

“We have the right not to be ‘rescued’...”*: When Anti-Trafficking Programmes Undermine the Health and Well-Being of Sex Workers

Aziza Ahmed and Meena Seshu

Abstract

This paper highlights the impact of raid, rescue, and rehabilitation schemes on HIV programmes. It uses a case study of Veshya Anyay Mukti Parishad (VAMP), a sex workers collective in Sangli, India, to explore the impact of anti-trafficking efforts on HIV prevention programmes. The paper begins with an overview of the anti-trafficking movement emerging out of the United States. This U.S. based anti-trafficking movement works in partnership with domestic Indian anti-trafficking organisations to raid brothels to “rescue and rehabilitate” sex workers. Contrary to the purported goal of assisting women, the anti-trafficking projects that employ a raid, rescue, and rehabilitate model often undermine HIV projects at the local level, in turn causing harm to women and girls. We examine the experience of one peer educator in Sangli to demonstrate and highlight some of the negative consequences of these anti-trafficking efforts on HIV prevention programmes.

Keywords: HIV/AIDS, sex work, trafficking, prostitution, health, India, anti-trafficking

* SANGRAM, *Bill of Rights*, 2010.



Part I. Introduction

This paper highlights the impact of raid, rescue, and rehabilitation schemes on HIV programmes. It uses a case study of Veshya Anyay Mukti Parishad (VAMP), a sex workers collective in Sangli, India, to explore the impact of anti-trafficking efforts on HIV prevention programmes. The paper begins with an overview of the anti-trafficking movement emerging out of the United States. This US anti-trafficking movement works in partnership with domestic Indian anti-trafficking organisations to raid brothels to “rescue and rehabilitate” sex workers. Contrary to the purported goal of assisting women, the anti-trafficking projects that employ a raid, rescue, and rehabilitate model often undermine HIV projects at the local level, in turn causing harm to women and girls. We examine the experience of one peer educator in Sangli to demonstrate and highlight some of the negative consequences of these anti-trafficking efforts on HIV prevention programmes.

Methodology

This paper is the result of a “human rights fact-finding”.¹ A human rights fact-finding is a methodology used within the human rights community for the purposes of documentation and advocacy. The methodology employs interviews and focus group discussions, often in partnership with communities affected by the human rights violations being investigated. In this case, the documented rights violations were products of the raid and rescue industry that is active in Sangli, Maharashtra.

Meena Seshu, the co-founder of Sangram, conceptualised this fact-finding in an effort to document the impact of raids and rescues on the sex workers collective and on HIV programmes for sex workers. Aziza Ahmed contributed legal expertise and conducted secondary research on the raid and rescue industry. In the course of the human rights fact-finding, the authors worked with members of the collective to investigate and interview key informants, including police officers, lawyers, and members of the collective. All information contained in this paper is available in the public record and in secondary academic research. KB, whose story is documented below, is a leader in the

¹ D F Orentlicher, ‘Bearing Witness: The art and science of human rights fact-finding’ *Harvard Human Rights Journal*, vol. 3, 1990, pp. 83–136.

VAMP collective and was active in the fact-finding and documentation of her case and of the impact of raids and rescues on the lives of sex workers in Sangli and the related impact on HIV programmes.

Theoretical framing

This paper uses several frameworks developed by legal scholars to understand the impact of anti-trafficking programmes and the related conflation of sex work and trafficking on HIV projects. In the analysis section of the paper, we also turn to public health literature to explain the impact of the raid, rescue, and rehabilitation methodology on sex workers.

Professor Janie Chuang has documented the rise of neo-abolitionism, a US based movement of feminist abolitionists, conservatives, and evangelical Christians to end trafficking globally.² Despite common knowledge that trafficking can occur in many labour sectors, the majority of attention by neo-abolitionists is given to trafficking in the sex sector. The motivations of these various anti-trafficking sub-movements differ considerably. Professor Janet Halley and her co-authors examine the rise of abolitionist feminism in particular, highlighting its growing influence in the context of international legal regimes.³ Feminist abolitionists are often driven by the “dominance” feminist perspective that all sex work is trafficking and is thereby coerced. This idea is premised on a larger notion of women’s lack of agency in sex.⁴ The work of sociologist Elizabeth Bernstein places the anti-trafficking movement inside in the context of carceral feminism

² J A Chuang, ‘Rescuing Trafficking from Ideological Capture: Prostitution reform and anti-trafficking law and policy’ *University of Pennsylvania Law Review*, vol. 158, 2010, pp. 1655–728.

³ J Halley, P Kotiswaran, H Shamir, & C Thomas, ‘From the International to the Local in Feminist Legal Responses to Rape, Prostitution/sex work, and Sex Trafficking: Four studies in contemporary governance feminism’ *Harvard Journal of Law and Gender*, vol. 29, no. 2, 2006, pp. 335–424.

⁴ For a description of the dominance feminist position on sex work, see the discussion of J Halley, P Kotiswaran, H Shamir, & C Thomas, ‘From the International to the Local in Feminist Legal Responses to Rape, Prostitution/sex work, and Sex Trafficking: Four studies in contemporary governance feminism’ *Harvard Journal of Law and Gender*, vol. 29, no. 2, 2006, pp. 335–424; See also K Abrams, ‘Sex Wars Redux: Agency and coercion in feminist legal theory’ *Columbia Law Review*, vol. 95, 1995, pp. 304–376. (‘Proponents of dominance feminism stressed the unrecognized pervasiveness of sexualized domination in many venues of women’s lives; they also highlighted the role of this domination in shaping social views of women and women’s conceptions of themselves.’)

- or the rightward shift of feminist organisations that offers increasingly punitive solutions including the use of criminal law as a means to end trafficking.⁵ Bernstein's work demonstrates how this rightward shift is part of a growing culture of militarised humanitarianism by the United States. The current coalitions acting to end sex trafficking emerge from a long history of abolitionism fuelled by "White Slavery": the myth of young white women forced into prostitution. This precedent movement that emerged in the 19th century provides the contours of current anti-trafficking campaigns.⁶ Fuelled by the trope of the captured young sex slave who cannot escape her trafficker neo-abolitionists have become increasingly reliant on raids, rescues and rehabilitation as a primary method of fighting sex-trafficking.

While this paper draws specific attention to the involvement of US funded organisations and agencies in the raid, rescue, and rehabilitate industry as an international force, it is important to note that many of these projects are implemented by Indian national abolitionist organisations. While there is no comprehensive data available on the abolitionist movement in India, our own interviews and research demonstrate the active engagement of these organisations in abolitionist work and the receipt of funding and support directly from international funding agencies and religious groups.⁷

Part II. Drivers of the International Anti-Trafficking Movement: The influence of the US government and civil society

The US Anti-Trafficking Movement

The United States is a key force in the push to end trafficking internationally. The US Agency for International Development Office of Women and Development has provided a total of 528 million dollars to anti-trafficking projects since 2001.⁸ The neo-abolitionists played

⁵ E Bernstein, 'The Sexual Politics of the New Abolitionism' *Differences*, vol. 18, no. 3, 2007, pp. 128–151.

⁶ J Doezema, *Sex Slaves and Discourse Masters: The construction of trafficking*, Zed Books, New York, 2010.

⁷ Consulate General of the United States, Kolkata, 'U.S. Grants \$600,000 to Anti-Trafficking Initiatives in Eastern India', retrieved 9 November 2011, <http://kolkata.usconsulate.gov/wwwhipr040706.html>; See also Apne Aap, retrieved 9 November 2011, <http://apneaap.org/index.php>.

a key role in demanding the government to address trafficking through funding, programming, and monitoring country progress towards anti-trafficking. Further, the government through the State Department Office to Monitor and Combat Trafficking in Persons (TIP Office) instituted a range of disciplinary and regulatory measures for countries that did not meet required standards of laws, policies, and programmes and restrictions on US government funding both within and outside the US.⁹

Relevant to this paper, in particular, was the introduction of neo-abolitionist language into US funding for HIV/AIDS. The 2003 President's Emergency Plan for AIDS Relief (PEPFAR), like the *Trafficking Victims Protection Act* specifically states that 'no funds made available to carry out this Act, or any amendment made by this Act, may be used to promote or advocate the legalization or practice of prostitution or sex trafficking'.¹⁰ This language is known as the anti-prostitution loyalty oath (APLO). PEPFAR's 15 billion dollars made the US government the largest bilateral donor on HIV and AIDS and, in turn, a heavy hand of influence on the future of the ability of sex workers to respond to the HIV epidemic. The APLO has facilitated access to funding for organisations that are willing to sign the pledge. Further, it has promoted the US abolitionist agenda, extended support to projects seeking to criminalise aspects of the sex industry and bolstered organisations seeking to raid, rescue, and rehabilitate.

The "Raid, Rescue, and Rehabilitate" Industry

So I set off with the IJM [International Justice Mission]¹¹ investigator (who wants to remain anonymous for his own safety) into the alleys of the Sonagachi red-light district one evening, slipped into the brothel, and climbed to the third floor. And there were Chutki and three other girls in a room, a pimp hovering over them. Perceiving us as potential customers, he offered them to us....The Kolkata police agreed to raid the brothel to free the girl. I.J.M. told them the location of the

⁸ United States Agency for International Development, Trafficking in Persons, retrieved 30 September 2011, http://www.usaid.gov/our_work/cross-cutting_programs/wid/trafficking/index.html.

⁹ J A Chuang, *op. cit.*

¹⁰ United States Leadership against HIV/AIDS, Tuberculosis, and Malaria Act of 2003, Pub. L. No. 108-25, §2, 117 Stat. 711, 716 (2003) (current version at 22 U.S.C.A. §§7601(23) (West 2010)).

brothel at the last minute to avoid a tip-off from police ranks. The police casually asked us to lead the way in the raid since we knew what Chutki looked like and where she was kept...So along with a carload of police, we drove up to the brothel and rushed inside to avoid giving the pimps time to hide Chutki or to escape themselves.¹²

The raid, rescue, and rehabilitate scheme refers to a process by which brothels are raided by the police or NGO workers, women are removed from brothels (rescued), and then placed in a rehabilitation facility. Raids are typically conducted by police officers at the behest of local and international organisations seeking to rescue and rehabilitate sex workers. The International Justice Mission, described in the New York Times op-ed by Nikolas Kristof above, is the recipient of over US\$ 900,000 from the government.¹³ In a recent evaluation, USAID detailed IJM's raid and rescue process in detail:

IJM employs two methods for rescuing victims, one is brothel raids in cooperation with the police, and the other is the "buy-bust" operation. In the latter, undercover agencies attempt to purchase the services of an underage girl. Once the perpetrator accepts the money, the police who are watching and waiting, step in and arrest them. These raids and "buy-busts" are targeted at perpetrators discovered through information provided by undercover operatives.¹⁴

¹¹ The International Justice Mission states that it is a "human rights agency that brings rescue to victims of slavery, sexual exploitation, and other forms of violent oppression." The website of IJM states the core commitments of the organisation to "restore to victims of oppression the things that God intends for them: their lives, their liberty, their dignity, the fruits of their labor." Although IJM has been praised and supported by some as illustrated by the quote here from NYTimes op-ed writer Nikolas Kristof, many others have critiqued the work of IJM. For a critique of IJM, see: J A Chuang, op. cit.; E Bernstein and J R Jakobsen, 'Sex, Secularism, and Religious Influence in U.S. Politics', retrieved 10 December 2011, <http://www.opendemocracy.net/5050/elizabeth-bernstein-janet-r-jakobsen/sex-secularism-and-religious-influence-in-us-politics>; N Thrupkaew, 'The Crusade Against Sex Trafficking', retrieved 10 December 2011, <http://www.thenation.com/article/crusade-against-sex-trafficking>.

¹² N Kristof, 'Raiding a Brothel in India', retrieved 30 September 2011, <http://www.nytimes.com/2011/05/26/opinion/26kristof.html>.

¹³ Boston.com, 'USAID Contracts with Faith Based Organizations', retrieved 14 March 2012, http://www.boston.com/news/special/faith_based/faith_based_organizations.htm.

¹⁴ USAID, *International Justice Mission Anti-Trafficking Program in Cambodia: Assessment 2006*, retrieved 14 March 2012, http://pdf.usaid.gov/pdf_docs/PNADG806.pdf.

The raid and rescue is the first part of the process. Heavily reliant on local police, raids are often violent not only for those accused of being traffickers but also for the sex workers themselves. This has been documented in numerous contexts including Southern Africa,¹⁵ Eastern Europe,¹⁶ and India.¹⁷ The insistence on using the police in the context of raids and rescues has been pushed by neo-abolitionists despite evidence of police violence against sex workers. The level of violence experienced by sex workers in the context of raids (both for the purposes of arrest and rehabilitation) was noted by the World Health Organization and the Global Coalition on Women and AIDS in 2005 Informational Bulletin on violence against women:

However, both trafficking and violence against trafficked women need to be understood more broadly in the context of migration, and examined separately from sex work. At the same time, it is important to note that in several countries, certain activities such as rescue raids of sex establishments have exacerbated violence against sex workers and compromised their safety. For example, research from Indonesia and India has indicated that sex workers who are rounded up during police raids are beaten, coerced into having sex by corrupt police officials in exchange for their release or placed in institutions where they are sexually exploited or physically abused. The raids also drive sex workers onto the streets, where they are more vulnerable to violence.¹⁸

The final step for anti-trafficking organisations is often rehabilitation of women in the sex industry. Rehabilitation programmes are run either by non-governmental organisations including churches, or are government programmes. The commonly told trope of the rescued woman ends here—she is now in the safe hands of the state or an NGO who will rehabilitate her, find her a new source of employment, and at some point release her from the rehabilitation home. In reality, this is not the way the story typically ends. Often, sex workers are taken into rehabilitation programmes where they are kept in jail-like

¹⁵ J Arnott, A L Crago, *Rights Not Rescue: A report on female, male, and trans sex workers' human rights in Botswana, Namibia, and South Africa*, Open Society Institute, 2009.

¹⁶ Sex Workers Advocacy Network, *Arrest the Violence: Human rights abuses against sex workers in Central and Eastern Europe and Central Asia*, 2009.

¹⁷ World Health Organization, *Violence Against Women and HIV/AIDS: Critical intersections*. Information Bulletin Series, 2005.

¹⁸ *Ibid.*

conditions, may experience abuse, and then are eventually released. Rehabilitation programmes have come under increased scrutiny by public health bodies and sex worker organisations concerned for the health and safety of women removed from brothels. Documented extensively by sex worker projects and human rights organisations (and often acknowledged by the anti-trafficking programmes and police), rehabilitation programmes often undermine the very purpose of their existence given the high rates of violence experienced by women in rehabilitation homes, the return of women to sex work (perhaps due to a lack of employment opportunities otherwise), and after being detained for extended periods of time disrupting their everyday existence.¹⁹

To illustrate the harm of raid, rescue and rehabilitation schemes in India, we turn to the case of VAMP in Sangli where anti-trafficking efforts driven by abolitionists have severely undermined programmes recognised for their success in addressing the HIV epidemic.

Part III. The Case of VAMP in Sangli, India

About VAMP

Approximately 2.5 million people in India are living with HIV.²⁰ Sex workers are amongst the groups most affected by the HIV epidemic in India. There are 17.1% female sex workers in the state of Maharashtra who are HIV positive. A survey conducted in four states found that the prevalence of HIV amongst sex workers is approximately 14.5%.²¹

In 1992, Sangram initiated a 5000-person sex worker collective called VAMP in Sangli that mobilises and empowers sex workers to address the various challenges faced by the sex worker community. The early

¹⁹ G Soderlund, 'Running from the Rescuers: New US crusades against sex trafficking and the rhetoric of abolition' *Feminist Formations*, vol. 17, no. 3, 2005, pp. 64–87; C Overs, 'Caught between the Tiger and the Crocodile: The campaign to suppress human trafficking and sexual exploitation in Cambodia', retrieved 2 February 2011, http://www.aidslex.org/site_documents/SX-0046E.pdf.

²⁰ UNAIDS, India, retrieved 4 December 2011, <http://www.unaids.org/en/regionscountries/countries/india/>.

²¹ B M Ramesh, S Moses, et al. 'Determinants of HIV Prevalence among Female Sex Workers in Four South Indian States: Analysis of cross-sectional surveys in twenty-three district' *AIDS*, vol. 22, suppl. 5, 2008, pp. S35–44.

inspiration for the movement came from the impact of HIV on the sex work community.²² The programme distributes around 470,000 condoms a month.²³

A central component of the work of VAMP revolves around delivering HIV information, care and support, and ensuring that sex workers are able to access treatment services. VAMP staff and leaders are the recipient of numerous accolades and awards for a demonstrated impact on the lives of individuals in Sangli living with and at risk for HIV including by the US government.²⁴ Despite the public acknowledgment of their success as an HIV programme Sangram and VAMP are subject to the swinging political pendulum of US foreign assistance. The rise in influence of the neo-abolitionists and the existence of the APLO, for example, brought VAMP under the scrutiny of the US government for providing sex worker services.²⁵ Despite the simultaneous accolades, Sangram was publicly accused of trafficking women and girls. VAMP also became the target of a locally operated and internationally funded raid and rescue industry set out to quell the political mobilisation of sex workers in Sangli.²⁶ This confluence of forces, the targeting of Sangram by neo-abolitionists and the increasing focus on the organisation by local and international anti-trafficking organisations exemplifies of the negative consequences of how un-interrogated anti-trafficking initiatives can cause serious harm to a successful HIV programme.

²² Association for Women's Rights in Development, 'The VAMP/SANGRAM Sex Workers Movement in India's Southwest', retrieved 29 February 2012, http://www.google.com/url?sa=t&rct=j&q=vamp%20sangram%20awid&source=web&cd=1&ved=0CCYQFjAA&url=http%3A%2F%2Fawid.org%2Feng%2Fcontent%2Fdownload%2F117347%2F1335451%2Ffile%2FCTW_VAMP_Movmnt_ENG.pdf&ei=cqRPT8b_BoPg0QHNoMDqDQ&usq=AFQjCNF42F5tt2-OOT9YJsJcWVv4jiO5VQ&sig2=sFFiKtUq3Wy5Fh46_85e7g.

²³ USAID, AIDStar: SANGRAM Collective, retrieved 30 September 2011, http://www.aidstar-one.com/focus_areas/gender/resources/case_study_series/sangrams_collectives.

²⁴ USAID, AIDStar: SANGRAM Collective, retrieved 30 September 2011, http://www.aidstar-one.com/focus_areas/gender/resources/case_study_series/sangrams_collectives#tab_7; Human Rights Watch, Human Rights Watch to Honor Indian AIDS Advocate, retrieved 4 December 2011, <http://www.hrw.org/news/2002/11/06/human-rights-watch-honor-leading-indian-aids-advocate>.

²⁵ M Souder, 'Letter to the Honorable James Kounder', 6 October 2005.

²⁶ Y Pawar, 'Rogue NGO Separates Mother from Baby for 9 Days', *DNA Sunday*, November 20, 2011; See twitter profile of Freedom Firm, 26 August 2011 and 8 August 2011; See Rescue Foundation website, retrieved 3 October 2011, <http://www.rescuefoundation.net/newsletter.html>; CASAM, *Who Stole the Tarts*, September 2009, p. 15. ('A US-funded Christian NGO regularly initiates police raids on a powerful collective of sex workers in Sangli. Many of the women are devadasis and extremely articulate about their rights. Clearly the

Given VAMP's focus on HIV programmes and its politicisation under US funding on HIV through PEPFAR, this case study will focus on the impact anti-trafficking organisations have on destabilising the HIV response at the local level. The case study focuses on the story of KB²⁷ a leader in the VAMP collective, peer-educator, and brothel owner who is being prosecuted under the *Immoral Trafficking and Prevention Act* (ITPA).²⁸ ITPA is the primary legislation addressing sex work and trafficking.

The story of KB illustrates how arrests and prosecution affect sex work communities and destabilise HIV programming for sex workers, in turn harming the women who ITPA aims to help. KB's case is not an example of an exceptional use of the ITPA. Rather, it is the routine nature of KB's prosecution under the ITPA that manages to result in enormous disruption of HIV programming that makes this case worth documenting. It is also important to note that almost any act in the sex sector can be construed to be criminal and prosecuted given the broad language of the ITPA.

aim is two fold: to silence and quell the political mobilisation of these women and eradicate the customary practise of the devadasi. The raids do not distinguish between those who do sell sex and those who do not. Since they are planned and executed under the auspices of rescuing 'minors', any young woman who is found in the house of a sex worker is presumed to have been trafficked. In these raids these women are arrested despite most being above the age of legal consent.")

²⁷ Real names have not been used to protect the confidentiality of the individual.

²⁸ Sex work and trafficking in India is governed by several legislative and constitutional frameworks including Article 23 of the Indian Constitution that prohibits traffic in human beings, the *Immoral Traffic in Persons Prevention Act of 1986* (ITPA), and the Indian Penal Code 1860 which contains provisions against the trafficking and slavery of women and children. ITPA, the primary legislation addressing sex work and trafficking, is the more recent manifestation of the Suppression of Immoral Traffic in Women and Girls Act of 1956 passed shortly after India became a signatory to the United Nations *International Convention for the Traffic in Persons and of the Exploitation of Women* in 1950. Interpretations of the impact of the ITPA have varied from an understanding that it tolerates prostitution by not criminalising the sexual intercourse itself but criminalising all other aspects of sex work including seducing for the purposes of prostitution, keeping a brothel, detaining a woman for the sake of prostitution, or living off the earnings of a prostitute. Sex worker organisations contend that the language of the ITPA conflates sex work and trafficking as the ITPA has actually resulted in the arrest of many sex workers, particularly prior to the amendment change in 2009 that removed solicitation of sex work as a crime.

The ITPA came about as a more recent iteration of the *Suppression of Immoral Traffic in Women and Girls Act (SITA)* of 1956. SITA was passed shortly after India became a signatory to the *United Nations International Convention for the Traffic in Persons and of the Exploitation of Women* in 1950 (Convention on Trafficking).²⁹ The Convention on Trafficking has a direct reference to older international agreements on white slavery - producing a continuous link between the laws under the sex industry in India today and the historic antecedents of a broader discourse of white slavery.³⁰ KB's arrest in Sangli is the product of these laws, ITPA in particular, that emerge out of the historical and current international conventions and raids occurring at the encouragement of domestic anti-trafficking organisations empowered by an international anti-trafficking movement. KB's story demonstrates how one HIV peer educator can become ensnared in the politics of international abolitionism operating at a local level.

International forces, local consequences: The case of KB

KB is a leader in the VAMP collective. A former sex worker, and now brothel owner and HIV peer educator, she plays a key role in encouraging sex workers to participate in the collective, fight against client violence, and change the attitude of the police towards sex workers. Although challenges remain, it is through the leadership of KB and others like her that the local police in Sangli have begun to respond more effectively to the needs of sex workers. This is a shift away from a more punitive approach initially taken by the police. Through ongoing advocacy the sex workers maintain a delicate relationship with the police.

KB's fate changed when she was approached by RA and her mother in 2010 with two requests: RA sought employment in a brothel and needed a loan of 10,000 rupees for a medical procedure. KB gave RA the loan and allowed her to work off the loan interest-free as part of her stay in the brothel. RA was 18 years old at the time. VAMP policies do not allow an individual younger than 18 to work as a sex worker in the brothel. RA paid off the loan as agreed and continued to work in the

²⁹ P Kotiswaran, 'Preparing for Civil Disobedience: Indian sex workers and the law' *BC Third World LJ*, vol. 21, 2001, pp. 161–241.

³⁰ *Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others*, 21 March 1950.

brothel splitting her earnings with the brothel owner. It is important to note here that due to formal banking systems being inaccessible to sex workers, savings and loan schemes between sex workers are very common and often serve as a means of both security and credit.

During this time a local Christian organisation heard that a transaction had taken place in which KB had loaned money that would be repaid by sex work. A raid was planned. According to sex workers who were in the brothel at the time of the raid, a man posing as a client came in and asked for a girl. RA was produced for him and the man began to have a sexual encounter with RA. At some point, he left RA to signal to the police who were near the brothel that he had in fact found a minor there. The police raided the brothel, arrested KB, and took RA to the juvenile home. As described by the sex workers who were present on the scene, the raid itself was violent with the police dragging the women out by their hair. When the government hospital certified that RA was an adult, the magistrate transferred her from the juvenile home to the government correctional facility. RA's age was verified through a bone scan that is frequently used by the courts to determine whether or not sex workers are minors in the context of court proceedings. Despite her legal capacity as an adult and her desire to be released, she remained in a correction home under the auspices of rehabilitation for several months. The correction home where RA was purportedly rehabilitated is a locked home located an hour away from Sangli. Women who are awaiting permission to be released by the court occupy the home. The rehabilitation activities vary from encouraging employment in cleaning services at the local hospital to marrying the girls to men that visit seeking wives. The facility denied permission to VAMP activists to visit RA on repeated occasions.

While it is unclear how this abolitionist organisation is funded, interviews with local police as well as KB's lawyers indicate that much of the funding and support for organisations conducting raids and rescues in Sangli come through international sources. In fact, this is clear when one visits the websites, twitter, or facebook pages of the international and local organisations who often post messages after a raid to highlight the success of rescuing women from the brothels, many of which are located in Maharashtra.³¹ The following announcement containing false information appeared on the website of the

³¹ See twitter profile of Freedom Firm, 26 August 2011 and 8 August 2011; See Rescue Foundation website, retrieved at 3 October 2011, <http://www.rescuefoundation.net/newsletter.html>.

organisation that facilitated the raid resulting in KB's arrest and RA's detainment:

Efforts made by Indian Rescue Mission (IRM), a Christian organisation, helped Indian police track an International Sex Racket being run by Indian pimps with tentacles in major Indian metros and with audacious plans to expand it internationally... This comes within a week of police action upon the tip off received by IRM in rescuing a minor girl forced into prostitution in a red light area in Sangli district Karnataka State on December 11, 2010.³²

Although RA is an adult, the photo accompanying the press release is one of a crying girl who looks to be approximately four or five years old.³³

KB was charged under sections 3,4,5, and 6 of the ITPA that penalise keeping a brothel, living off the earnings of a sex worker, procuring or taking a person for the sake of prostitution, and detaining a person in a place where prostitution is taking place.³⁴ KB was released from detention a few days after her arrest but her case is pending before the courts. The framing of KB's charges in the context of the ITPA reveals the larger conflation of sex work and trafficking that facilitates the arrest of sex workers (despite a purported desire to rescue sex workers) and is used to target leaders in the sex work community whose actions can be construed to be in violation of the ITPA.

The impact of the raid, rescue and rehabilitate model on HIV programmes in Sangli

The routine and common occurrence of raids and rescues severely disrupt the lives of sex workers and the work of HIV programmes. This is certainly the case with KB and RA. Both have experienced state custody, KB is subject to ongoing prosecution and awaits her trial, while RA was displaced in a correction home an hour away awaiting

³² J Philip, *Indian Rescue Mission's Recent Rescue of a Minor Girl, Helps Indian Police Uncover an International Trafficking Racket*, Indian Rescue Mission, 3 January 2011.

³³ *Ibid.*

³⁴ Interview with Lawyer, Aziza Ahmed, 29 March 2011.

release. Their stories, common to the lives of sex workers in Maharashtra, tell a larger tale about the detrimental effects of raids and rescues on HIV programmes and services at the local level. This section seeks to highlight the primary negative consequences of this and other raids on the health and well-being of sex workers in Sangli.

First, the raids themselves may have a negative impact on sex workers' lives. The violent and disruptive raids mean that clients do not come to the brothel areas.³⁵ This doesn't result in stopping sex work (as perhaps hoped by the abolitionists who push for criminalisation of clients) but drives it underground as sex workers begin to seek out clients. Driving sex work underground results in sex workers taking greater risks with their safety and health in their engagement with clients. In the brothels where VAMP works, sex workers are less prone to client violence because they take care to report violent clients to the others and then work to exclude those clients from brothel areas. This provides a safety mechanism premised on trust and cooperation. The ongoing raids disrupt such systems of safety and self-governance established by sex worker collectives.

Second, the unrelenting raids on brothels that are structured to facilitate the delivery of HIV programmes have a detrimental impact on a well-established public health principle: that the collectivisation of sex workers reduces HIV risk.³⁶ For example, with the assistance of VAMP, sex workers have developed a means of monitoring condom use and encouraging HIV testing. In one brothel area, sex workers collect used condoms and count them in order to match it with the number of clients a sex worker has. Where there is a discrepancy, the sex worker is encouraged to go for an HIV test immediately and then again a few months later. If the sex worker tests HIV positive, she joins a community of sex workers who care for and monitor the health of sex workers living with HIV.³⁷ These mechanisms of care and support established by sex workers have resulted in a de-stigmatisation of HIV

³⁵ Interview with KB, Aziza Ahmed, 31 March 2011.

³⁶ K Shannon and J Csete, 'Violence, Condom Negotiation, and HIV/STI Risk Among Sex Workers' *The Journal of the American Medical Association*, vol. 304, no. 5, 2010, pp. 573–4; FHI/UNAIDS, 'Best Practice in HIV/AIDS Prevention' *Collection 82* (Bunmi Makinwa & Mary O'Grady eds., 2001), <http://www.fhi.org/en/HIVAIDS/pub/guide/bestpractices.htm>; K Shannon and J Csete, *op. cit.*; K M Blankenship, R Burroway, and E Reed, 'Factors Associated with Awareness and Utilisation of a Community Mobilisation Intervention for Female Sex Workers in Andhra Pradesh, India' *Sexually Transmitted Infections*, vol. 86, suppl. 1, 2010, pp. 169–75.

³⁷ Focus group with sex workers, Aziza Ahmed, March 31, 2011.

and support infrastructure necessary for women living with HIV. The raids and rescues disrupt the support systems often based on interpersonal relationships and trust. During the raid and during KB's time in state custody, any HIV prevention activities that KB was involved in came to a halt.



Third, the arrest and detainment of sex workers in jails, remand homes, and rehabilitation centres often disrupt HIV care and expose individuals with HIV to tuberculosis and other diseases often rampant in closed confined settings. This is of extreme concern given the high numbers living with HIV. The remand homes, rehabilitation centres and jails are not equipped to address the treatment and health needs of sex workers living with HIV. Even where the settings are not violent, the programmes are often problematic. The home in which RA was held, for example, arranges marriages for the girls as a rehabilitative exercise.³⁸ Often when VAMP knows that a sex worker living with HIV has been taken to a remand home, rehabilitation site, or arrested, they attempt to locate her to ensure she is getting HIV medication. In many cases, attempts to locate sex workers to ensure that HIV care is continued fail because women and girls who are rescued flee rescue homes or because VAMP staff is not allowed to meet and inquire about her well-being.

Fourth, violence against sex workers at the hands of the state during raids, rescues, arrests, in remand homes and rehabilitation centres is well-documented.³⁹ Despite this, organisations employing a raid, rescue, and rehabilitate scheme rely heavily on the police. This has two primary impacts: first, it subjects the sex workers to violence at the time of the raid as well as in state custody; second, where organisations like VAMP have effectively altered their relationship with the police to be able to call on them for support, these anti-trafficking efforts undermine this new and often delicate engagement.

Finally, the conflation of sex work and trafficking undermines the innovative and effective anti-trafficking efforts by sex workers who see the difference between sex work and trafficking. A recent study

³⁸ Conversation with staff of home, Aziza Ahmed, 30 March 2011.

³⁹ C Overs, 'Caught between the Tiger and the Crocodile: The campaign to suppress human trafficking and sexual exploitation in Cambodia', retrieved 2 February 2011, http://www.aidslex.org/site_documents/SX-0046E.pdf.





of over 3000 female and 1300 male sex workers in India found that the majority of females entering sex work did so independently.⁴⁰ VAMP sex workers effectively identify underage girls in brothels because they are the first to encounter them. After identification, they work to get them into safer living conditions. This has proven to be an effective process because the underage girls' first point of contact may be other sex workers. Working directly with sex workers is an effective alternative to the raid and rescue model.

Part IV: Conclusion and Recommendations

This case study demonstrates how the conflation of sex work with trafficking at the international and local level, encouraged by the neo-abolitionist movement inside the United States, impacts HIV programmes at the local level. Increased funding for abolitionist forces and decreased funding for sex workers, inspired by the APLO amongst other U.S. initiatives, has tipped resources away from sex worker projects. In the town of Sangli, the ongoing presence of internationally supported abolitionist groups impacts the capacity of VAMP to implement HIV programmes. Further, the reliance on the raid, rescue, and rehabilitation scheme has proven to be both harmful to sex workers and detrimental for public health projects.

In order to effectively address the HIV epidemic amongst sex workers and truly end coercive practices in the sex industry, it is necessary to learn from the success of effective programmes. VAMP provides a model for anti-trafficking efforts as well as HIV prevention among sex workers. The lessons are clear: allow for the participation and leadership of sex workers in projects and programmes; learn from the local organisations who remain consistently on the ground and work every day within the nuances of the state-sex worker dynamic; and allow for sex workers to define the terms of their engagement in projects and programmes designed to assist sex worker communities.

⁴⁰ R Sahni and V Shankar, *The First Pan-India Survey of Sex Workers: A summary of preliminary findings*, retrieved 1 March 2012, <http://sangram.orgDownload/Pan-India-Survey-of-Sex-workers.pdf>.



Aziza Ahmed is Assistant Professor of Law at Northeastern University School of Law. Email: az.ahmed@neu.edu

Meena Seshu is co-founder of Sampada Gramin Mahila Sanstha (SANGRAM). Email: info@sangram.org



Contributors

Aziza Ahmed is Assistant Professor of Law at Northeastern University, School of Law. Email: az.ahmed@neu.edu

Holly Burkhalter currently serves as Vice President for Government Relations at International Justice Mission. She formerly served as the U.S. Policy Director of Physicians for Human Rights and as the Advocacy Director of Human Rights Watch. Email: contact@ijm.org

Fiona David is an independent consultant, specialising in the law and research on migrant smuggling and trafficking in persons. Fiona has worked on these issues since 1999, with clients including the United Nations Office on Drugs and Crime, the International Organization for Migration and the Australian Institute of Criminology. She has provided expert evidence in a number of trafficking in person cases in Australia. Email: davidf@law.anu.edu.au

Melissa Ditmore, PhD, is an independent consultant specialising in issues of gender, development, health and human rights, particularly as they relate to marginalised populations such as sex workers, migrants and people who use drugs. Email: mhd-gaatw@taumail.com

Anne Gallagher AO, is Technical Director of the Asia Regional Trafficking in Persons project and an independent scholar and legal adviser. Email: anne.therese.gallagher@gmail.com

Neil Howard is a doctoral student at the University of Oxford. He has been researching and working on human trafficking since 2005. Email: neil.howard@qeh.ox.ac.uk

Kari Lerum (PhD Sociology) is Associate Professor of Interdisciplinary Arts & Sciences & Cultural Studies at University of Washington, Bothell, and Adjunct Professor in Gender, Women, and Sexuality Studies at University of Washington, Seattle. Her research and teaching focus on institutions, sexuality, sex work, social institutions, and social justice. Her articles have appeared in a number of sociology and sexuality related journals and edited volumes. Email: klerum@uwb.edu

Kiesha McCurtis (MPH) is the project coordinator of the Desiree Alliance. She is a proponent of community-based research strategies working with sex workers and LGBTQ communities and human rights-based approaches to HIV prevention through research, advocacy and training. Email: kmccurtis@desireealliance.org

Julia Planitzer has worked as legal researcher at the Ludwig Boltzmann Institute of Human Rights in Vienna, Austria (<http://bim.lbg.ac.at>) since 2008. As of 2010, she is also a PhD Fellow at the Doctoral College 'Empowerment through Human Rights', University of Vienna. Her thesis focuses on the implementation of the *Council of Europe Convention on Action against Trafficking in Human Beings*. Email: julia.planitzer@univie.ac.at



Penelope Saunders (PhD Anthropology/Latin American Studies) is the coordinator of the Best Practices Policy Project. She is a proponent of community-based research strategies working with sex workers, LGBT communities, immigrants and the homeless. Her articles have appeared in the journal *Social Justice, Health and Human Rights* and other publications. Email: psaunders@bestpracticespolicy.org

Meena Seshu is co-founder of Sampada Gramin Mahila Sanstha (SANGRAM). Email: info@sangram.org

Frances Simmons is a lawyer, registered migration agent and researcher at Anti-Slavery Australia, a specialist legal service for trafficked people at the University of Technology Sydney Law Faculty where she represents trafficked people in immigration and compensation matters. She also works as an immigration consultant representing asylum seekers, and as a casual academic. Email: franceshsimmons@gmail.com

Abigail Stepnitz is currently the National Coordinator for the Poppy Project, the largest independent anti-trafficking organisation in the UK, providing services to trafficked women in England and Wales as well as advocating and developing policy and best practice at the local and national levels. She also consults for the United Nations and the Organisation for Security and Cooperation in Europe. She holds an MSc Human Rights from the London School of Economics. Email: ajstepnitz@gmail.com

Rebecca Surtees is Senior Researcher at NEXUS Institute in Washington, DC.



Juhu Thukral is a leading expert on the rights of low-income and immigrant women in the areas of sexual health and rights, gender-based violence, economic security, and criminal justice. She is a founder of numerous ventures supporting women and LGBT people, and has been recognised by Women's e-News as one of "21 Leaders for the 21st Century 2012". Twitter: @juhuthukral

Stéphanie Wahab (PhD Social Welfare) is an Associate Professor in the Department of Sociology, Gender Studies and Social Work at Otago University. Her teaching and research focus on social justice, intimate partner violence, commercial sex work, and motivational interviewing. Her articles have appeared in social work, health, public health, qualitative, and sexuality based journals.
Email: stephanie.wahab@otago.ac.nz