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## Renuka's new proposed poses big health risks

Unsafe sex within, outside and before marriage continues to drive India's HIV and AIDS epidemic. But there is still no consensus within the government about how to deal with sex trade.

For the last two years, two ministries have been arguing over proposed changes in the law that deals with the sex trade or prostitution, to use the politically incorrect term. The exchanges turned so prickly that the matter had to be finally referred to a Group of Ministers. The ministers in question are still talking.

On one side, there is the ministry of women and child development that wants to declare every client of a sex worker a criminal and believes this will deter traffickers. On the other, there is the health ministry that says such a move will only drive the sex trade underground and make it far more difficult to provide any services such as HIV prevention.

Deliberations among ministers on sensitive issues are supposed to be "secret". But given the heat and sound generated during discussions about proposed curbs on the sex trade, a "leak" predictably popped up on the front page of a daily when minister for women and child development Renuka Chowdhury reportedly chided her male colleagues for being "chau-

vinists" and objecting to certain amendments in the Immoral Trafficking (Prevention) Act, 1956.

Ms Chowdhury's ministry wants to bring in changes in the law that would penalise anyone visiting a brothel. Not everybody in the government believes this would serve any purpose.

The verbal slanging matches between Ms Chowdhury and her male colleagues have generated much mirth in political circles and the media. But the issue goes beyond the headline-catching one of chauvinists versus Ms Chowdhury.

With nearly 2.5 million people living with HIV, India is grappling with a serious public health problem. Human trafficking is also a grave concern in the country. Both pose extraordinary challenges and need to be tackled.

In response to a question in Parliament in February this year, Ms Chowdhury noted that a study titled "Girls/Women in Prostitution in India" conducted between 2002 and 2004 and sponsored by her ministry pointed to a growing trend in the number of prostitutes in the country. The study estimated that there are at least 2.8 million prostitutes in India, of which 35.47 per cent entered the trade before the age of 18 years. Illiteracy, lack of skills, poverty, ill-

By Patralekha Chatterjee

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treatment by family, desertion by spouse were found to be some of the causes facilitating human trafficking for prostitution.

On the other side, although HIV prevalence rates have stabilised in several states such as Tamil Nadu, Karnataka, Andhra Pradesh and Maharashtra in recent times, they are increasing in other states. A sizeable proportion of new HIV infections are in married women who have been infected by their husbands, who have visited sex workers. Therefore, targeted interventions for sex workers understandably remain central to the national HIV prevention strategy.

The current law — the Immoral Traffic (Prevention) Act 1956 — India's principal legal response to prostitution — does not penalise prostitutes per se. Rather, it targets those who

profit from or exploit prostitutes.

The ministry for women and child development says that in order to curb human trafficking, it would like to go one step further. It wants the law to change so that clients of sex workers, but not sex workers themselves, are punished. It also wants the punishment of human traffickers to be more severe.

But the suggested amendments are based on a flawed premise, say critics, which includes the health ministry.

There are strong public health arguments against the proposed changes.

First, the proposed amendments assume that all sex workers are "victims" of human trafficking who have been coerced into sex. They do not take into account the possibility that people on the edges of soci-

ety, such as the very poor with few marketable skills, may choose to become sex workers to earn money.

Second, attempts to slap penalties on clients of sex workers would inevitably create major obstacles for HIV prevention. Targeted interventions under the National AIDS Control Programme have been showing some results of late. The percentage of female sex workers infected with HIV has decreased from 103 per cent in 2003 to 9.4 per cent in 2004 and 8.4 per cent in 2005 to 4.9 per cent in 2006. But now, with the threat of a new law, all these gains could be reversed.

**J**ust as prohibition never stopped anyone who wanted to drink from drinking, penalising a client who has sex with a prostitute is unlikely to end the sex trade. What it is likely to do is push clients and sex workers to more clandestine haunts. If clients do not appear at the usual places for fear of arrest, neither will sex workers. The entire trade will go underground, and make things much more difficult for agencies such as National AIDS Control Organisation, say health officials.

The storm over prostitution law reform in the country echoes a global debate. Sweden criminalised the buying of sexu-

al services in 1999. There are conflicting reports as to whether the "reforms" achieved their intended goals in that country. Swedish sex workers say the law has made life more dangerous for them and that, rather than reducing prostitution, it has merely driven it underground.

New Zealand may be the more appropriate model. There, sex work was decriminalised following the Prostitute Reform Act of June 2003. The law, drafted with inputs from the New Zealand Prostitutes Collective, criminalises the use of minors in prostitution and aims to safeguard the rights, welfare, and health of adult sex workers.

It has been proved time and again that no agency can change the behaviour of sex workers just by making services available to them. It is important to mobilise communities of sex workers and give them a stake in the intended benefits.

If the law isolates sex workers or drives them underground, they will become more vulnerable to antisocial elements and compromise their power to negotiate safe sex.

• *PATRALEKHA CHATTERJEE is a writer/photographer specialising in public health issues and contributes regularly to The Lancet*