

Meena Seshu speaks out against India's Immoral Trafficking Prevention Amendment

Across histories and cultures, people in prostitution and sex work have historically been cast as social deviants. With the arrival of HIV and AIDS, they have been further stigmatized, as carriers and transmitters of the disease, and have been excluded from policy decisions that threaten their health and well-being.

Next month, the Parliament of India will vote on an amendment to India's 2006 Immoral Traffic (Prevention) Amendment Bill that will further stigmatize and violate the human rights of sex workers by criminalizing the purchase of sexual services in India.

While the political appeal of criminalizing the clients of sex workers is clear, there is no evidence from any country that this is an effective strategy for the protection of women sex workers from violence and abuse. Indeed, there is growing evidence from numerous countries that criminalizing either the sex worker or her client is likely to contribute to abuse and marginalization of sex workers. Criminalization forces sex work to be clandestine and gives latitude to the police to be abusive of sex workers, as well as opening the door for criminal elements to become prominent in the sex trade.

In 1998, Sweden passed a similar law penalizing the purchase of sexual services. It was argued at the time that this strategy would focus the force of the law and law enforcement away from sex workers as the "weaker" and "exploited" party in sexual transactions and would protect women sex workers from the predatory impulses of their clients. After ten years, a number of independent and credible evaluations of the impact of this law have shown that far from protecting women in prostitution, the law has made them more vulnerable in numerous, unforeseen ways.

Fearing prosecution, men have made it clear that they prefer more covert venues for sexual transactions, and a great deal of Sweden's sex industry has apparently moved indoors, a development greatly facilitated by the use of the internet. Women sex workers still working on the street because they are unable to move their work indoors have reported to researchers that the law has made them more, not less, vulnerable to predatory and violent clients. They note that the men who seek sex on the street are those who are most desperate and violent.

Moreover, since there are fewer clients on the street, those who are still there can be more demanding, including insisting on sex without condoms and other unsafe acts. Some experts have noted that because of the evidentiary rules attached to it, the law has provided an incentive for men to refuse to use condoms because condoms can easily be brought into evidence against them in court proceedings.

Swedish women who remain in street-based work also report that they are unable to maintain their informal networks to warn each other about dangerous clients or support one another in other ways. Transactions are more dangerous and stressful as male clients want to hurry the negotiation, and it is harder for the sex worker to assess whether the client is potentially violent or abusive.

Human rights and HIV/AIDS advocates around the world have long looked to India as a model for engaging sex workers and sex worker collectives as HIV/AIDS educators and key players in HIV prevention nationally and internationally. Therefore, what India decides is vitally important.

Support of sex workers is critical during these challenging and precarious times, as policies and laws that compromise the well-being and rights of sex workers are emerging worldwide. We need to move the discussion beyond vice and victimhood to support women's rights and health together. The costs of not standing together are great.

Source: [Beyond Vice and Victimhood: Recognizing the Human Rights of People in Sex Work \(RH Reality Check\)](#)

[Immoral Trafficking Prevention Amendment](#)