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Indian trafficking survivors push for new law, say sex worker fears unfounded

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CHENNAI/MUMBAI (Thomson Reuters Foundation) - Human trafficking survivors are urging Indian lawmakers to support proposed legislation to fight the crime, after an opposition leader said it could be used to target consenting adults working in the sex industry.

Congress party leader Shashi Tharoor called for further consultations before the bill is presented to parliament, which resumes this week.

He raised his concerns to Women and Child Development Minister Maneka Gandhi in a petition endorsed by thousands of sex workers, hundreds of activists and 30 civil society groups.

Trafficking survivors and activists have rejected the petition, saying the draft legislation focuses on victims and that the law would not be used against sex workers unless they were forcing others into the practice.

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“We urge the government not to hold back passage of this law,” said a 23-year-old who was trafficked as a teenager.

“Our lives depend on this and we cannot be held hostage to demands of adult sex workers, who choose to work,” she said in a statement by the survivors’ organisation Uththaan, which has been advocating for the legislation.

Tharoor’s petition comes two years after the government released the first draft of the bill, initiating consultations with experts and feedback through social media.

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The bill was scheduled to be discussed in March, during the last parliament session. But it was not tabled, raising concerns about further delays as political attention shifts to the general election scheduled in 2019. [nL3N1S22S4]

Tharoor’s petition said the bill treats trafficking victims the same as consenting adults in the sex industry, and puts them at risk of forced rescues.

“Our problem is with the assumption in the bill there is no consent of the woman in sex work. But that may not be case,” said Aarti Pai of India-based National Network of Sex Workers.

“The aim of any legislation should not be to harm people,” she said, referring to sex workers’ fears that the law could see them clubbed together with trafficking victims in rescues and forced to stay in shelters against their will for long spells.

Anti-trafficking campaigner Sunitha Krishnan told the Thomson Reuters Foundation that those worries are misguided.

“We are not against the law, but we are against the way it is being implemented.”

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The petition also said the proposed law should incorporate more measures aimed at investigating and prosecuting traffickers.

Campaigners point out that traffickers could be jailed for 10 years or for life under the law. It also prioritises survivors’ needs and prevents victims, such as women and girls found in brothel raids, from being jailed, they say.

It was in response to Krishnan’s legal petition that the Supreme Court in 2015 directed the government to draft victim-centred legislation to tackle trafficking. She said the implications of the current bill are unprecedented.

“This is the first time India is acknowledging (in legislation) trafficking as an organised crime, has included a budget to fight it and has a mechanism to counter it at national and local level,” Krishnan said.

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