comes to one place it is shown the whole day. But some common person's murder is not."

Highlighting another aspect of skewed media coverage, **Bharathi** said, "The media uses us for stories, but when we want coverage of our protests they just don't respond. When they want us, they will even come and pick us up from where we are to take us to the studios but otherwise they will just abandon us in the middle of the road."

"When we try to communicate to the media they write what we say in their own way. How do we tell our stories in such a way that they understand? When an ordinary woman gets sexually assaulted it gets covered. But when a sex worker gets assaulted there is silence. Why?" asked the team from **Jharkhand**.

**Geeta Seshu** explained, "There are so many channels now that it is a race for news. That is why perhaps only issues of "violence" get covered and not less glamorous issues like policy. Am happy to hear that Youth ke Awaaz has more sensitive guidelines for how to write and cover stories. The movements of sex workers have helped to bring such issues to the media. My question to the media is how have you been able to challenge your own internal policies to write about such issues?"

Speaking as an insider of the media industry, **Yogesh** said, "One of the biggest issues we face is that of not being able to pick good journalists and invest in their growth. Which is why those who report have no empathy with sex workers. The difficulty we face in terms of reaching out to sex workers is that we go to them only when it helps our stories. For example, when the BJP rally happened in Mumbai one journalist went to Kamathipura and took a photo of these guys with badges who had gone to the women and the caption given was "See where the kamal/lotus is flowering?" The fact also is that there is no priority given for these issues."

**Shambhavi** added, "Yes, the problem is on our end. On the digital platform our audience is primarily English speaking so we don't get stories from smaller places since we don't have the resources to translate etc."

Flagging an important issue of power imbalance, **Dhamini** said, "The difficulty in writing about sex workers is the power relationship between them and journalists. It is a difficult conundrum. Advertising, circulation all this impacts our priorities. How do we deal with this even as we write about the community? The only thing I can do is question my own representations. You ask the question how you can communicate to journalists. But that is the responsibility of the journalist to communicate with you. Yes, there are no easy answers. While you can create news channels like Gaon Connection and Khabar Lehariya you also need to sensitise larger media houses."

**Sujata** pointed out another trend in today's media industry, "The media is not only growing it is also growing more corporatised. There are much larger interests at work in which ordinary people like us don't figure. They are more interested in advertisers and circulation. We need to depend on local and social media. The Delhi Union of Journalists of which I am a part is totally boycotted by the mainstream media."

Sharing his strategy, **Yogesh** added, "To deal with media prejudices you either boycott it or learn how to ride it by training yourselves to do so. You must reach out to NGOs that provide training in how to access and work with the media. If the media is playing by certain rules then you can take a stand like Sujata that the media is biased and we don't want you to cover these issues. You need not play by their rules and stand aside or you could jump in and fight, play by their rules and still win. NGOs in Bombay and western Maharashtra have started to organise training programmes on how to interact with the media and harness it. I am deliberately using the word "harness" and this is what perhaps sex worker communities should also focus on doing i.e develop skills on interacting with and impacting on the media."

**Pamela** cautioned everyone to retain a healthy scepticism, "Be suspicious of the media for it is not always the only 'truth.' In the days of Fake News one has to be cautious of this beast. Be critical, sceptical and engage critically. You are asking questions we would not have been asked 20 years ago. The potential of new journalism is that it can use technologies through which discourses can be changed. E.g Youth ki Awaaz trying to do it through linking issues of menstruation and sex workers. I am going away with a lot of enthusiasm. You have changed the terms of the discourse!"



## Reflections

We are sex workers yes but we also do so many other things like Targeted Intervention programmes etc but the media does not recognize that we do other work and typecast us as only sex workers. The media session had a great impact on me. I realised and understood their limitations too. Hazrat Bi, Karnataka The session with the media was also good. We understood better what their limitations are. We also communicated about our situation. Meena, Maharashtra I understand better about the functioning of the media. When something happens to us it never gets published. Today we understood why this happens. We understand now that we have our own rights. We heard a lot that gave us courage that we want to share with our women back home.

- Mamta, Jharkhand

## In Summary

This was a session that was perhaps the most interactive one of all since the sex worker community especially had a number of questions to ask of the panellists and a great deal to say when questions were asked of them! This interest was perhaps largely on account of the ways in which the media has stereotyped and vilified them causing great trauma and harm to many individual sex workers and their families. In a conversation that had the sex workers taking the media representatives to task, the issues that were focussed on ranged from understanding the limitations of a corporate controlled mainstream media and the emergence of more community -and citizen-driven media initiatives to the need for sex workers to themselves engage with and enter the media on their own terms.

**1. Corporate controlled media and human-interest stories :** With large business conglomerates having taken over and controlling most of the major media networks it is clear that the editorial priorities too will inevitably reflect the interests of the powerful and the privileged. The powerless and marginalised if not demonised as criminals and law breakers, are patronised as individual victims of their own circumstances and not collective targets of systemic hierarchies like that of gender, caste, class or sexuality. In this context stories on raid and rescue operations on sex workers for instance would largely feature them as "victims" of trafficking networks who need to be saved and rehabilitated despite the fact that perhaps women would be resisting rescue as adult women who have chosen to earn their livelihood through sex and protesting the violence perpetrated on them not so much by clients or pimps/traffickers but by state agencies and policies who seek to criminalise and stigmatise them further.

**2. Community and citizen-driven media with holistic stories :** Decentralised media technologies have encouraged the emergence of local and citizen driven initiatives that do not require large capital or investment. This has allowed for a different kind of journalism that is rooted in local communities and driven by grass root perspectives. This was evident in the presentations of some of the journalists who are part of this "new" media and finding new and innovative ways to bring the marginalised communities into the mainstream, not only by talking about their issues but getting their perspectives on broader issues that affect society as a whole. From becoming the objects of human interest stories, they then get transformed into subjects defining what is in fact human or humane.



**3. Shifting media perspectives from the margins :** However, since it is important for sex workers to continuously engage with both the mainstream and with local/ citizen-driven media initiatives whose reach is limited, it would be imperative to equip themselves with the necessary skills to do so. This would involve, with the support of other organisations developing a deeper knowledge of how the media works, sharpening their perspectives in relation to mainstream attitudes and presenting it through the media in creative and innovative ways that would make an effective impact.







# End Note

The National Network of Sex Workers' (NNSW) initiated this series of critical conversations in the hope of challenging and redefining the perspectives and priorities of both sex workers and activists from different peoples' movements, from the others' point of view. Over three days, intense exchange took place between its members and activists from diverse peoples' movements on a range of issues including the beef ban, lynchings and the politics of hate; unionisation and redefining 'decent work'; the notion of consent and violence in sexual relationships; different sexualities; surrogacy; young people's role in the politics of transformation and media ethics. Indeed, it was a Rubaru to shake the very foundations of mainstream notions of work, decency, diversity, dignity and democracy. It was also the defining moment to inaugurate the Delhi office of NNSW and make visible a country-wide network that has been built from the grassroots up.

The proceedings are captured here in some detail so as to preserve the nuances of the layered and complex conversations. Woven together with thoughtful feedback from sex workers and drawing out some of the main issues that emerged, this report of the Rubaru hopes to encourage further dialogue and debate amongst the wider constituencies of both the sex workers' rights movement as also other peoples' movements.

AND..... NNSW declared their Delhi office open!



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