

RIGHT OF SEX WORKERS-A CRITICAL ISSUE

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ABSTRACT

Sex workers are now labelled by different outcast and forlorn names. Sex workers rights need to be preserved as a moral obligation and safety, as sex work is also a work. This need to be on looked on **humanitarian** grounds. Even if we talk in legal terms or being empirical it's their right and by looking the plight or how the things are stack up either we don't consider their right or we don't only consider them humans. It's high time by paraphrasing papers, commenting on it now it's time for flurry energy to give it a twist. A convolution which can bring amendments and modifications, where woman can be respected and nothing is involuntary and impulsive. Various Indian **Institutions** have paid heed to this docket still a lot need to be done. Care must be taken on the grounds that they don't have the fear of HIV/Aids, so that they don't suffer at the cause of our savage society. The best solution to reduce this bracket of section is to **legalize** sex and prostitution so that they are not condemned from doing this occupation and business. By increasing GDP, we can only compete with other worldly nations, gain profit but can never lead to the path of development and maturation. If one country affirms and the other parts don't they migrate to that country where it is legal causing over population, enlarged prostitution which is the agenda that needs to be either rooted or stemmed. We should join hands with International Countries to totally ban it or legalize it as it a worldwide contention as flesh trade is penetrating and freezing the globe. In the end protect the weeds, rags you may never know when they can come out as flourishing flowers.

INTRODUCTION

By making amendments every year, by repealing laws on daily basis, by having a majority as a procedure, by casting votes, talking about Indian Constitution so high, by adding words like equality, brotherhood, fraternity, republic we cannot gain an oyster. These words like equality should be seen in the eyes of the living soul and not in abstract form. They should have that salvation that collateral at their back, in their highbrow, in their commands, in their actions, in their circumference, in their beauty and in their respective characters. They should have a rightful bulwark fitting which protect them and condenses the wrongdoer with an eye which are backed by stringent reforms to give that eye a muscle and a backbone. The 'they' I am talking about are the ladies who can be a teen, a woman in a wedlock, a lady who has not gone through a menstrual cycle, a woman who is not having that much of wages to raise a standard living, a woman who is been coerced to be in this trap for her beauty and later she thinks a good way to earn money in this irrational, begotten world. These 'they' are later known as a whore, lady of the evening, a call girl and a slut without any sentiments. We people forget that they are someone else's daughter, spouse, sister. We forget their sentimental cause for which they are in this business or profession.

Yes, you have read it right it's a profession just like other profession and not a mere play of body or seduction. *"Call a jack a jack. Call a spade a spade. But always call a whore a lady."* They also go through a mental and physical pain, agony. If we see it in the realm of law, Indian Constitution has not pay any heed to this soft cause- no article talks about it in a broader way. Though India has legalised the art of seduction, has given an acknowledgement but under few segments and wedges. Brothel houses, pimping, whorehouses, indulgence by third party to gain money by sending the woman forcefully or doing it in public places are barred and not given approval and are contemplated as a crime. But certain laws and acts has given substratum to this cause like Suppression of the Immoral Traffic Act (SITA) of 1956, which bears the freedom to be done in an enclosed room and not in public. It cannot be performed within 200 yards of a public place. It was not much widely used. Later, 1986 Act came with Immoral Traffic Prevention Act (PITA). The woman cannot make their numbers public and cannot to be kept in brothel houses without their consent. There are more of duties and restrictions imposed on them than the rights to protect them as it is seen their voluntary willingness to enter into this glitch. These women are considered differently, marginalized and cropped out of the

map, no place of respect, rights, dignity, regard are given to them just an eye of shame, disgrace, humiliation, stigma and infamy are shown.

VIOLATIONS OF RIGHTS OF THE LADY OF THE EVENING

Firstly, their status qua is not established. Their status is not given an altitude. It's nowhere placed, the chain is fragmented and not united. Special courts or tribunals should be there for their grievances to be addressed and reported, their plight should also have ears. These trafficking does not come under labour laws – either they don't consider them labourers or they don't consider them humans. It's a violence against woman which entrenches inequality against woman. "Sex work is a work" it is a profession to earn money and hence they must come under the ambit of labour laws and their health, safety should be protected and a backing of reforms if suffered problems.

Secondly, they also suffer sacrilege because people from its very inception have a thought that they are into the sex industry because of their willingness, their show and chosen by free will but they forget that they were conscripted and strained to enter in the cage and shackles of disobedience and shame. Hence, inchoate all were abandoned with the rights.

They are not inflicted with a right, they are pimped and raped, sold to the brokers again and again just as a thing is circulated, just as money is circulated and we keep on trading the goods till we engulf all the benefits from that good. In short, we keep on trading with a human, a woman for its need and demand for its organs, she keeps on circulating and traded for a man pleasure till she becomes flawed. But we forget that when a woman is aware of all its flaws she is termed as perfect.

There should be an immediate protest for protecting these workers from harm, exploitation and strong-arm tactic.

There is a great desire for ensuring that they participate in the development of laws and policies that affect their lives and safety.

There should be a covenant for guaranteeing access to health, education and employment options.

There is an urgent urge for the decriminalization of sex work or a legal sanction which has its manifested testimony based on that criminalization makes sex workers less safe, by preventing them from securing police protection and by providing immunity to vilipender.

For bleeding into the deep depth of this darkness we need to find or show that what infamy and disgrace are these innocent people facing for this voluntary or involuntary occupation chosen or forced by/to them. They are going through multiple assaults, damages which cannot be remodelled or reconditioned either by way of so called injunctions given by our society, the punishments, “the just desserts” given to them won’t heal the soaring wound. Rape, Violence, Trafficking, Extortion, Arbitrary arrest and detention, forced eviction from their homes, Harassment, Discrimination, Exclusion from health services, Forced HIV testing and Lack of legal redress¹. Just named a few, can’t even foretell the plight of black eye they are seen in the society. The names with which they are abused.

BROADER ASPECT

Industry analysts has given a further deep constituents to the word “sex worker” which refer to any worker who auction sex or erotic services, including strip dancers, prostitutes, peep show workers, dominatrix’s, adult film actors, and a variety of ancillary and support workers both in the real and virtual world. Half- truth is that it is difficult to generalize across so many kinds of work. Researchers say that within the close door of prostitution, there is a mixed bag in terms of conditions of work, circumstances and resources of workers.

Importance

Folks engaged in the sex trade are faced with pervasive violence, stigma, and discrimination, which consequently limit the ways in which many sex workers navigate the world. Recognizing the rights of sex workers as human rights not only affirms the dignity and humanity of sex workers as indeed, workers but also recognizes them as human beings and rights holders beyond the context of their work. Folks in the sex trade have needs and desires outside of their occupation that we must also centre and support. The systemic oppression many sex workers

¹ Amnesty International

encounter, and very often without legal recourse, is compounded for racial and sexual minorities, folks with histories of drug use and criminal system involvement, persons living with HIV, people from immigrant backgrounds, etc. Criminalization exacerbates marginalization and work-related safety and health hazards. Creating pathways for folks in the sex trade to assert their rights through the decriminalization of sex work can improve life outcomes and centre their voices.

Approaches to Sex workers

Society's values do change over time and some things that used to be considered acceptable are now considered unacceptable, and vice versa. For example- earlier smoking was considered harmless and allowed at workplace but later a concept of passive smoking entered in the room of suspicion and was banned. Same way prostitution causes damage to those who are in it and as it has no place of safety its existence makes women's human right to equality with men a distant dream. Pricey sums of money are made from this heinous enterprise with women's and children's bodies leading to sex trafficking.

Nordic Model

Also called Sex Buyer Law which legalizes the sex commerce, which provides the services and takes them in the radius which leads them to the gate of exit and provides an escape route and makes buying sex as a criminal transgression, in order to reduce a black market of sex. It was an approach coined in Sweden by an eminent researcher Cecilie Hoigard. Nordic Model is the key to roll back the exploitation of sex workers. Researchers have stumble upon and seen that France has asserted and shown keen determination to put an end to this monstrous impasse. France recognizes prostitution as a form of violence, makes the purchase of sex acts illegal, regards prostituted persons as victims rather than criminals, and provides victims with help to get out of the business. This approach proved to be successful in Sweden, Finland, Iceland, Norway, and Northern Ireland in reducing the demand for sexual paid services. On the contrary, this decriminalizing or legalising made Netherlands and Spain entered into wrong axis and created the majority of the country's population with new victims and brothel houses. Many of the sex tourist have fled to Netherlands. According to the U.S state department Persons Report, they have seen Netherland as the fountain spring of sex trafficking and forced labour. More than 3,000 entertainment establishment are a hub for prostitution in Spain and out of that 90%

are forced into this glitch through various networks operating in the world. The Nordic Model so called because it originated in Norway and then was adopted in Sweden in 1999 and this mechanism works exactly in the opposite way. It stops the age-old mistake of prosecuting victims prostituted persons and puts the criminal onus on the victimizers. Prosecution of clients causes the exploitation of business model to collapse for lack of demand. Legal sex opportunities being open for the minority must not be at the cause of enslavement of that 90%. The sex trade mushrooms because traffickers, pimps, and clients (mostly men) exploit unguarded thin-skinned women and underage girls. These are the traffickers and pimps who are being filthy rich and getting bloated, not the victims.

There is a raft measure taken by UK government which will call for the purchase and attempted purchase of human beings making sex to be made a criminal offence, regardless of where in the world it takes place. British men would also be subjected to the same strand and treatment and not a privilege to cause damage in other countries. The basic aim is to change the behaviour and not to criminalise people. A maximum sentence will be of one year in prison. The policing of these crimes must be fully resourced and prioritised in UK and need to be strengthened as they are not appropriate and fit in the eyes of legislation. A fairer with an egalitarian society is what the idea is all about with a promised minimum income for all and putting an end to the gap between women and men, better resources and support for parents and “looked after” children, an end to zero-hour contracts, and the tackling of all the other factors that bait people impoverish and arid.

HOW TO OVERCOME THIS BATTLE

Holistic Approach

A holistic and a comprehensive approach can only serve the ulterior motive. To make it an efficient model we must indulge in-

- Public information campaign- like the one that accompanied the change in the smoking laws

- Education programmes in schools -which explain honestly the damage that prostitution causes.
- Training police and others- to be effective, it needs to be accompanied by in-depth training for the police, judiciary, Crown Prosecution Service (CPS), and frontline workers in education, social services, local government, the NHS, etc.
- The law to be prioritised and coordinated nationally- universally should be adopted and prioritized so that they don't transgress or venture to other places where it is made legal.

Sex work in Uganda, Switzerland and the Task of reducing HIV

An inn in a busy commercial district in Kampala, Uganda comes under a brothel segment. Women's Organization Network for Human Rights Advocacy is a prominent group which fights for the rights and cause of Uganda's sex workers. These women of infamy frequently face client abuse, beatings and harassment on the streets, even police brutality – including rape, beatings and extortion – and the ever-present risk of HIV. Facing huge hue and cry for the health issues and crises of being treated as a human. They have made efforts to distribute condoms to help protect sex workers against HIV and other sexually transmitted diseases. A dozen large boxes of Chinese-made condoms have been supplied by the United Nations Population Fund. WONETHA officials also have been active participants working to find a template of brutal treatment by police of sex workers (prostitution is illegal in Uganda). It's being a success for the WONETHA officials in changing the attitude of police and provide an eye of vigilance to the brothels and don't harass it any further.

American Jewish World Service, an international development organization are taking proportion frequency to end poverty and promote human rights in the developing world. On average, sex workers are 10 times more likely to become infected with HIV than adults in the general population.² HIV prevalence among sex workers is an estimated 12%. One study of 16 countries in sub-Saharan Africa found an average HIV prevalence of 37% among sex workers. In Nigeria and Ghana, HIV prevalence among sex workers is eight times higher than the rest of the population³. The legal prostitution industry in Switzerland has 14,000 officially

² UNAIDS (2016) 'Prevention Gap Report

³ The World Bank (2013) 'The Global HIV Epidemics among Sex Workers'

registered sex workers in the country, with 800 located in Geneva. In Zurich, there are a reported 11 prostitutes per 1,000 residents.

Nevada is the only state in the country to legalize prostitution. Legal brothels exist in 10 of Nevada's 17 counties. By making it Legal prostitutes pay for and undergo mandatory health checks prior to becoming licensed each time they enter a brothel to work. They also have mandatory weekly pap smears and monthly blood tests for sexually transmitted infections. Condoms are mandatory in the Nevada brothels. By making it legal it is observed that sex workers go under less violence and a great sense of security in the brothel industry than manoeuvring their trade illegally in other venues. This acumen is due to both the legality of this trade ship and the safety provided in the working community of a brothel⁴

Although sex workers are one of the groups most affected by HIV, they are also one of the groups which are most futile to respond to HIV prevention programmes. This can be seen in countries such as Cambodia, the Dominican Republic, India and Thailand, where reductions in national HIV prevalence have been drifted.

TVPA ACT

The Trafficking Victims Protection Act (TVPA) in the United States was designed to facilitate prosecution of traffickers and protection to the victims, particularly foreign nationals, by aiding them with special visas who have been victims of trafficking. Its aim was primarily at ending sex trafficking rather than recognizing sex work as a legitimate occupation or that those that who engage in sex work should be afforded basic labour protections including health and safety. Some **50 countries** around the world have now legalized sex work, including all of Central America and the entire continent of South America, though pimping remains illegal. The TVPA seeks to counter attack trafficking by promoting a policy which will deal with "3 Ps": prosecution, protection, and prevention:

⁴ Brents, Barbara G. and Kathryn Hausbeck. 2005. "Violence and legalized brothel prostitution in Nevada: Examining safety, risk and prostitution policy." *Journal of interpersonal violence* 20:270-295.

- **Prosecution** involves criminalize trafficking, and jailing the abusers who exploit other humans for profit.
- **Protection** involves identifying victims, providing them with medical care and shelter (witness protection), and, repatriating them.
- **Prevention** involves raising awareness of the inhumane practices involved in the trafficking trade and promoting a tectonic shift which reduce the demand for the “fruits” of human trafficking.

Trafficking Victims Protection Act of 2000-In 2000 there were different functions which were basic as it came in 2000 which were to establish a strategy: (1) reducing child marriage, (2) to promote the protection of girls who are at the plunge and peril of this child marriage in developing countries, (3) they spot those areas in developing countries which have high rate of child marriage, and (4) which require diplomatic and programmatic initiatives.

In 2013 state planned to foster care and adoption assistance which describe preventive measures and victim assistance concerning human trafficking and commercial sexual exploitation of foreign, U.S. citizen, and legal resident children. It also sets forth provisions regarding the National Human Trafficking Resource Centre Hotline.

The Alliance to End Slavery and Trafficking (ATEST) 2017 is a U.S. based coalition which campaigns for solutions to prevent and end all forms of human trafficking and modern slavery around the world. ATEST member organizations consist of: Coalition to Abolish Slavery & Trafficking (CAST), Coalition of Immokalee Workers (CIW), End Child Prostitution, Free the Slaves, Futures Without Violence (FUTURES), International Justice Mission (IJM), Polaris, Safe Horizon, and Vital Voices Global Partnership. Runaway and homeless youth are among the most susceptible to sex and labour trafficking. The more we hunt and scout intersections between human trafficking and other causes, the closer we will come to germinate and vegetate solutions. These resources are cavillous to ensure that the U.S. Government is taking a comprehensive, victim-centric approach for addressing this problem and providing support to the paths leading to self-sufficiency.

SEX WORKERS AND HUMAN RIGHTS

Sex trafficking not only results in a severe violation of human rights but also causes adverse physical, psychological and moral consequences for the victims. All hopes and dreams of a better life are ruined and with time the girls become penniless, burns daily, feels like a used napkin which is no more useful, feels like that crushed cigarette which has come on the way by a peddler, mentally broken and affected with serious or life-threatening illnesses such as HIV/AIDS. The journey of sex trafficking destroys the body, mind and soul of a victim, and fundamentally takes away her capacity to trust herself or anyone around her. Today, sex trafficking in women and children is one of the fastest growing areas of national and international criminal activity. It is a multi-billion-dollar industry, and has created complex criminal networks - at times, with the patronage of those in power. Lack of suitable laws and law enforcement machinery add to the problem. Some laws not only criminalise sex work but also deny the cardinal civil rights. They may be commodious and kosher to own property, access education, justice, health care, banking services or purchase utilities. The social exclusion and poverty that results sex workers vulnerable to exploitation, abuse and HIV infection⁵. Under these circumstances, sex workers are not recognised by the law and cannot exercise human rights like other people can. For example, the Swaziland Girls' and Women's Protection Act offers no defence for girls under the age of 16. It's our human right to save the mothers, future mothers and girls of our present generation.

Many Indian Organization have given recognition and shown their eminence. To name a few - *Apne Aap* is a group dedicated to creating empowerment groups for Indian women. The groups provide a safer place for women to be aware of their rights, and learn about various operations which can help keep them safe from a life of forced prostitution and sex slaving. *Apne Aap* helps women to connect one on one, share stories, and share opportunities for safe employment and education.

Sayfty existence was to equip women with tools that help keep them safe from acts of sexual violence, and educate women in matters of self-defence. While the ideal is that women would be free from the threat of physical violence without having to live in fear, organizations like

⁵ Cornish, F. (2006) 'Challenging the Stigma of Sex Work in India: Material Context and Symbolic Change, Journal of Community & Applied Social Psychology' 16:462-471

Sayfty help to empower Indian women by equipping them with knowledge and tools that will help to keep them safe.

CONCLUSION

Although India is a signatory to numerous International agreements on the rights of women and has a constitution that prohibits discrimination and exploitation by gender, as well as a glut of related legislation, still it has failed to satisfactorily protect the human rights of women, particularly those of sex workers. This can be glimpsed by high levels of violence in the sex industry, child sex workers, lack of access to health care, and high levels of HIV infection. Policies that revolve around rescue and rehabilitation, or are based on the premise that sex work is immoral, are unlikely to effectively promote the well-being of sex workers. An alternative paradigm, which revolves around an explicit recognition of the human rights of sex workers together with an activist approach to achieve them, involving a collaboration between NGOs and collectives of sex workers, has worked well to protect the human rights and health of sex workers in India. The United States has passively tolerated this abuse for far too long. The human rights of people trapped in prostitution are not a matter of political ideology. Prostitution is a human rights issue, and it is long overdue for reform. Criminalization of prostitution, including other things that surround sex work is not the real solution. Sex trade is here to stay, and by recognizing it as a legitimate form of work, all involved parties can receive guaranteed benefits. It would effectively lessen the burden on the government in terms of executing anti-prostitution laws and paying additional law enforcement. In addition, countries would increase their revenue through taxes, foreign exchange, and increased employment rate. Countries would also ensure safety environment for their people because sex workers will be required to undergo medical tests and receive adequate medical care. More importantly, legalization of prostitution would protect the rights of sex workers and give these people a chance to live a normal life they deserve. But of course, it would only be a lot better if the government will legalize prostitution because it will give the sex workers rights and protection in their jobs.