



To

MR. ALOK AGARWAL

Hon'ble Member Secretary (In Charge)

National Legal Services Authority (NALSA)

12/11, Jam Nagar House, Shahjahan Road

New Delhi

2 February 2016

Sir,

Greetings!

We the members of the National Network of Sex Workers (India), would like to request a meeting with you and members of the National Legal Services Authority. The National Network of Sex Workers is a network of 15 collectives of sex workers and organisations with technical expertise on health, human rights, law, training and collective formation. The network is spread across the seven states Karnataka, Maharashtra, Gujarat, Tamilnadu, Kerala, Telengana and Andhra Pradesh and represents over 50000 women, men and trans people in sex work.

We wish to submit a proposal to seek your leadership in scaling up and ensuring access to justice to sex workers through legal aid across South India in direct partnership with sex worker networks and collectives.

We wish to draw to your attention

1. Female, male and trans sex workers continue to be deprived of equitable access to justice and legal services across the country. The continued conflation between sex work and trafficking has led to numerous instances of sex workers being arrested or detained under ITPA provisions, detained in rehabilitation institutions, forcibly evicted during raids carried out by police and anti trafficking groups.
2. In the case of sex workers many **intersecting forms of discrimination** act as a barrier to access to justice. While we are aware that criminalization of sex work severely impedes access; caste, class, socio economic status, identity of trans women become intersectional grounds on which discrimination get further accentuated. The CEDAW Committee in its General Recommendation¹ (GR33) recognises this unique complexity to the lives of women and observes that women who fall

¹ General Recommendation on women's access to Justice, CEDAW/ C/GC/33, 23 July 2015

within these groups do not report violations of their rights to authorities for fear of further humiliation, stigmatization, arrest and other forms of violence.

3. Access to justice is only possible when effective and sustainable partnerships are forged with sex worker collectives and organisations working at the grassroots and engaged with forging these links at the grassroots level. GR 33 also recommends that such strategies are essential to ensure unhindered access to justice systems and to develop sustainable mechanisms to support access to justice.² The National Legal Services Authority and State Legal Services Authority can play a vital role in enabling sex workers to be leaders and equal partners in efforts to make a change at the grassroots level and ensure that a vast number of female, male and trans sex workers are able to reach out through their networks to access justice when faced with violations.
4. Members of the network bring a large variety of competence to an initiative like this. Apart from their direct grassroots presence across eight states and 50 districts of India, members have the technical competence to train community members, interact with legal aid members at the district and state level, represent to the State legal services authorities and bring to their notice on ground violations in real time.

Sex workers within the network have undergone training on the ITPA and other laws that impact them. They have used this training and knowledge to participate as resource persons in workshops on sexual violence for the Delhi District Court organised by Partners in Law and Development. They also met with the Supreme Court Panel constituted under the Budhadev case³; and gave extensive recommendations on reading down ITPA in the context of adult consenting sex workers.

Members of the Network have been engaged in ensuring access for sex workers to rights through effective engagement with policy makers, supreme court constituted panels, government appointed commissions and international treaty bodies.

At the international level, it was at the intervention of NNSW that the Special Rapporteur on Violence called efforts to ensure that anti - trafficking efforts do not impede the rights of people in sex work.

In Pune, SAHELI Sanstha a member of NNSW in partnership with the Pune District Legal Aid have successfully trained 50 women in sex work to be para legal workers. Currently efforts are being made to ensure legal aid for women in sex work. These successful and low cost initiatives led by sex worker groups are critical to ensure active participation of sex workers.

5. The leadership of the National Legal Services Authority has on numerous occasions encouraged vulnerable communities to come forward and seek their rights in partnership with NALSA. We hope that you will give us time to present our concerns and proposed strategies towards this making this vision come true.

² P6-7, On Justiciability General Recommendation on women's access to Justice, CEDAW/ C/GC/33, 23 July 2015

³ Budhadev Vs. State of West Bengal, Criminal Writ 135/2010



Signed

Meena Seshu, Aarthi Pai and all Members of National Network of Sex Workers (India)

NGO ORGANISATIONS WORKING WITH MALE, FEMALE AND TRANS SEX WORKERS IN NNSW

1. SANGRAM, Maharashtra
2. Sangama, Karnataka
3. Samraksha, Karnataka
4. South India AIDS Action Project (SIAAP), Tamil Nadu
5. Women's Initiatives (WINS) Andhra Pradesh
6. Saheli, Maharashtra
7. Kutch Mahila Vikas Sanstha, Gujarat
8. Aneka, Karnataka

FEDERATIONS AND COLLECTIVES OF SEX WORKERS IN NNSW

1. Veshya Anyaya Mukti Parishad (VAMP), Maharashtra
2. Muskan, Maharashtra
3. Mitra, Maharashtra
4. Saheli Sangh, Maharashtra
5. Uttara Kannada Mahila Okkuta (UKMO) Federation, Karnataka
6. Karnataka Sex Workers Union, Karnataka
7. Vadamalar Federation, Tamil Nadu
8. Sex Workers Network, Kerala
9. Me and My World, Andhra Pradesh and Telengana



KEY ADVOCACY INITIATIVES ON LEGAL ENTITLEMENTS BY MEMBERS OF THE NATIONAL NETWORK

1. **ENGAGEMENT WITH JUSTICE VERMA COMMISSION ON THE CRIMINAL LAW AMENDMENT, 2013. AMENDING THE FORMULATION ON ANTI - TRAFFICKING - SECTION 370 IPC**

Members of the National Network of Sex Workers actively engaged with the Commission constituted to seek recommendations from civil society organisations. The draft formulation of Section 370 IPC by the Commission articulated the construction that prostitution was exploitation. Following a series of interventions with the members of the Commission by lawyers, activists with the network and community members; the Commission accepted that its intention behind framing the amended legislation of Section 370 IPC was not to include within its ambit adult consenting sex workers and their clients. It further recommended that the recast legislation should not be used to harass sex workers who work of their own volition.

2. **OBSERVATIONS MADE BY THE SPECIAL RAPPORTEUR ON VIOLENCE AGAINST WOMEN, 2014. REPORT TO THE UN GENERAL ASSEMBLY, 1 APRIL 2014**

SANGRAM, VAMP and the National Network of Sex Workers made a submission to the Special Rapporteur on Violence Against Women during her India visit in 2013; to highlight the violence faced by people in sex work. In her report submitted to the UN General Assembly she observed the following

"In her discussions with interlocutors, the Special Rapporteur noted a tendency to conflate sex work with trafficking in persons and when sex workers are identified as victims of trafficking, the assistance that is provided to them is not targeted to their specific needs."

The Special Rapporteur recommends that the Government review the Immoral Traffic (Prevention) Act, 1956 that de facto criminalizes sex work and ensure that measures to address trafficking in persons do not overshadow the need for effective measures to protect the human rights of sex workers.

3. **SHADOW REPORT ON STATUS OF SEX WORKERS IN INDIA. SUBMITTED TO THE CEDAW COMMITTEE. JULY 2014**

Trained sex workers researched and documented case studies of violations occurring at the district and state level. These case studies were developed as a status report and submitted to the CEDAW Committee during the India reporting session in July 2014 in Geneva.

4. **RECOMMENDATIONS ON READING DOWN PROVISIONS OF ITPA IN THE CONTEXT OF ADULT CONSENTING SEX WORKERS. 2014-2015**

A delegation of sex workers presented their recommendations on how the law could be amended to reduce violence and rights violations faced by sex workers across India. These recommendations were eventually considered and accepted in the 15th interim report submitted before the Hon'ble Supreme Court in 2015.