



VAMP Sanghatana Meeting at Gokulnagar. Photo credit: VAMP

INDIA

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Through this micro case study of VAMP, an independent sex worker collective located in the state of Maharashtra, this chapter attempts to understand the complex history and realities of prostitution and trafficking in India, the legal and moral regime that attempts to conflate the two, the impact of doing so on sex workers and the ways they have evolved to understand, define, and respond to issues of abuse and exploitation within the industry and also the stigma and criminalisation from society, police and anti-trafficking organisations.

The broader context for the study is established through tracing the historical evolution of prostitution in precolonial times and its interlinkages with caste and local cultures, the impact of colonisation on the way it came to be defined and regulated in law, and the transformation of sex work and trafficking in the context of globalisation and neoliberalism.

The primary methodology used to gather the different dimensions of the work and thinking of VAMP, was through focus group discussions and individual interviews with sex workers conducted in three towns where the Collective is located, with representatives of SANGRAM and CASAM, and those representatives of the police and legal community they collaborate with while addressing issues related to trafficking, as they define it.

VAMP's multipronged approach to addressing the rights of sex workers includes, among others, the Thanta Mukti Samithis or Conflict Redress Committees which deal with issues of conflict and abuse within the community, as well as issues of trafficking; Mitra that seeks to empower and educate the children and sex workers; and continuing networking and dialogues with different social movements. Their advocacy initiatives are done collaboratively with SANGRAM and CASAM through which their voices and perspectives are channelled into processes of policies and laws that affect their lives and their right to work and livelihoods.

It is clear that SANGRAM and VAMP's core strategy of strengthening self-organised communities of sex workers and building on their capacity to negotiate change while challenging the status quo through appropriate legal and political strategies to protect their rights, has been both effective and empowering. While dealing

with traumatic raid and rescue operations by anti-trafficking groups, they have also been able to deal with the issue of trafficking into sex work and other forms of labour in the way that they experience and understand it. To the extent that today even the police and judiciary are beginning to acknowledge the need to not only evolve separate laws that deal with the crime of trafficking without criminalising or infantilising adult sex workers, but also make them allies in this fight against trafficking. While this is a fragile consensus that has broken down frequently, their collective efforts to challenge and change the discourse on trafficking and sex work to accommodate their rights and realities remains strong and sustained at the local, national, and global level.

A personal note on public intent

Since the model of enquiry in this research was based on the principles of Feminist Participatory Action Research, some personal disclosures are in order as a way to begin, and make clear the sources of both my own subjectivity and objectivity.

A product of the autonomous women's movement of the seventies/eighties, I have personally travelled a long way from understanding prostitution as a form of patriarchal violence against women to understanding it as a livelihood choice exercised by women, largely from those classes, castes and communities that have already been marginalised by the economic, political, and cultural mainstream.

They, the women of VAMP, the collective which is the subject of my research, whom I first met in the mid-nineties have played a fundamental role in reshaping my understanding of prostitution and sex work while enabling me to appreciate better their bitter struggles for dignity and rights through an organic process of collectivising and community building. These lessons were deepened in interaction with the women of Sadhana, a smaller collective of street women based in Bangalore with whom I have been associated since their inception in early 2000s.

She, Meena Seshu, the founder of SANGRAM that incubated VAMP, has been a dear and old school friend with whom I have shared a long and tumultuous journey that has been as much personal as political. For it is one traversed through arguments, differences and debates about the many critical issues that mutually concern us and the love, and respect I have for her large and expansive heart, her strong political convictions and deep commitment to the women whom she has worked and travelled with for decades.

Both VAMP and Meena have helped me put aside the lens of a feminist morality that saw the women as victims as much as survivors of a capitalist patriarchy. And so without totally discarding that framework, I was able to and continue to flesh out and expand its understanding from the life journeys of sex workers or those women who live outside normative morality and the mainstream institution of marriage; filling it with not only their pain but also their power and perspectives.

This research is also enriched by the insights and experiences of another dear fellow traveller, Shakun Mohini who was part of initiating and nurturing the Sadhana Collective, who participated in my field visits, interviews and focus group discussions.

Here is to continued collective journeys and individual epiphanies!

And for all sex worker collectives....

Speak, for your lips are free;

Speak, for your tongue is still your own;

Speak, it is your own body.

Speak, your life is still your own.

Speak, this brief hour is long enough;

Speak, for the truth is still alive;

Speak, say whatever must be said.

Faiz Ahmed Faiz

Introduction

India is a land of multiple cultures, diverse realities, histories and economies. This diversity has also informed the institution of sex work/*veshya vyavasay*, or *dhanda*,¹ as it is colloquially known, that itself has multiple histories and many forms linked with gender, religion, caste, class and even the arts. However, this plural reality has been systematically homogenised and increasingly devalued, stigmatised and criminalised by the logics of colonisation, urbanisation, and globalisation, on the one hand, and the dominant legal, cultural, and moral regime on the other. In this chapter, we examine how these processes of homogenisation have impacted an institution that has evolved as the shadow ‘other’ of the institution of marriage and the contemporary dominant economy, and contributed to sex work becoming inseparable in legal and public perception from the criminal offense of trafficking that is defined by some as the ‘the activity of buying and selling goods or people illegally’.²

A Demographic Overview

In June 2017, the population of India stood at about 1.34 billion, comprising 652 million women and 696 million men with the national sex ratio at 945.³ About 16.6% of the population are ‘Scheduled Caste’ or dalits and 8.6% are Scheduled Tribe who have historically been discriminated. Scheduled Castes and Scheduled Tribes are constitutionally defined and designated groups of historically disadvantaged people in India.⁴ The largest religious group are ‘Hindus’⁵ at about

¹ In Sanskrit and Hindi, *Veshya* means prostitute and *vyavasay* and *dhanda* mean business. All the three terms, i.e. sex worker, *veshya vyavasay* and *dhanda* are used in this research as appropriate to give both the global and local context while acknowledging the diverse strategies of women in the *dhanda* who choose to define themselves and the work they do in different ways and in different languages. It is also to acknowledge organisations and collectives who have retained the word prostitution to reclaim it and divest it of its inherent stigma. As VAMP did in its earlier years when it chose to put ‘Veshya’ in its name Veshya Anyaya Mukti Parishad.

² See, for example, *Cambridge English Dictionary*, <http://dictionary.cambridge.org/dictionary/english/trafficking>.

³ Population of India 2017, *Indiaonlinepages.com*, <http://www.indiaonlinepages.com/population/india-current-population.html>.

⁴ The Scheduled Castes are considered ‘untouchable’ in orthodox Hindu scriptures and practice based on the highly discriminatory caste system. The Scheduled Tribes are outside the caste structure but are closed communities bound by kinship ties and distinct cultural practices and livelihoods who have lived away from the mainstream and generally within forests or are nomadic.

⁵ I place ‘Hindus’ within inverted commas, because I believe that Hindu is not one homogenised religion the way it is being defined by the State today. It was and is a plural way of life that encompasses diverse communities and varied rituals and customs that have been forcefully brought together. For instance, many dalit and tribal faiths that are animistic have been coopted into mainstream Hinduism.

79.8% with the rest comprising Muslims, Christians, Sikh, Parsis, Buddhists, Jains, etc. India has 122 major languages and 1599 other languages/dialects.

All this has provided the complex soil for an organic and incredible diversity that may be a challenge to centralised forms of governance from above but on the ground, does keep more spaces open for multiple forms of autonomous democratic self-governance that marginalised communities, including sex worker communities, have greater access to.

A Historical Perspective

The processes of colonisation were as much internal as external. Even as legal, social, and political institutions like parliamentary democracy were being reconfigured and handed down to the 'uncivilised' natives by the departing colonial rulers, what they also left behind were more fundamental ways in which people perceived themselves, down to their basic gendered realities and notions of sexuality. During colonial rule the existing androgynous and diffused models of gender were gradually replaced by more hyper masculine models that were a product of western civilisation.⁶ Consequently, relatively open and non-moralistic attitudes to sex and sexuality were displaced by Victorian notions of morality and marriage, all of which the imperial State sought to monitor and regulate.⁷

In ancient and medieval India, for instance, divine dancing girls, courtesans, and transgenders who provided sex outside the confines of marriage were central to all epics, myths, legends, and oral traditions. In North and Central India under the Mughal rule the institution of the dancing '*nautch*' girls and *kothas* flourished. In South India, there was the *devadasi* tradition, in which girls (both cis- and transgender), largely from the dalit community, were dedicated to the Goddess Yellamma, and were also equipped with considerable skills in poetry, music and dance while being provided with livelihood, security, community identity, and support.⁸

These blurred notions of sexuality that transgressed rigid boundaries of marriage and caste were a fundamental challenge to a colonial empire driven, on the one hand, by a deeply puritanical Victorian morality, and on the other, by the need to accommodate the sexual needs of its soldiers far away from home.

⁶ A Nandy, *Intimate Enemy: Loss and recovery of the self under colonialism*, Oxford University Press, Oxford, 1988.

⁷ A Tambe, *Codes of Misconduct: Regulating prostitution in late colonial Bombay*, University of Minnesota Press, Minneapolis, 2009.

⁸ L Murthy and M Seshu, *The Business of Sex*, Zubaan books, Delhi, 2013.

These blurred notions of sexuality that transgressed rigid boundaries of marriage and caste were a fundamental challenge to a colonial empire driven, on the one hand, by a deeply puritanical Victorian morality, and on the other, by the need to accommodate the sexual needs of its soldiers far away from home. The British East India Company set up red light areas for their troops and officials. These 'exotic' if dangerous sexual encounters, while impossible to control, needed at least to be regulated, such that they did not disturb the imperial equilibrium. As Ballhatchet argued, 'Colonial attitudes to sexual behaviour across the boundaries of race and class, it is clear, were shaped by the desire to preserve the structures of power and protect vested interest'.⁹

So began the slow and irreversible definitional shift. 'Prostitution' became a 'degrading' way to make money by 'undesirable' women who needed to be regulated and/or reformed by the State, who saw them as a threat to public and moral health and hygiene. And the creation of the monolithic identity of the 'prostitute' divested the women of the ability to name their occupation on their own terms, even while their daily lives challenged colonial definition.¹⁰ Detailed anthropological research like that of Ashwini Tambe also provides accounts of how law-making during that period, and its ineffective attempts to regulate and curb the industry, in fact ended up nurturing specific forms of prostitution, concurrently increasing the coercion of prostitutes.¹¹

Post-Independent Global India

Despite constitutional goals dedicated to reversing social and economic inequalities, including gender inequality, the lived realities of marginalised populations show deepening disparities and deprivations grafted onto an existing continuum of violence. The roots of this violence can be traced to two parallel and complementary developments: the processes and politics of globalisation and neoliberalism that since the early nineties sought to open the national economy to the vicissitudes of global capital, and the growth of a regressive fundamentalist and majoritarian nationalism that has also sought to homogenise and hegemonise diverse local cultures, ripping apart the pluralistic fabric of a diverse society even while reinforcing existing caste hierarchies. The present government in India is avowedly right wing with a clear Hindutva nationalist agenda that is building on the legacy left behind by the earlier centrist government that opened out the economy to neoliberal policies.

⁹ K Ballhatchet, *Race, Sex and Class Under the Raj*, Vikas Publishing House, India, 1979.

¹⁰ P Levine, 'Orientalist Sociology and the Creation of Colonial Sexualities', *Feminist Review*, no. 65, 2000, pp. 5–21.

¹¹ Tambe.

Despite India's emergence over the past three decades as a supposedly strong globalised state, the World Bank lists it as a lower middle-income country¹² with a Gini coefficient that is reportedly at an all-time high, touching close to 0.50, indicating wider income disparities than ever before, according to claims made by well-known economists Lucas Chancel and Thomas Piketty.¹³

Almost 72% of India's population live in villages and the rest in towns and urban agglomerates according to the latest estimates.¹⁴ But the country is rapidly urbanising as a result of which it now has 25 of the 100 fastest-growing cities worldwide. In 2007-08, the National Sample Survey measured the migration rate (the proportion of internal and international migrants in the population) in urban areas at 35%.¹⁵

However, despite this massive push for urbanisation and infrastructure building that, as per the logic of global capital, is perceived as 'growth-enhancing', and India's seemingly impressive rates of economic growth over the past three decades, vast numbers of Indians are unable to secure a meaningful and sustainable livelihood. This is especially true in the rural areas that have been devastated by a policy-driven destruction of agriculture, that has led to unregulated casual labour, chronic unemployment, and devalued small trades, on the one hand, and increased suicides among farmers, on the other.¹⁶ Migration from the rural to the urban is therefore driven more by despair than through a rational exercise of choice to better one's prospects in a fairly equitable world.

Women, Migration, and New Vulnerabilities in the Age of Globalisation

These economic insecurities are among the major factors for the increasing migration of women that traditionally had been attributed to social factors like marriage.¹⁷ Lack of livelihoods, coupled with dismantling of safety nets like the Public Distribution Systems and slashing of agricultural subsidies, has pushed more

¹² World Bank, *List of Economies*, March 2017.

¹³ While these figures are supposedly debatable, the issue of rising income disparities are real as argued by T Kundu in his article 'Is Thomas Piketty right about inequality in India?', *Livemint*, 15 September 2017, <http://www.livemint.com/Politics/iATqx10XSWaThxsOPBwHRO/Is-Thomas-Piketty-right-about-inequality-in-India.html>.

¹⁴ Population of India, 2017.

¹⁵ R Abbas and D Varma, 'Internal Labor Migration in India Raises Integration Challenges for Migrants', *Migration Policy Institute*, 3 March 2014, <http://www.migrationpolicy.org/article/internal-labor-migration-india-raises-integration-challenges-migrants>.

¹⁶ V Siva and K Jalees, *Farmer's Suicides in India*, Research Foundation for Science, Technology and Ecology, n.d., http://www.navdanya.org/attachments/Organic_Farming10.pdf.

¹⁷ S R Mahapatro, *Patterns and Determinants of Female Migration in India: Insights from census*, Working Paper 246, Institute for Social and Economic Change, 2010.

people, especially women, into poverty, even destitution forcing them to move to urban centres for survival and alternative livelihoods. The adverse impact of globalisation upon women's lives and livelihood has been highlighted by numerous national and international reports, including impacts such as an increase in violence against women; deterioration of the health system; an increase in female-headed households as men lose jobs or are pushed out of their traditional income-generating roles; the shrinking of resources available to women; and an increase in women's total labour hours.¹⁸

However, while on the one hand the processes of globalisation have engendered new vulnerabilities for women, on the other, they have also opened up other opportunities, increased mobility, economic independence, and technology-engendered autonomy that were not hitherto available, particularly for women from the more marginalised castes, dalit, and minority communities. It is at this cusp of change and challenges that we need to locate the complex factors that lead to the conflation of trafficking with migration, and sex work with trafficking. For it is these same intertwining factors of vulnerability and 'choice' that lead to both trafficking of women into different forms of labour, including sex work or domestic work, and to creating conditions of an enabling anonymity and safe mobility within which women can choose sex work as a way to survive and sustain their families.

Sex Work in India

There are a wide range of estimates for the number of sex workers in India indicating that there is a dearth of sound and sensitive methodologies to capture their complex realities. One source states that there are more than two million 'prostitutes' and 275,000 brothels, while another estimates the number to be as many as ten million 'commercial sex workers'.¹⁹ In 2007, the Ministry of Women and Child

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¹⁸ A Jaiswal, 'An Anthropological Vision on the Impact of Globalization on Indian Rural Women: A critical reality', Arts Social Sci, vol. 5, issue 2, 2014.

¹⁹ 'Prostitution in India', *Facts and Details*, 2015, http://factsanddetails.com/india/People_and_Life/sub7_3h/entry-4190.html.

Development reported the presence of over three million female sex workers in India, with 35.47 percent of them entering the trade before the age of 18 years.²⁰ However, in reality there is no comprehensive and credible data on the numbers, sites and forms of sex work, nor on forced prostitution and child trafficking. The most realistic estimates appear to be from the National AIDS Control Organisation, which bases them on listings made in its Targeted Intervention programmes, that places the number of sex workers in the country at a little more than one million.²¹ Most data available is conjecture based on narrow models that do not encompass the large canvas of sex work and prostitution in the country.

Apart from the brothel system of prostitution in larger metropolises like Bombay, Delhi, and Bangalore there are also street-based and home-based sex workers who have been either forced or drawn into this *dhandha* as a source of livelihood. The arrival of new technologies and the internet has also changed the nature of the industry making it more flexible and diffused.

It needs to be pointed out that sex work is not the sole source of livelihood for the women involved in it—a fact that is rarely recognised by mainstream studies and research. The first ever pan-India survey of sex workers conducted by Centre for Advocacy on Stigma and Marginalisation (CASAM) over two years and released in 2011 found that ‘in describing their working lives, a significant number of females move quite fluidly between other occupations and sex work. For example, a street vendor may search for customers while selling vegetables, and a dancer at marriages may also take clients. It is not easy to demarcate women’s work into neatly segregated compartments. Sex work and other work come together in ways that challenge the differentiation of sex work as an unusual and isolated activity.’²²

Trafficking Discourse: Context and conceptual clarity

On trafficking too, whether into or out of India, or even internally, there are no accurate or reliable statistics. There is ample evidence that people, including in some instances young boys, from Bangladesh and Nepal have been trafficked via

Despite the multiple forms trafficking takes, most anti-trafficking initiatives seem to be especially concerned with sex work and sex workers.

²⁰ *India Country report*, Ministry of Women and Child Development and the United Nations Office on Drugs and Crime, 2008.

²¹ D K Dash, ‘6.8 lakh sex workers in India, Delhi red-light capital’, *Times of India*, 21 July 2010, <https://timesofindia.indiatimes.com/india/6-8-lakh-sex-workers-in-India-Delhi-red-light-capital/articleshow/6193566.cms>.

²² R Sahni and V K Shankar, *The First Pan-India Survey of Sex Workers: A summary of preliminary findings*, CASAM, 2011.

India to the Middle East for various reasons, including factory work, performing in circuses, camel jockeying, begging, domestic labour, adoption, organ removal, marriage, bonded labour, and sex work. India is also a destination for women from these countries who are brought in for work, marriage or sex work, either through deception or coercion or voluntarily.²³ Internal trafficking happens too, when traffickers coerce women with offers of employment into sectors like the garment industry and then trap them by withholding their documents or payments. Despite the multiple forms trafficking takes, most anti-trafficking initiatives seem to be especially concerned with sex work and sex worker.

According to Kapur, 'The push and pull factors that compel unsafe movement, the various sites into which trafficking takes place and the larger issue of migration all remain largely unaddressed within the debates on trafficking in India. As a result of the narrow focus of the debate, the legal and policy responses focus almost exclusively on regulating sex work, strengthening border controls and prosecuting brothel-keepers and those who profit from the sex work industry'.²⁴

Legal Frameworks for Trafficking and Sex Work

Sex work and trafficking are conflated in law, policy, practice, and public perception. The primary legislation at present in place to address both sex work and trafficking is The Immoral Traffic (Prevention) Act of 1986 (ITPA) that is an amended version of the earlier Suppression of Immoral Traffic in Women and Girls Act of 1956 (SITA). It is significant that SITA was passed as a consequence of India's signing of the 1949 UN Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others, rather than as a result of any mass movement from within.

SITA and subsequently ITPA do not penalise women engaging in prostitution, whom they treat as victims, but punish those who profit from or exploit them. In addition, Article 23 of the Constitution prohibits trafficking in human beings. India is also a signatory to international frameworks, such as the Convention on the Rights of the Child (1989), Convention on Elimination of all forms of Discrimination against Women (1979), UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000) and the South Asian Association for Regional Cooperation (SAARC) Convention on Preventing and Combating Trafficking in Women and Children for Prostitution (2002). Apart from these laws, the legal regime for trafficking also includes the Juvenile Justice (Care and

²³ R Kapur, 'India', in GAATW, *Collateral Damage: The impact of anti-trafficking initiatives on human rights around the world*, GAATW, Bangkok, 2007.

²⁴ *Ibid.*

Protection of Children) Act 2000 and the Protection of Children from Sexual Offenses Act of 2012 (POCSO).

Under ITPA, the following conditions surrounding prostitution are defined as crimes: maintaining a brothel (section 3), living off the earnings of a prostitute (section 4), procuring or detaining a woman for the sake of prostitution (sections 5 and 6), soliciting for the purpose of prostitution (section 8), and carrying on prostitution in the vicinity of public places (section 7).²⁵ In addition, the Act provides for the establishment of corrective institutions in which female offenders are detained and 'reformed' and envisages the appointment of Special Police Officers to enforce these provisions.²⁶

Apart from ITPA, other sections of the Indian Penal Code, State legislations and municipal statutes are also used by local enforcements officials, perhaps because offenses under such laws can be disposed of in a manner less stringent than they would be under the ITPA, which requires that the regular trial procedure be followed. Thus, sex work becomes criminalised under the authority of vaguely-worded statutes relating to 'public decency', 'morality' 'nuisance', 'loitering' and 'vagrancy'; or zoning or health regulations.

As a result, sex workers all over India are routinely arrested, even when not soliciting. HIV/AIDS activists and peer educators have even been harassed by police while distributing condoms and educating sex workers about HIV prevention.²⁷

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Current Challenges to the Law

There has been pressure on India to amend its trafficking laws and policies thanks to the US annual *Trafficking in Persons Report* (TIP Report).

²⁵ SANGRAM, *Sex Work and Laws in South Asia: A monograph*, SANGRAM, 2010, https://www.sangram.org/resources/sex_work_and_laws_in_south_asia.pdf.

²⁶ P Kotiswaran, 'Preparing for Civil Disobedience: Indian sex workers and the law', *Third World Law Journal*, vol. 21, issue 2, 2001, pp. 161-242.

²⁷ Sadhana Mahila Sangha, *Violence against People in Sex Work in India: Submission to the Special Rapporteur on Violence against Women*, n.d. retrieved 6 August 2017, <http://www.ohchr.org/Documents/Issues/Women/SR/Shelters/Ramya%20Jawahar%20Kudekallu.pdf>

Since India does not have a law that directly criminalises prostitution, the threat of sanctions pressurised the Indian government to draft the Immoral Traffic (Prevention) Act (ITPA) Amendment Bill, 2006, that completely ignored trafficking into other sectors and criminalised sex workers' clients, omitting employers or companies that use trafficked labour.

In response to the draft amendment bill, sex worker organisations lobbied the Parliamentary Committee formed to consider this matter and the Health Ministry to which these proposals were referred, arguing that criminalising clients would drive the sex industry underground and put the sex workers at higher risk particularly to HIV/AIDS. The Health Ministry in a landmark decision recommended that the proposed amendments to criminalise clients be dropped and the Bill ultimately lapsed in the Parliament.²⁸

However, the threat seems to have resurfaced with the Criminal Law Amendment Act passed in 2013 that amended Section 370 of the Penal Code to protect women and children from being trafficked. Despite the fact that the Justice Varma Committee whose report fed into this Act reassured sex worker organisations that this section would not bring into its ambit adult sex workers, in reality it is being used to arrest clients of adult sex workers without attempting to differentiate between 'trafficked victims' and 'adult women in sex work'. In fact, the Andhra Pradesh High Court in 2016 *suo moto* took cognisance and directed the police to file cases against clients of sex workers under Section 370 IPC.²⁹

In May 2016, the Ministry of Women and Child Development released a draft of the Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill that was pushed as the country's first ever anti-trafficking law whose main purpose was to unify existing legislation, increase the definition to cover other sectors, and make rehabilitation a right for those who are rescued. Although presented as a unique opportunity to address police violence, significant sexual health risks, sexual assault, financial insecurity and other issues sex workers face, the proposed Bill was opposed by sex worker collectives and unions since it did not adequately define trafficking nor did it involve sex workers in the process of drafting the Bill.³⁰

²⁸ P Kotiswaran, 'Beyond the Allures of Criminalisation: Rethinking the regulation of sex work in India', *Criminology & Criminal Justice*, vol. 14, issue 5, 2014, pp. 565–579.

²⁹ Interview with Aarthi Pai, CASAM.

³⁰ See, for example, P Kotiswaran, 'India's New Anti-Trafficking Bill is an Empty Gesture', *The Wire*, 5 July 2016, <https://thewire.in/48494/indias-new-anti-trafficking-bill-is-an-empty-gesture/>; S Data, 'Why sex-workers are opposing Modi govt's anti-trafficking law', *Catch News*, 2 July 2016, <http://www.catchnews.com/india-news/why-sex-workers-are-opposing-modi-govt-s-anti-trafficking-law-1467444055.html>.

Methodology

The rationale for the research and its different elements were presented and discussed with representatives of VAMP Collective, Mitra, and SANGRAM before deciding on the focus groups discussions, interviews and field visits.

Accordingly, the following was planned and executed with the community as part of the research:

- a. Documenting through interviews, video recordings, and publications, three case stories on trafficking and how the group dealt with the issues that arose from them:
 - a woman trafficked from Nepal and returned to her family by VAMP
 - a woman trafficked from Bangladesh
 - a minor trafficked from Rajasthan.
- b. Documenting the return of a grant to USAID since VAMP refused to sign the Anti-Prostitution Loyalty Oath (APLO), commonly known as the 'prostitution pledge', and the backlash from this act resulting in 'raid and rescue' operations in 2005.
- c. Two focus group discussions with the Gokulnagar and Miraj communities on the raids and the Thantha Mukti Samithis (TMS) respectively. In the former about 15 women and men, representatives from VAMP and Mitra participated, and in the latter—about 10 women from VAMP. The TMS are internal committees which address issues of violence and discrimination within the communities, including trafficking of minors and women into sex work.
- d. Meetings with organisations and individuals they have reached out to while seeking support to address issues they identify as trafficking or violence within /against their community. These included the Deputy Superintendent of Police, representatives of the District Legal Services Authority, and a senior Advocate who has helped them deal with false cases of trafficking that are foisted on their members.
- e. Visit to Mahalingapura, a neighbouring district on the Karnataka-Maharashtra border which is part of the 'Devadasi belt'.
- f. Individual interviews with sex workers in the different communities, with representatives of Mitra, and Meena Seshu and Aarthi Pai as the representative of SANGRAM. In total we interviewed eight sex workers, two children of sex workers and two organisational representatives.

The focus group discussions and interviews happened in Kannada, Hindi, English and in some instances in Marathi. Apart from taking notes we also documented these discussions and interviews on audio tape and transcribed them.

While there was a broad structure to the discussions, by keeping it open we were able to ensure more spontaneous and free flowing responses.

Limitations

While VAMP works with brothel sex workers, street walkers, home-based workers, and housewives in sex work, a primary limitation of this research is that it is restricted to those self-organised collectives of women in brothel-based prostitution located in a very specific geographical location of Sangli/Miraj in the state of Maharashtra that has its own history and culture. Since the aim was not to obtain a representative sample of sex workers but to focus on those collectivised in this specific context, the findings cannot be generalised to understand the situation of all unorganised street-based sex workers or even brothel-based sex work in larger metropolises like Mumbai or Calcutta. However, lessons can surely be learnt from their struggles and strategies.

Findings

Background of VAMP/SANGRAM

The organisation that is the subject of this study is Veshya Anyay Mukthi Parishad, VAMP,³¹ the collective of women in prostitution and sex work, and also its parent body, the NGO Sampada Grameen Mahila Sanstha, SANGRAM (Organisation of Rural Women).

Since this study was focused on a community-based organisation that is working in old red lights areas, it is important to, even if briefly, understand the context for sex work and trafficking in Sangli and Miraj, the two fairly prosperous twin towns in Southern Maharashtra that are situated in the middle of predominantly agricultural societies. These towns were the District centres with marketing yards to which farmers coming from villages would bring their produce to sell. Red lights areas, bars and restaurants sprung up in these towns to cater to the visiting farmers who would have extra money once they finished their trading. Farmers would also bring their 'mistresses' here, set them up in Miraj in small rooms and then abandon them. Once their money ran out, the women would get assimilated in the red light areas. Once the women who had come as young girls grew older, they would become *gharwalis*³² who would go back to their villages to bring younger women.

Being a major railway junction, Miraj also became the gateway and stopover point for women from Karnataka who were running away to Bombay, including devadasis who used this route to reach the 'Maximum City'.

Now there are large numbers of girls and women migrating from different states like Rajasthan, West Bengal and the North East and countries like Bangladesh and Nepal to Miraj and, to a lesser extent, to Sangli. These are considered 'safe' spaces to work largely on account of the presence of VAMP in these communities.³³

SANGRAM

SANGRAM started its work in 1992 with women in sex work in the context of the merciless rise of the HIV/AIDS pandemic in the early nineties, and the identification

³¹ Note: Veshya is the colloquial and derogatory term for prostitute, Anyay Mukthi translates to freedom from injustice, and Parishad translates to Council. Using the same term and converting into the acronym VAMP was a way of appropriating the term and subverting its meaning.

³² Literally means 'woman of the house' but in this context it refers to the Madams who run the brothel.

³³ Conversation with Meena Seshu.

of this group of women as a particularly 'high risk' population that needed targeted intervention. Based in Sangli district, which has the highest incidence of HIV/AIDS in Maharashtra after Mumbai, SANGRAM has since then spread its work among diverse populations across the districts of South Maharashtra and Karnataka including rural and Muslim women, as well as sexual minorities.

SANGRAM's efforts were focused on building up a community-based organisation of women in sex work to create a collective consciousness in a hostile and competitive atmosphere. It was not easy, given the siege from an outside world that abused, stigmatised and marginalised them, and rendered the community fragile from within with constant competition over clients, patronage, resources, internal exploitation and violence. In 1992, sixteen women sex workers from Gokulnagar, with the tacit support of some of the madams who ran the brothels, formally became peer educators for the HIV/AIDS prevention work in SANGRAM, which catalysed the emergence of the sex worker movement in Maharashtra which was women-centred, process-oriented and empowerment-focused. In 1995, the collective registered independently as VAMP.³⁴

VAMP

Initially called the Veshya AIDS Muqabla Parishad, in 1998 the name was changed to Veshya Anyay Mukti Parishad. As they claim in an analysis of their own beginnings 'this transition from "AIDS Muqabla" (struggle against AIDS) to "Anyay Mukti" (freedom from injustice) is an important marker for a collective journey that began as a struggle against AIDS but has now broadened to a movement that seeks liberation from oppression and injustice.'³⁵

Acknowledging and not sweeping aside issues of power dynamics between and within the organisations, a decision-making process has been put into place that is totally decentralised, broad-based and participatory to ensure that hierarchies are constantly challenged and a collective process is sustained.

VAMP has a membership of over five thousand women in sex work. Functioning as a loose collective, the membership is more needs-based than formal. Any woman in sex work from the sites where VAMP works is entitled to the services offered, can attend the weekly *mohalla* (neighbourhood) committee meetings, make a complaint, or help in arbitration of community disputes. Other activities include lobbying with the police, helping colleagues access government health systems and facilitating leadership potential among members.

³⁴ SANGRAM/VAMP Team, 'The SANGRAM/VAMP Sex Worker's Movement in India's South West' in S Batliwala (ed.), *Changing the World*, 2nd Edition, AWID, Toronto, Mexico City, Cape Town, 2011.

³⁵ *Ibid.*

VAMP continues to work together with the other collectives initiated by SANGRAM that include HIV positive sex workers (VAMP Plus), male and trans sex workers (Muskaan), children of sex workers (Mitra), rural women (Vidrohi Mahila Manch) and Muslim women (Nazariya).

Notes from the field

It is clear that SANGRAM and VAMP have come a long way from the time when Meena began her work with the women's movement in rural Maharashtra. The focus shifted in a fundamental way from working with issues related to the 'good' woman i.e. the 'wife', who was the socially accepted and defined 'victim' who needed empowerment and rights within the institution of marriage and family to working with the 'bad' women, who were seen as a threat to these very institutions. While SANGRAM brought in the political framework of collectivisation from its beginnings in the women's movement, this got rooted and replenished by getting embedded through VAMP within the marginalised and hitherto invisibilised communities of sex workers. This has put into place an inverse political praxis in which the 'victim' is her own saviour, the collective her political identity and the community her source of empowerment. And this has come about because of a few core values that guided their growth as articulated by Meena:

Subject to violence and humiliation both by the police who saw them as criminals, or by 'rowdies', violent clients, pimps, and gharwalis who abused them at will, their voices were silenced under the shroud of stigma that enveloped their lives. The benefits of organising, especially in the context of the HIV/AIDS crisis, therefore have revealed themselves over time at several levels.

'Community leads the way for us. We let the community decide what is right or wrong. We realised that they did not see themselves as oppressed or victims and therefore began to learn from the agency they exercised in their lives.'

The Benefits of Organising

Almost all the women from the older generation we met who carry very vivid memories of their past speak of how they used to live in their own ghetto isolated and marginalised by society. Subject to violence and humiliation both by the police who saw them as criminals, or by 'rowdies', violent clients, pimps, and *gharwalis*

who abused them at will, their voices were silenced under the shroud of stigma that enveloped their lives. The benefits of organising, especially in the context of the HIV/AIDS crisis, therefore have revealed themselves over time at several levels.

Breaking the Isolation through Confronting the HIV/AIDS Crisis

The primary issue around which they started collectivising was HIV/AIDS. Initially, the community was distrustful of anybody from the outside and wary of the morality-based interventions they were used to. So when Meena first started visiting the communities in Sangli and Miraj the women used to literally run away from her.

In the civil [government] hospital a pregnant woman got admitted and was diagnosed with HIV. Everybody felt that HIV was spreading because of the dhandha. That is when Meena madam came to our community. When she first came, we all thought she was the police and ran away from her! She came with a big kettle of tea which nobody drank. But she kept coming back. We gradually listened to why she had come and she began teaching us how to protect ourselves through using nirodh [condoms]. We gradually started more regular meetings and started making friends in other localities and forming small groups to talk about these issues.

FGD, Premnagar, Miraj

In the context of the discriminatory treatment from the both the civil hospitals and the police, the primary struggles at this initial stage of organising were around access to quality health services (including access to good quality condoms), and protection against police brutality. This approach of enabling women to directly engage with the government and wider society contributed fundamentally to breaking the isolation and ghettoisation, challenging the social stigma attached to sex work, and making them visible not as criminal vectors of HIV, but as those battling the pandemic from the frontlines.

Collectivising to Resist Violence and Define Work

By 1996/97 when the health of the community began improving, the focus gradually shifted to the everyday violence in the lives of the women, the source of which was primarily the police from outside and the *goondas* (rowdies) from within. Organising was taken to another level as VAMP took on major cases of police harassment and brutality and made connections between these cases and

the broader violation of sex workers' human rights through effective campaigns, lobbying and advocacy.³⁶

They also began addressing internal violence including exploitative brothel owners, goons, violent clients and local political leaders, all of whom are today forced to negotiate with the collectives. The effectiveness of their interventions has eventually prompted the police to recognise that sex workers can play a key role in reducing violence within sex work.

If the gharwali didn't give the sex worker her due, the mohalla committee would go talk to the gharwali and force her to do so. Or if the malak [partner of the gharwali or sex worker] was troubling them for free sex, as they would do in earlier times, these committees would intervene. They became spaces that if you were in trouble you could go to and they'd help resolve your problems, including like that of debt bondage which is more on account of local caste-based money lenders than the madams. Today on account of the intervention of the local committees, it is the women who set the rates of interest and not the money lenders.

Meena Seshu, SANGRAM

Those days we had tremendous problems with not only the police, but also local Ambedkar³⁷ and dalit organisations that used to take our money but not include us in their programmes. Along with local rowdies, local politicians and police also used to abuse us during the day and come for free sex in the nights. Now not only has the dadagiri [rowdyism] come down, but the communities around us now come to us for justice! We now know the laws better and are empowered enough to fight for our rights even independent of both VAMP and SANGRAM that we go to only in cases that we cannot handle on our own.

Focus Group Discussant, Miraj

Forging a Fragile Consensus with Authorities

³⁶ See, for example, a case described by Human Rights Watch: 'Human rights abuses linked to HIV/AIDS outreach to women in prostitution', in *Epidemic of Abuse: Police Harassment of HIV/AIDS Outreach Workers in India*, Human Rights Watch, 2002, <https://www.hrw.org/reports/2002/india2/india0602-05.htm>.

³⁷ Organisations of the lower castes who normally name themselves after Dr Ambedkar, the iconic framer of the Indian Constitution who was himself a dalit.

There was a general consensus from the participants that by and large police violence, including that associated with mass raids, had decreased since the 1990s. This can be attributed to the tremendous amount of work done in the initial years to address police attitudes and violent misuse of the law. SANGRAM and VAMP conducted advocacy and lobbying, sensitisation programmes and legal education at all levels from the local, through the district and state to the national and international. As a result, the police today are more aware of the nuances of the law and appreciative of the work that the collectives are doing in terms of addressing internal violence. VAMP and the police have developed a fairly stable, if uneasy, working relationship with each other.

It must also be said, however, that if the police do accept the right of the women to do sex work it is not so much because they acknowledge it as a 'right' but because they also concur with the self-perception of many of the women themselves that the work they do keeps other 'normal' women 'safe' from those men who are sexual predators.

As the police officer we met, Deputy Superintendent Patki stated:

More than a police, I am also a social worker. I have no problem with sex work as long it happens within the home and not on the street. And yes, 'normal' women are protected from the dangers of rape since these women are taking care of the animal instincts of men who are looking for sex. Sex workers should be made to feel secure and safe and we will not trouble them as long as they help us in managing more criminal activities that happen within the community. Like that of minors being brought in or women being forced and trafficked into sex work.

The police today are more aware of the nuances of the law and appreciative of the work that the collectives are doing in terms of addressing internal violence. VAMP and the police have developed a fairly stable, if uneasy, working relationship with each other.

However, this is a consensus that is fragile and conditional, and therefore in constant danger of breaking down as it did during the 'cleaning-up operations' in Premnagar, the red light area in Miraj in 2016, when sex workers were beaten in a bid to stop them from sitting on the side of the road in front of their houses.

Premnagar, a red light area which is home to about 300 families, lies on the Miraj – Kolhapur highway which is perhaps

why it became the centre of so much attention from the police. Women here used to place chairs on the side of the road and sit through the day, as much for fresh air, as to attract clients. The Police Superintendent, Ms Patki used to travel up and down this road on duty since it is used frequently by VIPs. Offended by the sight of these women sitting in the open she came with the police in November/December 2016, broke the chairs, flung them aside and abused the women in the choicest language and warned them about coming and sitting in public the way they did. The women took up the issue and went to Meena Seshu and SANGRAM who then spoke to high-level police officers. The matter was peacefully resolved when Ms Patki proceeded to invite the women for a Haldi Kumkum ceremony (a quasi-religious/social function specially for women in which turmeric and vermillion is given) and made peace with the women.

It is also interesting that the community-based approach to collectivising draws upon shared traditions and rituals which engender ways of relating with authority that can be as convivial as they are confrontational. As for instance in this case when *haldi kumkum* became part of a reconciliatory gesture between the police and the women using a symbol that typically represents the 'good' wife or woman but which is appropriated by and offered to the traditionally 'bad', other woman. By negotiating with the notion of 'normalcy' on their own terms while staying rooted in their own autonomous marginality that they are not willing to cede, the women are in fact broadening its common sense meaning and making it more inclusive. In doing so, they are also perhaps even subverting mainstream norms. While these subversions can be problematic since they could end up reinforcing regressive stereotypes it is a difficult but perhaps inevitable process of negotiation that continues to happen between marginalised communities and centres of power and authority that are trying to find common ground and meaning.

One sees a clear concern among VAMP members for the children of the community, without being apologetic about choices they themselves have made or judgmental about the choices that their daughters might make. This nuanced position has guided SANGRAM and VAMP's decision to work with the children of sex workers, and to implement programmes that enhance their self-esteem, self-confidence and knowledge levels.

Expanding Choices for Coming Generations

Organising the women within the context of the community in which VAMP is rooted, coming as it does from long-term

intergenerational involvement, has allowed for a more sustainable vision of change and transformation to take root that is relevant to their realities. One sees a clear concern among VAMP members for the children of the community, without being apologetic about choices they themselves have made or judgmental about the choices that their daughters might make. This nuanced position has guided SANGRAM and VAMP's decision to work with the children of sex workers, and to implement programmes that enhance their self-esteem, self-confidence and knowledge levels. These programmes have had a positive impact in terms of broadening the children's livelihood options, but without the judgment and shame that often accompanies morality-driven 'exit' programmes.

Devadasis and Minors

The *devadasi* practice of dedicating girls to the Goddess at a young age has also been considerably reduced as a result of the influence of the collectives. Many devadasis are ensuring that their children are not dedicated to the Goddess, and are instead receiving an education that provides opportunities for alternative employment. This however has not been an easy journey.

As Meena recollected, 'Yes, it was distressing to see young girls come into this business and more distressing to see them dying so early because of HIV. But since it was so much the norm, it was tough to break it and have any conversation around this. We began with a campaign among the devadasis suggesting to them that if they were thinking of sex work for their daughters they should at least postpone their entry till they start menstruating. I got a lot of flak for this with people thinking that I was cruel and encouraging of sex work. But most of the devadasis were dismissive initially even of this. I started by asking the women, what the most traumatic part of their lives were and many of them came up with "when I started having sex". We kept pushing the question asking "why" after which we would turn around their answers, asking if what happened to them should happen to their young girls. To their credit the women really responded positively, and after much discussion and about 10 years of persistent, non-judgemental work, the communities have rooted out children in *dhanda* in those areas where VAMP works.'

As part of the field work we visited Suvarna, a devadasi whom I had first met many years ago.

She is delighted to see us and gives us a warm welcome into her house, and introduced us to her colleagues, Shalavva and Mala. Mahalingapura, the town where she lives, is dominated by devadasis. As noted above, the devadasi system is

controversial. Mainstream society of course sees it as morally reprehensible. Since almost all devadasis come from the poor, dalit communities, dalit organisations view it as a heinous symbol of caste and gender discrimination. Organisations like VAMP/SANGRAM have a more nuanced view, noting that, traditionally and in practice even today, devadasis enjoyed a better status within the larger community of which they are a part. Unlike married women from the dominant castes who were cloistered in their domesticity, they were always part of public life expressing themselves on community affairs. Even now when girls and women are dedicated, they get the same status as men and therefore are entitled to a share in the family property.³⁸

Apart from other insights, Suvarna, Shalavva, and Mala shared the huge changes that have happened within their profession and practice. They said that it is true that previously a lot of girls who had become devadasis were trafficked as children into big cities for prostitution. Often they would come back totally diseased and broken and die in the villages. But that has changed since the girls have now become independent and strong, well aware of their rights, and able to take responsibility for their health.

On the one hand, the age of the girls being dedicated and moving into prostitution is increasing as awareness grows. On the other, many children of devadasis are now also opting out of the system and choosing to study and take up other jobs. Of Mala's two daughters for instance, one is married and the other is a school teacher. Suvarna's daughter has also completed her graduation and is trying to get government employment. At present, she is working in the local agricultural cooperative.

Before we leave, Suvarna insisted on taking us around to show all the houses she has built with her own hard-earned money for each of her children. She is all gratitude for her malak [partner] of so many years, who despite having his own family, has stood by her firmly in her attempts to live a life of self-reliance, dignity and independence.

VAMP's approach, which is to improve the rights, health and living conditions of devadasis, is based on the principle of

³⁸ Conversation with Meena Seshu.

empowering and dignifying the women, not disempowering or further objectifying them. The lives of Suvarna, Shalavva, Mala, and their children seem to bear live witness to the long-term effectiveness of this approach.

Challenges for Sex Workers

Apart from the continuing threats of violence for sex workers posed by the police and changes in the law, new challenges are posed to their collectivisation by not only the abolitionist lobbies but also the more progressive organisations, including those from the feminist and dalit movement. Ironically these resurgent moralities are beginning to rear their heads just when it appeared that state agencies are becoming tentatively more acknowledging of the rights and realities of sex workers.

Recriminalised and Recolonised by the Right

Even as the police have been slowly changing their approach and becoming more accepting of the rights of sex workers, the abolitionist lobby keeps pressuring the State to initiate brutal raid, rescue and rehabilitation operations. While the worst of these raids happened between 2005 and 2007 in the areas where VAMP is located, the psychological and organisational repercussions are felt to date. It is for this reason that VAMP selected the case described below as representing a defining moment in the history of their organising.

The Return of the *Gora* (White man)

‘We find audacious ways to restore justice to children and the poorest of the poor’, declares the website of Restore International, a US-funded evangelical organisation. Its partner organisation Freedom Firm describes itself an organisation that rescues underage Indian girls from prostitution, ‘restores them in Christ’ and prosecutes the perpetrators.³⁹

In 2003 in the US, legislation that allocated funds for PEPFAR (President’s Emergency Programme for AIDS Relief) required that organisations receiving the US government’s support for HIV/AIDS programme sign the APLO.⁴⁰

³⁹ M Gupte *et al.*, *In the Name of Rescue: A report of the fact finding committee investigation into alleged molestation/rape of a minor girl by a decoy customer in Uttamnagar, Miraj, Maharashtra*, 12 May 2007.

⁴⁰ CHANGE Center for Health and Gender Equality, *Anti-Prostitution Loyalty Oath: Fact sheet*, 2015, http://www.genderhealth.org/files/uploads/change/publications/Updated_APLO_factsheet.pdf.

SANGRAM, which previously received USAID funding through Avert, was not prepared to sign APLO and so ended their collaboration in 2005 by mutual agreement.⁴¹

SANGRAM was falsely accused by US-funded groups of engaging in child trafficking, despite the fact that the US Embassy wrote a letter in October clarifying and confirming that the ending of US funding was by mutual agreement and had nothing to do with any accusation of trafficking.⁴²

However, as Meena reiterated 'In the environment of prostitution policy dominated by a "rescue" mentality and backed by heavy HIV/AIDS funding, SANGRAM's well-known work was targeted for attack.'

The funders told us that we have to stop sex work and have to be rehabilitated. We told them we don't want this kind of funding and sent the money back saying we know how to take care of our women and manage our organisation. If today we get four customers, tomorrow we know we can get eight. Then one day a white man suddenly came into the community without informing anybody and went around saying he would like to distribute chocolates to the children. And wanted to know how many children there were in each house and of what age. We learnt later that he was Greg Malstead.

Focus group discussant, Sangli

In May 2005, one Greg Malstead and persons associated with the International Justice Mission (IJM) and Restore International, induced the police to make a violent raid on brothels in Sangli, the home of SANGRAM, on grounds that minors were being forced into prostitution. Women were beaten and threatened with guns; more than 70 police kicked doors and threw their belongings around.

It was around 12.00 – 12.30 in the middle of the night and women ran helter skelter, jumping over walls. The police stormed/raided each and every lane. They tracked us as though we were terrorists. There were nearly 10 -12 vehicles and they pulled the women by their hair abusing us in the most foul language...bosudi, chinal, randi [colloquial insults for

⁴¹ Interview with Meena Seshu

⁴² Gupte.

prostitutes] and slapping us if we screamed. Some ran away. Even to today when we remember that incident although it happened about 12 years ago, we get scared.

Focus group discussant, Sangli

Around 35 women and girls were arrested and forced to undergo medical examinations. In the end only two girls under the age of 18 years were discovered. Another two minor girls were visiting their mothers for the summer holidays, but were nevertheless detained unjustly for two weeks.

My sister was not doing dhandha but they took her too though she too was a minor and staying with our mother. They caught and beat me saying I was encouraging dhandha because I was distributing condoms as part of our Targeted Intervention⁴³ programme. I tried telling them she was my sister but they took her and went. She also was so shaken that she now does not want to either get married or do dhandha. But she is now with us in the Thanta Mukti Samithi.

Focus group discussant, Sangli

The raid affected the two younger girls badly since it was widely reported in the newspapers and on TV, and they were upset that they would not be able to go back to school because their names were tarnished and their future was spoilt. Finally, one of the girls came into the dhandha because she felt that her name had anyway been spoilt and the other one got married to someone from Karnataka. One of them even attempted suicide.

Focus group discussant, Sangli

We organised a strike in front of the police station for three days. We didn't cook nor sleep. How could we when we were so afraid? The women and girls were in the remand home for three months and they would be constantly counselled to say that they were being forced into it whereas the girls would say that they were doing the dhandha voluntarily.

⁴³ India HIV/AIDS Resource Centre: Targeted Interventions, <http://www.indiahivinfo.naco.gov.in/naco/targeted-interventions>

Focus group discussant, Sangli

Later the same year, two people affiliated with Restore International returned to Sangli, and posed as fake clients in the same brothel. Suspecting that something was wrong, some of the younger sex workers got enraged and beat up the men. Some of the older sex workers intervened and protected the men from serious injury. This incident resulted in IJM and Restore International spreading more slander about SANGRAM.

In May 2007, a team from the two organisations came back to Miraj and raided the brothels there on intelligence that a minor had been trafficked into prostitution. After a 'sting' operation in which one of the team again posed as a client and, as alleged by some members of the community, raped a 13-year-old girl, the irony is that the minor who was 'rescued' was sent back to her mother who lived in the red light area, since the police felt that she would be safer there than anywhere else. After members of VAMP discussed various solutions with her mother, the girl was sent to the Government facility for young girls and committed there with the help of the police. Unethical media coverage ensured that the girl's face was splashed all over the papers and she was declared to be a 'prostitute' despite there being no evidence that she was either trafficked or was in prostitution.

Unethical media coverage ensured that the girl's face was splashed all over the papers and she was declared to be a 'prostitute' despite there being no evidence that she was either trafficked or was in prostitution.

Both Meena and the members of VAMP state that the Evangelists clearly targeted VAMP and publicly accused them of being traffickers simply because they are not against adult women entering the trade on their own volition.

The collective impact of these dramatic, violent and high-profile raids was traumatic for the women of the Sangli community. They began to feel targeted as criminals whereas till then they had only seen themselves as victims of stigma and discrimination.

They also said that after the raids, there were tremendous emotional and health problems within the community, as a result of which some women even died. Further it made the community become more suspicious of outsiders, fearing that outsiders might again be decoys.

Just when they were getting collectivised and getting visibility engaging with mainstream society, suddenly criminalisation was happening all over again. The women could understand society thinking they are bad. Even post the Nippani incident in which Shabana was targeted, a lot of discussions happened. The women could understand the logic of the police who wanted to take over the land and give it to the local leaders they were hand in glove with, and so abused and tried to evict them from that place. But after that the women became stronger till the raids started happening at the behest of some outside groups. We had been looking at issues of violence both towards and within sex work, but then this white man comes during the raids and calls us 'debauched' and 'debased'. This had a huge impact on the women, confusing and traumatising them. Bhimavva, one of the local leaders was so shocked that she was yelled at and called a 'slave master' by the gora with his finger pointing at her that she had to be hospitalised in the ICU.

Meena Seshu, SANGRAM

Left out by the Left and Other Progressive Movements

Unfortunately, the backlash to collectivisation of sex workers has come not only from the traditional opponents like the religiously-motivated organisations, but also from progressive movements with whom the sex worker rights collectives share many values and principles. These opponents include some feminist and dalit organisations, who believe that sex work in all its manifestations should be eradicated, and view the assertion of autonomy and agency by sex workers as a product of false consciousness that reinforces patriarchal and/or casteist agendas. They frame sex work as structurally part of an upper caste brahminical patriarchy that uses and commodifies the body and sexuality of dalit women.

The moral and political stigma directed towards sex workers and the organisations representing them was experienced by members of VAMP and Mitra shortly after our fieldwork. In March 2017, members attended a mass rally against growing fascism in India. We learnt that after the women from VAMP spoke at a public meeting following the rally, many in the audience and the organisers expressed outrage that the women had been allowed to speak, since they were 'criminals' and 'morally degraded'. This was truly ironic considering that it was a meeting against fascism and intolerance.

This is perhaps the biggest challenge that the sex worker movement is facing today. Taken together, this combined assault from both the left and the right could pressure the State towards renewed criminalisation, jeopardising the hard-won gains of the movement vis-à-vis dealing with the violence in their lives on their own terms.

Defining Trafficking

From the interviews and discussion with representatives of VAMP and SANGRAM it is clear that they have been responding to all the elements of what is legally defined as 'trafficking' almost from the beginning of their work. Specifically this would include the entry of minors into prostitution, women being brought by deception and against their will, and their exploitation and ill-treatment by *gharwaalis*, pimps and clients. While initially SANGRAM made clear that they considered these acts illegal, it was only after VAMP was formed that the community too began to internalise and respond to them as acts of violence, which however were and continue to be viewed as acts of exploitation and *anyaya* [injustice] that are defined by the women's own sense of collective morality and ethics and therefore need to be addressed from within, not so much through the legal lens of 'trafficking'.

Commenting on the changes in the context, Kasturi, an older generation sex worker from Miraj, told us in the focus group discussion, '*Earlier there was no "trafficking". Women would come on their own into the dhandha, there were no dalaals (pimps). Local goondas exploited us but we fought back. Now dalaals have started coming from outside. Younger girls are brought and left here while they take the money and go away.*'

It was only after the series of targeted raids by the abolitionist groups that they began to see these issues along with that of young women being brought by *dalaals* from across borders, like Bangladesh, with no documentation and on the promise of jobs, as *criminal acts* of 'trafficking' that need *legal* intervention. However even now in most cases of internal exploitation they would try to deal with it themselves unless it requires the active intervention of the police.

Sometimes we do not know if a gharwali has brought in a young girl although now we have made it a rule that they must inform us. Sometimes they don't and when it comes to our attention we go and warn them that what they are doing is wrong. If they don't listen then we go and get police help and make it a big issue. We used to avoid doing this earlier since the police would expect money but now after we have made our

organisation they are more cooperative. There are no young girls here and all are above 18 years. My daughter who was 14 when she went to Bombay would not have been allowed into the dhandha in today's context.

Kasturi, sex worker, Miraj

From Injustice to Crime: The Collective's response to trafficking

From the discussions, interviews and case studies shared, it was clear that VAMP and SANGRAM are making a systematic attempt to understand the law as it related to sex work and trafficking. Further, while reiterating that the former is a matter of personal choice and right to livelihood, they believe that the latter is a crime that they are ready and willing to counter and fight from within the community. This they are doing at several levels.

They organise regular meetings, intervene and resolve local disputes, file police complaints, hand over violent clients/bullies to the police, and keep track of money lenders to ensure equitable rates of interest. They also keep track of new entrants to ascertain that they are adults and in sex work of their own volition.

1. Dealing strategically and not emotionally with the law

After battling the backlash from the anti-trafficking and abolitionist lobbies, both VAMP and SANGRAM realised that they needed to proceed more strategically as opposed to reacting emotionally. With the help of lawyers, they began a systematic process of understanding ITPA within their own context and in the context of the law. Based on this knowledge they became even more vigilant within the communities on issues like minors in sex work and exploitation by *dalaals* and *gharwalis* especially in the context of an increase in migration from other states and countries. Monitoring the ages of new entrants into the local sex worker community became routine and in cases of suspected minors, in Sangli, the controversial bone density tests are done at the public hospital to verify age.

2. Strengthening community organisations to counter violence/redefine rehabilitation

Thanta Mukti Samithis:

As the VAMP collective developed, the organisation's attempts to deal with injustices were often frustrated by mainstream redress mechanisms, such as the

courts and the police, which were moralistic and anti-sex work. The Thanta Mukti Samithis (Conflict Redress Committees) were therefore initiated to explore organic community solutions for all the internal and external issues that confronted the collective. Formed at the level of every community that VAMP works in, the members are chosen for a specific term during which time they organise regular meetings, intervene and resolve local disputes, file police complaints, hand over violent clients/bullies to the police, and keep track of money lenders to ensure equitable rates of interest. They also keep track of new entrants to ascertain that they are adults and in sex work of their own volition. They sit together and formulate strategies on how to deal with the internal violence even while they ensure that they are not violating laws that might criminalise them. As for instance women in brothels are being encouraged to live alone and ply their trade independently so as to not be under the regime of a *gharwali*.

They therefore are playing a critical role in not only increasing the confidence of the community to deal with the stigma and discrimination of the outside world but also deepen its own capacity to deal with forms of injustice in the way that they would choose to define it.

Some case studies that were shared with us indicate the ways in which the TMS have been dealing with issues related to trafficking.

Case Study I: Girl from Rajasthan

In April 2016, a Rajasthani *dalaal* brought a 17-year-old girl to the house of Gangu Bai, a *gharwali* in Sangli. Suspecting that she was too young, Gangu Bai showed the girl to one of the members of TMS and said that she had no records proving her age and asking whether they should keep her. This issue was discussed by members of TMS who agreed that she looked too young and they were suspicious about the intentions of this particular *dalaal*.

They all went together to Gangu Bai's house where the *dalaal* was. As soon as he saw them coming he took the girl and ran away with her to Miraj, a fact they came to know from the taxi driver who drove them there. The members of the TMS from Sangli got in touch with VAMP members in Miraj, who went to catch him but found he had escaped again. When the TMS women went to the police to lodge a complaint against him, the latter's response was lukewarm, saying that they should bring the *dalaal* in themselves. Finally, after the TMS members threatened the taxi driver who had helped them escape, the girl was traced, although the *dalaal* had once more escaped. On talking to the girl, it was found that the *dalaal* had promised to get her a job in the garment factory before bringing her to the *gharwali's* house. After confirming that the girl was indeed a minor, VAMP

members contacted the parents who, along with the girl, were counselled in the police station and later at the remand home where she was taken. Although the girl refused to give the name of the *dalaal* who had brought her, the strong action they took had such an impact that the *dalaal* dared not come again to the community.

Case Study II: Shilpi from Bangladesh

Shilpi was a young, undocumented Bangladeshi immigrant who left her village with a friend, who said they could get a job in a garment factory in Calcutta. She was married to a violent and abusive alcoholic husband and had a seven-year-old daughter, whom she left behind with her parents. With the help of the friend, she managed to evade the border authorities and come into India. The woman then handed her over to an agent who brought her to Sangli and put her in the house of a *gharwali*. She was initially shocked that she was expected to sell sex, but later decided that it was the only way she could make a decent living and send money back home. In due course, she also got married to a man, and they moved in together, but she continued with her *dhandha*.

Through the local TMS, she approached SANGRAM for help following a raid in her area. During the raid, her agent's wife had been arrested, and three minor Bangladeshi girls were sent to a remand home. Fearing that they would get into trouble for harbouring an illegal immigrant, both her agent and *gharwali* told her that she should go back to Bangladesh. However, she did not want to leave since she needed to keep supporting her family, and she could not do sex work in Bangladesh since her family would find out. She wanted to find a way to stay on despite all the dangers both from the authorities and from the agent who was obviously involved in trafficking.

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Shilpi and her husband were counselled extensively by members of the TMS and SANGRAM who explained to them the illegality of her presence in India. They explained that firstly, she was a victim of trafficking, since she was brought into the country through deception. Secondly, she had no documentation to prove that either her entry to India or her stay was legal. Thirdly, she was in danger from her *dalaal*, since if she was detained in a raid, Shilpi would probably be forced to incriminate him. They suggested that Shilpi and her current husband had two

options: either prove their marriage through proper documentation so that she could stay on as his wife, or she should go back. Although the choice was left to the couple, SANGRAM felt uneasy about the complex situation, which presented many risks, both to the woman herself, and the reputation of SANGRAM.

After we all spoke to her we were convinced that she was here out of her own choice. Yes she was from another country but she is also like us, earning her livelihood so how could we force her to leave? But since she is not from this country and has no papers she herself could get into trouble and also put us into trouble. We will get a bad name. We were confused about what to do.

Maya, VAMP, Sangli

These cases of 'trafficked' Bangladeshi women also pose a real challenge for us since we are also caught in our own political understanding of these issues within which we are struggling with trying to understand whether theirs is a case of trafficking or unsafe migration. Our political understanding is that borders should not be a barrier to free movement of people. Our political understanding is also that sex work is work and that the women should be able to move anywhere—it is just that they should be safe and secure. This is why it becomes difficult when we try to tell women who don't have proper documentation to go back. Like this girl who told me 'Ok I will go back since you are telling me to but I will have to do it on my own and so will have to use the man who brought me, otherwise how do I go back?' Or another one who said 'how can I complain against the agent who brought me? If I do, how will I send money back home? He is my conduit—by catching him you're killing me and my family'.

Meena Seshu, SANGRAM

Mitra and working with children of sex workers

Since its inception VAMP has been working with sex workers' children, since members recognise the impact that stigma and discrimination have on them, leading to low motivation and self-esteem, poor academic performance and ultimately diminished opportunities and choices of livelihoods. Mitra implements

an after-school programme, which uses older children of sex workers as leaders, and provides extra tuition classes as an entry point to teach children core life skills. These are safe spaces in which the children are not only given emotional support and academic guidance, but also encouraged to examine their identities and explore ways to claim self-worth and respect. This work led to the establishment of tuition centres in Miraj, Karad and Sangli and the Mitra Hostel in 2008 in Nippani town. Housing only children of street-based sex workers, at present it has about 40 children. All are admitted to local government schools with the Mitra teacher providing supplementary education.

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When we were doing the SANGRAM's Trucker programme we did a survey in which we found that the situation of children of those women who did dhandha in the open was very bad. There was one case for example of a 10-year-old boy, Deepak and his 8-year-old sister, Komal, in Karad who were left alone to cook and look after each other by their mother who was on the move. There was another 14-year-old girl who was singlehandedly taking care of her mother who was ill. Another woman was trying to pull her into sex work. After we brought her to the hostel she did her Degree in Commerce, fell in love and got married. But she continues to study and work.

I myself am not educated. But I am so happy that our younger children are getting educated and have alternative ways by which they can earn their livelihood without necessarily coming into sex work. I believe in self-rehabilitation. When a woman wants to give up sex work after her children are working is that not 'punarvasthi' [rehabilitation]?

Mahesh, child of sex worker, Mitra

3. Working with State Agencies on Trafficking

Despite a history of conflict and enduring mistrust between the police and sex workers, there seems to be a growing synergy between them when it comes to addressing issues related to trafficking. Both the police and legal representatives

we met were very appreciative of the work that VAMP was doing to address the genuine needs of sex workers and their children, and also helping them identify traffickers and their networks.

The Police

The senior police officer in charge of the anti-trafficking Cell spoke at length about their work on trafficking and with VAMP as well as other NGOs. Making a distinction between sex work and trafficking, she emphasised that they do not interfere with the right of any adult woman to earn her livelihood through selling sex. She acknowledged that the raid and rescue operations could sometime be counter-productive, especially if there is no comprehensive rehabilitation scheme in place that would provide viable income-generating alternatives to minors. In short, while she accepted the rights of sex workers, even if with some expected ambiguities, there was a clear expectation that the community partners with them in combating trafficking.

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Yes, it is important we work with sex worker collectives to prevent trafficking. We need to help each other. We don't want to randomly pick them up and throw them into rehabilitation centres. But there are a few ladies who are [HIV] positive or have not taken protection who can spread the disease and who need support and shelter. There is also the problem of those sex workers who have grown old but also need to make money in order to eat and are so desperate that they are willing to do anything for even Rs.20 and people end up robbing and cheating them. On the other hand, girls have come from as far as Assam, Pune, Uttar Pradesh, have settled here for many years and are doing well. The Government and NGO's should do something for the older sex workers. You should also help in conceiving of better rehabilitation programmes for those who don't want to do sex work and minors. Or they will be forced to come back into it if they are not given alternatives.

Deputy Superintendent Patki

Legal Support

The District Legal Services Authority is a service for poor and marginalised communities to improve their access to justice. Its lawyers conduct weekly legal clinics at SANGRAM's to advise them on social entitlements, domestic violence, property rights issues, child trafficking etc. The lawyers we met from the DLSA told us that they have not come across or dealt with any cases of trafficking in the process of these interactions.

We also interviewed a senior defence lawyer, who serves on DLSA, Advocate Maruti Mane. He has supported VAMP and Mitra over the years, through paralegal training of their members, as well as providing legal support for sex workers prosecuted under the ITPA. He provided reflections on some of the developments he has witnessed.

Firstly, he said that there has been a dramatic decline in the incidence of minors entering the industry. In previous years, women used to bring their children into the business because of low levels of education and poverty. VAMP and SANGRAM have contributed to reversing this trend by ensuring that sex workers' children are educated. Secondly, the incidence of raids has also decreased substantially over the past few years. When they do still happen, they are usually initiated by foreign Christian missionaries who collaborate with local NGOs in reporting cases that are often false, fraudulent or distorted. Besides these raids being disruptive and traumatic, Mane also pointed out that in majority of the cases in which sex workers were arrested and prosecuted during the raids, the women were acquitted on technical grounds of the raids being conducted without following the due process of law. Mane felt that the police should be much more cautious and critical of such reports.

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He also felt that while the judiciary is very hard on cases of trafficking, in the Courts where he has worked, to date, not a single trafficker has been arrested. He strongly felt that traffickers should be dealt with severely under the law.

4. Documentation and Media Dissemination

Apart from more structured studies, VAMP and SANGRAM have been trying to use more creative means to raise awareness on the issues their work with and the perspectives that inform them. Some of these include:

- ***Daughter of the Hills: Trafficked and Restored***: a comic book that documented the case of Kopisha from Nepal, which was a clear case of coercion, trafficking, and act of rescue and restoration, as well as issues of migration and safe mobility by the sex worker's collective.⁴⁴
- ***My Mother The Gharwali, Her Malik His Wife***: a play performed by members of VAMP and Mitra with the support of professional theatre groups and directed by Sushma Deshpande in 2008. It told the many stories of their lives with a lot of humour, joy, pain, and sorrow.
- ***A Study on Forced Marriage***: An anecdotal study was done by allied organisation Vidrohi Sanghatan on trafficking that is happening for marriage in North Karnataka from where brides are being bought on payments ranging from INR 40,000 (about USD 600) to INR 90,000 (about USD 1,300) through agents to South Maharashtra. While the incidence has been established no detailed study has been done to ascertain the root causes. Once the women are brought, the agents disappear and the women are left at the mercy of the family they were 'trafficked' into. All the known elements of trafficking, such as deception, debt bondage and slavery are present in these situations but are not addressed with the seriousness they deserve which SANGRAM and VAMP would like to explore deeper through more structured studies.

5. Advocacy highlighting the difference between sex work and trafficking, and between trafficking and unsafe migration

VAMP and SANGRAM consistently engage in advocacy at the local, national and global level, through their membership of broader networks such as National Network of Sex Workers (NNSW), the Asia-Pacific Network of Sex Workers (APNSW), and the Global Network of Sex Work Projects (NSWP). Through these platforms, they emphasise the distinctions between sex work and trafficking, and between human trafficking and situations in which women enter the sex industry through voluntary, but irregular migration. Based on the fundamental principle of 'Nothing about us, without us', they also advocate for and facilitate bringing the experiences and perspectives of sex workers into the debate on trafficking.

At present both VAMP and SANGRAM through their national network are also engaged in an intense and widespread consultative process and advocacy to highlight the shortcomings of the Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill, 2016. They issued a response signed by sex workers and other partner organisation in which they argued:

⁴⁴ Available at <https://www.sangram.org/resources/Daughter-Of-The-Hills-Sangram.pdf>.

*'The trafficking bill ignores the problems associated with unequal growth, skewed development and inequity, including aspirations to migrate for better livelihood. Further instead of focusing on creating conditions and laws that make migration safer for women, these policies are focused on deterring women's right to mobility and movement. There is a dual approach in the explicit protection offered to people rescued from bonded labour and from other situations (women who are surrogates and women in sex work) which needs to be scrutinized and addressed.'*⁴⁵

They also reiterated other more specific concerns that include separating adult trafficking laws and child trafficking laws, excluding adult persons voluntarily doing sex work from the ambit of the Bill and no subversion of rights under rescue and rehabilitation that results in a draconian provision to 'repatriate' and resend person from one state to another without giving an opportunity to ascertain the wishes of the individual rescued. Their core demand remains that the sex worker organisations should be central to not only drafting the Bill but also to its implementation.

*'Time and again sex worker collectives, organisations working with sex workers have shown that they are natural allies and partners to root out exploitative practices and provide alerts on trafficking for sexual exploitation. Despite this, the proposed committee precludes their participation. It is proposed that any committee at the district level that seeks to fight human trafficking must have participation of and consultations with sex worker groups and collectives. Additional members should include members of the Human Rights Commission at the district level. The social workers must have a proven track record of working on women's issues/ empowerment and not limited to anti trafficking work in order to ensure a more holistic perspective. Lawyers with a track record of working with sex workers, women in distress, violence against women should be included in the Committee.'*⁴⁶

⁴⁵ Draft Comments to Trafficking Bill 2016, VAMP, SANGRAM.

⁴⁶ *Ibid.*

Recommendations

VAMP, along with several other organisations comprising the National Network of Sex Workers⁴⁷ have put forth the following recommendations regarding trafficking, many of which have been drawn from their submissions to the UN Special Rapporteur on Violence against Women during her visit to India in April 2013.

To the Indian Government:

1. Decriminalise sex work so that sex workers can legitimately assist in the efforts to fight trafficking and all forms of exploitation.
2. Trafficking is a criminal offense and should not be conflated with sex work. Trafficking of adults and trafficking of children should be dealt with under two separate laws to ensure that consenting adults are not infantilised and children are given justice.
3. Repeal laws that prohibit consenting adults to buy or sell sex, as well as laws that otherwise prohibit commercial sex, such as laws against 'immoral' earnings, 'living off the earnings' of prostitution and brothel-keeping. Take complementary legal measures to ensure safe working conditions for sex workers.
4. Shut down all compulsory detention or rehabilitation centres for people involved in sex work or for children who have been sexually exploited. Instead, provide sex workers with evidence-based, voluntary, community empowerment services. Provide sexually exploited children with protection in safe and empowering family settings, selected based on the best interests of the child.
5. The policy of raid, rescue, repatriation and rehabilitation as a primary and only response to trafficking for sexual exploitation needs to be reviewed. Survivors of trafficking need to be supported through affirmative mechanisms such as extinguishing debt bondage, schemes that release their families from debt cycles, soft loans that enable them to escape the cycle of poverty and vulnerability that force them into all forms of forced labour.
6. Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and ILO conventions related to migrant workers, to ensure adequate human rights protection to women who have migrated across borders for work.

To judicial officers:

1. Anti-trafficking laws must be used to prohibit sexual exploitation and they must not be used against adults involved in consensual sex work.

⁴⁷ See NNSW, <http://www.nnswindia.org/>.

2. Enforce laws against all forms of child sexual abuse and sexual exploitation, clearly differentiating such crimes from consensual adult sex work.
3. Ensure that existing civil and administrative offences such as 'loitering without purpose', 'public nuisance' and 'public morality' are not used to penalise sex workers.
4. Ensure that the intent of Section 370 IPC as developed by the Justice Verma Commission is adhered to in spirit. The commission stated that recast Section 370 IPC ought not be interpreted to harass adult sex workers who work of their own volition and their clients.
5. Section 370 A IPC should not be used against adult clients of sex workers.

To donors:

1. Support communities of sex workers to research and collect data on the impact of anti-trafficking policies on their lives; document case studies of sex worker collectives fighting exploitation and force within the sex trade.
2. Ensure long-term support to sex worker collectives and networks as a strategy to strengthen leadership to fight trafficking for sexual exploitation.
3. Ensure accountability of all grantees to human rights framework. Take all precautions to ensure that grants are not used to forcibly raid, rescue and incarcerate adult consenting sex workers in detention homes resulting in large scale human rights violations.

Conclusion

It was an intense journey. But one that yielded several invaluable micro insights into the ways in which a vibrant process of collectivisation and self-organisation can enable a marginalised and stigmatised community to become central to the process of challenging the dominant moral and legal regime which by conflating sex work and trafficking has historically tried to trap them between the binary of the victim or the vamp; the trafficked or the trafficker. Breaking this binary through reclaiming their dignity and the power to define their own realities, rights, and destinies has been as much a pedagogic as a programmatic imperative.

By defining violence, work, livelihood, and rehabilitation on their own terms and in their own context they've been able to not only question the roots of the violence and injustice they have been subjected to, but simultaneously redefine and broaden the moral and legal framework for sex work and also trafficking. It is clear that this process of self-organising at different levels has empowered the community to deal with the challenges they face from society with great clarity and confidence, despite the threats from resurgent moralities and regressive legal and policy level changes that threaten to undo all the successes they have been able to garner over the past decades.

Madhu Bhushan was as a full time activist of Vimochana that was part of the autonomous women's movement in India and member of CIEDS Collective from 1983 to 2014. As such, she was involved with crisis intervention, community outreach and campaigns and advocacy on violence against women, even while writing, reflecting and speaking on diverse issues related to gender, cinema, communalism and human rights. Since 2014 as a retired public feminist of sorts, she continues to be an independent activist-writer and (re) searcher; occasionally involved with film making and extending support and solidarity to various networks and social movements including that of the sex workers, transgenders, women and youth.