



Covid-19 and female sex workers in India: a journey of brutal reality

Neha Sehgal¹ · Chandra Bhushan Patni²

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Abstract

The present paper is focused on the devastating effect of the Covid-19 pandemic on female sex workers (FSWs) in India and the globe. In Indian scenario, it emphasises on historical factors and theoretical frameworks that explicates the ceaseless exploitation of FSWs even before the pandemic. This inquiry analyses the efficacy of legislative and judicial endeavours taken with regard to FSWs. It highlights the role of non-governmental organisations and sex workers' community, actively working in providing support to the FSWs. Here, we attempt to document the scattered information from various reports regarding sex workers and prostitution. Literature search was done through search engines like Science Direct, Google Scholar and PubMed using keywords such as "COVID-19 pandemic" "sex workers", "prostitutes", "health", and "policies". Web hits from Google Scholar were collected using a Boolean search and retrieval method involving sex workers and the "AND" operator. During Covid-19 pandemic, due to stigmatisation of their profession FSWs are majorly excluded from government relief programs and health services. In India, the existing laws for FSWs are rigid in nature. They emphasize on prohibition of prostitution. There is an urgent need in India to move towards a substitute model which embody a flexible decriminalisation policy for sex workers. By studying relevant literature on the present topic the gap between policy formulation and implementation was identified. In case of India, it outlines recommendations, in particular providing immediate aid and relief, issuance of temporary documentation to sex workers.

Keywords Brothel · COVID-19 · India · Policy · Prostitution · Sex workers

Neha Sehgal and Chandra Bhushan Patni have contributed equally to the study and are first authors.

✉ Chandra Bhushan Patni
patnichandra13@gmail.com

¹ Department of Political Science, Faculty of Social Sciences, Daulat Ram College, University of Delhi, Delhi 110007, India

² Department of Political Science, Faculty of Social Sciences, Hindu College, University of Delhi, Delhi 110007, India

Introduction

Female Sex Workers (FSWs) are the members of society who are victims of their circumstances, and also of the policymakers' ongoing discrimination. FSWs have not merely been left out from the government social schemes equivalently, they are not even covered under the programs initiated for the informal sectors which led to continuous deprivation of this section of society (Chandra 2020). Since the outbreak of the coronavirus disease 2019 (Covid-19) pandemic, other vulnerable sections including the migrants and daily wage workers were provided certain aid by the government of India. They were mainly covered under the programmes such as Mahatma Gandhi National Rural Employment Guarantee Scheme which provided them work and food during this pandemic (Vasudevan et al. 2020). Around 6,57,800 sex workers counted as of 2016 contributed to the country's economy by its huge sex industry worth US\$8 billion each year (UNAIDS n.d.). They were not given much attention during this pandemic by the concerned authorities in India, which further made them more susceptible to being infected by virus.

The existing literature focusing on the condition of FSWs specifically since the onset of the Covid-19 pandemic narrowly states their problems. Hence, the existing literature seems insufficient in providing a comprehensive account of the miserable position of FSWs in society. Therefore, the present work tries to exhibit a holistic and integrated understanding of the vulnerable position of sex workers specifically in India in light of the theoretical frameworks. Present paper compares and contrasts the impact of the Covid-19 pandemic on sex workers in India and around the world in various aspects.

This study analyses the similar experiences of helplessness among the FSWs which resultantly pose a constant threat to livelihood of sex workers and make their situation worse in the Covid-19 pandemic. Legislations like Epidemic Diseases Act of 1987 and Disaster Management Act of 2005 that were certainly formulated to cope up with the situation like the current Covid-19 pandemic failed to include FSWs as a desired section of the society that required immediate assistance (Khera 2021).

On March 15, 2021, the Department Related Standing Committee of Home Affairs released a study titled "Atrocities and crimes against women and children" that focused on the "Ujjawala" Scheme, which attempts to prohibit the trafficking of women and children for commercial sex. They are forced to suffer in obscurity as a result of the laws, authorities, and society's indifference. As a result, the committee advised that the government should take meaningful steps to improve the suffering of the country's sex workers (Rajya Sabha 2021). It must be noted that these policy recommendations primarily in the case of FSWs were not really effective at the ground level. This study majorly lays stress on better implementation of these recommendations of the advisory reports. This demonstrates the continuous neglect of the FSWs by concerned authorities even before the commencement of the Covid-19 pandemic. Thereupon, they are now one of the sections of the population that demand immediate attention.

Here, we suggest some alternatives that can be implemented in India's existing legislative laws, as well as few recommendations that should be implemented during the current pandemic. These can be put into focus to reduce the risk of FSWs becoming infected and to ensure that they are not denied their basic human rights.

Present paper deals with a detailed account of historically deprived condition of FSWs, which worsened with the onset of the Covid-19 pandemic. It further highlights the current state of FSWs, their challenges, and the constructive actions taken by concerned stakeholders by presenting a comparative analysis of global and Indian scenarios.

Additionally, it investigates the primary causes of exploitation of FSWs in India. Following that, the role of the Indian legislature and judiciary is discussed. It emphasises on the increased importance of non-state actors and sex workers organisations, particularly during the Covid-19 pandemic. This paper provides a comprehensive and in-depth understanding of the cyclic nature of exploitation faced by the FSWs not only during the pandemic time but even after also.

COVID-19 impact on FSWs: a detailed analysis

The Covid-19 has been proclaimed as a pandemic by World Health Organisation (WHO) (Cucinotta and Vanelli 2020) due to its devastating impact sensed globally (Singh et al. 2021). It undoubtedly brought a point of commonality with it, blurring the current imaginary borders that divide the world.

Global scenario

According to a 2013 report titled 'Current assessment of the state of prostitution' published by Fondation Scelles, there are approximately 40–42 million sex workers worldwide (Goldman 2013). Despite being in such a significant number, FSWs were not given an adequate amount of attention. Covid-19 pandemic exposed the negligence of the concerned authorities around the world with regard to FSWs. In Canada, legislation such as Bill C-36 of 2014 makes it illegal to buy or publicise sexual favours which places sex workers at a more endangered position with poor health and safety issues (Canadian Public Health Association 2014). Such legislations have increased the hardships of FSWs in this pandemic to a great extent as sex workers do not qualify for employment insurance and government emergency support and they are required to work in threatening conditions in order to meet their basic needs (Canadian Public Health Association 2014; Jozaghi and Bird 2020).

The Covid-19 pandemic not only resulted in loss of income of FSWs and made it difficult for them to continue their work but also augmented their mental health struggles. It is noted that there has been an escalation in mental health concerns among sex workers, particularly those from poor and middle-income nations (Beattie et al. 2020). Over 800 out of 1000 participants surveyed in Indonesia indicated a need for mental health and supportive services in the people living with HIV. Therefore, there is an urgent need to improve the health of FSWs (UNAIDS 2020a).

Several national governments have introduced programmes to give assistance to sex workers, such as temporary legal status and incentive packages. The Portuguese government, for instance, provided temporary residence privileges to all immigrants and asylum seekers who sought for residency in the nation before the state of emergency for Covid-19 was declared on March 18, 2020. These rights provided immigrants and asylum seekers access to social and health services, including the national health care, bank accounts, employment and rental contracts. In addition to offering or imposing free rent, governments have assisted sex workers in finding alternative occupations, such as in Groningen, Netherlands (Pieters 2020; Tan et al. 2021).

The Global Network of Sex Work Projects (NSWP) conducted a study on how sex workers are impacted by Covid-19 pandemic. This study focused specifically on Asia–Pacific, Latin American, and African regions of the world. Different aspects were examined in the survey related to the accessibility of health services and social protection schemes. The two survey results of NSWP, showed that sex workers require immediate supervision in Latin America and Africa in particular. Though the Asia Pacific is in better position as compared to the other two regions but conditions for sex workers in this region is nevertheless unfavourable as shown in Figs. 1 and 2. Though this survey highlights the significant issues that sex workers are facing worldwide, it is relatively restricted in scope due to its small sample size. Thus, there is a need for a comprehensive report and survey (Global Network of Sex Work Projects 2021a).

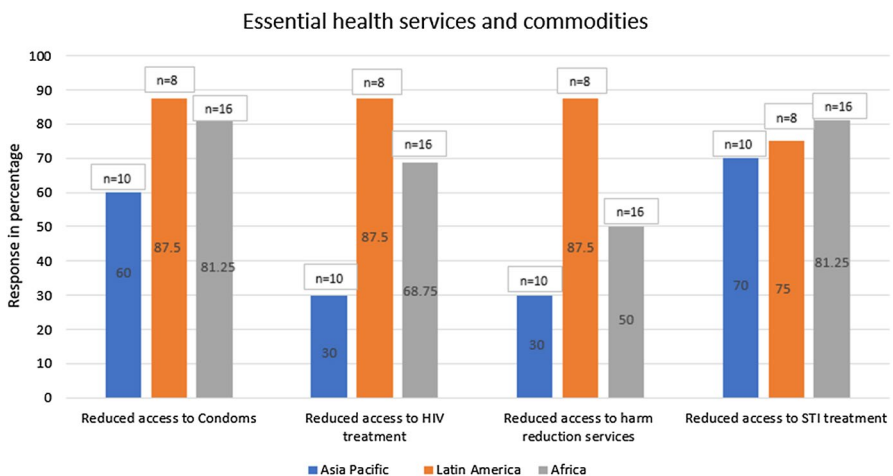


Fig. 1 Comparison of essential health services and commodities for sex workers in Asia pacific, Latin America and Africa

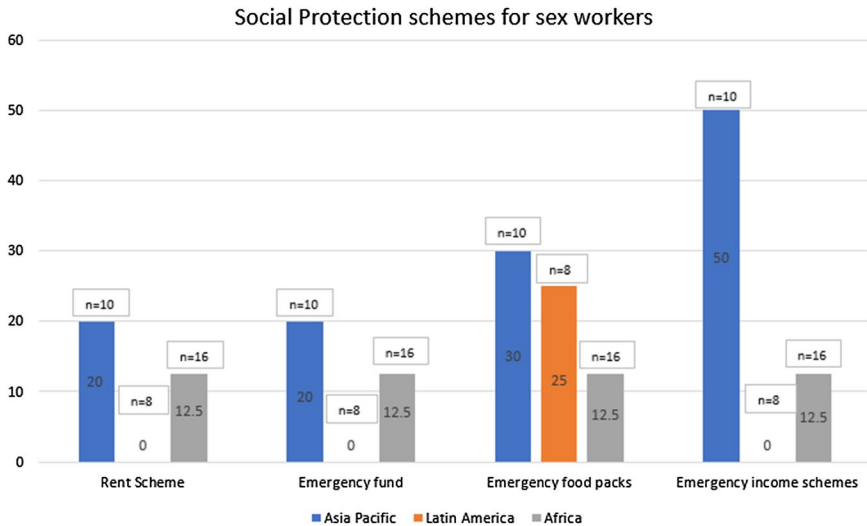


Fig. 2 Comparison of social protection schemes for sex workers in Asia pacific, Latin America and Africa

Indian scenario

The national lockdown during 2020 made sex workers more miserable and their income slashed by 75% due to return of migrant workers to their native villages (Anand 2021). Over 3000 of 5000 sex workers in Delhi have returned to their home as they were unable to fulfill their basic needs like food, shelter, and medicines (Bahadur 2020). A new fiendish cycle regarding FSWs is on its run in this pandemic and due to the unavailability of government documents, they have to take loans from private money lenders where their interest runs from 12 to 25% per month (Chakraborti and Ramaprasad 2020).

As a result of the pandemic, nearly 89% of sex workers have been coerced into debt bondage in Sonagachi, Asia's largest red-light district. One-quarter or more among them borrowed money from the unorganised sector, which included money lenders, brothel operators, and pimps, leaving them vulnerable to further exploitation. "Since the pandemic began, 73% of sex workers intended to escape the industry, but they have been unable to do so due to massive loans they have taken out to survive" (Press Trust of India 2020). Taking different parameters like police raids, unavailability of condoms and lubricants, disruption of HIV programs, and vaccination drive, a point of commonality that the Covid-19 pandemic manifested between India and the world is made.

Police raids

During this pandemic, sex workers reported instances of continuous raids, and police arrests across diverse settings which consequently led to rise in abuse, bigotry, and oppressive policing (Platt et al. 2020). NSWP noted a rise in the amount of raids and arrests in Germany, Russia, Netherlands, Switzerland, and the United Kingdom in the Covid-19 pandemic (Global Network of Sex Work Projects 2020). Similarly, in India, night restrictions, weekend restrictions, and other curbs heavily impacted the livelihood of sex workers (Anand 2021). It is also noted that the dislocation of sexworkers due to the norms of the social distancing will result into the increased superintendence of police into their lives (Sen 2020).

Shortage of condoms and lubricants

The global shortage of condoms, during this pandemic made the life of FSWs more miserable. Following the Covid-19 lockdown, Malaysia's Karex Bhd, the world's largest condom producer, stated that "a global shortage of condoms is looming" (The Guardian 2020). Throughout the world, procreative medical services like contraception and abortion seem to be unavailable. The International Planned Parenthood Federation alarmed about the contraception shortages on their website, due to the pandemic's lockdown and other precautions (International Planned Parenthood Federation 2020). According to the UN Population Fund [UNFPA], over 47 million women in 114 low and middle-income countries may be unable to afford contraception as a consequence of Covid-19 containment efforts, resulting in 7 million unplanned pregnancies (United Nations Population Fund 2020). In India, if the current situation continues 26 million couples would not have access to contraceptives. Additionally, there will be 2.4 million unwanted pregnancies, 1.45 million unsafe abortions, and more than 1700 maternal deaths. If the pandemic had not hit more than 0.7 million tubal ligations, more than 1 million Intrauterine devices (IUDs), and around 0.6 million injectable contraceptives would have been done in these 6 months (Vora et al. 2020). World's largest producer of condom Karex Bhd. stated that in the last 2 years, 40% of the use of its condoms is declined (Yantoultra 2022). Condoms, lubricants and contraceptives are an essential part of FSWs profession and the global unavailability of this further deteriorated their situation.

Disruption of HIV programs

The Covid-19 pandemic seems to have the potency to prevent HIV initiatives and worldwide advancement toward the UNAIDS 90-90-90 targets (Karaosmanoglu 2021). The Covid-19 pandemic disrupted the existing HIV programs, as it is noticed that due to the unprecedented burden brought by this pandemic there is difficulty in accessing the anti-viral and preventive drugs (Amimo et al. 2020). During the

pandemic, the utilisation of medical facilities and benefits raises psychological, contextual, systemic, and biomedical concerns about sexual health and HIV mitigation (Newman and Guta 2020). The Covid-19 pandemic has hampered FSWs' access to socioeconomic support systems and HIV preventive programmes, putting them at risk of both HIV and Covid-19 infections in Indonesia (Wirawan et al. 2022). The loss of subsistence and inadequate access to health care and social protection aggravated the exploitation of sex workers in India, particularly those living with HIV (Paul et al. 2017).

Service Workers in Group (SWING), in partnership with the Planned Parenthood Association of Thailand (PPAT), Dannok health and development community volunteers and support from the joint United Nations programme on HIV/AIDS (UNAIDS) surveyed sex workers in Thailand. It has been recorded that as a consequence of Covid-19 pandemic, 48% of respondents reported a lack of access to sexually transmitted infections (STI) treatment and testing. A study conducted in seven sexually transmitted infections (STI) sentinel clinics in Thailand found that Covid-19 was associated with a 90% reduction in sex workers presenting for STI screening (Janyam et al. 2020). Lucy Platt emphasized that Covid-19 pandemic in India has exacerbated the repercussions of the HIV epidemic on FSWs (Platt et al. 2020). This is an alarming situation and must be addressed at the earliest.

Vaccination drives

To combat the Covid-19 pandemic, vaccination drives around the world are seen as one of the crucial initiatives. Though some initiatives were taken in this regard for FSWs, they were not enough to meet the required ends. An organization named AINSW (All India Network of Sex Workers) represent 5 million sex workers of India and a member of NSWP, petitioned the Delhi government seeking greater availability of immunisation for sex workers and transgender people (Global Network of Sex Work Projects 2021b). Over 200 sex workers were vaccinated in Wadia Hospital, Mumbai after a special camp was organized for the concerned (Bose 2021). However, the numbers of vaccinated FSWs might change due to extensive vaccination drives in India.

Though, we were unable to find any major initiative around the world for FSWs in Covid-19, some small alternative steps which could have been adopted by India includes food supply as done in Bangladesh, emergency housing provision done in England and Wales, providing financial support as provided in Thailand, Netherland, and Japan (Platt et al. 2020). The Scottish government is investing £90,000 in three projects mainly to support women involved in prostitution relating access to crisis funding, counseling sessions and legal advice surgeries but none of these services are conditional on exiting prostitution (Help for women involved in prostitution 2021). It is evident that since the onset of pandemic limited work has been done for the betterment of FSWs in India and around the world. The government and civil society groups' of around the world, further intensified the situation of FSWs.

FSWs are currently in a precarious position, India and other countries necessarily need better policy initiatives for this section of society. India can embrace the

alternative projects that are undertaken by concerned authorities for sex workers in different parts of the world. Along with that, other Indian states should take inspiration from Delhi, Maharashtra and West Bengal to strengthen existing initiatives like frequent health checkups, vaccination drives for sex workers, and generating alternative sources of income (Natu 2021; Kolkata: Vaccination camp organised for empowering sex workers in Sonagachi 2021).

FSWs have gone through many adverse experiences during this pandemic which include domestic violence, mental health dysregulation, unemployment, and financial crisis, limited access to schools/education; and public distribution system (PDS) as shown in Fig. 3.

Gede Benny Setia and other researchers conducted a study to understand behavioral changes, adaptation and support among Indonesian FSWs and their probability of facing dual risk of Covid-19 and HIV in the Pandemic. The authors conducted a cross-sectional online survey which focuses on variables such as transition to online sex work, compliance to Covid-19 prevention measures during sex work, number of clients, reduction in income, social support, access of condoms, and condom use frequency. The survey included 951 FSWs, and its findings reveals that of 36.4% of FSWs had adapted to online sex work and 48.6% had followed Covid-19 prevention measures. Around 67.8% and 71.1% of respondents, reported significant decreases in client frequency and income respectively. Meanwhile, 12.5% said they used condoms less frequently during the pandemic, and 16.7% said they had

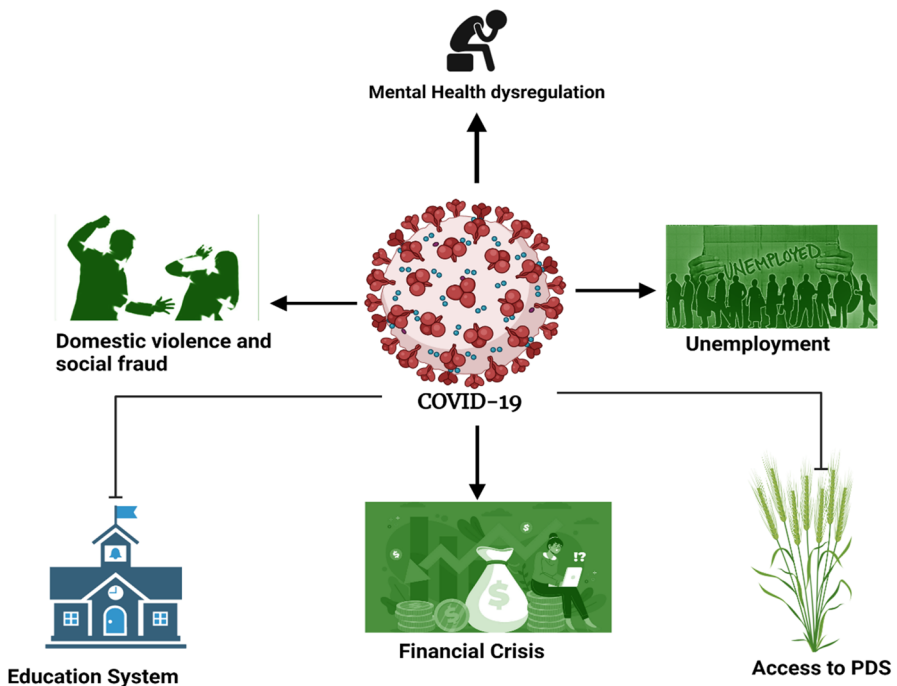


Fig. 3 Effect of Covid-19 on female sex workers

difficulty in obtaining condoms. Furthermore, only 36.3% of FSWs reported receiving some form of social support from any source, private, public, or parties. It was also observed that continuing sex work even during the pandemic protected FSWs from major income loss, whereas education and younger age anticipated adaptive behavioral changes, such as taking up online sex work. Further, the Covid-19 pandemic has affected FSWs access to socioeconomic assistance programs and HIV prevention services, exposing them to the dual threat of HIV and Covid-19 infections (Wirawan et al. 2022).

Between April and October 2020, Tan and other researchers performed a sequential exploratory mixed methods study to understand the impact of the coronavirus disease (Covid-19) on the health and social needs of sex workers in Singapore during the Covid-19 pandemic. Their study included in-depth interviews with 24 sex workers and surveyor-administered standardised questionnaires with 171 sex workers. The scientists determined that the illegality of sex work, stigma, and a lack of work verification were all highlighted as barriers to alternative employment or government assistance. According to their findings, sex workers in Singapore have suffered an increase in food insecurity (57.3%), housing instability (32.8%), and sexual compromise (8.2%), as well as a decline in access to medical care (16.4%). Being a venue-based sex worker was positively linked with greater food insecurity (aPR = 1.46, 95% CI [1.00, 2.13]), housing instability (aPR = 1.28, 95% CI [1.03, 1.60]), and lower access to medical care (aPR = 1.74, 95% CI [1.23, 2.46]). Covid-19 appears to have resulted in a loss of revenue, increased food and housing insecurity, higher sexual compromise, and decreased access to medical treatments for sex workers, according to their findings. Sex workers' lack of access to government assistance aggravated the situation. Efforts should be made to alleviate such discrepancies in population health (Tan et al. 2021).

Through these two studies the present paper argues that Covid-19 has had a similar influence on FSWs around the world and has further reduced their access to state-provided socio-economic benefits. Their access to food, shelter, and medical care has been compromised due to Covid 19 pandemic. Such similar scenario is also visible in case of India where FSWs were considerably affected by the pandemic. However, comprehensive studies are still required to understand current Indian scenario and challenges faced by FSWs in India.

Causal factors subsequent to the desolation of FSWs in India

This analysis intends to present the causal chain of factors which make FSWs among one of the vulnerable and consistently deprived sections of the society. It additionally locates these causal factors within the historical and theoretical framework that simultaneously provide greater understanding of the path development of current state of FSWs in India. This historical and theoretical framework explains the continuous subordination, systematic oppression, and discrimination that have been taking place against FSWs even before the pandemic and how it increased during the Covid-19 pandemic. In the following section the factors are described in the established framework.

Caste

The Devadasi system was outlawed in 1988 but the practice of dedicating young girls as Devadasis continues to be prevalent among the Scheduled castes (Geetha 2021). The practice of ritualized prostitution is majorly determined by caste. A study revealed that over 90% of the women entangled in the devadasi system are from scheduled castes or tribes while their patrons are from higher castes (Black 2007).

Caste-based rites of initiation such as marriage to a deity continue till today (Geetha 2021) and used as a common phenomenon to transfer lower caste women into urban sex markets (Chandavarkar 2008). Women from lower castes are forced into prostitution, which is considered as socially stigmatized profession. Because of ancient cultural customs, many socially deprived people are compelled to labour in this occupation (Like Nats in Rajasthan, Bedia, and Bachra Communities of North India). The Jogini tradition in Andhra Pradesh, which is a modern form of Devadasi, permits women of lower caste to become jogins, Surprisingly, Jogins tradition maintains upper caste male domination. Males from lower castes also exploit these jogins, which generate mutual interest between them. They wanted this dominating system to continue (Jha and Sharma 2016). This eventually substantiates the caste hierarchies and simultaneously reflects the centralised source of societal power. This phenomenon can be categorically understood through Foucault's analysis of power which focuses on micro level practices and emergence of subsequent local effects which sustain and reproduce power relations (A. Armstrong).

Foucauldian framework explicitly justifies the implications of caste hierarchies and the consequent stigmatisation of FSWs from lower castes. The prevalence of caste system in India is the result of the manifestation of deep association between culture, caste and prostitution that maintains the authoritarian power relations (Jha and Sharma 2016).

The study done by Dandona and others involved a detailed documentation of the confidential interviews conducted in the 13 districts of Andhra Pradesh. The study demonstrates that women aged between 20 and 34 years are mainly involved in the sex work and consequently about 35.3% of women belonged to the SC community (Dandona et al. 2006).

During the Covid-19 pandemic, lower-caste populations, such as the Nat community, whose daughters work as pub dancers and sex workers in Mumbai, experienced a number of obstacles, as well as an ongoing stigmatisation of their vocation as an "impure occupation." The imposition of lockdown aggravated their condition as they did not have enough savings to pay the rent, and return home. This shows how the historically marginalised section of the society is further affected adversely by this pandemic (Jangir and RajNat 2020).

Poverty

The caste hierarchy's prolonged supremacy resulted in the stigmatisation of the profession as well as financial deprivation of FSWs. Other factors, such as chronic poverty, parent death, family disapproval, divorce or widowhood, a partner unable to work, or a drug-using partner, prompted women to engage in sex work due to financial insecurity (Devine et al. 2010). Poverty is considered one of these contextual factors affecting FSWs (Dasgupta 2013). Because of reasons like poverty, economic unfairness, and gender inequality, an estimated 68% of sex workers chose to work in this industry. This information was revealed in a survey conducted by the Sarvajana coalition, a Non-Government Organisation (NGO) with a sample size of 1000 sex workers in Maharashtra, Karnataka, and Tamil Nadu (Express News Service 2020). As a result, because women choose sex work as a profession, they face societal ostracization (Dasgupta 2013). Such stigmatisation leads to despair and mental health illness, which greatly reduces sex workers' motivation to be healthy (Cornish 2006; Wojcicki and Malala 2001).

Poverty has also been noted as a structural barrier to the adoption of positive health practices such as condom use (Airhihenbuwa 2006; Airhihenbuwa and Obregon 2000; Chattopadhyay and McKaig 2004). This increases the chance of infection transmission, putting FSWs at a higher risk of having poor sexual health (Cornish and Campbell 2009). Poverty raises the sex workers' behavioural risk factors for risky sexual behaviours primarily for monetary gain, in addition to triggering financial deprivation and mental health concerns (Dasgupta 2013).

With the beginning of the pandemic, poverty as a contextual element became greatly exacerbated, and it became one of the causes for FSWs' limited access to healthcare resources (Dasgupta 2013). FSWs in India were pushed to the edge by the implementation of lockdown. They were denied access to a variety of social assistance programmes, forcing them to put their safety and health at risk (UNAIDS 2020b). Sex workers took financial assistance from private money lenders and self-help organisations (SHGs) to support their families during the pandemic. They were under pressure to repay their loans at exorbitant interest rates, which is impossible to do without a source of income (Seshu et al. 2021).

It is also found that over 90% of commercial sex workers in three states (Maharashtra, Karnataka, and Tamil Nadu) were assumed to be pushed into permanent debt bondage by the end of 2020 (Express News Service 2020). Some FSWs found alternative careers with the aid of NGOs, such as selling onions, seafood, and creating masks and sanitizers. Yet, food assistance and contributions from these organisations have fallen short of their needs, and many of them have struggled to pay their rent and school fees for their children. (Godbole 2020). We tried to highlight the causal nexus between gender, power and the resulting economic injustices in this and showed how this nexus can pose a big challenge to FSWs.

Relational dynamics

It is necessary to consider the labour and social relations of FSWs in order to comprehend the working circumstances and professional associations prevalent in the commercial sex community. Kotiswaran offers one such framework by defining a triangular set of labour relations in a brothel (Kotiswaran 2008; Guha 2017). The triangular set of labour relations manifested by Kotiswaran include various kinds of relations such as labour relation, tenancy relation and service relation. Labor relation is significantly demonstrated between the brothel owner and the sex worker. The tenancy relation includes the relationship of landlord with a lessee with no functional role in the sex industry, a brothel owner and an independent self-employed sex worker. The service relationship is exhibited between sex workers and a brothel, on one hand and customers, on the other.

Through the above framework Kotiswaran explicitly interprets the labour and social relations among sex workers in Sonagachi area, West Bengal (Kotiswaran 2008). Kotiswaran demonstrated how sex workers' affective aspirations of commitment, submission, and care lead to personal experience of abuse and power struggles (Guha 2017).

Relational dynamics of brothel-based sex-work

In several cases, sex workers seek to mitigate their risks by engaging with a pimp or madam, who gives them "protection" from abusive clients as well as provides many other advantages (such as advertising, client referrals, or defended markets). In return for their favors, sex workers are providing their earnings to pimps and madams. However, sex worker's engagement with pimp or madam could introduce new risks which include sexual, financial, psychological abuse and limited autonomy (Fermin 2018). Such kind of violence that is faced by FSWs in brothels is not constituted as domestic violence under 2005 Domestic Violence Act of India which was enacted to protect women from domestic violence (Sen 2020). Occasionally, consumers also offer FSWs emotional and social support or assist them to escape, but their unwillingness to assume traditional roles such as father or husband has led to feelings of betrayal (Guha 2017). The relational dynamics theory emphasise on the relationship between FSWs and brothel keeper by a labor relation, FSWs and customer through tout and by service relation, customer and independent sex worker by service relation, independent sex worker and landlord by tenancy relation, landlord and brothel keeper by tenancy relation as depicted in Fig. 4.

Amidst the pandemic, the dynamics of labour and social relations of FSWs with madam, pimp and brothel-owners have also undergone significant change. Due to the practice of social distancing their source of income diminished completely and this industry experienced great financial setbacks (Kumar 2021). Even before the pandemic, FSWs suffer physical, sexual, emotional, and economic

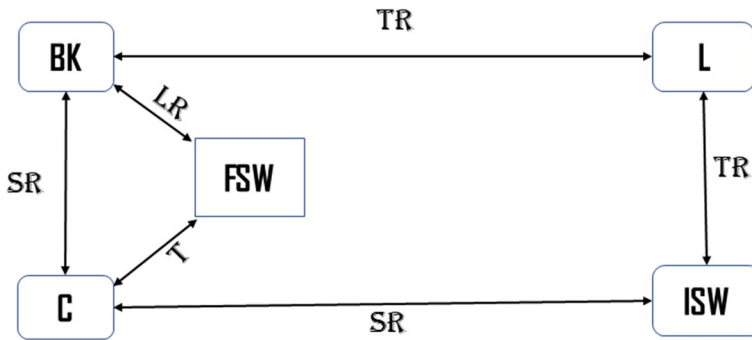


Fig. 4 Relational dynamics related to FSWs (). *BK* brothel keeper; *SR* service relation; *C* customer; *FSW* female sex worker; *T* tout; *LR* labor relation; *TR* tenancy relation; *L* landlord; *ISW* independent sex worker

abuse in a variety of contexts including their workplaces, health care settings, as well as in their families. Violence against sex workers violates the right to equal protection under the law, as well as the right to be free from abuse, insensitive and systematic torture (Bhattacharjya et al. 2015). The major cause of this violence was related to the stigma attached to their profession. Violence in multiple forms against FSWs by their family members including intimate partners was reported higher due to their inability to bring money in the pandemic (Seshu et al. 2021). This study views that due to continuous job loss by women in the informal sector (Sumalatha et al. 2021), the post-pandemic period will see more females joining sex industry due to economic crunch (Express News Service 2021a; UNODC). Subsequently, due to the influx of more females in this industry there is a high possibility of change in the relations and economics of this industry.

Life-cycle of FSWs

The life of FSWs can be understood through conventional norms which led to stigmatization of their profession and emergence of gender-based violence that is broadly explained by Elesberg and Heise. They concentrate on the life-cycle of everyday gender-based violence that affects women who have previously or presently employed in the sex industry. The exploitation of women continues in the brothels too where the violence by madams, brothel owners, and customers (Guha 2017), status hierarchy (call girls-brothels, massage parlours, escorts, etc.) along the lines of ethnicity, age, and physical appearance in the sex industry defines varying degrees of victimization and exploitation (Adhikari 2014). Forced rescue attempts by the state and community involve elements of mental and physical violence. This life-trajectory of FSWs reflects the experiences of violence and power inequalities which can be better tracked with the help of the conceptual framework of deviant careers by Becker (2008). This theory focuses on how FSWs careers and lives are impacted by deviance across a wide range of institutions (Guha 2017). By entering into the

sex work involuntarily through trafficking or voluntarily due to domestic violence, poverty, or family pressures, FSWs commits the nonconforming act (Wolfe 1999). In this environment, FSWs who have been saved and rehabilitated by the state still suffer humiliation and rejection from their natal family and community as a result of their prior occupation, therefore they prefer to re-enter the sex business (Magar 2012; Azhar et al. 2020). It can be seen that Becker's theory of deviant career is a further extension of the theoretical framework provided by Elesberg and Hiese that specifically focuses on the life-cycle of FSWs, therefore there is a point of commonality between these two theories. The life-cycle of FSWs exemplifies the cyclical nature of gender-based abuse and the power inequalities that FSWs endure in their social relationships.

The above theoretical framework makes it evident that in the pre-pandemic times, FSWs had no choice but to engage in sex work because of the predominance of conventional societal standards and the stigma attached to it (Stafford and Witteveen 2021). These difficulties have worsened significantly since the commencement of the Covid-19 pandemic, as the imposition of different restrictions is said to have had a disastrous influence on the lives of the sex community. Since the pandemic's breakout, the sex worker communities and other segments of society, especially transgender people, have borne the burden of inequality (Singh and Dandona 2021).

In the worst-case situation, the concerned stakeholder failed to provide the necessary assistance to FSWs, and they even denied to acknowledge sex workers as informal workers (Srivastava 2020).

All the factors mentioned above are interdependent in nature and manifest a form of violence on FSWs which can be understood appropriately by Galtung's theory of structural violence. Galtung describes the concept of violence in broader terms; he defined it as "structural or indirect violence" which reflects his idea of power. This violence is ingrained into the institution, manifesting itself as an unequal authority and, as a result, unequal life opportunities (Galtung 1969). Galtung added several aspects like religion, language and ideology in the name of cultural violence to his conception of structural violence which further justifies it (Galtung 1990).

It is evident from Galtung's definition of violence that all the causal chain of factors that made FSWs one of the most marginalised and vulnerable sections of the society form part of his idea of "Structural Violence". We have scrutinized the cyclical nature of historical factors which forms the basis for structural violence in case of FSWs which begins from analysing the role of caste which reinforces hierarchical relations of power and led to stigmatisation of the profession (Menon 2019). The factors listed above are some of the most important ones that came to our mind while researching this issue; however, we do not claim that the analysis is limited to just a particular aspect of these factors. The variables attempted to portray a gendered analysis and to demonstrate the link between personal, economic, and social factors, as well as how they affect FSWs. We believe that, as a result of the interaction of these factors, there will be a return of FSWs to the sex industry and prostitution following the lockdown. As a result of these reasons, a cyclical web of exploitation will emerge, posing the same obstacles to FSWs that motivated them to enter this field in the first place.

Galtung discusses many institutional acts of structural violence that occur on various levels. In a modern democratic country like India, the existence of governments, laws, and the judicial system serves to protect peoples' human rights. These laws are developed to protect people's rights to dignity and to end institutional harassment.

Appraisal of Indian legislature and judiciary

The formulation of current rules governing sex work began in 1860, when the Indian Penal Code was published, with Sections 372 and 373 of the code (Kannabiran 1995). The newly formed United Nations' Convention for the Suppression of Traffic in Persons and of the Exploitation of Others' Prostitution (1949) laid the groundwork for post-independence all India legislation to deal with the issue of prostitution, namely the Suppression of Immoral Traffic (Prevention) Act of 1956 (SITA), which was later amended in 1986 and became the Immoral Traffic Prevention Act (ITPA) (Ministry of External Affairs n.d.). Under ITPA and SITA, prostitution or sexual intercourse is not unlawful in India, but any additional activity necessary to carry out such activities is prohibited. Despite the fact, women in prostitution bore the burden of this act (Cunha 1987; Gangoli and Solanki 1996), which is also one of the reasons that there is widespread assumption that sex work is illegal in India. Understanding the plight of FSWs leads to the fact that victimization of sex workers in India is an issue of great concern (Giusta and Munro 2016). Such conditions call for the recognition and regulation of the profession of prostitution under labor regulations instead of criminal law (Bhandari 2020). Nevertheless, the decriminalization policy of other countries specifically of New Zealand has proven to be one of the most helpful models for sex workers and their rights.

India's legal framework which regulates sex workers suggests that it tries to emulate the Swedish or Nordic model which decriminalizes sex workers but criminalizes procurers and clients (Agrawal 2018). Countries that are specifically following New Zealand has proven to be one of the most helpful models for sex worker's rights as these are more welcoming to them (Bhandari 2020).

The New Zealand prostitutes' collective was contacted during the legislative reform process, and they stated that the new legislation had improved sex workers' rights, health, and welfare access (Abel et al. 2007). By taking note of the above explorations, this paper suggests that India should shift its legislature stand from Swedish to New Zealand policy for sex workers especially during pandemic, there is a greater need for revised laws. The state governments of Delhi, Maharashtra, and West Bengal were at forefront in establishing vaccination centres for sex workers (Goswami 2021; Kolkata: Vaccination camp organised for empowering sex workers in Sonagachi 2021; Bose 2021). The Supreme Court ruled that states and union territories might offer dry rations to sex workers certified by the National AIDS Control Organization and district legal authorities without the need for identification documentation such as ration cards (Legal Correspondent 2020).

The existing legislations like Epidemic Diseases Act of 1897 and the Disaster Management Act of 2005, which were both enacted in response to the pandemic, includes no mention of the protection and rehabilitation of the disadvantaged,

including sex workers during a health disaster (Khera 2021). Sex workers in India have rarely been offered inclusion in the social, political and economic spheres. After the outset of Covid-19 pandemic resultantly, sex workers were jobless, homeless, and without legal protection at this time of suffering, and have no recourse. Judges of the Supreme Court of India in 2011 stated that prostitutes had a right to dignity under Article 21 of the Indian Constitution and that their concerns must be addressed (Venkatesan 2011). Despite having this ruling by Supreme Court in 2011, not much improvement in the condition of sex workers is observed even during pre-pandemic times. Along with that, no significant assistance is provided to FSWs in terms of food, shelter, and financial aid by the government. Sex workers were consistently neglected by various schemes and policies formulated by the state. The problematic history of government assistance, as well as the Indian state's invisibility and criminalization of sex workers, resulted in stigmatisation and the exit of sex workers from this profession (Seshu and Pai 2021). This paper argues for decriminalisation of sex work and recognition of sex work as a profession which will help in improving condition of sex workers in India. Though the Indian state has taken cognizance of the condition of FSWs in the pandemic there still remains a huge gap between policy formulation and implementation of the state in regard to FSWs which needs to be addressed sincerely.

Significance of NGOs and sex workers organisation in COVID-19 pandemic

NGOs and civil society groups play a crucial role in bringing those concerns to the attention of masses and government which are often ignored by them (Biradavolu et al. 2009). The role of NGOs has become increasingly crucial in light of the increased obstacles posed by the Covid-19 pandemic, which has made it difficult for FSWs to get resources (UNAIDS 2020b). Sex workers, transgender people, lesbians, bisexual women living with HIV, and drug users face hardships, including humiliation, if they are caught breaking public health rules. (Griffin and Antara 2020). Lack of access to social safety nets, financial aid programmes (UNAIDS 2020c, d), antiretroviral medicines, drug treatment and harm-reduction supplies, violence by landlords, families and local officials was among the difficulties faced by the sex workers (UNAIDS 2020c; OutRight Active International 2020).

Though, some initiatives like vaccination drives, providing alternative sources of income (Mani 2020) and distribution of condoms were taken by Indian states but they were minuscule in comparison to the efforts which should have been taken by the governments in context of FSWs. In these places, NGOs came forward and provided food reliefs and essential kits to the sex worker. As a result, sex workers who were unable to work due to the Covid-19 outbreak rely to some part on food aid offered by NGOs and individual donations (Seshu et al. 2021; Global Network of Sex Work Projects 2021a).

Many NGOs were bold enough to initiate fund generation and to take the concern of FSWs ahead. According to an NGO, Centre of Holistic Development, over 3000 sex workers live in 80 brothels on Shraddha Nand Marg, also known as GB

Road. These workers requested the government to supply rations and food packets into their homes (Express News Service 2021b). By the efforts of NGOs like SANGRAM, the Maharashtra government recognised fundamental rights of sex workers and decided to include them in state benefits in 2020. The Maharashtra government has set aside more than \$6.8 million (about 500 million rupees) for the community of sex workers (The Fund for Global Human Rights 2021). Food packets and other essential things have been distributed to sex workers working in red light areas by local NGO's such as Kat-Katha (in Delhi), Durbar Mahila Samanwaya Committee (in Kolkata), and Kranti (in Mumbai). While such steps are admirable, they are insufficient to assure the survival of the complete sex workers' community (Tripathi and Das 2020). Therefore, it is highly recommended that proper intervention of government is required.

NGOs all around the globe also took significant steps to fight against the Covid-19. We tried to give an overview of the responses given by NGOs around the world. The Covid-19 pandemic put forward the vulnerabilities of the sex workers in Brazil which became target of the moral and economic forces. They faced challenges in dealing with pandemic due to the fragile nature of the movement led by them and their occupation. The implementation of measures such as social distancing measures and quarantine to curb the impact of pandemic have been driven by anti-prostitution policies (Simões et al. 2020). In the midst of State absences and abuses, sex worker activists have once again played a critical role in responding to the pandemic in Brazil. Santos et al. trace the gendered, sexualized, and racialized dimensions of how prostitution and work have been ungoverned in Brazil, using the theoretical framework of necropolitics (Santos et al. 2021).

An NGO named Aprosmita in Brazil (Association of Sex Workers in Minas Gerais) started a campaign to gather donations for sex workers' personal hygiene, cleaning supplies, and food (Red Umbrella Fund 2021). Similarly, the Scarlet Alliance of Australia launched a fund that will provide donations; and the money is instantly accessible to sex workers in need of emergency assistance. Rak Thai Foundation of Thailand was able to provide personal protection equipment (PPE) like masks, soap, condoms, alcohol hand sanitiser, and soap to sex workers in seven provinces with the support of the Global Fund (Janyam et al. 2020). Kenya Sex Workers Alliance (KESWA) provided hygiene kits, menstrual pads, food baskets, and masks to sex workers (Mbugua 2020; Bhalla 2020; Mantell et al. 2021).

Sex worker rights organisations have sprung to the fore and assisted FSWs in need by offering money, personal protective equipment and food. These organisations have joined forces to fill the gap left by the government's inaction. They are assisting people in need by offering food, money, and personal protective equipment (Butterfly and Network n.d.). Sex workers all over the world were aware enough to comply with physical segregation, but when they were completely barred from government support programmes, they reverted to lobbying techniques and organise activities to build community support. Amnesty International calls on the government to take appropriate steps to rectify the discriminatory impact of Covid-19 on the health and other human rights of sex workers (Amnesty International 2020). Numerous NGOs, civil society organisations, and sex worker associations are working hard to preserve FSWs basic human rights. However, power is primarily in the

hands of concerned authorities all across the world, but their apathetic response is further marginalising this segment of society.

Conclusion and way forward

This analysis suggests that there is a huge gap in policymaking and implementation specifically in case of sex workers. They have indeed been considered as “second-class citizens,” and their complaints have been ignored all throughout the world. The onset of the Covid-19 outbreak resulted in a significant increase in the exploitation of FSWs. This paper highlights some key recommendations which can be approached as a means to pave the way ahead.

On October 7, 2020, National Human Rights Commission [NHRC] published its “Advisory on Rights of Woman in the context of Covid-19” on which it gave recommendations about sex workers. The recommendation includes providing aid and relief to sex workers, particularly lactating mothers. The Maharashtra government has encouraged security personnel to act in incidents of violence, as sex workers are more vulnerable to domestic violence from their spouses, family members and even former sex workers Welfare schemes, such as Public Distribution System, require documents that most sex workers do not have, so the recommendation also includes the issuance of temporary documents for sex workers (National Human Rights Commission 2020).

The Covid-19 pandemic unwielded a new side of technological imperative where sex workers were providing their services via the internet, but there is disparity in the access of internet and use among sex workers (Staff Reporter 2020). Therefore, recommendations also include creating a framework which makes FSWs technically aware and space where their services cannot be misused. The inclusion of sex workers and sex education in textbooks, starting from school may be an appreciable way to engage people in these issues and create empathy in children from a younger age. There is an urgent need for all the stakeholders including NGOs, the Sex Workers’ group, and Government to deliberate and discuss the problems faced by FSWs in daily basis and come forward with better policies for sex workers. Even before the onset of the Covid-19 pandemic FSWs faced a lot of difficulty in finding alternative jobs but the pandemic made their condition more depressing, therefore the most pressing issue in front of these stakeholders is to make structural reforms and create alternative professions to help FSWs. Lastly this study, emphasize that there is a need for policymakers to decriminalize sex work and shift towards a more flexible and inclusive policy for sex workers.

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