

To,
Dr. Jayamala Ramachandra,
Member of Legislative Council,
Government of Karnataka,
Vidhana Soudha,
Bengaluru.

December 24th, 2016

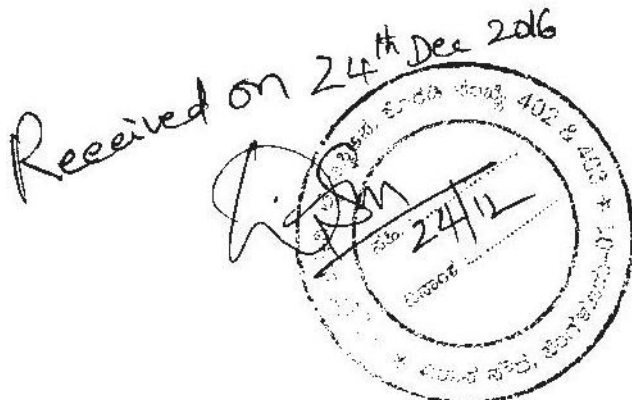
Subject: Concerns of various groups and organizations working with sex workers about the study undertaken titled *Laingika Daurjanyakke Olagaada Samudaaya Mahileyara Sthithigathi Adhyayana* (Status Report of Women Who Have Encountered Sexual Violence)

Dear Madam,

On December 20th, 2016, various groups and organizations working with sex workers and sex workers' collectives like Karnataka Sex Workers Union, Uttara Karnataka Mahila Okkuta, Veshya Anyay Mukti Parishad, National Network of Sex Workers, Amnesty India, Aneka, Alternative Law Forum, Centre for Internet and Society, Karnataka Dalit Sangharsha Samithi, Karnataka Janarogya Chaluvalli, Reach Law, Samraksha, Sangama, Swaraj Abhiyan, Vimochana along with other independent researchers and activists met to discuss concerns that were raised by sex workers communities regarding the questionnaire and the manner in which the questionnaire was administered to them. These concerns have been documented in the report titled "A Critique of the Study Undertaken by the Government, through its Appointed Committee on Sex Workers", which has been enclosed with this representation forthwith.

Madam, as you very well know, in 2011, in the landmark judgement, *Budhadev Karmaskar V. State of West Bengal* (Criminal Appeal No. 135 Of 2010), the Supreme Court observed the following -

"...We strongly feel that the Central and the State Governments through Social Welfare Boards should prepare schemes for rehabilitation all over the country for physically and sexually abused women commonly known as prostitutes as we are of the view that the prostitutes also have a right to live with dignity under Article 21 of the Constitution of India since they are also human beings and their problems also need to be addressed."



The above judgement is one of several positions the Supreme Court has held that the State and Central agencies must recognize as well realize the rights and welfare of sex workers in India.

The committee you have established has been commissioned to study problems of sex workers, Devadasis and sexuality minorities in the State in a manner that you promised will be comprehensively respectful, sensitive, confidential and will not violate the dignity of individuals.

The expectation is for the committee to address the challenges faced by sex workers which have been largely ignored by the government. The redressal to these challenges must go beyond tokenistic schemes and seek to address institutional stigma, atrocities committed by law enforcement agencies, discrimination faced by sex workers and their families, health needs, along with access to entitlements and to education. In light of these critical concerns, it was expected that a comprehensive study would be administered to understand the 'life and struggles' (*baduku mattu bhaavane*) of sex workers.

As stated earlier, after receiving testimonies through a consultative process with the several groups and organizations, several problematic areas and ethical breaches were identified. The survey, both as a methodology and an indication of the intention of the committee, was found to be flawed. There are problems with ensuring that there was informed consent and data integrity. Further there are violations of standard protocols that were to be followed.

As a result, a report that is written by following processes which is antithesis to research values, ethics and methodology, should be reviewed with critical eyes and reworked.

In light of this, we request that the Committee respond to our concerns as has been stated below –

1. Has the administration of the survey been completed? If not, at what stage is the process?
2. What is the intention of the survey in terms of planned policy or scheme for the benefit of sex workers and their families? What is the research question that forms the basis of the survey?
3. Where is the data collected through this survey being stored? In what form and in which government office/official's possession?

The data collected holds sensitive, personal information on the HIV status, phone number, address, caste and identity of sex workers. This information can be misused by the government on various fronts. What safeguards are in place for data integrity and discussion. The data collected did not satisfy the principle of voluntary informed consent. Participants were not given adequate information, on their choice to volunteer information and they may refuse or withdraw at any point during the study. The data collected as a result of the survey breaches the ethics of research and other protocols. Therefore, we demand the Committee to -

1. Destroy the data that has been collected in both soft and hard copies
2. The Committee must hold comprehensive consultations before the release of any report it proposes to release. This process must be public and open to prospective beneficiaries, community members, stakeholders, support groups and allies
3. All cases of information leak have to be taken cognizance of by the Committee. A review be conducted of the same, while remedial measures be initiated, alongside strict action against officials involved in the information leak as it has jeopardized the lives and livelihoods of sex workers and sex worker community throughout the State.

Thanking you

Yours Sincerely,

Rishi
Rishi Sinha

Sangama

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