

Input to the UN Special Rapporteur on contemporary forms of slavery, including its causes and consequences for his upcoming report to the 79th session of the General Assembly

Women's Initiatives (WINS) and the Global Alliance Against Traffic in Women (GAATW)

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About WINS and GAATW

Women's Initiatives (WINS), was established in Andhra Pradesh, India, in 1994. Since its inception, gender equality and sexuality rights have been the focus of WINS' work.

WINS seeks to empower women, girls and vulnerable men to fight the root causes of discrimination by offering an understanding of societal structures and systems and by helping them to organise themselves to fight against oppression and injustice, leading them to the path of self-development. As part of this work WINS supports sex workers to form workers organisations known as Community Based Organisations (CBOs).

WINS is a member of the Global Alliance against Traffic in Women (GAATW) and a partner under GAATW's "Women Workers Forum" programme. GAATW is an alliance of non-governmental organisations from Africa, Asia, Europe, Latin America and the Caribbean, and North America. Member organisations include migrant rights organisations, anti-trafficking organisations and self-organised groups of migrant workers. The Women Workers Forum creates a supportive space for workers' political education through peer-learning processes. It is premised on the belief that women workers can set their own learning agendas and articulate their own visions for change. GAATW supports workers' groups in several countries across Southeast and South Asia and Africa.

This submission shares the testimony of members of a Community Based Organisation of sex workers in Andhra Pradesh following a series of focus group discussions held in January and February 2024.

Submissions

1. How sex workers' organisations play a role in preventing workers from being subjected to contemporary forms of slavery, and to move out of exploitative situations

As sex workers, we are the best people to identify victims of trafficking and to help those victims. When we see that someone is being exploited, we support and reach out to each other. When one of us is raped by a client, or being exploited by the police or other people, we are the ones who get the information first, can identify that this is happening and offer help to the victims.

Whenever we see a victim of trafficking, we convey the information to the nearest CBO leaders so that the victim can get help. We work with the Department for Women and Children to ensure that victims get support. We also play an important role in identifying children who have been trafficked into sex work. When we identify children in places of sex work, we immediately inform the police and the Child Welfare Department. We also provide support to help them find education and/or alternative employment. However, when we do this, we risk being criminalised ourselves. This is a big obstacle in our mission to

support victims and survivors of trafficking. We have tried many times to find a space in the anti-trafficking sector, but not many recognise our abilities.

2. The challenges experienced by sex workers' organisations in to prevent contemporary forms of slavery and protect victims

a. Difficulties registering ourselves as a workers' organisation

In general, we feel that public attitudes are against our right to organise and voice our concerns. Although we are entitled to register as a Community Based Organisation (CBO), in practice we find it very difficult due to the discriminatory attitudes of government officials. Our motives for registering are always met with scepticism. The first question they ask when we want to register is "*why do you need an organisation, what are you trying to achieve?*" They are always implying that as sex workers we should be 'lying low' and never be seen or heard. Once, we were told that most of them think we "make quick money" so why do we need an organisation, suggesting that being a sex worker is easy and we should not be trying to organise for more rights. Many public services are also inaccessible to us because of the incorrect belief that we make more money.

Often the officials will invent excuses for why we are not allowed to register. For example, one time we were told that because we do not have a permanent address and are "always on the move" we cannot register as an organisation.

When they do let us register, we are often extorted and expected to pay higher "fees" than other workers. We have been told by the clerks (the lower level officers) that sex workers are not allowed to meet the top official (the registrar), who has the final say in approving our application. The clerks say that the registrar does not want to meet with us because we are sex workers and so we have to pay double the amount to the clerk so they "can persuade the registrar" and finish the formalities for the registration to be done.

We have also had our "vulnerability" used against us. They know that we are a very stigmatised group so they think if we are registering as an organisation we must be getting a lot of overseas funding. The officials therefore think there is nothing wrong with taking a bribe or "commission" from us.

Another challenge relates to the way the clerks in the office take advantage of the fact that we cannot speak English. We received training from NGOs, on how to write the bylaws, rules and regulations for our CBO, and then prepared our own for our CBO. We drafted these in the local language, Telugu, and submitted them with our application to the office. The clerks told us that they would have to translate this all into English. We later learned that they had changed the text of what we had written, removing most of the references to the fact that we are sex workers, and removing the important principle that we had written - that the CBO is "for us and by us."

b. Rejection by other workers organisations and trade unions

On May Day last year, we approached the Communist Party of India asking if we could join them in their commemoration of workers day. They took offence when we said sex work is work and turned us away. Many times, leaders within the Communist Party have said that they will come to help us, but they do not turn up because they are afraid of the stigma attached to us and they do not want to be put into "disrepute" by associating with sex workers.

When we tried to speak with union leaders at the local level, we were rejected. We were told by one union leader “we cannot support you,” you benefit and earn well from being “other women,” unlike the “poor housewives.” Most often they consider sexual labour as not real labour.

c. Lack of cooperation/coordination from various State/non-State actors

The police often speak to our CBO leaders politely and praise our work, but this does not materialise into any action. When we raise a situation of exploitation, someone senior in the Police Department or a government minister will eventually suppress our complaint. The only support we get in situations of exploitation is from ourselves and other CBOs and NGOs.

When we join together with a wider network of CBOs we have been more successful. Our strong CBO leader is associated with a network of sex worker CBOs and together we have successfully opposed this misuse of political power. Strong leaders from the network, and their allies, are able to counter the political hegemony.

d. Lack of resources

All the work we do as part of the CBO is voluntary, but not all sex workers can do this work for free. This is why we need social protection programmes, so we can have the financial safety net that will enable us to do this important organising and political education.

Our CBOs also need funding, so we can provide the vital support to workers that the Government is not giving. We want to stand by all informal workers - not just sex workers, but domestic workers, migrant workers - this will help us fight against gender and social injustice.

Recommendations

1. Raise awareness among local Law Enforcement Authorities (LEAs) regarding the recent Supreme Court order (May 2022), particularly the *Budhadev Karmaskar v. State of West Bengal* ruling, and other relevant laws pertaining to sex workers.
2. Encourage LEAs to support the implementation of the Supreme Court directives and facilitate dialogue between LEAs and sex workers, aiming to reduce and prevent instances of all types of harassment and violence against them.
3. Increase the capacity of sex workers of all genders and their CBOs to build sustainable community organisations as mechanisms for resilience and right to life with dignity. Such capacity-building should focus on political education and leadership.
4. Put in place social protection schemes for all types of informal workers.
5. Address all forms of exploitation – labour and sexual – and recognise that sex workers can be victims of labour rights violations, not just sexual exploitation.
6. Include sex workers in anti-trafficking initiatives along with all other government stakeholders.