

Human Rights Violations against Female Sex Workers by Police Personnel

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Background: After enacting the Immoral Traffic (Prevention) Act 1956 in India, the vulnerability of female sex workers (FSWs) to exploitation, violence and harassment by police were aggravated. The current study made an effort to understand the nature of human rights violations faced by FSWs by the police personnel.

Method: Descriptive research design was used for the study. Data collected from 40 FSWs in the age group of 18-60 years; operating in Calicut Corporation, Kerala state, India.

Results: The results showed that FSWs have undergone serious human rights violations in different forms from police authorities and it has an impact in their mental health

Key words: *human rights violations, female sex workers, police, HIV/AIDS, mental health*

I. BACKGROUND OF THE STUDY

In India, the legal context of sex work is quite complex. The female sex workers (FSWs) are arrested by police under the Immoral Traffic (Prevention) Act, 1956 (ITP Act) (1). The Act confers wide powers to police that are a cause for concern for sex workers as well as human rights activists. Such legal structure results in making the already invisible sex worker populations more inaccessible to HIV prevention programmes, decrease the availability of health care services for them and increase the risk of violence (2). Thus, the current study made an effort to understand the sociodemographic profile of FSWs, nature of human rights violation faced by female sex workers from the police personnel, legal awareness and mental health impact of rights violations.

II. SETTINGS OF THE STUDY AND METHODOLOGY

The study was conducted at Calicut Corporation, Kerala state, India. The main aim of the study was to understand the nature of human rights violations against FSWs from police officers. The study attempted to portray the socio-demographic characteristics of FSWs, the nature of exploitations from police personnel, legal awareness among the female sex workers and the subjective reporting of mental health impact of human rights violations among the FSWs.

The research design used in this study was descriptive research design. Snowball sampling method was applied with the inclusion criteria that the FSWs within the age group of 18-60 years, operating in Calicut Corporation (Kerala state, India) and those who have been arrested by police at least once in their life. Data was collected from forty FSWs using an interview schedule prepared by the researcher.

III. RESULTS

Socio-demographic Details of Respondents

The mean age of the respondents was 39.5 years. Nearly half (42.5 %) of the respondents belong to the age group of 38-48 years and about 35 per cent of FSWs belonged to the age group of 28-38 years, 15% of them belonged to the age group of 48-58 years and rest of them (7.5%) in the age group of 18-28 years. With regard to domicile, 72 % of the respondents resided in slums, 15% in rural areas and rest of them were from other urban areas. The majority (52.5%) of the respondents was from Hindu religion; 40% from Muslim, and rest of them (7.5%) was from Christian background. Thirty two per cent of the respondents were illiterate, 25% FSWs have studied up to 4th standard, 20 per cent of them have studied up to 7th standard and rest (23%) of them studied up to 10th standard.

It was found that the monthly earning for 18% of the respondents were less than Rs.2000 per month. Whereas 29% earned between Rs. 2000-4000, 25% between Rs.4000-6000 and 28% earned more than Rs. 6000. With regard to marital status, 32% of FSWs were married, 30% of them were divorced, 30% of them were separated and 8% were unmarried. In case of rearing children, 92.5 per cent had own children and 7.5 percent of respondents had their own children and adopted children (here adoption does not mean a legal adoption).

Information Regarding Sex Work

The respondents revealed that 30 per cent of FSWs entered into sex work before the age of 17 years. Half of the respondents entered into sex work in the age group of 17-26 years and 10% of them in between 26-35 years of age. Rests

are above 35 years and above. Thirty five percent of the respondents worked all seven days a week whereas 30 % of them worked 3-4 days a week, 17.5% of them worked 1-2 days a week and rest of them worked for 5-6 days per week. Half of them received 3 to 4 clients a day, 42.5% of them received 1 or 2 clients, 5% of them took 5-6 clients and only 2.5% FSWs received seven or more clients a day. Thirty five percent of FSWs selected a secluded area to operate, 35% selected street, 23% chose lodges or hotels and rest of them in houses. Among them, 20% of them had operated in brothels as well. Most (55%) of the FSWs reported that the money was enough to meet the expenses but rest of them denied it.

Information Regarding False/Fabricated Cases

A vast majority (97.5%) of the respondents reported that they were charged false/fabricated cases and all of them reported that they were charged cases when they were not even engaged in sex work at all. The respondents have said that 5 to 15 false cases were fabricated against them on different occasions. They were charged different types of false/fabricated cases under different categories. (ITP Act-67%, Robbery-13%, Public Nuisance-7% and Other 13%). On most occasions, these cases went to courts and courts have asked them to pay the penalty in between Rs. 15000 to 45000. Thirty two and half percent of them paid up to Rs. 15000, 17.5% of them paid Rs.15000-30000, 25% of them paid Rs.30000-45000, 25% of them paid more than Rs. 45000. Among FSWs, 72% of them were in financial crisis. Among those who had financial problems, 62% started receiving more number of clients to repay the debts. Among those who received more number of clients, 24 % were ready to do unprotected sexual intercourse with their clients to get more money.

Violation of Rights and Exploitations Followed by the Arrest

Thirty two percent of the respondents were arrested less than 20 times, 30% were arrested 20 to 40 times, 23% were arrested 40 to 60 times and 15% of them were arrested more than 60 times in their lifetime. Types of cases charged in the last arrest are; Robbery (10%), Immoral Traffic (35%), on Doubtful Events (7%), Public Nuisance (5%), Theft (3%), other (37%). Three per cent of them did not even know the grounds for their arrest. Even if the police charged cases against them, on most occasions the FSWs were not informed about it and as a result, most of them remained ignorant until they received warrant. Among them 52.5% respondents have received warrants from the courts directly.

More than one third (37%) of the respondents were arrested while they were pregnant. Among those who were pregnant when they were arrested, 33 % of them were assaulted by policemen and of those who were assaulted by policemen, 60% of them had an abortion. Forty two percent of the respondents reported that they were arrested when they were

lactating and 17.65% of these respondents lost their children (was missing or taken to any orphanage by somebody and didn't know where they are or died) due to the arrest or imprisonment followed by the arrest.

Fifty seven percent of the FSWs reported that the presence of police women during the arrest as never, 35% reported sometimes, 2.5% reported often and 5.5% reported always. Forty two percent respondents report that they were "never" produced in the court within 24 hours, 43% of them reported they were produced "sometimes" within 24 hours, 15% reported that they were "always presented" in the court within 24 hours after the arrest.

Only 20% of the respondents were "always" allowed to inform their relatives/friends regarding the arrest, 42.5% of the respondents were allowed "often" and 30% "sometimes" and 7.5% were "not at all allowed" to inform relatives /friends about the arrest.

On the time of arrest, only 2.5% of respondents were informed about the ground of the arrest always, 5% often, 25% sometimes and 67.5% were never informed about the grounds of the arrest. Majority (67.5%) of the respondents were assaulted (physical) during the arrest. And 41% of them were assaulted (physical and sexual) within the lockup.

Majority (62.5%) of the respondents reported that they were denied food at lockup when they were hungry. Most (72.5%) of them were not allowed to consult a doctor after the arrest when they requested for the same. Few (7.5%) of the respondents were compelled to do STD, HIV/AIDS tests after the arrest.

Most (70%) of the FSWs reported that they had policemen as their sexual partner. Few (7.5%) of the respondents reported that they were sexually exploited by the police personnel and 22.5% of them were threatened in order to have sex with policemen while they were in the lockup to avoid charging cases or penalty. Thirty percent (30%) of the respondents reported that their money or ornaments were detained by police personnel. Most (75%) of the respondents were asked/threatened to purchase stationary items for the use in police station and materials (fish, grocery items etc.) for personal purpose (30%) of police personnel to avoid the false/fabricated cases or arrest or payment of fine.

Legal Awareness

Fifty seven and a half per cent of the sex workers believe that sex work is a crime as severe as homicide. Only 25% of the respondents have knowledge about ITP Act. Only half of the respondents sought an advocate's services.

Mental Health Impact of Human Rights Violations/Exploitation among FSWs

Most (80%) of the respondents reported that they had undergone low mood due to the police's violation/exploitation. Thirty seven and half per cent of respondents reported that their self esteem was broken when they were arrested by police not while they were going for their personal or other purposes. Nearly half (47.5%) of the respondents had suicidal ideas due to police's interference. Among those who had suicidal ideas, 63% of them have made attempts of suicide. Seventy percent of the respondents abuse alcohol, tobacco, ganja and heroin independently or in combination.

IV. DISCUSSION

Sex work/prostitution as a social problem is being addressed all over the world, but problems of sex workers themselves are less addressed. Moreover, there is dearth of literature available about the human rights violations against FSWs from police personnel. Thus, the current study made an effort to understand the socio-demographic profile of FSWs, nature of human rights violation faced by female sex workers from the police personnel, legal awareness and mental health impact of rights violations.

Most of the FSWs in the study belong to poor socioeconomic background. Poor social support, financial crisis, secluded area of operation, increased rate of substance abuse, higher number of clients and lack of awareness about legal measures etc. made their life vulnerable to all forms of atrocities. It is an alarming figure as more than 50 per cent of the respondents lack formal education that could have been a key to their empowerment.

The study revealed significant human rights violations and exploitation towards FSWs from the police personnel in the forms of lodging of false/fabricated cases and arrest even when they are not engaging in sex work; higher number of arrests; not informing the grounds of arrest; absence of female police officers during the arrest; denial of right to inform the relatives/advocates/friends regarding the arrest; physical and sexual assault during the arrest and in lockups; denial of basic needs such as food and medical help when they were in lockups, delay in producing the arrestee in the court within stipulated time (24 hours); forcing them to purchase articles for police station and for the personal use of police personnel; detaining money or valuables of sex workers etc. All the above facts point to the misuse of 'power' of police and exploitation of the 'voicelessness' of sex workers. Apart from this being in violation of the National Human Rights Commission's guidelines regarding arresting any individual, all these can be interpreted as grave violation of constitutional and basic human rights.

Most of the respondents have policemen as their clients/sexual partner and were threatened to have sex to

avoid legal problems. The study reveals the sexual violence from police is higher in Indian FSWs compared to the findings of a similar study done in Russia (3) that police personnel do sexual violence against FSWs.

All of the respondents have paid fine in courts on cases. The payments of huge amounts as fines have compelled them to receive more number of clients to get more money to repay debts. Among the respondents who had debts due to penalty payment, nearly one fourth of them had sex without using condoms, as the clients promised to pay higher amount for not using condoms. And this may cause harm to the health of both the FSWs and their clients and this put them on the risk of being infected with HIV/AIDS and other sexually transmitted diseases. It can be seen here that the charging of fabricated/false cases and rights violations will make FSWs to 'hide in the society' and this prevent them from seeking health care services and hence the spread of sexually transmitted diseases can increase in the society. These findings correlate with the findings in the studies conducted in other countries too (4), (5).

Threats from brokers/pimp as well as their own financial difficulties may be the major reasons for FSWs to go for sex work during pregnancy and breastfeeding. The arrest, assault and abortion etc. can hamper the reproductive health of FSWs. This findings go along with the another study conducted in India (6). A study conducted at Kenya and Ukraine also support that violence can cause new infections among FSWs (7). Assault during lactation period/pregnancy and abortion followed by arrest and assault, the loss of children during imprisonment and stay at lockup etc. are the violation of the rights as mother as well as the children of FSWs.

The study shows that mental health problems such as subjective feelings of low mood, suicidal ideas, attempted suicides and substance abuse are quite high among FSWs which have been established in few studies conducted in India (8), (9) and in other countries (10), (11) as well. These studies point to the fact that mental health of FSWs is associated with violence from various groups including police. A study conducted in Nepal shows high prevalence of depression among FSWs (11). Substance abuse is quite high among FSWs. This finding go along with the findings in the study conducted in China (12). Substance abuse can be considered as one of the unhealthy coping mechanisms among them to cope with the violence from police and other stressful events.

Human rights violations from police pose significant physical and mental health risks and problems among FSWs. The above findings indicate that immediate interventions are needed for addressing all kinds of human rights violations against female sex workers globally. They have a right to bodily integrity, pleasure, livelihood, self-determination and a safe working environment (13). Necessary actions should be taken from the legal and justice

system against the police personnel who violate the rights of FSWs. Human rights awareness among police officers, free legal aid services and promotion of legal awareness among FSWs, involvement from non-government organizations, strengthening of the rights movements of FSWs and positive attention from media may help in reducing human rights violations against FSWs. Easy available, accessible and affordable health and mental health services should be provided to the FSWs to reduce the health and mental health impact of rights violations among FSWs. And the most important solution may be the amendment of ITP Act in India.

CONCLUSION

The study findings prove that police personnel violate the basic human rights of FSWs. These violations against the FSWs need special attention not just in the context of spread of HIV/AIDS but also in the context of their mental health and wellbeing. Immediate action from the concerned authorities is essential to address the issue.

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