



Impact of the Dominant Discourses in Global Policymaking on Commercial Sex Work on HIV/STI Intervention Projects Among Commercial Sex Workers

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Abstract

This chapter examines how dominant discourses in policymaking in the realm of commercial sex work and international aid affect health communication practices in HIV/STI intervention among commercial sex workers. The policy documents of global HIV/STI research and aid organizations often actively conflate commercial sex work and trafficking. The choice of the profession of sex work is depicted as an outcome of coercion facilitated by trafficking. Sex workers are portrayed as victims of abuse as well as sexual servitude. Volition on part of sex workers in executing their profession is not acknowledged by many US and global donor organizations. Delegitimization and eradication of sex work, and rescue and rehabilitation of the sex workers, are propositions supported by some

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of the international donor organizations. The conflation of trafficking and sex work can problematize health promotion among sex workers and jeopardize HIV/STI intervention projects. The chapter explores how the delegitimization of sex work, rescue, and rehabilitation propositions offered to sex workers and conflating trafficking with sex work affect HIV/AIDS intervention programs among commercial sex workers. The chapter also looks at a case study conducted among commercial female sex workers in a red light district in India and takes into account the voices of commercial female sex workers on the proposed equation of trafficking and sex work and how it affects HIV/STI intervention project in that population.

Keywords

Commercial sex work · Trafficking · Global policymaking · HIV/AIDS intervention programs · Coercion · Sexual servitude · Rescue and rehabilitation · Delegitimization · Criminalization

Introduction

This chapter examines how dominant discourses in policymaking in the realm of commercial sex work and international aid affect health communication practices in HIV/STI intervention among commercial sex workers. The policy documents of global HIV/STI research and aid organizations often actively conflate commercial sex work and trafficking. The choice of the profession of sex work is depicted as an outcome of coercion facilitated by trafficking. Sex workers are portrayed as victims of abuse as well as sexual servitude. Volition on part of sex workers in executing their profession is not acknowledged by many US and global donor organizations. Delegitimization and eradication of sex work, and rescue and rehabilitation of the sex workers, are propositions supported by some of the international donor organizations. The conflation of trafficking and sex work can problematize health promotion among sex workers and jeopardize HIV/STI intervention initiatives. The chapter explores how the delegitimization of sex work, rescue, and rehabilitation propositions offered to sex workers and conflating trafficking with sex work affect HIV/AIDS intervention programs among commercial sex workers. The chapter also looks at a case study conducted among commercial female sex workers in a red light district in India and takes into account the voices of commercial female sex workers on the proposed equation of trafficking and sex work and how it affects HIV/STI intervention in that population.

The conflation of trafficking and sex work has been a recurrent phenomenon observable in national and global HIV/AIDS intervention and policy formulation circuits. Whether it is the Trafficking in Persons (TIP) report (2009) brought out by the United States government or the HIV/AIDS intervention documentation published by United Nations development Fund for Women (UNIFEM), trafficking is equated with sex work (termed prostitution in the aforesaid documents) and recognized as one of the socio-behavioral factors that exacerbate health conditions

by facilitating transmission of sexual diseases and HIV/AIDS. The sex workers are portrayed in the policy documents of international donor agencies as victims who are coerced into their profession by trafficking and have little agency on their own fates. The result is the proposition of eradication of sex work and rehabilitation of sex workers by most international donor agencies. The Global AIDS Program's "prostitution pledge" which specifically aims to purge trafficking and sex work imposes a restriction on organizations that strive for legalization, unionization, or organization of sex workers. Consequently, health intervention projects among commercial sex workers that also strive for the legalization of sex work are deprived from major global funding.

The Global Discourse on Sex Work

Impact on HIV/AIDS Policy Formulation and Legislation: The Global Conflation of Trafficking and Sex Work

The distinction between sex work and trafficking is not a well-defined one in the arena of global HIV/AIDS healthcare. "By some definitions, trafficking can be understood to involve coercion and forced labor, while prostitution infers the voluntary sale of sex. However, there is still not an agreed taxonomy of terms which renders discussion amongst different stakeholders concerned with HIV/AIDS, and the health and rights of people engaged in sex work, difficult" (UNAIDS issue paper, 2003, p. 2). Although the term trafficking in persons can refer to both genders and children, the emphasis put by policymakers on HIV/AIDS communication intervention lies on the trafficking of women and children for sexual purposes.

The United States Victims of Trafficking and Violence Protection Act. Section 103 (8), defines several forms of trafficking in persons such as "sex trafficking in which a commercial sex act is induced by force, fraud and coercion" and "the recruitment harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud or coercion for the purpose or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage or slavery" (TIP report 2009, p. 1). The TIP report (2009, pp. 21–22) further notes that:

Sex trafficking comprises a significant portion of overall human trafficking. When a person is coerced, forced, or deceived into prostitution, or maintained in prostitution through coercion, that person is a victim of trafficking. All of those involved in recruiting, transporting, harboring, receiving, or obtaining the person for that purpose have committed a trafficking crime.

The TIP report does not make a strong distinction between sex work and trafficking. The articulation of sex work as intrinsically related to be an offshoot of trafficking is a process undertaken by several global HIV/AIDS donor agencies. Sex workers are portrayed as victims of abuse who are duped or coerced into their

profession by the menace of trafficking. The conflation of trafficking and sex work can problematize development and healthcare activism among sex workers and jeopardize HIV/AIDS intervention initiatives (Ditmore 2003). Such an equation of trafficking with sex work is promoted vigorously by anti-trafficking organizations active in the United States and globally.

A UNAIDS issue paper (2003) on HIV/AIDS and human rights notes that there has been an “alarming shift” in policy formulation and programmatic support for HIV/AIDS intervention geared toward sex workers (p. 1). The issue paper says that the distinction between trafficking and sex work has become increasingly blurred as a consequence of which protection of the rights and health of the sex workers are being jeopardized. Restrictive policies by governments, such as stringent immigration laws, manage to keep the sex workers underground, especially those who have been trafficked or else living as illegal migrants:

The vulnerability of women in prostitution and sex work is heightened because they are often subjected to sexual abuse at the hands of authorities, petty political leaders, immigration and police officials, as well as local criminal gangs. Forcible detention, lack of access to redress, police corruption, and the invisibility of women engaged in sex work only compound vulnerability to HIV infection, and once infected, hinder the ability to access needed care and support. (UNAIDS issue paper 2003, p. 1)

The UNAIDS issue paper (2003) emphasizes how the repressive nature of most strategies intended to combat trafficking neglects to address the issue of vulnerability of the trafficked people, some of whom may engage in prostitution. Policy formulation and programmatic responses to HIV/AIDS among sex workers are often motivated by a moralistic standing on sex work itself and a lack of consideration of the socioeconomic compulsions of the trafficking victims (Butcher 2003; Wolfers and Beelan 2003). Sex workers are routinely pathologized as conduits of virus transmission rather than as being vulnerable to the virus.

An example is the moralistic stance adopted by the United States on HIV/AIDS policymaking. In January 2003, the then United States President George W. Bush announced the President’s Emergency Plan for AIDS Relief (PEPFAR). It comprised \$15 billion dollars for programs to combat the global HIV/AIDS epidemic. Within the detailed plan, Congress noted its concern about the sociocultural, economic, and behavioral causes of HIV/AIDS. Prostitution and sex trafficking were specifically named as being the behavioral forces behind the spread of the virus (Masenior and Beyrer 2007). “This legislation advanced a new policy goal for the US: the global eradication of prostitution” (Masenior and Beyrer 2007, p. 1158).

The conditions for receiving grants for countering HIV/AIDS were based on an explicit relationship between HIV/AIDS prevention and the abolition of prostitution. The requirement for receiving AIDS funds from the United States needed the intended recipient to have “a policy explicitly opposing prostitution and sex trafficking and certification of compliance with the ‘Prohibition on the Promotion and Advocacy of the Legalization or Practice of Prostitution or Sex Trafficking,’ which applies to all organization activities, including those with funding from private

grants” (Masenior and Beyrer 2007, p. 1158). Hence one of the requirements of the Global AIDS Program – “the prostitution pledge” – rendered organizations that strive for legalization, unionization, and organization of sex workers ineligible for obtaining much needed funds from USAID.

A Pejorative Framing of Sex Work

The Global AIDS Program’s usage of the term prostitution, as Masenior and Beyrer (2007) observe, is in itself controversial as people associated with the profession generally tend to refer to themselves as sex workers rather than prostitutes. The latter term is widely considered as stigma-inducing and derogatory. “The core debate is that for many stakeholders, the category of sex workers includes consenting adults who sell sex of their own volition, who are not trafficking victims, and who have called for recognition of their rights as worker” (Masenior and Beyrer 2007, p. 1159).

However such a volition on part of sex workers in executing their profession is not acknowledged by many US and global donor organizations. The articulation of sex workers as passive victims of trafficking, abuse, and slavery-like practices has been a mainstay of global health policymakers especially those pertaining to HIV/AIDS prevention and intervention. The TIP report (2009) which equates sex work with trafficking refers to both activities as exploitation and servitude. The TIP report (2009) notes that “there can be no exceptions and no cultural or socioeconomic rationalizations that prevent the rescue ..from sexual servitude” (p. 22). UNIFEM which explicitly portrays sex workers as victims of trafficking and coercion vocalizes the need for “control and suppression of prostitution through the legal system,” “rescue and rehabilitation for women and girl victims of trafficking,” and “supply reduction through the provision of alternative employment and income-earning opportunities for women and girls” (UNIFEM Factsheet 2009, p. 5).

Sex work can be exploitative and remains illegal in many countries. The population of sex workers remains a heavily deprived sector in dire need of services and support from health sectors to reduce their risk of venereal diseases and HIV/AIDS infection (Masenior and Beyrer 2007, p. 1159). But the propositions of global aid organizations like the Global AIDS Program has laid a funding freeze on those initiatives that strive for decriminalization or legalization of sex work. Thus, successful HIV/AIDS intervention projects that strive to vocalize the rights of the much maligned sex workers can lose out on funds from USAID for advocating legalization of prostitution.

The Discourse of “Rescue” and “Rehabilitation”

Combating sex work through “rescue” and “rehabilitation” of the women involved is a complex proposition. As Cohen (2005, p. 12) notes in a report published by Guttmacher report:

The moral imperative to rescue women from brothels is compelling when young girls are involved or there is clear evidence of duress, but ‘rescuing’ adult women from brothels against their will can mean an end to their health care and economic survival. In countries and situations in which basic survival is a daily struggle, the distinction between free agency and oppression may be more a gray area than a bright line.

Cohen (2005) notes that sex workers may resist rehabilitation not because there may not be viable economic alternatives to sustain themselves and their families. Proposed rehabilitation of sex workers or coercive measures such as mandatory examination for HIV/AIDS and venereal diseases are often not feasible as shown by previous research. “Mandatory HIV testing of people who are or are assumed to be engaged in sex work, detention and specialized health and ‘rehabilitation’ services all may be understood to push the people engaged in this work further underground” (UNAIDS issue paper 2003, p. 2).

A Study of Sex Workers’ Voices

The researcher sought the opinions of commercial sex workers themselves concerning the relationship of trafficking and sex work and volition in the trade. Interviews were conducted with 37 commercial female sex workers in a red light district called *Sonagachi* in Calcutta, India. With a population of more than 50,000 commercial sex workers, *Sonagachi* is one of the largest red light districts in South and Southeast Asia. The sex workers of *Sonagachi* are unionized and conducting a health intervention project by carrying out peer outreach-based campaigns to increase condom usage compliance and reduce rates of HIV and sexually transmitted infections (STI) among their colleagues.

The HIV/STI intervention project was originally started by the sex workers themselves to disseminate awareness information about STIs including HIV and arrest the infection incidence. A HIV infection incidence of 10% has been achieved which is significantly lower than 50% to 90% among similar red light areas in India. The usage of condoms among sex workers also improved from 3% to 90% during implementation of the project. Few of the additional outcomes of the project include the attainment of healthcare facilities for the sex workers and their children, creation of literacy programs and vocational training centers for the latter, and unionizing of the sex workers. The sex workers’ union is called the *Durbar Mahila Samanwaya Committee* (DMSC), and it has offices in the heart of *Sonagachi* itself.

Structured and semi-structured interviews were conducted with the subjects at the DMSC offices and at their places of work. In *Sonagachi*, there are concentrated pockets of sex work zones amid regular neighborhoods. At the entrance of each neighborhood, the sex workers, who wear colorful garb and makeup, solicit for clients. This practice is colloquially referred to as “standing at the gates” and signifies the presence of sex work sites within the neighborhood. It needs to be noted that all of the interviewees were active members of the DMSC and were also peer outreach workers in the HIV/STI intervention project conducted by the union.

Most of the interviewees were heavily involved in the daily operations of the DMSC and various other projects. The subjects interviewed cannot be said to be representative of all the sex workers plying their trade within the borders of the red light district of Calcutta. However, their voices offer glimpses of the opinions of sex workers which traditionally go unheard and unrecognized in the public sphere.

Prior permission was obtained from the DMSC central governing committee before the commencement of any research and interviews. This permission was obtained by sending an application letter drafted in Bengali and addressed to the Central Management Committee of the DMSC headed by its president. Institutional Review Board (IRB) research approval was also received (Protocol # 13456). The narratives of the sex workers as gathered from the interviews will be discussed in the following sections.

Sonagachi Women: Disarticulating Trafficking and Sex Work

The interviews with the women at *Sonagachi* raise a question on the conflation of trafficking and sex work in global policy documents and the underlying assumption of coercion and sexual servitude in sex work. The USAID policy of refusing funding to organizations which try to legalize sex work is also rendered questionable by the interviewees' statements.

All of the 37 interviewees at the *Sonagachi* emphasized the distinction between trafficking and sex work. Eight of the interviewees noted the conflation between sex work and trafficking in general discourse about sex work. Three of the interviewees also pointed out how sex work is perceived as trafficking and hence considered a punishable criminal offence by the media and the intelligentsia in India. Sapna excitedly noted, "We are considered to be sex slaves and sold or trafficked into this profession by the media, by all the important people and by the entire society. Why doesn't anybody ask us?"

When questioned whether women are coerced or trafficked into this profession, 36 of the 37 interviewees noted that they had entered the profession of their own accord and have not been trafficked or sold or coerced into sex work. One of the interviewees however stated that she was introduced to sex work against her will by a close family member. She noted that after initial abuse, she managed to break ties with an exploitative brothel-owner and conducted the profession independently by renting rooms within the red light area. She continued in the profession since, according to her, it provided her a steady source of income. She added that her forced introduction into the profession occurred almost 40 years ago, and the current mechanism of self-regulatory boards, which DMSC had installed, prevented cases like hers today.

The reason for the *Sonagachi* women engaging in sex work appeared to be primarily economic. 19 of the interviewees, which is 54.2% of the sample size, mentioned financial exigencies as a reason for entering the profession. Twelve of the interviewees noted that they could afford a comfortable standard of living by sex work. Nine of the interviewees observed being subjected to violence by spouse or a

family member prior to entering sex work. Sapna said, “My partner beat me up to the point of breaking my limbs. I had nobody in this world. The red light area was my refuge for it gave me the income to survive and escape my partner.”

Thirteen of the interviewees reported sexual assault in prior professions which included domestic sector work, construction work, brick kiln labor, and secretarial jobs. Krishna who had previously worked a secretarial job recalled how she had been sexually harassed by her employer during her tenure. “I was compelled to offer sexual favors to my boss. Yet my salary was a pittance. I was finding it really hard to make ends meet. Well, then I decided I might as well get paid for sex.”

Interviewees also noted the mechanism of sexual harassment in place in construction and menial labor industries in India. “To get a job and maintain it in bricklaying, masonry and construction, you have to sleep with the *rajmistri* (*Rajmistri* refers to head mason in Bengali), his assistant and respective subordinates. You need to keep them happy and also do back-breaking physical work to earn your meager salary,” noted Purnima. Her views echoed that of Krishna: “You see after being exploited by a string of supervisors I decided if I give my sex I might as well get paid for it.” Sapna recounts being raped by her employer while working as a domestic helper. “No more free and forced sex,” she quipped.

All of the 37 interviewees emphasized the harmful effects of trafficking and the emergent need to curb trafficking. Seventeen of the interviewees acquiesced that women are often trafficked into sex work. The porous border between Bangladesh and India was noted to be a reason for easy trafficking of women for sex trade in the Indian side. The interviewees also noted that women from Nepal are trafficked into India to work in red light areas in and around Eastern India. Sadhana notes:

I will not say that sex workers are not trafficked, yes sometimes they are. But many times they are not trafficked against their will. It often happens that they will pay an agent for trafficking them across the border for work. Many girls come in from across the (Indian) border to work in *Sonagachi*. Why do you think they come? It is because they have heard of this place. They know they can earn some money from sex work and feed their family. What is a girl who is extremely poor and has no education and has five or ten mouths to feed work in? She knows sex work can provide her a steady source of income. She needs sex work to survive, to provide for herself and for her family. When it comes to hunger there is no good profession or bad profession.

According to the interviewees, a mechanism for paying traffickers and sneaking across the Indian border appear to be in place in many places of Bangladesh and Nepal. But it is noted that these women aid in their own trafficking and come voluntarily – their motivation is earning money through sex work in India and sustaining their families in the neighboring countries. The Indian government’s attempt to curb trafficking across borders and stem the flow of potential sex work seekers has been futile so far according to Rama:

The government has tried to seal the borders before and it is still trying to do so now. What is the result of that? Has it succeeded in reducing trafficking? No, it has not. Thousands have crossed the border seeking to work in *Sonagachi* in spite of government efforts. Trafficking

will not stop and the entry of women into this profession will not stop. Do you know why? It is because there is a huge demand for this profession. And then there is hunger. Who will feed them and their children? The government does not provide food, it only provides laws and bans.

The sex workers' entry into this profession is thus noted to be voluntary and sometimes a result of their own collusion with traffickers. This is in direct disagreement with current policy research documents on sex work and HIV/AIDS intervention most of which characterize sex workers as victims of trafficking, coercion, and sexual servitude.

The single interviewee who said she was forced into this profession noted that she did not leave sex work even when she got a chance as it gave her a steady and secured source of income. Seven of the interviewees stated that sex work was not the primary source of income and they had additional means of sustenance such as small businesses. Eight of the interviewees did not live within the perimeters of the red light district and were daily and weekly commuters to *Sonagachi*. The presupposition of coercion into sex work and sexual servitude in the profession as advocated by HIV/AIDS global policy documents appears to be in direct contradiction to the testimonies of the interviewed women of *Sonagachi*. The interviewed sex workers enter the profession of their own volition – this is emphasized by Bisakha:

I am here working in this profession out of my own free will. Nobody has forced me into this profession. If I go to work as a domestic help in somebody's house I am going there voluntarily, right? Similarly when I come here to work as a sex worker I come voluntarily. I am not compelled by anyone. Why do people think that sex workers are sex slaves? I think it is because they make their own ideas, they do not care to ask the opinion of sex workers.

Re-articulation of Sex Work: Demanding Legitimacy

One of the important findings from the interviews was the sex workers' re-articulation of issues related to sex work – including the status of sex work itself – and demanding for legitimization. Sex work was asserted to be a valid form of employment whose legalization and decriminalization were demanded. The rights of the sex workers to demand benefits such as healthcare for themselves and educational opportunities for their children were emphasized by the interviewees.

The interviewees also laid importance on the rights for self-determination which included the right to choose the occupation of a sex worker as a livelihood without interference from legal, social, and moral authorities. As the manifesto produced by DMSC (2009) asserted, "Sex work needs to be seen as a contractual service, negotiated between consenting adults. In such a service contract there ought to be no coercion or deception. DMSC is against any force exercised against sex workers, be it by the client, labor contractors of the sex sector, room owners, pimps, local goons, the police or the traffickers" (p. 1). Legalization of the profession was noted to be a necessary step for protecting the health and securing the rights of the sex workers.

The initiatives of the *Sonagachi* women to promote sex work as a legitimate form of labor are in direct opposition to the agenda of many global HIV/AIDS policymakers and international legal resolutions that intend to curb trafficking. The latter portray sex work as a profession interrelated to and produced by trafficking itself. Hence sex work is often articulated by these agencies as a profession incompatible to human dignity and welfare and which needed to be delegitimized on an urgent basis.

The USAID grant policy explicitly stresses the need to eradicate sex work to counter the impact of HIV/AIDS and ensure global health. Some feminist scholars supported policies seeking a legal ban on sex work and endeavoring to rehabilitate the sex workers and eliminate the profession all together. An example may be cited in the words of Hughes (2000):

Prostitution and trafficking are extreme forms of gender discrimination and exist as a result of the powerlessness of women as a class. Sexual exploitation is more than an act; it is a systematic way to abuse and control women that socializes and coerces women and girls until they comply, take ownership of their own subordinate status, and say, "I choose this." Legalization of this violence to women restricts women's freedom and citizenship rights. If women are allowed to become a legitimate commodity, they are consigned to a second-class citizenship. No state can be a true democracy, if half of its citizens can potentially be treated as commodities

The interviews obtained by the researcher make it apparent that the women of *Sonagachi* might disagree with Hughes and many international policymakers. All of the 37 interviewees noted sex work to be a valid form of labor. Two of the interviewees admitted that their profession was morally questionable according to social norms but added that sex work should be considered to be a legitimate vocation. All of the interviewees wanted their profession to be given legal status. Decriminalization of sex work was noted to be an emergent need to protect the rights of the sex workers and to establish and maintain the reduction of HIV/AIDS and STI infection incidence.

All of the 37 interviewees emphasized sex work to be like any other job. Santana noted:

Our profession helps us to sustain our families, our children. We work hard, use our bodies to make our clients happy and earn money to survive. How are we different from workers who use manual labor to make an income? How are we different from government workers who work hard in their offices to feed and educate their children? At least we do not engage in corruption like some of the government officials do. The money we make comes in exchange of hard physical labor to make our clients happy. If that is not a valid form of labor, then tell me what labor is?

Bishakha added:

Our job involves its own sort of physical and mental exertion. Tell me which job does not create exertion? You are an interviewer, you have come here to interview me, for that you have woken up early in the morning. Haven't you undergone some exertion for your job of interviewing? But your work serves your interest for doing your study. Similarly my work

also has its stresses but it looks after my interest—my interest of keeping myself and my family in comfort. Plus you like what you do, right? I also like what I do. So how is my work any less valid than yours or anybody else’s? The people who want to ban sex work.. they are rich people. They sit high up, in air-conditioned rooms. They need to climb down a bit, to our level, to think like us.

Criminalization of sex work was questioned and strongly castigated by the interviewees. The latter noted the propensity among media and sections of society in general to equate sex work with criminal activity in an endeavor to ban it. Krishna observed:

Sometimes people tell us sex work is criminal, it is akin to stealing, robbing and murder. They say if sex work is to be legalized then one should legalize stealing, robbing and murder too. I would like to remind them that stealing, robbing and murder cause fear, anxiety and grief. But the clients of sex workers come to them to get sexual service, and pleasure. Nobody can say that the sex workers cause fear, anxiety and grief to the clients. If they had, the clients would not have been coming back again and again. Well somebody from the media once asked me that one may get happiness by taking heroin and marijuana, in that case should the seller of these drugs be given legal status? I would like to add here that heroin and marijuana ruin a person’s health. It is a proven fact, is it not? But show me one study which says a client having sex with a sex worker using condoms is ruining his health.

One of the primary demands of DMSC was reiterated in the words of the interviewees – “*gatore khatiyе khai, таai sromiker adhikar chаai*” which translates as “we use our bodies to work hard, so we need to get legitimate worker rights.” Eight of the interviewees noted their work to be a part of service industry. “We provide service to our clients” and “we are part of the service industry” were reiterated by a number of interviewees.

Of the 37 interviewees, 15 noted sex work to be akin to entertainment work. Kalavati said, “We entertain our clients. We provide them happiness. Our job is similar to that of actors, singers, artists and other entertainment professionals.” Bishakha noted, “We give pleasure and we take money for it, that is our job. Our profession is similar to that of entertainment workers.”

All of the 37 interviewees emphasized the drawbacks of delegitimization of sex work. Fourteen noted how rendering sex work illegal created an unsafe environment for the sex workers and hindered the implementation of safe sex practices. Kalavati said:

See when our profession is illegal what will the women do? They will have to earn a living after all. Else who will feed the kids? So they go in hiding. They do their trade in hidden and dark lanes and allies. The chances of violence against them in such hidden locations increase. The anti-socials will target these women. Rape the women, and no money paid. And safe sex, condoms. . . there is no safe sex in rape.

Kajal adds:

Our profession is illegal. We are criminals according to law. So if we get raped what justice can we get? The police can tell us, in fact the police had told us in the past that a criminal cannot get raped. And sex workers who live on their sex cannot get raped. And yes, the

police has raped us in the past. But now with *Durbar* we have learnt how to live with our heads high. The police is wary of us because of our union, they register our complains, treat us with respect. But what happens to the sex workers in other states of India? They are raped regularly, by clients, pimps, police. There is no justice, for where is the crime? The sex workers are criminals, their profession is illegal. Do you think rapists use condoms? I tell the government that if they want to stop HIV then make sex work legal. Give these women a solid ground to stand on, to protest and make their demands known.

From the interviews it becomes apparent that delegitimization and criminalization compel sex workers to operate in subterfuge, such as in dark and isolated geographical spots. Their attempt at concealment in order to escape from detection and prosecution by law enforcement agencies exacerbated their vulnerability to rape and assault. Such sexual violence rarely includes safe sex measures, and hence the chances of HIV/AIDS and STI infection transmission are greatly increased. Legalization and decriminalization of sex work are noted by the interviewees to be a step in the right direction for HIV/AIDS harm reduction and securing the rights and health of the average sex worker.

The interviewees stressed that unionization enabled them to fight the violence and stigmatization imposed by their illegal and criminal status. A stronger sense of self-belief and confidence in their chosen profession reinforced the demand for formal legalization. The futility of the logic that upheld banning sex work for moral and health reason was also discussed by the interviewees. Sapna said:

We believe that banning sex work is not the answer. Banning sex work will not be a solution to any problem. Tell me why there is sex work? It is because sex work has always been in demand through the ages. It is in demand now and it will be in demand in the future. More so in the future perhaps. Whenever there is a demand there is a supply. Sex work cannot be banned and it cannot be wished away. We are here to stay. Sooner people understand this, the better.

The emphasis is thus on the welfare of the women who are “here to stay” by legalizing and decriminalizing them. As Sadhana observed, “Our clients are not criminals and neither are we. They come in pursuit of physical pleasure and happiness which we give to them. We are adults and there is no crime in that.”

Rescue and Rehabilitation of Sex Workers

The TIP report of 2009 which equated sex work with trafficking and sexual servitude noted that there can be no exception to rescue of sex workers and rehabilitation from sex work. The USAID funding policy guided by the Global AIDS Act propounds rescue and rehabilitation of sex workers to be one of the targeted goals in HIV/AIDS intervention projects. In order to achieve this objective, the Global AIDS Act deprives organizations that do not strive for the rescue and rehabilitation of sex workers from receiving any funding.

Indian legislation on sex work criminalizes sex workers, their clients, pimps, and brothel owners subjecting them to a fine and imprisonment of 3 to 5 years on prosecution. The clause 2(f) of the Immoral Traffic (Prevention) Act (ITA) of India defines sex work as prostitution which is “sexual exploitation or abuse of persons for commercial purposes or for consideration of money or in any other kind” (Government of India publication 2009, p. 1). The clause 4(a) of the ITA also criminalizes sustenance of a sex worker’s earnings which creates a precarious situation for the offspring and family members of the sex workers. The articulation of sex work as an unlawful and oppressive vocation leaves the sex workers as illegal beings themselves with little rights or opportunities.

However the interviews with the sex workers of *Sonagachi* showed that propositions of rescue and rehabilitation were not considered to be feasible options. Rather the interviewees considered the rehabilitation approach impracticable for several reasons. One of the reasons voiced against the rescue and rehabilitation option was that such a proposition violated the rights of the sex workers as a legitimate labor group. Fourteen of the interviewees subscribed to this notion that rescue and rehabilitation entailed the violation of the rights and dignity of a sex worker. The interviewees noted that rehabilitation is applicable for the poor and destitute, the homeless, and the dispossessed. The sex workers were noted to belong to none of the aforesaid categories. The interviewees also noted that individuals in dangerous or coercive situation have to be rescued. The sex workers were pursuing their vocation voluntarily and were not in distressed circumstances. Hence the proposition of rescuing the sex workers was questionable. Santana noted:

Well, if they have to rehabilitate, why don't they rehabilitate the homeless people, the people displaced by floods, the street dwellers who are starving? We are not starving, we have a job. Why don't they rehabilitate the poor beggars? Does the government classify us as beggars. We are not beggars. We have a job. We can look after ourselves and our families. We don't need rehabilitation.

The rescue proposition was also repudiated by the interviewees. Rama remarked:

What are they rescuing us from? From our professions? We are adult women who have engaged in this profession willingly. Nobody has sold us into this, nobody is forcibly keeping us in this. Why do we need to be rescued then? Is it because the government or the outside agencies cannot accept the fact that we follow our profession voluntarily? Does it pain them to accept that we sell sex willingly?

Most of the interviewees seemed to hold the assumption that the rescue and rehabilitation proposition for sex workers had moralistic undertones. Such schemes framed by moralistic motives were noted to be in violation of the dignity of the sex worker and her profession.

Another reason for repudiating the rescue/rehabilitation proposition was economic. It was noted by 16 interviewees that rehabilitation was not feasible for financial reasons, for the income generated by sex work was often greater than that gained from suggested alternate professions. These women noted that sex

workers were mostly illiterate and lacked educational skills that would enable them to be placed in anything other than minimum wage jobs. The alternative professions suggested to the sex workers by government agencies were generally domestic help jobs and menial labor work. Alternative vocations like handicrafts and domestic labor which were considered “honorable” rehabilitation options for sex workers by aid agencies, government, and NGOs were not financially viable to be considered feasible. The interviewees were also extremely wary about the chances of sexual violation in the suggested alternative professions and hence questioned the moral ground of such rehabilitation proposition.

Another reason for dismissing the rehabilitation proposition was the prospect of sexual violation and exploitation in the process of rehabilitation itself. Eleven of the sex workers noted that such rehabilitation projects had failed previously because rehabilitated sex workers were often sexually harassed by the concerned officials engaged in the process.

No data could be obtained on sex workers who were rehabilitated by government or NGO initiatives to judge the success or the lack of it of such rehabilitation projects. It appeared from the interviewee’s statements that such rescue and rehabilitation endeavors were often motivated by ulterior factors and were futile. However no relevant data on the subject could be found to verify or nullify these observations. The interviewees may be motivated by a sense of skepticism against external intervention that prompted them to view any such rescue and rehabilitation endeavor with skepticism. Logistical realities such as stigmatization, ostracization, and sexual harassment of rehabilitated sex workers might render such efforts futile. And sexual exploitation of sex workers by rehabilitation workers might be a reality in red light areas that unravel the impact of such external interventions.

Commercial Sex Work and Ground Realities

The study conducted with the sex workers in *Sonagachi* show that the interviewees’ statements are in direct contradiction to some of the policies of global HIV/AIDS aid organizations. All of the interviewees noted the distinction between trafficking and sex work. Thirty-six of the thirty-seven interviewees had entered their vocation of their own accord. They have not been duped or coerced into sex work, neither were they kept in a state of servitude. The primary motivation of engaging in sex work was found to be economic. Trafficking was noted to be a present and persistent problem by the interviewees. But the latter also noted it to be a process aided and abated by desperately poor individuals striving to get into a vocation like sex work to sustain their family members.

The chapter does not purport to conclude that sex workers are not trafficked or coerced into their profession, but the study shows that not all sex workers are victims of trafficking and sexual servitude. In such a case, the application of policies and legislatures that uniformly treat them as victims of trafficking and sexual slavery might be impracticable. The interviews with the *Sonagachi* women indicate that they chose this profession under financial exigencies. Yet the interviewees asked their

choice of livelihood to be respected and not subjected to moralistic evaluation. They demand legalization and decriminalization of their vocation and acquisition of labor rights guided by international labor regulations.

Previous research shows that delegitimization and criminalization of sex work can jeopardize the health and safety of sex workers and increase unsafe sex practices and consequently HIV/AIDS infection rates. Heeding the cries for legalization and being granted labor rights can therefore ensure the sustainability of an already successful health outreach initiative among the sex workers. The rescue and rehabilitation propositions for sex workers are often not feasible options as shown by previous research. The interviews with the sex workers of *Sonagachi* show that the women emphasize the impracticability of these propositions and repudiate them vigorously. The ground realities of the trade, as indicated by the interviews, ensure that such rescue and rehabilitation schemes continue to fail. The interviewees also expressed serious reservations about the moral compunctions that precipitated such rescue and rehabilitation schemes. Evidently rescue and rehabilitation propositions are not always the appropriate objectives in health intervention projects among sex workers.

It appears that the population of *Sonagachi* would not be the suitable target population for rescue and rehabilitation schemes. Similarly there might be comparable groups of sex workers in India and globally among whom the application of rescue and rehabilitation options would not succeed. In such a situation, one is led to question the policies of the Global AIDS Act which deprives sex workers groups from funding if rescue and rehabilitation propositions are not implemented. A change in the policy of the Global AIDS Act and the USAID funding policy appears to be essential for the sake of many sex workers' groups across the globe.

References

- Butcher K (2003) Confusion between prostitution and sex trafficking. *Lancet* 361(9373):1983
- Cohen S (2005) Ominous convergence: sex trafficking, prostitution and international family planning. *Guttmacher Rep Public Pol* 8(1):12–14
- Ditmore M (2003) Morality in new policies addressing trafficking and sex work. In: Conference paper of IWPR's seventh international women's policy research conference, June 2003
- Durbar Mahila Samanway Committee (2009) *Durbar Bhabona*. Calcutta: Durbar Prokashoni.
- Government of India (2009) The Immoral Trafficking (Prevention) Act 1956. Available at <https://indiacode.nic.in/bitstream/123456789/1661/1/1956104.pdf>. Accessed on 1 December 2017.
- Hughes D (2000) Men create the demand; women are the supply. *Safety at Work*, 7:10–14.
- Masenor NF, Beyrer C (2007) The US anti-prostitution pledge: first amendment challenges and public health priorities. *PLoS Med* 4(7):1158–1161
- Trafficking in Persons Report (2009) United States Government. Available at <http://www.state.gov/documents/organization/123357.pdf>. Accessed on 1 Dec 2017
- UNAIDS Global Reference Group on HIV/AIDS and Human Rights (2003) Sex Work and HIV/AIDS. Available at http://data.unaids.org/Topics/Human-Rights/hr_refgroup2_01_en.pdf. Accessed on 1 Dec 2017
- United Nations Development Fund for Women (2009). Factsheet on trafficking and commercial sexual exploitation. Available at http://www.unifem.org/attachments/products/339_Chapter_4.pdf. Accessed on 1 December 2017
- Wolffers I, van Beelan N (2003) Public health and the human rights of sex workers. *Lancet* 6:1981