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13. A Study of Vigilance System for Addressing the Violence of Female Sex Workers of Nashik City

Dr. Girija Ranasing Thakur

Post-Doctorate Fellow, ICSSR-Delhi.

Mr. Ravindra Pawar

Director-Rayat Foundation.

Dr. B. D. Kokate

Principal and Head of the Department, Balbhim Collage Beed.

Introduction

Female sex workers are facing problems in their day to day life, especially the major number of harassment and violence from other community members. Their life has hampered by the stigmatized behavior of the general community people in all parts of India. As per the Indian constitution, every human has a right to life and equal protection of the law, but with the concern of the female sex workers, they are far away from the constitutional rights and established system in all states of India. At the other part of the legal system of India, it is not clearly defined that sex work is not legal or illegal hence, perspective towards them is very judgmental and one-sided from the other community members of the society. As per the Indian law system, the rule of law is supreme and everyone is equal. But the women are in sex work have a constant skirmish as they have to fight oppression, abuse, crisis and discrimination from every part of the society including their own family and friends. The life of FSWs is a daily battle as there is no acceptance anywhere and they are ostracized from society.

As per the World Health Organization (WHO)¹ Violence is the intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or community that results or has a high likelihood of resulting in injury, death, sexual or psychological harm, maldevelopment or deprivation of liberty. In this context, female sex workers face high levels of violence, stigma and discrimination as well as human rights violations, though they are part of the society.

The Supreme Court of India has cleared that sex workers are entitled to the right to life and also added protection guaranteed to every citizen. It instructed the State to provide

recommendations on the “rehabilitation of sex workers who wish to leave sex work willingly and provide conducive conditions for sex workers who wish to continue working as sex workers”, according to Article 21 of the Constitution.² In 2015, a Supreme Court panel recommended that several provisions of the Immoral Traffic Prevention Act, (ITPA) be read down in the context of consenting adult sex workers and their families.³ But still, the female sex workers are very far from the fundamental and constitutional rights. Hence, the present paper highlights the violence faced by female sex workers and the address system.

Note: Hereinafter FSW word is used for female sex workers.

Methodology

Random sample method was used for the data collection. In India, there is a number of programs run for female sex workers on HIV/AIDS. According to the National Aids Control organization the intervention of the sex workers areas is Brothel based, lodged based, Street-based, bar-based, and home-based population. The categorization of the intervention depends on the solicitation points of the female sex workers.

There were 650 FSWs are estimated in the Nasik district as per Community-based organization.⁴ The organization is working for the FSW of Nasik. The sample was selected from the available data source and a total of 50 respondents were selected for the data collection. In the study 66% respondents were from the brothel area while 20% were from lodge-based and 14% were from street-based. Interview scheduled comprised the questions of the daily life of the FSWs, type of harassment - violence, and crime against the FSWs and their knowledge about the legal system of India.

Consent and Confidentiality

The interviews were conducted in the local language and the instrument in English was translated in Marathi. All the respondents were clearly informed about the purpose and objective of the study and sought consent (mostly verbal) in the presence of another witness for participating in the study. Out of the total sample, 90% of respondents were having consent to conduct the interviews and 10% are denied to provide their information.

The interviews were conducted at a safe and secure place along with the assurance of audio-visual privacy. Ensuring the sex workers were able to talk freely and shared their information and opinion towards the violence and vigilance system without fear. Accordingly, 68% of interviews were conducted in the brothel area while 18% interviews were conducted in

the lodge itself. However, 14% of interviews conducted in the community-based origination premises.

Study Results: Socio- Economic and Demographic background of the respondents

Demography

It is observed that 62% of respondents were reported that they came from other districts of Maharashtra i.e. Ahamadnagar, Aurangabad, Nandurbar, Parbhani, Jalgoan and some of the Nasik district itself. Further stated that they were associated with the brothels and residing in a brothel for more than 7 years. They were visiting their native place on the occasions of family functions, ceremony or festivals. While 28% of respondents came from other states of the India i.e. West-Bengal, Rajasthan, Gujarat, and Bihar. It's observed that most of the other state respondents came from the West Bengal.

Age

Age is the most important factor in FSW's community, which depend the attitudes of the individual and their maturity towards the profession. The age distribution of the interviewed FSWs, the majority of the respondents were coming under the age group of 31 – 40 years i.e. 36% while 32% FSWs reported that they were belonging to the 41-45 age group and 18% were belonging to the 18-30 years of age.

Marital Status

The majority of the interviewed FSWs i.e. 74% were deserted/separated/divorced or widowed, while 16% were currently married and 10% were never married. This is one side of the mirror that deserted or divorced women are more in the sex trade.

Living Status

Of the interviewed FSWs 34% of respondents were living in the brothel area, while 28% were living with their sexual partner (other than husband) and 10% were living with their husband who married them. Further stated that 46% of respondents were having the children but it is also interesting that their children were living at their grand farther or mother or with other immediate family members at their native place.

Reason

Data reveals that 92% of respondents came in this sex trade because of force or coerced or immediate needs of the family. While responded FSW's 44% were currently in debt. The debt

has not taken from the bank but local people or fellow workers or the Malkins to fulfill the family needs.

Financial Support

It is very important that sex workers earn from the sex work are providing financial support to their family, partner or children. Of the interviewed FSW's 46% were provide support to their family to take care of the children's education and day to day needs, while 22% respondents were provided financial support to the sexual partner other than husband. It is also noticed that the brothel-based and lodge-based sex workers were pay to brothel Malkin's (Madams) and lodge owner's (40% amount from theirs each sex encounter) to the sake of stay, food and main security from local goons, support during the police raids and other consequences.

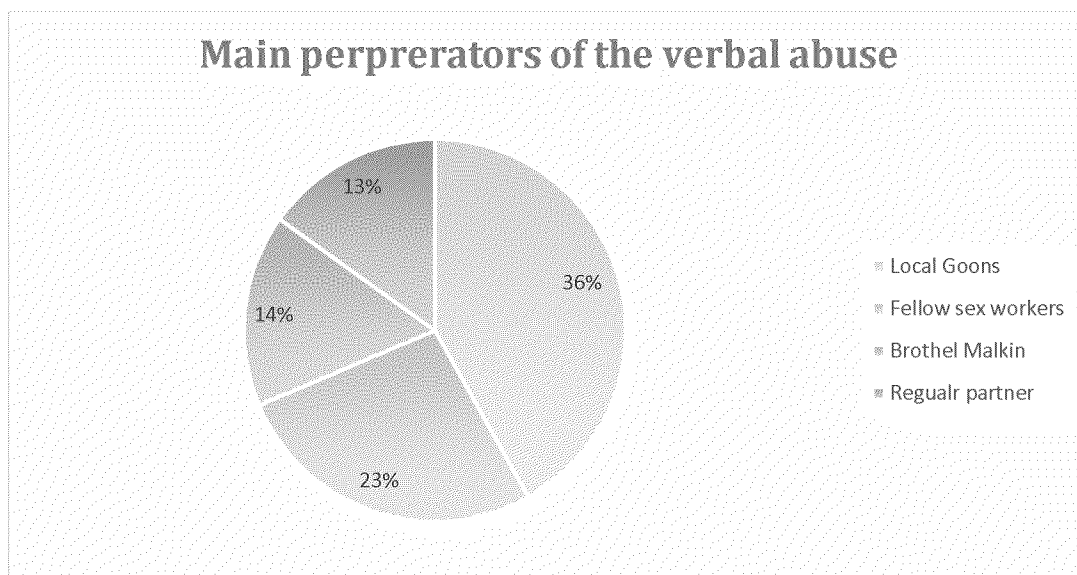
Violence and vigilance system

The Female Sex Worker community is mostly staying away from their family members and even from the blood relatives. Staying away from the family members is the way to increase the vulnerability in their life. They need to get support from the external peoples or needs to pay for it through money or through kind. The life of a sex-worker is truly attached to uncertainty and unpredictability in terms of life-threatening issues. They are living in that society where they don't have the dignity to get immediate support from other community members. They are building their support system as per their need, experience and knowledge.

In view of this, the majority number of the women who are involved in sex work were reported that they experienced harassment, violence or verbal abuse every day.

Verbal Abuse

In the series of questions, it is inquired that, " have you faced verbal abused in the last one month", majority of the respondents i.e. 86% stated that they have faced verbally abused in the last month. It is also noticed that those have faced the verbal abused said that "रोजहीगालीगलौचहोतेरहतीहै, अबतोआदतसीबनगयीहै". It is clearly indicating that they thinking this is a part of life and not to worry about the verbal abuse.



The above chart shows that mostly abuser was the local goons (36%), followed by fellow sex worker (23%), Brothel Malkins (14%), and regular partner i.e. 13%.

Further, who have faced the verbal abuse, shared the experience of the verbal abuse their Brothel Malkins i.e. 70%, but when the question asked related to the abuser was brothel owner or the malkins, then they were sharing with their fellow sex workers or the partner. Among this 38% are received a positive response and have word with the abuser. While 32% stated that they have not received any response from the Malkins. It is also coming to notice that they have not taken any legal action against the abuser only have word with them. Also, it is observed that the ratio of communication or sharing is also less among FSW's.

Physical Abuse

In view of the physical abuse, (hurt, hit, slapped, pushed, kicked, punched, choked or burned, but not used weapon), there where 60% of the respondents are stated that they faced at least once physical abuse in the last six months, while 12% reported that they faced physical abuse more than four time in the last six month and 4% respondents said that they faced more than 6 to 8 time physical abuse in the last six months. It is indicating that more than 75% of the sex workers have undergone the physical abuse in last six months, which indicated a high ratio of physical abuse. Only 14% respondents were reported that they didn't face any physical abuse.

The main perpetrator of the Physical abuse and vigilance system

1. According to the frequent abuser, the respondent shared that the main perpetrator (abuser) was the strangers, local goons, regular partner and sometimes husband and

regular partner also. The category of a regular partner is more influential than other factors.

2. It is noticed that 74% of respondents (victims) have shared the physical abuse experience to Malkins and brothel-owners (pimp), along with that they have also share the abuse experience with NGO/CBO staff and fellow sex workers.
3. The NGO and CBO have established the crisis committees at the area level, but very few incidences addressed in the committee. The system is really helpful to address the issues at ground level but regular meeting, knowledge about the law and system is important to resolve the issues.
4. Further noticed that 16% have approached to the Police authority for report the physical harassment and legal system support them as well, the respondents shared that “छोटे मोटे फिजिकल एब्यूज के लिए क्या पुलिस स्टेशन जाना है.”
5. Those have approached in the Police station, only 6% received a positive response from a legal authority.

Issues regarding the Movable or Immovable property

1. 10% interviewed respondents were faced movable and immovable property-related issues ever. Further stated that 8% issue has done by the local goons and 2% faced by the stranger. Mostly mobile have stolen, money grabbed by the perpetrator. Such kind of incidences FSW's have shared with the manager, and Malkins.
2. Among this, 4% of the respondents have filed the report in the police station and received the support as same.

Support and enable environment from Legal authority

Majority of the respondents i.e. 64% reported that they have faced trouble from the police in the past six months and they have provided something to the police to avoid trouble. FSW's were feeling fear to talk about the police trouble and not shared what they have provided to them.

Further study reveals that 26% of respondents have arrested once in their life among that 14% have received support from other sex workers and NGOs.

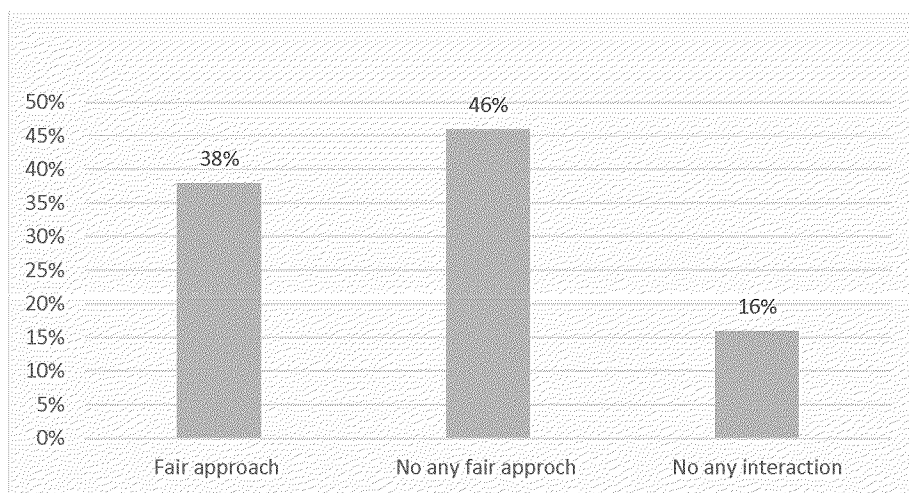
While asked about the District legal service authority support, FSW's stated that, “We have not received the free legal aid form DLSA”.

Enabling Environment

The female sex workers group is very deprived of the community hence various organizations are worked with them to provide platform to raise their voice, this is the impact that majority of the respondents i.e. 70% were comfortable to speak their opinion at a large group which is a good sign. While 16% of respondents were not able to speak any words at large group level even not in the sex workers groups also.

Of the interviewed female sex workers 38% respondents think that sex workers are not treated fairly at public places such as hospitals, banks, post offices and schools as a stigmatized label of sex work, while 52% of respondents were feeling treated as fairly.

Police Approach: View of FSW's



As per the above chart, 38% interviewed respondents stated that police treat them more fairly now, than they did years ago, 46% said that there is no change in the treatment of police towards them in the past year. Whereas, 16% have never interacted with police authority ever.

Legal services and support systems

As per the data, 24% of the respondents stated that they are the part of crisis committee which have established by the CBO and NGO in their own areas. The crisis committee constitute : Representatives from brothel Malkins, stakeholders, FSW's an NGO or CBO.

It is also came to know that five crisis committee has worked for the female sex worker at Nasik city and function is to address the issues. The Crisis committee at brothel level help in enhancing community participation in the functioning of the committee and provide a

mechanism for more effective management to resolve the issues at their own level, also support to take legal help if the issues are major.

The District Legal Service Authority provide training to marginalized community and provide the free legal support also, in the concern of that data supported, 30% of respondents have been received the training on legal aspect form community organization and DLSA on Immoral trafficking Prevention Act (ITPA).

The community organization, non-governmental organization and DLSA have organized the training on legal aspects to make them aware of their rights, Laws, and acts regarding the FSW's. The capacity building programs help to develop the ownership of the community and encourage to participate in legislative discussion for their own rights. It is noticed that 90% respondents know about the Immoral trafficking Prevention Act (ITPA) as they used the PITA word for it, but detail information about the ITPA-Act is lack among the FSW's.

During the discussion came to know that some of the sex workers are the part of sex work networks at national and international level, this provides the state and national level platform for sharing their ideas and thoughts.

Conclusion

Various forms of abuse are quite common among sex workers. Thus, the present study aims at looking into the prevalence of various types' abuses in the community with special reference to harassments and violence against the female sex workers and vigilance system to address the issues.

Even though harassment is part of their life there is no proper system for addressing their instances issues by the support system of fellow sex workers or Madams or the NGO's crisis committees. According to Indian law, there is a provision to protect women but fear about the law system and legal authorities are bottleneck problem to get rid of the issues.

They have very limited knowledge about the immoral trafficking act and laws regarding women because they are apathetic towards it. On the other hand, external sources are not easily approachable.

Sex workers are facing harassment very often which is impacting on their lives. Neither the experience of regular harassment is affecting their lives for accessing the benefit of their rights as a citizen of India nor physical and mental health too.

Recommendations

Women who are in sex work have issues related to social exclusion and discrimination to lack of education and social facilities, and unemployment hence needs to create special space for them. It is recommended that

1. Proper intervention and supportive legal system help to address the major issues of the FSW's.
2. To create awareness among the community on humanity and equality towards the human being.
3. To encourage them to provide the education to adolescents and their children. And also, adults to enrolled for skill-based training for their economic progress, it will help them to get jobs or opportunities.
4. Legal awareness and support system information needs to be populated in the sex workers community. The government should educate them through the IEC department under the women and child development.
5. Direct shelters and state homes to discontinue practices of coercion and forceful rehabilitation.
6. Legal aid and access to legal counsel be made available in all shelters, including specific investigative powers for women who have been trafficked, are survivors of domestic violence or sexual assault.

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