

WORKING PAPER 309

Streetwalkers Show the Way:
Reframing the Global Debate on Trafficking
from Sex Workers' Perspectives

Nandinee Bandyopadhyay
July 2008

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Nandinee Bandyopadhyay

Summary

This paper documents action research and discussions on trafficking by Durbar, a network of 60,000 female, male and transgender sex workers in India. Durbar finds that the realities of trafficking as experienced by sex workers are very different from the myths. Durbar's research found that while most of the sex workers they interviewed were poor and lacked options, they left home by their own choice, in search of better livelihoods, to escape violence or drudgery, or to seek love. Numerous agents, many of them known to the trafficked individuals, facilitated their subsequent travels and entry into sex work. Many of those trafficked into sex work were able to negotiate better terms within a year or two, after which they were free to leave but stayed in the industry because of the economic incentives, and because returning to their families was no longer an option due to the stigma associated with sex work. Durbar concludes that the fundamental cause of trafficking is the persistent demand for using trafficked workers who can be made to work without being provided fair wages or safe working conditions, thereby hiking the profit margins of the employers. Thus Durbar sees as most urgent the need to establish better labour standards in sex work, and support individual sex workers tackling exploitative situations. This includes supporting unwilling and underage sex workers by helping them decide what to do, rather than handing them over to the police where they are likely to face more harassment. Durbar has done this effectively through setting up 'Self Regulatory Boards' in sex work sites. To date Durbar has rescued a total of 560 unwilling women and underage girls. And in sites where Durbar works, the proportion of sex workers under 18 years old declined from 25.3 per cent in 1992 to 3.1 per cent in 2001.

Keywords: sexuality; sexual rights; sex work; prostitution; trafficking.

Nandinee Bandyopadhyay has been an independent consultant, researcher and trainer on development issues with particular focus on gender, class, sexuality and social movements. She is closely associated with the sex workers' and sexual minorities' movements in India. Currently she is working as an Associate Director, HIV for PATH in India. Between 1995 and 2002 she was an advisor for Durbar, an organised forum of sex workers in West Bengal. This paper was originally written as an input into the workshop on 'Feminist Fables and Gender Myths: Repositioning Gender in Development Policy and Practice', held in IDS in 2003. The author later developed the piece into a working paper with the support of the IDS Sexuality and Development Programme.

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Preface

Sexuality has been sidelined by development. Associated with risk and danger, but hardly ever with pleasure or love, sex and sexuality have been treated by development agencies as something to be controlled and contained. The HIV/AIDS epidemic has broken old taboos and silences, and begun to open up space for the recognition of how central sexual rights are to everyone's wellbeing. But more is needed to take us beyond the confines of narrow problem-focused thinking about sexuality towards approaches in which pleasure and desire play as large a part as danger and death do today.

Sexuality is a vital aspect of development. It affects people's livelihoods and security, their wellbeing, and sometimes their very survival. Sexual rights are a precondition for reproductive rights and for gender equality. Lack of sexual rights affects heterosexual majorities as well as sexual minorities – lesbians and gay men, transgendered and intersex people – who are so often denied basic human rights and subjected to violence and exclusion. In some countries, women are denied a choice of partner, subjected to coercive marital sex and restricted in their mobility. Pervasive homophobia places those married men who desire other men, their male partners and their wives at greater risk of HIV and AIDS. Adolescents schooled into abstinence learn little about their bodies or their desires, and may be more vulnerable to unwanted pregnancy and sexually transmitted infection as a result. And sex workers are routinely denied basic legal and employment – as well as broader human – rights. Rare is the environment which allows people to live out a fulfilling and pleasurable sexuality of their choice and that empowers people with a sense of their right to say 'yes' as well as 'no' and enjoy safe, loving relationships free of coercion and violence.

The turn to rights in international development offers new openings for the articulation of sexuality and development, and new opportunities for realising sexual rights. It is ever more important to affirm these rights in the face of mounting opposition from religious and other conservatives, who would deny people the right to loving relationships of their own choosing, or rights over their own bodies. This paper is part of a series of working papers that explore the connections between sexuality, participation, human rights and development. Together, they seek to bring fresh thinking to the challenges of realising sexual rights for all. These publications were made possible by a grant from Sida, the UK Department for International Development (DFID) and Swiss Development Co-operation (SDC) for the Participation Team's Participation, Power and Change Programme.

Andrea Cornwall and Susie Jolly
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1 The myths

The dominant discourses on human trafficking and prevalent anti-trafficking praxis abounds with enduring myths and fables about interconnectedness of poverty, gender, and sexuality. In international forums it is frenziedly argued that trafficking of women and children across and within nations has escalated dramatically in the last decade. At the same time funding for and volume of anti-trafficking interventions as well as legislations have grown exponentially. Surely something must be wrong, either in the definition of trafficking or in the ways in which it is being tackled for both propositions to be concurrently true. Then there is the steadfast conviction that those trafficked are predominantly women and children despite the media headlines on desperate third world men dying in their hundreds in closed containers hauling them across international borders. Well, it has to be women and children because, after all, the most persistent trafficking myth asserts that the destination of all trafficking is prostitution, all prostitutes are women and that all of them are trafficked.

If these myths seem too old and tired, there are others that seem to be analytically more refined. For example, it is quite commonly believed that the principal causes of trafficking are poverty and gender inequality. It is also feared that organised gangs of traffickers carefully orchestrate all trafficking that take place, both internationally and within national borders. Then it is assumed that those who are trafficked remain in a situation of powerlessness everlastingly, unless rescued by external agents, preferably anti-trafficking NGOs. Those fears and assumptions are based on assertions put forward by the anti-trafficking lobby, backed up with highly debatable 'evidence' and pushed through the system by an American conservative agenda (Weitzer 2007).

Apart from the fact that such conceptually misleading positions fail to examine the reality of the trafficked human beings that enter labour markets other than sex work every year, they also deny sex workers any autonomy or agency, forever banishing them to a silent world of eternal and relentless victimhood. As a result the solutions that are fashioned at mainstream forums ignore the possibility of exploring creative, effective and sustainable preventive measures involving sex workers, and other trafficked persons for that matter, as active agents to combat trafficking.

This paper will draw on an action-research carried out by Durbar, a confederation of sex workers' organisations, to examine the ways in which an organised group of sex workers based in West Bengal, India has intervened into the debate on trafficking and has offered alternative ways of thinking about and acting on the issue. In analysing this particular intervention, the paper will also explore the ways in which a marginalised group of poor women can claim citizenship rights through voicing and actualising their demand for self-determination and participation in public discourses, and in so doing can bust myths and challenge hierarchies.

2 A profile of Durbar

Durbar (*durbar* in Bengali means unstoppable or indomitable) is an informal confederation of the following affiliated sex workers' organisations based in West Bengal, India:

- (1) *Durbar Mahila Samanwaya Committee* (Durbar Committee for Coordination of Women) founded in July 1995, a forum of women, men and transgender sex workers, from both brothel-based and mobile populations, and their children. It has 66 branches and a membership of 60,000 sex workers across West Bengal, India. Since 2007 it has started branches in the neighbouring states of Bihar, Jharkhand, Orissa, Chattisgarh and Tripura to foster autonomous sex workers organisation there.
- (2) *Usha Multipurpose Co-operative Society Limited*, or *Usha*, registered in August 1995 as a financial cooperative of female sex workers. It runs a microcredit programme for sex workers; creates alternative jobs for out-of-work sex workers; does social marketing of condoms and other essentials; and plans to start a large-scale production unit for generating wage employment for retired sex workers and those who want to opt out of sex work. The basic objective of Usha is to create financial security for sex workers so as to enable them to gain greater autonomy.
- (3) *Komol Gandhar*, as a cultural forum for sex workers and their children.
- (4) *Sramajeebi Mahila Sangha*, one of the oldest surviving self-help groups of sex workers based in Calcutta, which was rejuvenated and integrated into the activities of DMSC and Durbar as an independent partner.
- (5) *Binodini Srameek Union* (Binodini Labour Union), a putative trade union of sex workers, whose registration has been applied for. *Binodini* in Bangla means one who entertains. The name also pays homage to a nineteenth century sex worker from Calcutta, Binodini Dasi, who became a celebrated stage actress.
- (6) *Kolkata Network of Positive People*, the first ever organisation of people living with HIV/AIDS from all walks of life, initiated and supported by sex workers. KNP+ provides testing, counselling and care services for people living with HIV/AIDS and also aims to promote positive attitudes towards care and support for people living with HIV/AIDS. This initiative addresses the needs of serum positive people and their families to cope with the social and psychological traumas associated with being HIV positive. It also provides specialised training to other groups, organises hospital care for people with AIDS and has recently started a city-counselling centre for people suffering from sexual dysfunction. Most significantly it provides antiretroviral treatment to positive people at a subsidised rate, apart from providing free treatment for opportunistic infections including specialised tuberculosis management. Since 2004 KNP+ has become independent of Durbar and Durbar has initiated a similar forum for positive sex workers.
- (7) *Sathi Sangathan* or the Companions' Collective, an organisation formed by the *babus* or fixed clients of sex worker members of DMSC, focuses on

fighting alongside with DMSC against all kinds of violence faced by sex workers and their children.

The autonomous sex workers' organisations that work together under the informal association of Durbar have a total combined membership of about 60,000 sex workers based in West Bengal. Durbar works for the rights of sex workers and their children. Promotion of sexual health and HIV prevention was the original context within which the Durbar affiliates had emerged, and remains an ongoing concern. However, right from the start the sex workers and other workers of the HIV prevention intervention (the Sonagachi Project) understood that even to realise the very basic aim of improving sexual health, it was critical to identify the environmental factors that determine the quality of sex workers' lives and to locate these issues in the broader political and cultural context within which they live. They also realised the urgency of making strategic interventions to bring about radical changes in the social structures and institutional arrangements that underpin unequal distribution of power and reinforce social exclusion of sex workers.

This, the sex workers associated with Durbar had set out to do by mobilising thousands of women, men and transgender sex workers across West Bengal, from both brothel-based and mobile populations. Through various agitational and community development activities they constructed a political community of sex workers through inculcating a collective positive self-identity as sex workers. Durbar affiliates, particularly DMSC, along with Usha (Usha Multipurpose Cooperative Society Limited, a financial cooperative institution, constituted solely by sex workers) as one of the primary stakeholders, has been running the STD/HIV prevention intervention from 1999, having taken over the ownership and management of the Sonagachi Project from the government medical institution which had initially implemented the programme. Durbar now runs 49 STD/HIV intervention programmes, replicating the Sonagachi model, in all major red light areas in Calcutta and the district towns of West Bengal and among street based sex workers in Calcutta. Durbar also runs a wide-ranging education programme for sex workers and their children in 50 sex work sites.

More significantly, the sex workers' organisations affiliated with Durbar have been active in addressing the structural issues that frame the everyday reality of sex workers' lives, be they related to their material deprivation, their social exclusion or the stigma attached to being a sex worker or her child. Durbar is explicit about its political objective of fighting for a secure social existence of sex workers and their children. Durbar demands decriminalisation of adult prostitution in all its aspects; social recognition of sex work as a valid occupation; and recognition of sex workers' right to self-determination. Durbar argues that sex workers should come under the purview of general civil, criminal and labour laws of the land, and should not be criminalised, legally stigmatised and denied rights as full citizens by being confined to the jurisdiction of special laws for prostitution, which have historically acted against the interests of sex workers rather than controlling those who exploit them.

Members of Durbar share a common premise, that prostitution is not a moral condition but an occupation and as sex workers they are working women, men, and transgender people who like many other workers are engaged in a marginal,

sexist, exploitative and low-status jobs. For most sex workers, working in the sex industry is not an irrational act of desperation, but a rational choice made from the very limited options available, particularly to poor, unskilled women, in a capitalist and patriarchal society. Claiming recognition as workers and a sustained movement against exploitation and marginalisation have now become the Durbar members' immediate strategic aim for securing their basic rights as citizens (DMSC 1997).

3 The relevance of trafficking as an issue for organised sex workers

In course of working for sex workers' rights, trafficking emerged as a critical issue for Durbar to urgently address for three categories of reasons.

The first set of reasons have to do with Durbar's efforts at establishing sex work as a legitimate industry, and safeguarding the interests and rights of the workers engaged in the industry. Durbar sees sex work as a contractual service, negotiated between consenting adults. In such a service contract no coercion or deception ought to be involved. Trafficking into sex work by definition involves women and children being employed in sex work against their will, either through direct force or through trickery, violating their fundamental right to self-determination and autonomy over their bodies.

As Durbar has been persistent in protecting and promoting these rights of sex workers in contexts such as police harassment, forcible eviction of sex workers by landlords or builders mafias, and unethical use of sex workers in medical research without their informed consent, intervening to stop people from being trafficked into sex industry was an obvious activity for Durbar. Also, Durbar holds that for sex work to be established as a legitimate profession, those practising it have to comply by certain non-negotiable norms. As mentioned earlier, Durbar has identified two fundamental principles on which these norms have to be based; first, anyone becoming a sex worker has to be of age, that is 18 years or older, and second, she has to exercise informed consent. As trafficking often violates both these norms, Durbar is determined to eliminate this as a channel of recruitment into sex work.

Moreover, Durbar aims to dissociate sex work from all criminal links so as to clean up its image as a profession and also to eliminate middlemen or agents profiteering from sex work through exploitation of sex workers. As trafficking involves both, it is evidently one of the areas within the industry into which Durbar has to intervene.

The second set of arguments that Durbar posits to assert the necessity of sex workers' direct involvement in combating trafficking into sex work has to do with efficiency and effectiveness. Durbar argues that no degree of stringency in patrolling international borders has ever managed to stop illegal crossing of borders. On the other hand, such patrolling puts the lives of those being trafficked more at risk, as they force traffickers to use more hazardous routes. They also

hold that no amount of policing by the state or intervention by social workers has managed to control intra-country trafficking either. Durbar feels that one effective way of deterring trafficking, at least for the purpose of sex work, would be to work from within the sex trade itself, to ensure that no sex worker is recruited through trafficking. Their experiences of working against the everyday oppression and exploitation to which sex workers are subjected, has demonstrated that as an organised group of sex workers located within the sex work sites, they are best placed and are most appropriately equipped to establish such norms within the sex trade, and to ensure that these norms are strictly adhered to. For example, sex workers who live within the context of sex trade can easily develop secret, efficient and independent communication channels for finding out whether any of the new entrants in the sex work sites have been trafficked, information channels to which outsiders would not have access to.

The third reason why Durbar feels that it has to play a prominent role in anti-trafficking debates and interventions is a more strategic one. Every time in history that sex workers have claimed rights for themselves, those who see prostitution as a moral malaise have used the issue of trafficking and underage prostitution to clamour for abolishment of the trade altogether, silencing the voices and demands of practicing sex workers. The contemporary discourses on trafficking are mired with the same anti-sex work and by default, anti-sex worker stances. Durbar feels that unless it carves out a space for itself in the public arena to offer alternative perspectives on, informed by the realities and insights of sex workers themselves, once again the current focus on trafficking will be overtaken by the abolitionist agenda of the moral right, which fails to acknowledge the realities and rights of sex workers.

4 Researching the realities of trafficking as experienced by sex workers

4.1 Methodology

Between 2000 and 2002 Durbar, in collaboration with the Royal Tropical Institute (KIT) Netherlands, conducted an action research as part of KIT's Gender, Citizenship and Good Governance programme. This consisted of:

1. Semi-structured interviews: A team of 12 sex worker activists of Durbar and 6 non-sex worker project staff were trained as researchers. They conducted in-depth semi-structured interviews with 69 female sex workers in and around Calcutta. Sex workers who have come to the sex work sites from outside (from other parts of West Bengal, other states in India, and from Bangladesh or Nepal) were selected as respondents. The key questions asked were (a) what was life at home like (b) what made the respondent leave home (c) who/what facilitated that (d) how did the respondent come to work in the sex industry (e) if she was trafficked did she manage to get out of that state –

who or what helped? (f) what changes will the respondent like to see in the sex industry for sex workers to be more secure (g) given her experiences in life would she rather have been a man. These guiding questions were framed by sex workers in three focus group discussions.

2. Focus group discussions: In addition to the semi-structured interviews, 16 group discussions were conducted with sex workers in different sex work sites to collect and collate narratives on experiences of trafficking. Majority of participants were female, with 15 per cent male and 5 per cent transgender.
3. Analytical discussions: Facilitated discussions were held with sex worker activists and Durbar leadership to fine-tune Durbar's position on trafficking.
4. Documentation: Ongoing activities of the self-regulatory boards were documented and a protocol for setting up practical and ethical guidelines for trafficking prevention intervention by sex workers was developed in consultation with sex workers and trafficked persons. The collation of the findings from the above and the final report was written by myself.

Since 2002 no other formal research was done on the subject, although Durbar's anti-trafficking activities continue to be documented.

4.2 Findings

4.2.1 Experiences of trafficking

Research findings indicated that contrary to popular belief, poverty per se *does not* inevitably lead to trafficking. Poverty and lack of viable livelihood opportunities locally can and do prompt people to *migrate*. Most of the respondents (of the 69 semi-structured interviews) indeed came from very poor households, where they had little or no access to education or training in marketable skills. However, they left home by their own choice, in search of better livelihoods, to escape parental or marital violence or drudgery, or to seek love. The primary reasons behind the fact that some among those who migrated ended up being trafficked were inequality and lack of rights: inequality both in terms of class and gender which in turn led to unequal access to information and skills training; and flagrant violation of workers' rights in both formal and informal labour markets which allowed some sections of the market to employ trafficked labour, who would not have to be paid minimum wages or given standard benefits. After deciding to leave home, many of the respondents sought information about possible employment from neighbours or relatives who seemed to them to be more knowledgeable and clued up about the ways of the world. It was these people who then brought them to their future recruiters – be they brothel keepers or factory owners, and made a profit out of it. The other important finding of the study was that not one of the respondents' experiences of being trafficked indicated the existence of an organised mafia of traffickers. Instead a string of individuals carried out different functions in the entire trafficking process such as helping undocumented migrants to cross international borders illegally, or introducing them to potential employers, in exchange for payment.

Some respondents chose to become sex workers when they left home, having found out about how the industry worked from neighbours who had worked as sex workers, and used the services of agents who helped them to find their way to the cities for a charge. Only one respondent said she was actually forcibly abducted as a child from her school in Uttar Pradesh and brought and sold to a brothel in Calcutta.

Not all the respondents got recruited into sex work directly after leaving home or being trafficked. Some of the respondents were recruited as domestic help and a few in small, informal manufacturing units, where they received very low wages, sometimes none at all, were abused verbally and physically, were sexually harassed and often summarily dismissed when they dared to protest. Some of them were of course, directly brought to red light areas and sold off to brothel keepers, as were some of the others subsequently.

A significant number of respondents left home for love and the dream of romantic adventure and marital bliss. And it was their boyfriends they absconded with who introduced them to the sex industry – sometimes after a brief and half-hearted attempt at conjugality but more often directly. Many of the respondents never saw the man they left home with again once they were paid off by the brothel keeper, while a few of the men stayed on for a while, living off the women's income.

Looking into the reasons why most women who are introduced to the sex industry one way or the other stay on even when they can notionally return to the earlier lives, it was found that contrary to popular belief, coercion by brothel keepers or other gatekeepers of the sex industry was not a deterrent. Rather it was the stigma attached to being a sex worker and apprehension of social rejection that closed that option for them. Having become a sex worker they feared that their parents, family or neighbours would not accept them back, or even if their parents did, the neighbours would socially boycott them. Brought up as dutiful daughters they were more concerned about protecting their parents' or families' interests rather than privileging what they actually wanted to do at that stage. The other important reason for the majority of respondents choosing to continue in sex work was that it provided them with a viable income, which they did not have access to earlier, and with which they could sustain themselves, look after their children and support their unsympathetic families.

4.2.2 How did sex workers move on from the trafficked situation?

The study further helped to dispel another popular misconception regarding trafficking. The dominant discourses described a trafficked person as eternally doomed, forever trapped in the condition of rightlessness and victimhood, without ever regaining control over her life. The experience of the respondents showed that the condition of being trafficked is a temporally bound and reversible phase in any person's life, and the condition does not persist inter-generationally in the context of sex work. At the time of the study, none of the respondents who were trafficked into the sex industry had remained with the original brothel keeper to whom they were sold.

So, what enabled these sex workers to get out of the trafficked situation? Support

from fellow sex workers, especially those who are more experienced and street smart, was the most important and frequently cited factor that spurred the respondents to seek a practical way out of the trafficked situation. These colleagues provided advice, courage, loans and contacts with more friendly madams to the respondents. In some cases members of Durbar played this role of counsellor and guide. For some respondents the regular clients or *babus* that they acquired during the course of their work came to the rescue, offering moral support and financial help to set up independent establishments. In some cases the madam herself helped the respondents to change their situation. They encouraged the respondents to save money. In one case the madam got the respondent to get rid of her boyfriend with whom she had run away from home, and who had subsequently sold the respondent off to the madam, and was happily living off the respondent's income in the brothel. In the case of another respondent the madam lent her a small capital to rent a room in the red light area from which to operate independently. Of course not all madams were as sympathetic or fair-minded. Many respondents recounted how they had escaped from the brothel where they were sold off in the middle of the night when everyone else was sleeping. In these cases too other sex workers often provided information about and contacts in other sex work neighbourhoods where the respondents could find shelter and start working again. Nevertheless, in none of these cases the madams or other gatekeepers seemed very zealous about trying to find and reclaim the runaway sex workers. In one interesting instance, the respondent managed to throw out the madam herself, and take possession of the room from which the madam had run her establishment.

While outsiders, be they colleagues, friends, *babus* or madams provided support and practical help it was the respondents themselves who had to take the initiative and find the conviction to make the move. In no case did they meekly submit themselves to the situation they found themselves in or passively wait to be 'rescued'. It was their own sense of agency and determination to act as well as their resourcefulness that were critical in their regaining control over their lives.

4.2.3 What needs to change to increase sex workers' security?

When asked their opinions about what needed to change in the ways that the sex industry operates for sex workers to work with autonomy and security, all respondents named the police, political party workers at the local level, and *malkins* (madams), and local hooligans as the main culprits who persistently exploited and oppressed sex workers. (When talking about hooligans they mentioned '*parar chheley*' or neighbourhood boys and '*mastans*' or petty criminals who live on extortion and small crime. In most cases both are synonymous. In red light areas and indeed in most poor neighbourhoods, these young men are a common phenomenon often enjoying the patronage of one or the other political party. In red light area these men are sex workers' sons, their boyfriends or husbands. Some also come from families that own the brothels.)

They said that if sex workers were to work with dignity and security there should be mechanisms by which it could be ensured that these people stop harassing sex workers. Some mentioned the role of sex workers' organisations like Durbar

in containing violence from these quarters, while others also looked to the state to intervene on sex workers' behalf. Almost all the respondents were of the opinion that what makes sex workers lives more vulnerable and their security precarious was the social stigma that is vested on them. They felt that the way to de-stigmatise the profession was to give it the same social and legal recognition as any other work. For this the respondents demanded that their rights as workers be acknowledged and established. When probed, it was found that most respondents were not aware of individual sets of rights that formally recognised workers enjoy and they explained, while such benefits and entitlements would be welcome, what they were demanding was an ideological recognition of sex work as a legitimate and valid occupation.

4.2.4 A few stories

These stories were collected from sex workers through group discussions. During these discussions sex workers narrated personal accounts of their own experiences of being trafficked or reported what they had heard from other sex workers. From these accounts individual stories were collectively developed. The sex workers preferred calling these 'stories' rather than case studies as story-telling is a popular strategy for them to grab attention of outsiders. In some cases an individual story is a composite of many sex workers' experiences and voices, with one particular sex worker lending her name and contextual reality to the protagonist.

Shohagi's story

Shohagi was born to a poor family in Murshidabad. Her parents could barely make ends meet, working as they did as agricultural labour. But she said did not mind that as she was much loved by her mother and grandmother. As a child she had loved going to school and had taken much pleasure in learning to embroider intricate patterns from her grandmother. However, when she was fourteen her father married her off to a much older and much married man, whose only grace was that he did not demand any dowry. Although Shohagi was heartbroken to leave home and her friends in the school, and really disappointed in her father's choice of a groom, she resolved to be a good wife. But to her horror soon after her wedding she found out that her new husband was extremely violent. He regularly thrashed her black and blue and seemed to derive enormous pleasure in threatening to kill her if she dared to protest. Not being able stand it any longer, six months into the marriage, Shohagi ran away from her marital home and returned to her parents. However, her father and elder brothers were livid at her effrontery of rejecting a husband they had chosen for her and threatened to kill her when she refused to go back to her abusive husband, as her 'waywardness' would bring social ignominy to her family. Her mother and grandmother tried to intervene on her behalf but were totally ignored by her father and brothers.

So once again Shohagi ran away from home. Taking shelter in the bus station she came across an older woman who treated her with kindness and listened to her tale of woe with sympathy. She offered to take Shohagi to Calcutta and find her a job as a domestic help in someone's home. After a long and confusing journey it was evening when Shohagi's newfound benefactor brought her to a crowded neighbourhood in Calcutta, with well lit narrow roads, old, dilapidated mansions and numerous men milling around. Shohagi's companion took her to a room and whispered something to a formidable looking woman, who after a brief discussion handed some money to the woman and shoved Shohagi into a small room. Tired after her ordeal, Shohagi fell asleep.

Next morning Shohagi woke up to find two or three young women crowding around her curiously. Responding to her nervous queries, these women patiently explained to Shohagi where she was and what she was expected to do. Shohagi was shattered. She pleaded with the madam that she be spared and allowed to go. However, the madam insisted that she had invested money in Shohagi, and cannot let her leave till Shohagi pays back the amount to her. However, she conceded that Shohagi could do household chores in the brothel for a while, till she become accustomed to the idea of working as a sex worker. In the first month or so that Shohagi spent in the brothel working as a house maid, the prospect of sex work lost its initial horror. Young though she was she has already been initiated into sex by her husband, often against her will, more often, painfully. In the brothel she found that the sex workers had more of a say with their clients than she ever had with her husband, and could even refuse them. Also, of course they got paid for it. The clients paid the fees to the madam, all of which supposedly went towards paying off her investment in the sex workers and towards their upkeep. But if the clients were happy with the sex worker they would pay her some extra which she could keep. As she swept and swabbed the brothel, she considered her options. Given her situation it seemed to her working in the brothel was definitely less hazardous than going back home to assured violence. Soon after Shohagi, nearly fifteen, started working as a *chhukri*,¹ or bonded sex worker. She worked hard and saved harder, determined to get out of the bondage and become independent.

One year later, Shohagi once again ran away, this time from the brothel. She took shelter with another sex worker in another red light area, whom

1 *Chhukris* are virtually bonded to their madams (brothel keepers), who usually make a down payment in advance, either to agents who traffic sex workers or to the sex workers' relatives or associates, for contracting the services of the sex worker. A *chhukri* is obliged to work under the madam until she earns enough to pay off the advanced amount. However, in reality a *chhukri* ends up paying off her debt several times before she is allowed to move on. The conditions of work are extremely harsh as the madam tries to extract as much income from the *chhukri* as possible, allowing her neither leisure nor choice over clients and sexual practices. Many sex workers start their working lives in prostitution as *chhukris*, whether they are trafficked or not.

she had met at a protest rally organised by Durbar. Her madam found out and came to her new home demanding that she pays off her debt to her. The sex workers of this area rallied together and persuaded the madam to leave Shohagi alone, saying that the madam has already made enough money from Shohagi in the past year and threatening dire consequences for the madam if she ever harassed Shohagi again.

Shohagi rented a room in the red light area from where she started operating as an independent sex worker. Every once in awhile she thought of her mother and her grandmother, and even sent them some money and gifts, but never considered going back for good. She still has the room and still works as a sex worker – it has been ten years now since she had last run away.

Saraswati's story

Saraswati had left her village in Bardhaman determined to find new opportunities and a better life. Her family was poor but that alone was not so unbearable to her. As soon as she had reached puberty she was withdrawn from school, although she used love studying and playing with her school friends. She was not even allowed to study at home since her father had decided it would be a bad investment, as she would eventually be married off into another family. She was not allowed to play with her friends in the fields any longer either, she would earn a bad reputation that way, her father said. All she did was work at home from dawn to dusk performing repetitive, unending, and mind-numbing household chores. This work would never teach her skills that could earn her a living. It was her aspiration to break the boundaries imposed on her as an adolescent girl in a South Asian village, and her determination to get a better deal out of life that brought Saraswati to the city.

With the help of an older friend from the village who was working in a suburban town, Saraswati found a job in a small shoe factory in the town. For the first time in her life she was independent. She acquired new skills and earned money over which she had control. With her co-workers she could walk in the city streets whenever she wanted. However, within a couple of months her supervisor started paying her unwelcome attention and finally proposed marriage to her. She did not even like him, so she refused. The supervisor sacked her. Saraswati could have returned home at this point. But knowing what awaited her there she did not want to forgo her hard-earned freedom. So she desperately looked for another job.

Finding out that she was looking for a job, a neighbour offered to take Saraswati to Calcutta and introduce her to a 'good employer'. However, she was brought to a brothel in Khidderpore where the neighbour left her with the madam in exchange for some money. Coming to understand what she was meant to do she refused but the madam explained that Saraswati will

have to work for her and pay off the money the madam had spent on procuring her before she could even think of leaving the brothel. This is how Saraswati's life as a trafficked *chhukri* or bonded sex worker begun.

Soon Saraswati befriended an older sex worker in the neighbouring brothel. Her friend advised Saraswati to save the tips her clients gave her behind the madam's back. Saraswati also forged a special relationship with a regular client who lent her some money. With her saving and this money Saraswati paid off her debt to the madam a year after she was trafficked and was free to leave. At this point she did consider going back home but eventually decided to continue in the sex trade, like many others do. She was afraid that once her family found out that she had worked as a sex worker, they would not take her back, and would take away all her savings from her. So with her savings she rented a room in Chetla, a smaller red light district in another part of the city and started working independently. Saraswati has been working as an independent sex worker for the last 25 years.

5 Durbar's understanding of trafficking

From 1996 Durbar activists and other workers have engaged in regular internal discussions on a range of issues – including how to self-regulate the sex industry. These discussions were held centrally as well as in the different branch offices of Durbar. Sometimes workshops and seminars were also organised where outsiders – human right activists, women's rights activists, other NGOs, policymakers, film makers, writers, politicians, trade unionists – were invited to debate these issues. At formal and internal discussions Durbar, right from the start, had nurtured a dialogic, analytical process among sex workers where such issues were regularly teased out (Gooptu and Bandyopadhyay 2007). The analytical discussions which formed part of the action research sponsored by KIT constituted a continuation of this process, and information gathered provided a more systematic knowledge base. The position stated here developed over time through these activities and in response to what 'others' were saying about trafficking and sex work.

Durbar defines trafficking as an *outcome* of a process where people are recruited and moved within or across national borders without their informed consent and coerced into a 'job' or occupation against their will and the trafficked individual loses control over his/her occupation and life. As sex workers' rights activists they were more concerned with the outcome of the trafficking rather than the process itself, because people lose their right to self-determination as a result of trafficking.

Looking into their own life stories, Durbar activists found that women, men and children are trafficked for various purposes, such as marriage; working as agricultural labourers; working in various informal sector industries; working as

domestic labourers; participating in dangerous sports such as camel racing; recruitment in armed conflict *and* for sex work.

5.1 Causes of trafficking

Sex workers, at formal and internal discussion at Durbar facilitated by sex worker activists and their supporters explored the causes of trafficking. In trying to understand why trafficking takes place, they looked at the instances of trafficking into sex work, as that is where their expertise and interests were located. They came to the conclusion that like sex work itself, trafficking does not happen because there is poverty, but because there is a definite demand for mobility and a better life. People have always left home in search of new lives, better livelihoods, or simply to seek adventure. Traditionally women often had to hold back on exploring alternatives because of rigid gender norms and lack of opportunities. With radical and rapid changes in the politico-economic and social realms across the world, realignment of social and cultural relations and sweeping changes in the labour market, more and more women, who traditionally had to restrain their instinct for exploring the unknown, are now breaking away from homes, looking for more viable livelihood options or a preferred way of life. This, they saw as a positive, and even potentially revolutionary development, opening up a window of opportunity for challenging existing gender and class inequalities. This view was one on which there was almost total consensus by sex workers at all discussion forums. After all, sex workers treasure mobility – one of the very few privileges they enjoy – although the very mobility also exposes them to particular risks.

However, they also realised that existing political systems, with increasingly stringent anti-immigration national laws in most countries, make such migration particularly hazardous, and aspiring migrants vulnerable to being trafficked or smuggled illegally into countries they seek to enter. As long as the basic contradiction in the current economic globalisation process, that privileges globalisation of finance capital while restricting the movement of labour or human capital across national borders, is unresolved, it will continue to create conditions where some people will be denied access to legal immigration and will have to depend on underground and illicit ways of travelling without valid documents and hence become vulnerable to being exploited and tricked.

They also identified another factor exacerbating certain groups of people's risk of being trafficked as the uneven distribution of information across society. As long as the control of information technologies and resources remain in the command of a select few, and the poor, and particularly women are denied access to them, people who have information will continue to exploit the other group's ignorance to make profit.

However, these factors are not the fundamental causes of trafficking, they just help in creating a situation in which the marginalised are rendered more at risk when they travel seeking work. The reason trafficking is able to continue and flourish is because in various sectors of the labour market there is a persistent demand for using trafficked labour which is deemed to be lucrative as they can be

made to work without being provided fair wages or safe working conditions, thereby hiking the profit margins of the employers. If employers in any sector could be brought under strict regulation by which they can be forced to pay fair wages, and provide non-exploitative and safe terms of contract to *all* their employees, the demand for trafficking would dry up, as traffickers would not find a market for the trafficked labour.

5.2 What's wrong with current approaches to saving trafficked sex workers?

Durbar concluded that to end trafficking into sex work they have to concentrate their efforts on ensuring that all madams and brothel owners abide by norms that would bar them from recruiting trafficked labour. Recognising the role of human agency on part of the trafficked sex workers as a critical element that helped them to change their situation, and respecting their right to self-determination, they rejected the usual 'raid and rescue' operations that are so favoured by the police, social workers and anti-trafficking NGOs.

Sex workers' experiences showed that when police or NGOs 'rescue' sex workers from red light areas, they never consult them to find out what they want. Often in violation of their fundamental rights they are forcibly evicted from their homes and workplace. During the process of the raid they are insulted and physically abused. They are then imprisoned in remand homes for destitutes and delinquents, once again finding themselves in a situation over which they have no control, not dissimilar at all from the trafficked situation. In addition, they are often sexually exploited and abused at the remand homes while under the supposed protection of the state. The element of force intensifies when the government unilaterally decide on a rehabilitation deal for imprisoned sex workers. First, none of the sex workers are asked what they want, completely disregarding and even erasing their agency. Second, they are offered no power to refuse the state's 'benefice'; if they do not accept the government package they have to resign themselves to life-long imprisonment. Often the state agrees to free the sex workers only if their 'guardians' take their custody, even when the sex workers are adults; this not only infantilises the sex workers but also creates the condition for further exploitation, with brothel keepers or petty impostors posing as guardians to take charge of the sex workers, and later exploiting the situation to extort money from the sex workers or to make her work like a slave.

Kohinoor's story

Kohinoor was born in Bangladesh. In her adolescence she fell in love with a boy from another religion and ran away from home to marry him, as their families were violently opposed to their liaison. Some distant relatives of the boy lived in Calcutta. Crossing the international border by bribing the security officers, Kohinoor and her lover went to them looking for shelter. Promising to find Kohinoor work, the boy's cousin brought her to Janbazar and sold her off to a brothel owner.

Kohinoor thought of running away from the brothel but did not know where she could go in a strange city. So she continued to work as a *chhukri*. After a year she paid off her debt to the madam and was free to leave. She decided to continue in the sex trade, working under the same madam, but now as an *adhiya*.²

Two years later, in the middle of one night in 1999, policemen broke open the door of Kohinoor's room in the brothel and kicked her out. With many other sex workers she was pushed into a police van and taken to a remand home. At the remand home she was persistently abused, physically and sexually. Her only hope for getting out of the remand home was to accept the rehabilitation programme offered by the government. This rehabilitation package included 5,000 rupees in cash and a sewing machine. Kohinoor was told that if she did not accept the deal she would have to languish in the home forever. She agreed but the authorities had another stipulation – that unless she produced her parents who would take custody of her, Kohinoor would not be allowed to leave the home. Now Kohinoor had not disclosed that she was a Bangladeshi as that would have meant that she would be deported back and while the foreign offices of the respective countries settled the bureaucratic details which often take years, she would have to stay in jail custody. And there was no way Kohinoor could get in touch with her parents and persuade them to come and 'rescue' her. By this time, however, Kohinoor had become worldly-wise. She found out that there were people around the remand home who would pose as her parents in exchange for money and the sewing machine. Taking advantage of this 'system' Kohinoor came out of the home with many others. Having lost all her savings at the time of the eviction, and after paying the impostors, all she had with her was 500 rupees.

6 Self-Regulatory Boards as a way of eliminating exploitative working conditions and combating trafficking

Members of Durbar have always been involved in helping other sex workers to escape from situations they did not like – be it from working as *chhukris*, abusive madams, or violent *babus*. However, they realised that to make a real dent into the practice of trafficking, they would have to formalise their efforts. In 1999,

² *Adhiya* is a particular contractual arrangement in sex work. *Adhiyas* are those sex workers who work for a madam and share 50 per cent of their income with her. Some *adhiyas* graduate to this status from originally being *chhukris* while majority start their career in sex work as *adhiyas*.

Durbar established local Self-Regulatory Boards in three red light areas in Calcutta. The idea was that through these boards Durbar would formally take steps to end exploitation of sex workers within the industry by establishing certain business norms. This would provide a more effective and humane alternative to the 'raid and rescue' approaches to dealing with trafficking.

These boards were comprised of ten members, six sex workers, (four drawn from the local DMSC committees, and two Durbar workers). Non-sex worker members were people such as locally practising lawyers and doctors, local councillors or *Panchayat* members, and members of local clubs. In the boards established in Calcutta red light areas, they also included representatives from the state Social Welfare Department, the Labour Commission, State Women's Commission and Human Rights Commission, and in some cases social and women activists.

However, after initially being constituted these boards remained fairly inoperative, while the Durbar activists continued their individual initiatives against trafficking. At the same time the *idea* of the boards gained currency among sex workers making Durbar realise that they had great potential for working autonomously and effectively to stop malpractices such as trafficking. Durbar decided to replicate these boards in as many sex work sites as possible to try out ways of establishing their authority and to make them effective.

In 2002 Durbar set up Self-Regulatory Boards in 19 other areas in Calcutta, the suburbs, and in the district towns of West Bengal with plans to extend such boards in all areas where DMSC has its branches.

6.1 How the boards' support trafficked people and prevent trafficking

Sex workers live and work in sex work sites so are usually first to know when a minor girl has been brought into a brothel/sex work site; and the place/house/brothel where she is held. Consequently, they are in the best position to speak with the concerned brothel-manager and other stakeholders on prevention of minors or unwilling adults from entering the trade. They are also specially placed to meet and interact with the trafficked person, to win her confidence, to know her place of origin (address) and to discuss options open to her in a fair manner.

Self-Regulatory Boards present in each sex work site are uniquely positioned to intervene in, and prevent trafficking into sex work, minors and unwilling adults from international, national or local areas. The mechanism operative in the borders to prevent trafficking for sex-work intervenes only at international level (e.g., at the border between Bangladesh and India or Nepal and India). No such mechanism is either present or possible to prevent inter-district or inter-state trafficking. However, as the Self-Regulatory Boards are located within the sex work site, trafficking from district or state level can be monitored and entry of underage girls and unwilling women into the trade can be prevented, irrespective of their place of origin.

The focus of the boards is to make recruitment of underage girls and unwilling

women into sex trade unviable to brothel-managers and madams. The central strategy is therefore, rescue and rehabilitation of underage girls or unwilling women coerced into sex work. Durbar feels the central focus should be on securing the well-being of the trafficked girl/woman and efforts should be made to rescue, repatriate and/or rehabilitate her rather than legally convicting the traffickers. Thus when they find any brothel manager harbouring an underage girl or an unwilling woman they negotiate with her to let the trafficked woman go and often manage to persuade her to pay for the woman's repatriation. Durbar activists convince the concerned brothel keeper by arguing that the extra profit she might make from the trafficked woman may not compensate for the regular pestering Durbar workers will subject her to and also possible arrest by the police. In areas where SRBs are functioning, trafficking of girls/women for sex work has become far less viable for traffickers and other trade controllers.

In sites where Durbar works, the proportion of sex workers under 18 years old has declined from 25.3 per cent in 1992 to 3.1 per cent in 2001. The median age of sex workers in these areas increased from age 22 to age 28 during this same period (Data from Sonogachi Project Baseline Survey 1992 and Follow-up surveys of 1995, 1998 and 2001).

Rescued girls are rehabilitated in state-approved residential schools and Durbar maintains contact with them to ensure overall development of rescued girls with the aim to improve their chances in life. Durbar teams regularly visit government-approved residential schools and monitor conditions of rescued girls who have been placed there by their SRBs. This is the central post-rescue thrust area for DMSC – providing access to the rescued girls to non-formal education, vocational trainings and cultural activities. This is in contrast to rescue of underage girls by law enforcement agencies – whose work ends, for practical purposes, after the girl is rescued and put into government-run remand homes.

Standardised guidelines, history-taking and medical examination formats are used by SRBs for rescue, repatriation, rehabilitation and follow-up of women trafficked into the sex trade. Durbar also maintains comprehensive documentation, including photographs of rescued persons.

From 1998 to end 2007, Durbar rescued a total of 560 unwilling women and underage girls. 86 of these were rescued in 2007, of which 66 were under 18 years of age and 20 were adult. 78 of these women came from India, 5 from Nepal and 3 from Bangladesh.³

6.2 Working with police and government bodies

The police use provisions of Immoral Traffic (Prevention) Act of the Government of India primarily to raid sex work sites indiscriminately and arrest or round up women from streets and brothels on the charge that they are all 'minors'. Once these women are brought to the local police station, they are forced to pay for

3 Information from Dr Smarajit Jana and Dr Amitrajit Saha, advisors, Durbar.

their release or are harassed further. Active and effective Self-Regulatory Boards endeavour to prevent this from happening.

However, relations with police are sometimes more cooperative. SRB members regularly liaise with local police and continue advocacy of their activities with district and state police. In a number of sex work sites, local police entrust SRB with rescue/rehabilitation of underage girls. On many occasions the local police issue formal letters to Durbar soliciting the help of the SRBs in locating particular trafficked women.

From their inception, SRBs have developed links with Departments of Health, Labour and Social Welfare of the Government of West Bengal. Advocacy among Ministers-in-Charge and Department Secretaries are done regularly. Interactions are taking place with the State Government on registering a State-level Coordination Committee of SRBs.

6.3 Partnerships with NGOs and other organisations

Partnerships with NGOs working at transit sites and at sites of origin have been developed by DMSC since 2002. During that year, Durbar conducted a survey in areas where informal cross-border movement between Bangladesh and India (West Bengal) occurred. A meeting was subsequently held to design interventions around cross-border (Indo-Bangladesh) movement in Dhaka, Bangladesh. Durbar, Bangladeshi sex workers organisations (Durjoy and Ulka), CARE-Bangladesh, and Bhoruka Welfare Trust participated. Durbar's anti-trafficking activities were extended through collaborating with other organisations/NGOs who worked in cross-border transit sites between Bangladesh and India.

Out of this collaboration, SRBs were initiated in sex work sites close to Indo-Bangladesh border – at Changrabandha (Cooch Behar), Hilly (Dakshin Dinajpur) and Bashirhat (North 24 Parganas). UNDP support also enabled Durbar to establish a short-stay Home 'Bhalobasha' established in Maldah to provide temporary safe house for trafficked women waiting for repatriation.

Self-Regulatory Boards are gradually becoming accepted as an anti-trafficking strategy to prevent entry of underage girls and unwilling women in sex work sites. In 2004 funds were received from Action Aid for all 27 SRBs of DMSC. Durbar was invited to share its experience of combating trafficking into sex work sites in different forums. For example, in 2005, the organisation was invited by West Bengal Women's Commission to share its anti-trafficking experiences at a two-day workshop held in the West Bengal State Legislative Assembly (2 and 3 February 2005).

6.4 Other activities

Self-Regulatory Boards act as controlling bodies in sex work sites to put an end to exploitative practices that range from exploitative contractual agreements through violence and sexual exploitation by local men, power-brokers and hoodlums, to financial exploitation of sex workers.

Self-Regulatory Boards have heterogeneous membership, including both sex workers and local representatives and influential community members. This group is therefore well-placed to demand social welfare schemes, oversee government works to be undertaken in sex work sites and see that social welfare measures reach the target group including sex workers' children and retired sex workers. The board is able to pressurise the government to allot and undertake various welfare and development activities for betterment of sex workers and their children.

To improve quality of lives of sex workers and their children and to give rescued women/underage girls chances in life, Durbar also runs adult literacy classes, education centres for children/underage girls and provides skills training in making and marketing handicrafts. Between 1999 and 2004, 650 children of sex workers enrolled in Durbar-run education centres, and 500 were admitted to mainstream schools.⁴

6.5 Challenges

The principal challenge for the boards to become really operative is that they do not have any legal or social standing. While the law of the land is ambivalent about the legality of taking money for sexual services it does not recognise sex work as a valid occupation. Also social discourses frame sex workers as aberrant women, associated with criminality, and who cannot be trusted with the welfare of other women and children. To prevail over this bias against them, Durbar members had decided to involve representatives from the mainstream society in the boards so as to render its activities transparent and public. Strategically Durbar also involved representatives of the state in the boards to gain tacit approval of the state for its activities. However, in spite of this there exists degree of discomfort between Durbar and state bodies, particularly the police, as Durbar's interventions into trafficking and its rescuing of trafficked sex workers violate the constitutional boundaries between the state and the civil society. Such tensions become even more obvious and acute when Durbar refuses to submit the rescued individuals into police custody, as is required by the law.

Madhabi's story

As a teenager Madhabi had fallen in love with a distant relative, Mukul. However her parents did not endorse Madhabi's love affair. When her parents insisted that she end her relationship with Mukul and marry a man they had chosen for her, Madhabi ran away from home with Mukul. They rented a room in the suburbs of Calcutta and started living together. Mukul had neither income nor the skills to find any job in the city. They managed to survive the first couple of months by selling Madhabi's jewellery.

4 Information from Dr Smarajit Jana and Dr Amitrajit Saha, advisors, Durbar.

One morning Mukul left home in search of a job and did not return. Two days later Mukul's friends turned up saying they had come to take Madhabi to a hospital where Mukul had been admitted following a serious accident. Travelling for more than an hour by bus and tram they get down at a place that Madhabi did not recognise. She got confused finding herself in a strange street. 'How could it be a hospital', she mumbled. She had never seen so many women standing in the street, talking so loudly.

As she hesitated, Mukul's friends dragged her to the staircase of the nearby building. Suddenly they heard a harsh voice from behind asking them to stop. Unknown to Mukul's friends Durbar volunteers have been following them since their arrival into the red light area, finding their movements to be suspicious.

Madhabi was brought to the Durbar office for counselling and other support. The other volunteers found Mukul lurking in the brothel Madhabi was being taken to and took him and his friends to the local police station. After a brief dialogue, the officer in charge asked Durbar members to hand over Mukul and Madhabi together to the police so that he could register a case of trafficking against Mukul, saying that without taking custody of Madhabi who was purportedly being trafficked no case could be booked against Mukul. The volunteers returned to the Durbar office. A debate soon ensued, with other members of Durbar joining in.

What was being debated was Madhabi's fate. Should she be handed over to police so that Mukul is punished or should she be allowed to follow a course of action of her own choice? Durbar members knew that putting Madhabi in police custody meant indirectly 'forcing' her into the sex trade, which she did not want to engage in. Usually when a trafficked woman is rescued from the sex trade and put in police custody, the police put her up in the government remand home, which is notorious for corruption and unofficial linkages with the brothel owners.

In Durbar's experience many of the madams who recruit trafficked women have a system worked out by which they get the woman back by paying a bribe to the remand home authorities. They then extract the amount they had invested, often inflating it manifold, from the trafficked woman by making her work without wages. Moreover, the entire process through which Madhabi would have to pass once put in the hands of the law enforcement system, from police custody to judicial custody to remand homes, is not only a lengthy one, but also extremely hazardous. The police, the caretakers of the remand home, are likely to treat her with no dignity often taking advantage of her sexually. At the end of such a process her already restricted options would be reduced to none whatsoever.

To resolve such dilemmas Durbar has taken a stand that their chief interest is in restoring a degree of control to the trafficked individual and not in convicting the trafficking agent, the latter being the responsibility and concern of the state. So

they have decided never to put a trafficked individual in police custody for the sake of filing a case against the traffickers. Moreover, their experiences have shown that at least in the case of the sex industry in West Bengal, trafficking takes place through the help of numerous agents, often unconnected with each other and many of them known to the trafficked individuals, be they their relatives or lovers. So arresting or convicting some of them sporadically is unlikely to have any deterring impact on the process itself. In many cases Durbar has managed to establish working relationships with local police, and the higher ups in the police administration, whereby Durbar continues to recover and repatriate trafficked sex workers themselves with implicit knowledge of the police. However, the issue gets even more complicated when the trafficked individual comes from another country and has immigrated illegally. This poses a potential threat to Durbar's intervention in this arena, as its extra-constitutional role can be held against them if the state so wishes.

The other challenge is that of gaining the trust of sex workers in the area. The boards can be really effective only if the majority of the local sex workers have confidence in the board and supports its actions. So, in order to gain sex workers' trust and also to involve the non-sex worker members more actively, the Self-Regulatory Boards have embarked on a series of developmental activities in the red light areas. These include helping sex workers to acquire ration cards, in some cases BPL certificates,⁵ repairing roads in the red light area, arranging regular clearing of garbage, proper water supply and so on. These activities not only bring succour to sex workers, but also get the non-sex workers members involved, particularly councillors and *Panchayat* members who are in any case supposed to provide such services to their constituency. They also make the boards more visible and give them some legitimacy in the neighbourhood. Durbar members think once the boards establish themselves as important stakeholders in the red light areas, it would become easier for them to undertake anti-trafficking activities directly. Meanwhile, Durbar members continue to identify trafficked sex workers and minors and to recover and repatriate them on their own. They hope that once the boards become more active in this arena, the entire range of anti-trafficking activities would get a more official and formal seal.

Durbar members suggest that apart from the developmental activities, the boards should also engage in analytical discussions and trainings internally, to bring all their members, both sex workers and non-sex workers alike, up to speed with Durbar's thinking and position on trafficking. Without such a rigorous theoretical and ideological framework there would be the danger of the boards lapsing into the more usual 'raid and rescue' mode of intervention. They also suggested that the board members from one area should visit boards in other red light districts to develop a wider understanding of the issues involved and also to develop a common identity, which in turn would help the boards to build up a more institutional character.

5 Certificate that the holder lives below the official poverty line, which ensures that the holder has access to some special government schemes.

The prevalent positions and practices of NGOs, both local and international, also pose a challenge to sex workers' interventions in trafficking. Sex workers and trafficked persons who take the initiative to deal with their own problems as actors in development, rather than passive recipients of beneficence, are challenging the conventional role of NGOs and the 'enlightened' middle classes, working on *behalf* of the poor. If more and more sex workers' organisations gain the capacity and the confidence to implement anti-trafficking intervention activities themselves, the role of NGOs as mediators would become gradually redundant and thus unjustifiable for funding by donors. In fact, sex workers and trafficked persons' demands for the right to self-determination and autonomy represent an ideological challenge not just to the prevalent anti-trafficking practices by NGOs, but to all discourses that reduce the marginalised and particularly women, to submissive victims of their circumstance, devoid of human agency, unable to steer their own destiny unless 'rescued' through the benevolence of others.

This final challenge can only be overcome if Durbar could bring about a discursive shift in the way sex work and sex workers, and in fact all development constituencies, are framed.

7 *Mela*⁶ as an advocacy tool for engendering discursive shifts

Durbar has always been aware that to change the reality of sex workers' exploitation and marginalisation, it has to change the discourses that create and justify the conditions that socially exclude sex workers. Much of Durbar's activities have concentrated on opening up spaces in various public forums where sex workers can articulate their interests and demands and exchange views with representatives of other civil society organisations and the state and media. Towards this end Durbar had organised workshops, seminars, state and national conferences in the past. However, in the beginning of the century Durbar did something new. In both 2001 and 2002 Durbar convened a *mela* or a carnival as part of their ongoing programme to put sex workers' rights on the global agenda.

They had conceived of the *mela* as a meeting ground for all sex workers of the world – of all class, creed or gender, as well as organisations and individuals committed to the rights of sex workers and their children, to gather together and meet face to face. At the *mela* they celebrated their lives and their struggles and exchanged their stories as part of their avowed movement to change histories. This was perhaps the first time in modern history that sex workers held such festivals.

We have organised many workshops, seminars, and conferences. This time we thought we should have a *mela* – a carnival – where we can do things in our own style. *Melas* are part of our culture. People – both sex workers and

6 *Mela* in many India languages mean a huge fair, where traditionally all classes of people, particularly the poor, gathered to buy and sell and have fun and enjoy cultural performances.

others, go to many *melas* – so in our *mela* they would be relaxed and informal – they would participate freely, have fun, talk to each other and come to know and perhaps respect each other. We called the *mela* the Millennium Milan Mela – Milan in Bangla means coming together. It can also mean sex [she said with a grin]. Also, we wanted to show that as sex workers we are part of the society – and like others in the society we too can organise our own *mela* and invite everybody to it.

(Putul Singh, Secretary, DMSC, during a focus group discussion in 2001)

In 2002 Durbar organised another *mela*, this time *Shanti Utshab*, a peace festival, to register sex workers' protest against violence and war and to celebrate peace.

At both occasions days were filled with a variety of cultural events such as folk dances and music as well as discussions and debates. The vibrancy of the space emerged from the impressive photographs exhibited by children of sex workers, an art camp which presented paintings of renowned artists and the music of the *Bauls*⁷ from Bengal. 3rd March was declared and celebrated as the International Day of Sex Workers' Rights, when sex workers from all parts of India as well as from Bangladesh and some South East Asian countries took vows to continue their struggle for decriminalisation of sex work and recognition of their work as formal labour. On the eve of the International Women's Day thousands of sex workers and their allies came together for a torchlight march, while the *Bauls* sang about life, body, mind and spirit.

Discussing the impact of the *melas*, sex workers were of the opinion that as an advocacy tool, addressing wide-ranging sections of the mainstream, *melas* play a unique role. They said that the *melas* provided the common space for expressive discussions concerning the much craved-for freedom and liberty of human beings all over the world, and helped Durbar to form linkages with individuals and organisations working against the marginalisation of all minority communities, be they caste, class, religion, occupation or sexuality based.

The Millennium Milan Mela and the *Shanti Utshab* were great successes – thousands of sex workers from all over India came to it – also our comrades from Bangladesh, Indonesia, Malaysia, came – we felt we were a united community fighting for our rights. We formed a Regional Network of Sex Workers at the *mela* – where different sex workers' organisations will work together to get our rights in South and South East Asia. Our National Network of Sex Workers in India too got a moral boost.

Many policymakers came to the *mela* – Ministers, members of the assembly, as well as popular writers, dramatists. They spoke to us, listened to our demands. And many of them promised to work together with us as they found what we want reasonable and just. Many ordinary people came to the *mela* too. They normally do not get to meet sex workers, so they usually have strange ideas about us. But at the *mela* they had a chance to talk to us personally – and many of them found out that we are like them – human

7 Itinerant folk singers from West Bengal and Bangladesh.

beings trying to make a living and have a life. The media was there in great numbers – it was a very colourful and unique event after all. So people who could not come to the *mela* could also get to know about it – know what our problems are and how we are trying to solve them.

(Rama Debnath, Treasurer DMSC, quoted from a focus group discussion in 2002)

Some of the key themes that were discussed at the *mela*, both at formal forums and in informal huddles, were on the status and rights of sex workers, on the role of the state towards the community, issues of sexual minorities, the role of sex workers in the health sector as well as on the much debated anti-trafficking initiatives.

To broaden scope of the *mela*, and to ensure that it does not become just a Durbar show, and is equally owned by other sex workers' organisations in the country, in 2003 it was held in Kerala, by the Sex Workers' Forum Kerala, under the name of 'The Festival of Pleasure'. In 2005 the National Network of Sex Workers organised a rally in Delhi, the capital city, by sex workers drawn from all corners of India, submitting a petition to the Indian Parliament to decriminalise sex work. Since then simultaneous celebrations are held in different parts of India by sex workers' organisations and also sex worker peer educators in HIV interventions supported by the state and other donors on and around 3 March. In March 2008 the National AIDS Control Programme organised regional Peer Educators Conferences.

When asked how would the *melas* impact on enabling Durbar's position on trafficking to come to be more widely accepted, a Durbar worker was of the opinion that

We had seen in our HIV work that among all forms of communication, be it flip charts, video shows or puppet shows, it is direct dialogue that works best. Unless those who have a message and those who are being addressed have face-to-face dialogue neither party get the real picture, and neither start trusting the other and what they are saying. So far, people have known that we are working against trafficking. But no one quite believed that we could make a difference when big NGOs and the mighty state have failed. They must have thought rather dismissively, oh what will bunch of prostitutes manage to do? But at both the *melas* thousands of people actually came and met us – and not just a handful of activists but hundreds of sex workers united in the struggle against *anyay* (injustice) and *shoshon* (exploitation). We could talk to them directly and clarify their doubts. Also they saw how efficiently we managed to hold the *melas* without any hitch, how well we managed the crowd, handled the media and fed thousands of guests. They had to appreciate our organising capacities. [Laugh] If we could deal with so many suspicious outsiders, we would surely manage to convince the madams and other gatekeepers in the industry – who are after all our own people.

Shikha Das, Durbar activist, quoted from a focus group discussion in 2002)

The *melas* indeed had a huge impact. As they were widely covered by the media the message of the sex workers' organisations reached into ordinary people's

homes – people who had hardly ever acknowledged that sex workers existed. They came to know the sex worker activists, bold, articulate and reasonable, from television interviews and newspaper coverage. They heard them reasoning why the demands they have raised were legitimate. Even if they did not agree with the demands at least it became established that they are worth debating. They saw sex workers enjoy the very same cultural pursuits that stimulate them such as folk songs and alternative drama. So sex workers were human after all, so maybe, just maybe, they could be considered as workers and fellow citizens too?

There is a clear indication that the discourse is shifting. Durbar was the one to introduce the word *jounokormee*. The literal translation is sex or sexual (*jouno*) and worker (*kormee*). This is now used in Bengali for sex workers, as a way of claiming an identity as workers. While the debates rage on about whether sex work can be considered to be a valid occupation and whether sex work should be decriminalised, the word *jounokormee* has made its way in everyday use of language. In the local newspapers, both English and Bengali, for example, the other, more derogatory terms for sex workers are hardly ever used, unless the reporter deliberately wants to deprecate the sex workers' rights movement. Remarkably the media coverage of the *melas*, while celebratory in mood, was not puerile, voyeuristic or titillating. The *melas* were described as unique events but not because hundreds of sex workers could be gawked at there, but because of the richness of the content.

8 Looking forward

Much more has to happen in order for this incipient discursive shift to have an impact on prevalent anti-trafficking practices on the ground, and for sex workers to be accepted as equal players in the anti-trafficking forums, where they could effectively challenge the anti-sex worker and anti-human rights slants in the dominant discourses and interventions.

In a series of discussions on future strategies, Durbar workers suggested some ways forward. The first task is to consolidate the Self-Regulatory Boards that have already been formed and to establish new ones in each sex work site where Durbar is active. Once the boards are strengthened it has to be seen that the anti-trafficking interventions are carried out through the boards so as to lend both legitimacy and an institutional framework to the interventions. For this to happen, apart from the boards continuing with their developmental activities to build up their image and increase their acceptability among sex workers, board members including the non-sex worker members would have to be rigorously trained. In addition, mechanisms to monitor the activities of the boards, to measure their impact, and most importantly to guarantee their accountability to the local sex workers and to sex workers' organisations would have to be established. To achieve the latter, one suggestion that came from Durbar activists was that the boards should be financed by contributions from local sex workers, and not be funded externally.

This would mean that a board in any area would be able to function only if it can convince local sex workers of its usefulness and that it would be answerable to

local sex workers. Another suggestion was to rotate the leadership and membership of the boards regularly so that they do not become centres of power controlled by a small number of sex workers but are accessible to all. Lastly to give the local boards authority, a state level central Self-Regulatory Board has to be formed, which can act as an ombudsman and can also advocate and lobby with the state and other national and global policymaking bodies for necessary policy changes on the suggestions from local boards.

Durbar activists also recommended organising a wide consultative process with all sex workers, first across West Bengal, and then in all other parts of India, to familiarise ordinary sex workers with the idea of Self-Regulatory Boards, and to solicit their suggestions about how best could such boards operate in their areas, and get them to participate in board activities. Such a consultative process would popularise the idea of self-regulation and could help in raising a nationwide demand for regulation of the sex industry through such mechanisms rather than through external interference and policing. This process has begun, and a Self-Regulatory Board was established in 2007 by sex workers organisations in East Godavari – a coastal district of Andhra Pradesh.

Addressing the issue of how to influence the anti-trafficking discourses and practice, Durbar workers proposed that they needed to publicise their achievements and their ideological framework more widely. Their experience of the *melas* has shown that large-scale public events are most effective in addressing a wide audience of different stakeholders, and attracting media attention. While the *melas* continue to provide an effective forum, they also welcomed the idea of holding huge public hearings in different parts of India, starting with the capital Delhi, where sex workers who have been trafficked can recount their own experiences of overcoming the odds, and the relative merits of Durbar's approach and the more common 'raid and rescue' methods can be openly debated.

As the centre of the anti-trafficking discourse remains located in the north, particularly the USA where the moral right is still ascendant, Durbar workers thought that they have to find ways of taking their messages directly to the discussion forums in the north. They plan to hold a *mela*-like event somewhere in the north where local sex workers are organised, in collaboration with various sex workers' organisations in the north and the south. Coordinating such an event would require major financing, intricate planning and massive organisation but they believe, as in many earlier occasions, if they are determined they can pull it off.

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