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Sex Work and HIV/AIDS: The Violence of Stigmatization

By Meena Saraswathi Seshu

of SANGRAM, an NGO, and VAMP, a collective of women in prostitution and sex-work

Working with women in prostitution and sex-work for the past eight years in the HIV/AIDS prevention programme has helped address our own double standards and bias while dealing with issues related to sexuality and prostitution.

As our involvement with the women we worked with deepened, our beliefs, ideas and notions about prostitution and women in prostitution underwent a sea-change. Our perception of prostitution as 'exploitation, victimisation, oppression, loose, immoral, illegal', was shaken to the core.

Indeed, it was not merely our ideas and beliefs that had to be questioned and reformulated but even the very use of language to describe the women had to be transformed. 'Whore', 'harlot', 'veshya' – have been used as abuses for the 'fallen woman' – the subject of much public discourse. We have tried to help reclaim some of the terminology, and assert identities with positive meaning. We revised our vocabulary to weed out words that reinforce the stigmatisation and marginalisation of women in prostitution. Besides, we realised that the terminology used for generations by mainstream society to refer to 'the fallen woman' was more often than not derogatory, within the moral space of sacredness. The need to reclaim womanhood also became necessary since this sanctified moral space refused to acknowledge the fact that the very identity (of being a woman) was obliterated by the 'whore, harlot, veshya' image. Hence, the importance of the use of terminology like 'women in prostitution' instead of the commonly used term 'prostitute'. Women who practise prostitution use the term 'women in business' while referring to themselves. Now after much discussion among ourselves we have adopted the term People in Prostitution and Sex-work [PPS] to include all persons who 'make money out of sex'.

This paper attempts to explore the *Violence of Stigmatisation* that refuses to accept the reality of women-in-prostitution and sex work. This paper is discussed within community-based prostitution and sex work as experienced in the Indian context. In recent years this community has been fighting for a voice in all the debates about prostitution and sex work.

The "Fallen Woman" through History

The 'loose woman' has been the subject of much public discourse and debate, academic writing and policy making. Several perspectives have been articulated.

On one end of the spectrum is the view that prostitutes are victims of female sexual slavery. Kathleen Barry, for instance has elaborated on the manner in which prostitution is inherently violent, whether women are kidnapped, purchased,

fraudulently contracted through organised crime syndicates or procured through love and befriending tactics.

This perspective echoed by those working to end trafficking in women and children assumes that all prostitutes are forced into the institution, and that making money from sex is synonymous with sexual exploitation. Complete abolition of prostitution is thus the logical solution to end such exploitation of women. This approach criminalises the manifestations of sex-work such as soliciting, pimping, brothel keeping and trafficking, and often criminalises the prostitute herself.

Interestingly, although prostitutes are considered to be victims, they are also viewed as wanton [liberated sexual beings], debauched [making 'valueless' money from sex] and morally weak. The whore stigma emphasised the 'evil' [sic] influence of such 'base' women on the "good" moral character of society, deeming them 'deviant' women who transgressed the norms of "acceptable" social behaviour. The concept of the fallen, debased and deviant woman has always governed public opinion, policy and law. Women have therefore been policed, coerced and raided, to be rescued, reformed and rehabilitated by a society that would like to order and control their life styles, regulate or abolish prostitution.

At the other end of the spectrum, spearheaded by prostitutes from associations such as COYOTE (Cast Off Your Old Tired Ethics) since the early 1970s, are those who argue that many adult women choose sex-work as a viable option. Proponents of this approach view this voluntary decision to make money from sex as akin to selling other forms of labour. They contend that viewing prostitution as 'work' provides a basis for organising to solve many of the problems of commercial sex. According to them, distinguishing sex work from other forms of labour reinforces the marginal, and therefore vulnerable status of the sex-worker. Sex-workers, they state, should then be entitled to labour rights and occupational health and safety regulations like all other workers. The assumption that sex-work is a personal choice aims at complete de-criminalisation of voluntary sex-work and all related activities. Legalisation of prostitution, demanded by some sex-worker's groups, involves taking the subject outside the realm of criminal law, but advocates regulation of sex-work through zoning and licensing laws.

Some associations of women in prostitution prefer use of the term 'commercial sex' instead of 'prostitution' or 'sex-work' because these terms focus on the seller of sexual services and perhaps contribute to the invisibility of buyers. Yet, they point out that sex-worker's priorities vary from one community to another. For example, improving health and safety standards in the workplace may be a realistic goal for those involved in a formal sex industry, but is not helpful for marginalised young people selling 'survival' sex spontaneously.

Critics of this approach, like Carole Pateman claim that feminists who invoke "women's right to own their bodies" are reinforcing a language that can just as well validate their "right" to sell their bodies through civil contracts for prostitution, surrogacy, marriage, labour or slavery. For Pateman, saying we 'own our bodies' means and can only mean that we are "free" to sell our bodies (our body parts or sexual or reproductive services) in the marketplace.

Prostitution for Pateman is the classic case of men as a "fraternity" gaining a "right of access to women's bodies" through the fictive device of contract (voluntary consent). Underneath this contract is another, more insidious fiction that equates women's reproductive and sexual capacities with labour power, as a "service" that can be alienated from the "self" without compromising the self's "moral freedom." According

to Pateman, "When a prostitute contracts out use of her body" she is doing something different from a worker getting a job; "she is ... selling *herself* in a very real sense," alienating herself from her sexuality, which is integral to her "womanhood".

A different approach to concepts like autonomy and self-ownership has been taken by feminists of colour in the United States, who are engaged in re-appropriating these concepts. Patricia Williams, for instance, is committed to reclaiming women's ownership of their flesh and blood by reinventing the language of self-ownership, or what she calls "the formulation of an autonomous social self". Those who tend, care for, carry are by definition those with authentic claims to be named owner of things or people whose growth they nurture. When the "objects of property" speak they remind us that the language of self-creation, self-propriety and freedom is always a story told and retold, and to reject that language wholesale is to leave those without property nothing at all to own. As Williams observes, to repudiate formalised claims to personal worth and rights is to trivialise the experience of those who historically have been treated as worthless. She argues that rather than discarding the rights discourse we should expand and diversify it. The crucial function of the rights discourse – that of giving visibility to those previously invisible, needs to be emphasised.

In recent years, the discourse around prostitution has changed and is now couched in the language of human rights. Feminists, theorists and prostitutes' rights activists are involved in unravelling the complex and complicated world of sexual autonomy, free choice, sexual exploitation and agency-versus-victim debates. This discourse has helped in that it has shifted the focus from blaming the woman and her sexual life to a continuum ranging from the 'beneficial exploitation of the institution of prostitution' to the 'inherent victimisation of the woman in prostitution'.

As Rajeshwari Sunder Rajan observes, the prostitution question, "challenges us, as well, to ask whether prostitute interests are being truly represented in these debates. The urgency and force of the disagreements arise not only from the issues relating to prostitution, but also from the fact that the prostitution question has gathered around itself many of the issues that remain unresolved in feminism: the relationship between feminists and female "victims of oppression"; the construction of the female subject in terms of "agency" (choice, autonomy, desire, "voice"); the public/ private dimension of work / sexuality; the conceptualisation of First World/Third World difference - and- sameness in women's status; the narrativisation-as-progress of women's (here, especially, prostitutes',) history".

Though the prostitutes' rights movement started in the late '60s and early '70s, the rights approach has been challenged and will remain a dream as long as it is plagued by advocates of the moral brigade or the proponents of sexual autonomy and free choice, as mutually exclusive positions.

It is apparent that while the "prostitution question" will be continued to be debated and arguments for and against, whether voluntary/forced, 'agency' / victim, trafficked / socialised, legal/ criminal, sexual slavery/ sexual autonomy, exploited / liberated, will continue to occupy theorists, activists, and Governments, prostitution as experienced by the women themselves is not given the kind of recognition it deserves in these debates. Unfortunately the term trafficking is being characterised solely by prostitution and is used synonymously with sexual exploitation. The term has acquired a moral value and is often seen to include not just 'procurement, sale and transport of women for the purposes of sex work', but as sex work as well. For instance though trafficking in human beings is covered under the Indian Constitution

[Article 23], the primary target of the Immoral Trafficking Prevention Act, 1986 [ITPA] is to punish 'immoral trafficking' and traffickers. In practice, the ITPA ends up victimising women-in-prostitution. There is an immediate need to redefine the term trafficking. The definition must address the needs of all people irrespective of gender and must protect the rights of trafficked people. Failure to recognise their right to autonomy and self-determination will result only in repressive measures and restrictive policies

Commercial sex was seen as an important public health issue throughout the nineteenth century. While concern about it declined in the twentieth century due to improved management of sexually transmitted diseases and unwanted pregnancies, the HIV/AIDS epidemic has refuelled the concern. Public health once again dominates the way most societies deal with commercial sex. Legislation, public policy and widespread societal attitudes permeated by moral outrage, fail to recognise that there are complex dynamics at play which call for complex solutions. Most important, there is need to listen to those most affected – the women in prostitution themselves.

The inability to accept that the movement for prostitutes' rights can be informed by the women-in-prostitution and sex-workers themselves is as much a part of denial of human rights as discrimination of mainstream women on the basis of caste, class, race or religion. There is an immediate need to unravel and reach out and listen to the women in the communities.

The present discourse fails to recognise the dynamics of an institution that encompasses a wide spectrum of elements from violence and exploitation on the one hand to autonomy and agency to choose the best possible options, on the other. Prostitution is a way of life. While it is true that all women are not victims, to believe that all women are there out of free choice is also utopian.

Unfortunately the dominant discourse does not identify the day to day struggles much less the strength of a minority community comprised mainly of women who face the brutal and criminalised world they inhabit. It is a struggle that is fortified by a socialisation that encourages and strengthens their ability to deal with a hostile and violent environment. Communities of people in prostitution and sex work have repeatedly scorned the attempts of mainstream patriarchal society to control, regulate and abolish the institution of prostitution.

'We believe that a woman's sexuality is an integral part of her as a woman, as varied as her mothering, domestic and such other skills. We do not believe that sex has a sacred space and women who have sex for reasons other than its reproductive importance are violating this space. Or if they chose to make money from the transaction they are immoral or debauched.' [VAMP Statement].

The Impact of Stigmatization

Stigmatization, which has its roots in the standards set by patriarchal morality, is experienced as the major factor that prevents women from accessing their rights. This impacts the lives of women in more ways than one. Some of the rights denied to women due to discrimination are: freedom from physical and mental abuse; the right to education and information; health care, housing; social security and welfare services.

The most basic of all is the denial of the right to practice the 'business of making money from sex'. "We protest against a society that deems us immoral and illegal mainly because we do not accept its mores, rules and governance. We protest

against the various forces of mainstream society that deny us the right to liberty, security, fair administration of justice, respect for our lives, discrimination, freedom of expression and association” declares the VAMP statement succinctly.

It is the *randi* [whore] stigma that pushes women-in-prostitution outside the rights framework, effectively cutting them off from privileges and rights supposedly accorded to all citizens irrespective of what they do for a living. Women in prostitution and sex-work from VAMP state that, ‘As people who experience violence as a part of our daily lives, we are being more and more penalised by increasing violence in a society that is trying to order and control our lifestyles. As women in prostitution we protest against a society that forces on us the **violence of a judgmental attitude**’.

Health care

Accessing health care is a major concern for women-in-prostitution and sex work. While the ‘immoral whore’ image makes it very difficult to get good medical treatment, illiteracy, ignorance and fear of the medical establishment renders them open to exploitation and extortion of money and resources.

Reproduced here are responses regarding health care by women in prostitution and sex-work from West Bengal, Orissa, Andhra Pradesh, Karnataka, Maharashtra, Tamil Nadu, Kerala and the Union Territories of Goa and Pondicherry from a report prepared by the National Commission for Women:

- a. Medical and paramedical staff at government hospitals have a callous, indifferent and often humiliating attitude. Irrelevant and embarrassing questions about sexual positions etc. are often asked.
- b. Forced free sex with doctors and social workers is commonplace.
- c. Doctors often refuse treatment and admit women to hospital claiming that they are “AIDS carriers.”
- d. In many centers doctors make the attendants conduct the physical examination and only then treat the women.

Unfortunately the HIV/AIDS epidemic has singled out people-in-prostitution and sex-work as ‘carriers and vectors of spread of HIV’. Apart from the stigma already attached to their work, society has further marginalised them as core transmitters of HIV infection. It fails to recognise that they are but links in the broad networks of heterosexual transmission of HIV. Women-in-prostitution and sex work constitute a community that bears and will continue to bear the greatest impact of the HIV epidemic in India, suffering high levels of infection and re-infection.

Propagating the myth that women-in-prostitution and sex work are “core transmitters” of HIV serves the purpose of ‘prostitution bashers’ imbued with the moral and judgmental attitude that reinforces the prejudice that AIDS is an ‘impure’ disease that afflicts immoral and evil persons. The net result is to further target the women which

- a. increases public and police violence against them;
- b. decreases their ability to assert themselves;
- c. allows customers to demand and force unsafe sex upon them;
- d. increases the rate of HIV among women, customers and the families of the customers; and
- e. denies them access to health care services.

The role of women in prostitution and sex-work in HIV/AIDS prevention is little recognized. In fact, it is now well recognised that women-in-prostitution are the best educators of their male clients.

Criminalisation - The Brutalisation of People in Prostitution

Being women in prostitution puts them into a caste-class of their own. This caste-class occupies the lowest rung in the hierarchy and is structured 'outside' the hierarchy, as we know it. Mobility therefore is almost impossible and then only through deceit and/or money. The need to protect family members especially children from this stigma is an everyday struggle. Like Bandawwa Makadwale from VAMP said, "all the money we have earned cannot help us to live in peace. The outside world pushes us out and does not even accept our children who are not in the business of making money out of sex. We are unable to ensure the happiness of our children. Our health and our children suffer the most due to this stigma and discrimination."

For instance the initial baseline survey of the community in Sangli in 1992, done by SANGRAM showed that less than 2% of the women have ever been to school of any kind and less than 50% of this 2% reached high school. Though most of the children are going to school, the base line shows a very high drop-out rate, especially after primary school. As Vijay Kamble of Miraj says, "It is very painful to listen to your peers make snide remarks about your own mother. When my own teacher came to the community for sex, I ran and ran till I was breathless. I was so frightened. I never went back to school."

There are many reasons for the high drop-out rate, ranging from experiencing the educational system as hostile to them as children of women-in-prostitution, to an inability to pass school examinations. This hostility continues to hound their interactions with the mainstream, whatever the milieu in which this interaction takes place. For instance Renuka who has studied up to master's degree in commerce left her job in a local bank because the manager took to calling her in to ask questions about her mother and the other women in the community.

Prostitution as Experienced by Women

This section deals with the narratives collected by activists of VAMP [Veshya Anyay Mukti Parishad] the collective of five thousand women in prostitution and sex work in Central India.

The patterns that emerged through the stories included a sense of economic power as the female head of the household, monetary gain, economic stability and security, a feeling of liberation from constricting social norms and anger due to the feeling of powerlessness against the intolerance of mainstream society and its judgmental attitude. Women who had a chance to leave have chosen to remain, accepting that prostitution, as 'a way of life' is a better option than the double standards that exist in mainstream society. They have chosen the option to leave when convenient and re-enter depending on the circumstances that dictated their decision.

Moralistic and Sacred Sex

The narratives also depict a sense of trivialisation of the entire sexual act into a matter-of-fact occurrence. Apprawa *maushi* a big gharwali [brothel owner] said, "men come to us regularly not just for sex but to experience the freedom from rigid, moral and sacred social norms. Wives are sacred and/or refuse to be fun and girl friends may demand far greater returns."

Negativism and Criminalisation

The narratives also brought out the fact that it is the increasing violence of negativity regarding women in prostitution and prostitution per se, that forces women in prostitution to operate under the absolute criminalisation of their work/business. 'Protection' – the overt armour that prostitution is encased within becomes a must, thus the brothel owner /pimp /*malak* / police /criminal nexus is almost impossible to avoid.

Increase in criminalisation with the inevitable policing by the state and its law enforcement machinery contributes to increasing brutality in prostitution. For instance this is clearly visible in the difference that the metropolis makes to the practice of prostitution. Mumbai and its [in] famous 'cages', Calcutta and its red light glitter as compared to the relaxed atmosphere of Sangli, Kolhapur, Miraj, Barshi - the small townships, needs to be seen to be believed. Also, women in townships where the crime rate in the general population is higher like Solapur, Ichalkaranji, Karad face more brutalisation and violence, though not as drastic as is seen in Mumbai or Delhi, the bigger metros. Increase in criminalisation is proportional to the increase in brutality, violence, abuse, debt- bondage, deception, coercion, and slavery-like practice within prostitution.

Madhuri Sawant a woman in prostitution who was trafficked to Mumbai from Miraj relates the horrifying manner in which she was forced to accept conditions of abuse, being caged in a small room without ventilation, not allowed to talk to her colleagues, service clients that pimps brought to the room, not have the choice to deny a client etc. She felt she had relinquished her life to the trafficker and madam. After her escape she said, "It is because Mumbai is so big and frightening that I felt alone and helpless. I thought that the *dalal* from Mumbai would treat me like a human being but he was ruthless. So many girls are brought to Miraj but we never treat them with such disrespect for their wishes. Even a woman like me who had ten years experience in prostitution and sex-work, could not deal with the *goondas* in Mumbai. What must be happening to new, young girls? They must be really brutalised."

Legal repression as a direct result of moralistic criminalisation by the state has been exercised from time immemorial to control and regulate prostitution. Women in prostitution and sex-work are made to believe that they are in an 'illegal' business. This interpretation of the law which the police state forces on the women allows the *goonda* elements to use the site of prostitution and sex-work to practice their illegal, criminal activity, depending on the vulnerability of the women. Resulting in an uneasy alliance between the state, the criminals and the women.

Retirement

Retirement could be voluntary or forced. The age factor is very important. As the women grow older they lose their clients to younger girls. Gradually retirement from business becomes a traumatic reality. The *Gharwali* [madam] is also a result of this process wherein the woman chooses to remain in business as a manager of a brothel.

Marriage is also a major reason for women to retire from business. Sometimes this is temporary and they re-enter business if things do not work out. Some women who live with a man for a short or long term period may choose to remain in business or retire completely.

Departure

Forced 'rehabilitation', raids by the police, violence and social repression also contributes to women leaving business. Well meaning social activists also abuse the women by using punitive action to 'rescue' and 'rehabilitate' women and children in prostitution. Punitive action with the help of an abusive and corrupt law enforcement machinery creates an atmosphere of fear, repression and suppression that helps to drive the entire process underground. In some cases this process could lead to retirement from business.

Women have also been known to depart from prostitution by running away and making a life outside prostitution/sex work. Wherein they gain 'respectability' by the denial of their past life, or by being 'kept' by a benefactor, sometimes grown up children take over responsibilities, and more often than not health reasons make them drop out of business totally.

Children in Prostitution

The increasing demand for and supply of children into prostitution is also a direct result of the helplessness that is experienced by families from the mainstream and communities of women in prostitution, who are lured and exploited by this criminal nexus. Be it through abduction, kidnap, coercion or even willingness of the family to use their very young as a financial resource. That children in prostitution are abused, physically, sexually and mentally raped is evident from the stories and anecdotes that women recount of their own past lives. The sense of helplessness and anger that women in prostitution face as mothers has been recorded in numerous instances. Women react not to 'making money from sex' per se but to the violence they experience within the institution of prostitution.

Trafficking/ Migration for the Purpose of Sex Work and Links to HIV

Trafficking by definition implies the use of coercion, deception, abuse and assault. This could mean that women in trafficked situations might suffer critical health problems. For women who are trafficked into the sex trade, the problem is a very real threat. It is compounded by the inability to access immediate treatment service for STDs or related problems. In situations of abuse assurance of condom use is not possible.

Undoubtedly, women who have been trafficked are more vulnerable than men and more likely to be in a situation where they are unable to control and protect themselves from HIV transmission. As illegal migrants engaged in an illegal trade, they are very often subjected to sexual abuse at the hands of authorities, including immigration and police officials, whose systematic involvement in the trafficking trade is well known and documented. Forcible detention, lack of access to redress, police corruption, and invisibility ensures that women can be violated, controlled and abused. Given the fact that HIV transmission is most efficient in situations of repression and abuse, women in trafficked situations are more vulnerable and at a greater risk of contracting HIV.

A ray of hope is offered by small NGOs in most countries in the region who are struggling with the problem of HIV vulnerability in trafficked persons, but these are scattered responses. Government responses and social apathy are restrictive and push the work underground. The perception that it is the trafficked person who is responsible for their own fate also contributes to social and political apathy towards issues that affect HIV transmission in this group. It is almost impossible to expect

that trafficked person who fears repatriation will access treatment and services for HIV.

NGOs working with trafficked people work/operate in hostile conditions. Building the confidence and trust of trafficked persons is not an easy task. As 'Stateless' people without papers trafficked persons prefer being invisible and underground. If they are women in prostitution and sex work even more so because prostitution in most countries is illegal and it is almost impossible to access women who are under the 'protection' of the criminal nexus and trafficking syndicates. Fear of police and legal repression is also a major reason why women shy away from outreach workers.

Unfortunately comprehensive documentation of groups working in this field is very limited. While there are many groups that work with trafficked women and illegal migrants, they are very few who actually offer services for HIV/AIDS prevention, care and support. Many womens groups in sending and receiving countries provide services and support to women who are 'victims' of trafficking, but HIV/AIDS prevention and education is not part of their agenda.

The problem is compounded by the contradictions and lacunae in the management of the HIV/AIDS epidemic in the countries of the region. Short project oriented interventions with a targeted approach cannot hope to achieve a sustained response to the epidemic. In situations wherein access to treatment services to the general population is itself difficult and sporadic, a service for vulnerable groups is an almost impossible dream. Programs that view women in sex work as a means to reaching the sexually active male population rather than the sex worker themselves are doomed from the start. Most governments in the region resort to such targeted interventions. The targeted approach therefore is proving to be an alienating process that will continue to blame marginalised communities rather than empower them to combat HIV. In such a situation it is inevitable that the control and implementation of such programs will always remain with the implementing agencies rather than owned by the communities.

Voices from Underground

One of the most valuable lessons learned during the course of our work has been to listen to the women, and respect their wisdom earned from a life of resistance. As activist Durga Pujari from Veshya AIDS Muquabla Parishad [VAMP] a collective of women in prostitution from Sangli put it, "over the years, we have become 'Commercial sex-workers' from 'common prostitutes', debates are held about us and we are discussed in documents, covenants and declarations. The problem however is that when we try to inform the arguments our stories are disbelieved and we are treated as if we cannot comprehend our own lives. Thus we are either romanticised, victimised, or worse and our reality gets buried and distorted."

The labour / sex-work story limits prostitution as a site of work. This is at variance with the communities of women in prostitution who have through the ages lived the life of being prostitutes, whores, veshyas or dandhewalis. Prostitution thus cannot be reduced simply to work, since it depicts a way of life accepted by the communities in a continuum from pre-initiation to retirement. Prostitution, like marriage and family – which also control women's sexuality – is not a monolithic institution. The degree of autonomy possible, the extent of abuse and violence and the possibility of accessing rights vary widely according to the situation. Women experience the institution of prostitution in a complex way, negotiating spaces and struggling for survival.

The women in prostitution are survivors with the sharpest insights – be it on the

“double standards of morality” in society, the violent intricate underpinnings of trafficking networks that are brutalising prostitution or even the hollowness of state sponsored rights which strengthen the violators more than the violated. And it is these insights that will best define the contours of a rights discourse that will help resist the violence in their lives marginalised by the hypocrisies of the “system”. Like all survivors, they have the courage and strength to create a world that has much to offer. A world touched not only by their pain but also their dream for a society and a people who will affirm their “right” to self worth, dignity and livelihood that no one agency can either give or deny.

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