

State Level Consultation for Designing a Social Inclusion Plan for Socially Excluded and Marginalised Populations

Report

5th July 2013
Bangalore



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Jointly organised by
the National Mission for Empowerment of Women (NMEW),
Department of Women and Child Development and
the Centre for Advocacy and Research (CFAR)





INTRODUCTION

In recent years various initiatives have been undertaken on the ground and at the programme level to enable marginalized and socially excluded communities; particularly sex worker community and transgender people, to access their rights and entitlements. Despite these efforts, this community and people continue to encounter numerous social and systemic hurdles in availing of their entitlements. Primarily because these initiatives have failed to engage with the structural, institutional and deep seated attitudinal barriers that have perpetrated and fuelled the social exclusion of these communities. There is also the realization, among those who are working for and with these communities that any design for the social inclusion of these communities will succeed only if it works towards building bridges between the mainstream programmes and the communities with the focus on empowerment and community involvement.

Based on this realization the National Mission for Empowerment of Women (NMEW), in technical collaboration with the Centre for Advocacy and Research and its partners, have decided to develop a pilot cum-demonstration project for *Assessing and Designing a Social Inclusion Plan for Socially Marginalized and Excluded Populations* for women trafficked into sex work and transgender people in the three States of Karnataka, Andhra Pradesh and Maharashtra.

State level Consultation

In Karnataka, the pilot project was formally launched at a state level Consultation in Bangalore on 5th July 2013. The Consultation also provided concerned stakeholders from government departments, ministries, civil society and community groups an opportunity to collectively deliberate on the specifics involved in designing a social inclusion plan for these marginalized groups. Similar consultations were held in Andhra Pradesh in October, 2012 and Maharashtra in November, 2012

Objectives of the Consultation:

To design a social inclusion plan for marginal communities, such as sex workers and transgendered persons in consultation with key stakeholders from: the departments of Women and Child, Health, Education, Urban Development, Social Welfare, E-Governance, Housing, Revenue, NRHM, Bruhat Bangalore Mahanagara Palike, NRHM, State AIDS Control Society, Sarva Shiksha Abhiyan, Karnataka State AIDS Prevention Society, civil society and CBOs and women's organizations working on the prevention of trafficking, targeted interventions, health, education, livelihood development and the reduction of violence against women.

- To design a social inclusion plan for marginal communities, such as sex workers and transgendered persons in consultation with key stakeholders from: the departments of Women and Child, Health, Education, Urban Development, Social Welfare, E-Governance, Housing, Revenue, NRHM, Bruhat Bangalore Mahanagara Palike, NRHM, State AIDS Control Society, Sarva Shiksha Abhiyan, Karnataka State AIDS Prevention Society, civil society and CBOs and women's organizations working on the prevention of trafficking, targeted interventions, health, education, livelihood development and the reduction of violence against women.
- To facilitate an exchange among stakeholders on their experiences and learning's on the advancements that have been achieved through interventions aimed at: safeguarding the rights and entitlements of communities, building alternative livelihoods, ensuring a reduction in their risk and vulnerability to HIV/ STI and other related issues.
- To facilitate the sharing of good practices being implemented by grassroots functionaries of the government, community groups and civil society.
- To emerge with a pre-designed framework based on this sharing of perspectives, experiences and good practices that will reflect some measure of consensus on the guiding principles, thrust and focus of the pilot project while identifying areas of convergence and modalities of collaboration and joint intervention.

The Consultation was attended by: Shri. Ramesh Bindurao Zalki, the Principal Secretary, Department of Women and Child Development, Shri Venkataiah, Principal Secretary, Social Welfare Department, G Kumar Naik, Principal Secretary, Education Department, Smt. Gurneet Tej, Director, Department of Women and Child Development, Smt. Sushama Godbole, Additional Secretary, Home Department, Dr. KG Jagadeesh, Rajiv Gandhi Housing Cooperation Ltd., Smt. Hemalatha, Mission Director, National Rural Livelihood Mission, Shri. Devaraj, Joint Director, IEC Wing, Health Department, Smt. Tusharamani, Assistant Director, Urban Development, Smt. Prabha Alexander, Programme Officer, Education Department, Dr. DS Ravindran, Chief Executive Officer, E Governance, Shri. Manoj Kumar Tripathi, Project Director, Karnataka State AIDS Prevention Society, Shri. Ashokanand, Director, Karnataka Health Promotion Trust.

Background

The National Mission for Empowerment of Women (NMEW), in collaboration with Ministry of Women and Child Development, Government of Karnataka and the Centre for Advocacy and Research (CFAR), organized a State Consultation on *Assessing and Designing a Social Inclusion Plan for Socially Marginalized and Excluded Population at Bangalore* on 5th July, 2013. The objective of the Consultation was to **design a Social Inclusion Plan for Marginal Communities such as sex workers and transgendered persons in dialogue and consultation with all key stakeholders right from key government departments to civil society and community groups.**

The Consultation delved into major structural issues faced by the community groups and underlined that stigma and discrimination, violence and crises were the key barriers that hampered the inclusion of community groups into any development programming.

In partnership with Sahabgini Federation of Sex Workers, Uttara Karnataka Mahila Sangha, Ashodaya Samiti, Swati Mahila Sangha, Vijaya Mahila Sangha, Jyothi Mahila Sangha, Soukhya Bellaku Samudaya Samsthe, Kanataka Sex Workers Union, Karnataka Sexual Minority Forum, Samara, Sangama and Sarathya Federation of Sexual Minority CBOs).

The government departments who participated included Women and Child Development, Health, NRHM, State AIDS Control Society, Education, Urban Development, Home Affairs and Social Welfare. Experts from civil society, women's and community-based organizations working on the prevention of trafficking, targeted interventions, health, education, livelihood development and for reducing violence against women also participated.



SALIENT RECOMMENDATIONS

Department of Women and Child Development (DWCD):

The Karnataka Government put out a circular in 2010 which made Department of Women and Child Development as Nodal Department to look in to the issues of transgender community. But, till the date none of these government orders are implemented.

Hence,

- A common circular should be issued to all departments stating that necessary steps should be taken to address issues of access and exclusion faced by the community of sex workers and transgender persons
- In order to ensure that the sex workers and transgender persons get access to development schemes and programmes, bottlenecks such as lack of identity documents and citizenship proofs should be addressed by the concerned departments.
- The DWCD should undertake steps to inform and educate the community groups on the schemes that they can avail of.
- In order to ensure that the programme delivery at the district level gets more community friendly and accessible, make the representatives of sex workers and transgender persons' part of the monthly district level meetings of WCD.
- The community groups and collectives require resource support to continue working on issues of crisis and violence within the community. The DWCD can identify opportunities wherein such initiatives can be supported and further strengthened.
- The DWCD should monitor the functioning of short shelter homes and make it more accessible for sex workers.
- A Welfare Board for transgender persons and sex workers should be formed to ensure a concerted response to the process of social inclusion of the community and all policy commitments and recommendations get translated into affirmative action, programmes and interventions on ground.

Education Department:

In Gadag, children of sex workers are facing stigma as their identity is known to all. In schools, children from the community are purposefully asked about the profession of their mother and details about their father which makes them feel embarrassed and humiliated.

Hence,

- Ensure that children from the community get access to school education. The necessity of furnishing fathers name in school documents should be removed. Mother name should suffice
- Access to scholarships and hostel facilities for children from the community must be strengthened
- Ensure that the Right to Education Act is implemented in both letter and spirit.
- Open schooling system for transgender persons should be made more accessible.

Home Department:

Very often sex workers who are on the streets are arrested by the police and put into custody. They are not informed of the reasons of their arrest and in some instances false charges of robbery and petty thefts are filed against them. Such unnecessary arrests and detention affects their children as they are literally left out on the streets with nobody to look after them. Their schooling also gets discontinued.

Hence,

- Recognize and respect the right of the community members (sex workers and transgender persons) during raids and rescue operations.
- Sensitize the police and take necessary steps for decriminalization by supporting the health and human rights of the sex workers and transgender persons.
- Protect the community from harassment done by regular partner, goons and the police.
- Involve representatives of community-based organizations of sex workers and sexual minorities in the Anti Trafficking raid-rescue operation of Anti-Human Trafficking Unit.
- Amend the Karnataka Police Act which dehumanizes sexual minorities and treats them with disrespect and indignity.

Health & Family Welfare Department:

Sex workers and sexual minorities are not treated properly for STI related problems in the hospitals and doctors are even hesitant to touch persons from the sexual minority communities

Hence,

- Service providers (doctors/hospital staff/paramedics across all government hospitals) should be sensitized towards community groups in particular sex workers and transgender persons to ensure stigma free services
- Any denial of necessary health treatment (including surgery) for HIV positive sex workers and sexual minorities should be strongly dealt with and redressed.
- Relax documentation norms required for accessing health services for the community. A letter from the CBO should be considered as a valid evidence of residential proof and identity.
- Extend Vajpayee Arogyasree Health Insurance Scheme to sex workers and sexual minorities.

Housing Department:

The Rajiv Gandhi Housing Corporation Limited, under special category housing scheme, has included sex workers and sexual minorities as beneficiaries. A committee, under the chairmanship of deputy commissioner, including two representatives from NGOs working with these groups has been formed to identify beneficiaries. However, only those having land pattas in their name can avail the benefits of this scheme, whereas majority of sex workers and sexual minorities are landless.

Hence,

- Develop guidelines for inclusion of sex workers and sexual minorities under various housing schemes of the State.
- Under the Ashraya Yojana, provide housing for landless sex workers and sexual minorities.
- Make provisions for providing shelter to old and out of work sex workers, and those who are HIV positive.
- Details on husband/partner should not be asked while allotting houses for sex workers and persons from sexual minorities.
- Ensure two representatives from Sex Workers and Sexual minorities should be there in the committee formed under the chairmanship of Deputy Commissioner to identify the beneficiaries
- RGHCL must ensure confidentiality of the beneficiaries maintained while names of the beneficiaries sent to the verification at village panchayat level.

Urban Development Department:

In Mandya and Gulbarga, the Swarna Jayanthi Shahari Rozgar Yojana (SJSRY) has recognized SHGs formed by CBOs of Sex Workers and is providing them with rotating funds, training on savings and repayment and gives them exposure visits.

In order to strengthen this,

- Take necessary steps to ensure provision for inclusion of sex workers and sexual minorities under Swarna Jayanthi Shahari Rozgar Yojana (SJSRY).

Revenue Department:

Elderly sex workers and sexual minorities have nobody to look after them. With increased age, earning reduces and most of them are forced to live left out on the streets.

Hence,

- Age limit to avail pension schemes for sex workers and sexual minorities should be reduced to 40 years
- Make Pension scheme hassle-free and simplify the norms on furnishing document with regards to sex workers and sexual minorities.

Department of e Governance -Adhaar

In Mysore, a separate Adhaar enrolment centre is opened at Ashodaya Samithi, a community based organization comprising female, male and transgender sex workers.

In Bangalore, a special drive to enroll sex workers and sexual minorities will be initiated and these centers functioning at CBO premises.

To strengthen such measures,

- Provision of Adhaar cards to sex workers and transgender persons should be prioritized and Adhaar Enrolment Centres should be started at district level community based organizations.

Department of Rural Development and Panchayat Raj:

- National Rural Livelihood Mission must recognize the self help groups formed under CBOs and link up sex workers' Self Help Groups to schemes and programmes of Rural Development.

Food and Civil Supplies Department:

- Food and Civil Supplies Department is providing Anna Antyodaya Schemes to People Living with HIV. Provide BPL ration cards to sex workers and sexual minorities and ensure these communities are included under the “Anna Bhagya Scheme”
- According to a new rule, to avail ration cards, the applicant must provide a reference from a ration card holder and the sex workers community is finding it difficult to provide the same. The reference from a CBO should suffice to prove eligibility and other requirements.

Social Welfare Department:

- Provide need based vocational training opportunities to sex workers and transgender persons and link them to skill development and labor departments.
- Provide loans and subsidies to sex workers and transgender persons for setting up small scale business enterprises.
- Provision should be made enroll children of sex workers in to the hostels run by department and a undisclosed quota should be created to cater these children
- A nodal officer should be appointed at every district to support exclusively for hostel and scholarships

Bruhat Bangalore Mahanagara Palike (BBMP)

Swathi Mahila Sangha, Jyothi Mahila Sangh, Vijaya Mahila Sangha and Samara are collectives of sex workers and transgender people in Bangalore having membership of more than 20,000. These communities constantly face humiliation and violence from society, rowdies, goondas, partners and police and are denied social entitlements and services. Even their children are discriminated in educational institutions and forced to drop out.

Hence,

- Allocate scholarships for children of sex workers under the various schemes of the Mahanagar Palike.
- Extend support for running night shelter homes for Transgender persons and sex workers who are homeless.
- Extend the 'Help Centre scheme' to Sex workers and Transgender groups so that they can continue working on addressing crisis and violence within the community with support from such Centres.
- Provide financial support to SHGs formed by Community Based Organisations of sex workers and Transgender persons for self employment and entrepreneurship initiatives.



ARTICULATING PERSPECTIVE AND EXPERIENCE: WHO SAID WHAT

Opening Session

In her introduction, Akhila Sivadas, Executive Director CFAR, explained that the Consultation had emerged from a pilot project that aimed at: gaining recognition for the sex workers community and transgender people and evolving a social inclusion plan for sex workers and sexual minorities.

Explaining the rationale for the pilot project, she said that, “in the case of sex workers and sexual minority, social inclusion is the exception rather than the rule.” Taking this forward she added that while social exclusion has become less, it continues to be fairly rampant and manifests itself at critical junctures. She thereby indicated the need for changes at the policy level and on the ground. To shape this outcome, she said that the Consultation was seeking to foster face to face interactions and dialogue among diverse stakeholders to ensure a shared and informed perspective on the issue and the various concerns that the sex worker community and sexual minority were raising in every possible platform.

Speaking on behalf of both sex worker community, Pushpalatha R, Swathi Mahila Sangha, Bangalore, spoke of the outright exclusion experienced by the women in sex work in various developmental programmes. “We do not fit in any of the categories created by the government to provide social protection to women and because of this ambiguity service providers are often confused on how to include us as beneficiaries. It has therefore become imperative for the government to redefine women in its policy documents and ensure the inclusion of women from all marginalised communities.”

Inaugural session:

In her Inaugural Address Smt. Umashree, Minister, Women and Child Development, said that both the Central and State Governments had launched schemes and programmes to mainstream marginalized and exploited women. Citing the example of the Karnataka government, which had successfully abolished the Devadasi system through proper implementation of the Law, she called for the creation of a favourable environment for sex workers and sexual minority communities by providing skill building trainings, educational support for their children and other facilities that will enable them to live a life of dignity and be treated with respect.





In his Keynote Address Shri SV Ranganath, Chief Secretary, Government of Karnataka said that, “the main purpose of this Consultation was to listen to the voices of marginal communities and evolve a plan of action to ensure their social inclusion”. He then referred to the various schemes and programmes that had been launched for marginal communities and said that, “though they were aimed at ensuring their inclusion, we realize that many schemes and programmes do not reach these communities due to structural and systemic imbalances.” He also cited the importance of using tools like gender budgeting for earmarking dedicated budgets for these communities and for tracking the uptake and utilization of the same”.

In her Presidential address, Smt. Ratna Prabha, Additional Secretary, Mission Director, NMEW said that the main thrust of the pilot- cum - demo project initiated by the NMEW for the three states of Karnataka, Maharashtra and Andhra Pradesh would be to: ensure better coordination with Community Based Organizations, facilitate their access to entitlements like housing and ration cards and create an enabling environment for their children so that they could attend regular schools. These steps would help to enhance the inclusion of marginal communities of sex workers and sexual minorities in development programmes and schemes.

She also referred to the consultation held in Maharashtra in November 2012 and spoke of how transgender persons had raised the issue of how passport forms only provided for two categories, male and female with no provision for transgender. And when they were hospitalized there was a confusion as to which ward should they be admitted to. Since then the Maharashtra Government has acted on these concerns and made separate provisions for the welfare of these communities

“Similarly, during this consultation other issues regarding the denial of ration cards or the lack of a housing scheme may come up because these communities are not recognized, nor for that matter are sex workers, widows and single and deserted women. The Chief Secretary and other officers must coordinate with these communities and make necessary provisions in the action plan. We are not doing any favour to these communities; it is their right and they are marginalised and we have to support them to mainstream by providing these facilities”.

Smt. Ratna Prabha, Additional Secretary, Mission Director, NMEW

Shri. Ramesh Bindurao Zalki, Principal Secretary, Department of Women and Child Development said that, “the core concern of today's consultation is to better the lives of marginalised women, particularly exploited groups like sex workers and sexual minorities. The Government of Karnataka, on its part, has already initiated special programme for marginal communities and rehabilitation programmes that provide pension, housing facilities, skill based trainings and facilitate bank linkages for self employment activities have been put in place for Devadasi and other marginal women. Over 28,000 women have benefited by these schemes, which are being implemented in 14 Districts of Karnataka.



Shri. Zalki, then mentioned that, “The Department of Women and child Development had trained transgender people through the Women Development Corporation and set aside Rs.1 crore for the welfare of this community. A new rehabilitation programme is also in the pipeline for sex workers who wish to leave sex work and do alternative work but it is facing hurdles because many of the sex workers do not want to leave sex work and those who want to leave do not want to be identified as sex workers. Detailed discussions are therefore being held on these issues and to address them we need convergence with other Departments like Housing, Home, Food and Civil Supplies, Rural Development and Panchayath Raj, Education, Health and Family Welfare and Urban Development. We need direction on these issues and we hope this Consultation will help us to implement the programme effectively”.

Learning's from the ground



Experiences from Andhra Pradesh,
Maharashtra and Rajasthan:



Smt. Jamuna Paruchuri, Director, Advocacy, Society for Elimination of Rural Poverty (SERP), Andhra Pradesh

In her Thematic Address Smt. Paruchuri spoke of how SERP had mobilized more than one crore BPL families in remote, rural areas of Andhra Pradesh through the creation of 10 lakh Self Help Groups. These groups have also been federated into Mandal and District level Samakyas and a number of livelihood programmes have been initiated to expand livelihood options for the Poorest of Poor (POP) and link them to banks. While doing so, SERP also launched a special “Unnathi” strategy to accommodate marginalised and unrecognized communities in its livelihood programmes. It is now intending to conduct special educational camps for children of sex

Shomita Biswas, Member Secretary, State Commission for Women, Maharashtra

Smt. Shomita Biswas explained how Maharashtra had taken the initiative for designing a social inclusion plan for the most marginalized communities by convening a Consultation in November 2012 with representatives of key departments such as Women and Child Development, Health, Education, Social Welfare, Municipal Administration, State Women's Commission, CID, NRHM, AIDS Control, NGOs and community groups working on these issues and experts drawn from academic and think tank bodies like TISS.

The Consultation enabled policy and decision makers to understand and engage with major structural issues being faced by the community and resulted in the collective recommendation of strategies for inclusion in key sectors such as Education, Health, Vocational Training, Housing and Social Welfare. The key issue of addressing violations at the hands of law enforcement agencies was also recognized as was the need to include representatives of sex workers and transgender groups on the Expert Committee formulating Women's Policy in Maharashtra



Consequent to this community representatives attended a series of meetings from December 2012 to March 2013 with the Minister, WCD and subject experts and submitted a set of policy measures (which were based on the recommendations made during the Consultation) to enhance the inclusion of sex workers and transgender in the Women's Policy. These suggestions were subsequently made part of the official draft Women's Policy that was released by the Maharashtra Chief Minister, Shri Prithviraj Chauhan and Deputy Chief Minister, Shri Ajit Pawar on Women's Day, March 8th, 2013, in Pune.

At follow-up meeting on 9th April 2013, chaired by the Chief Secretary, a number of reform measures were mooted including: the provision of Aadhar cards and other identity documents for the community on a priority basis. The raising of issues related to violations and excesses acts committed by the law enforcement machinery by the community during Lokshahi Divas (Hearing Day). The immediate removal of prerequisites necessitating women to leave sex work, as a condition to access any social benefits through a GR. Evolving flexibility and/or relaxation of requirements in documentation. The strengthening of educational access and enrolment of children from the community in regular schools, the setting up of anganwadi centers in brothel areas wherever needed and the formation of a Transgender and Sex Workers Social Welfare Board.

Consequent to this meeting, district level authorities have taken up various initiatives in partnership with community groups and NGOs. In Pune, a special Aadhar centre has opened for community groups in their area. In Kolhapur, a list of beneficiaries of various schemes has been prepared and the Deputy Commissioner along with the Food and Civil Supplies has started a special drive for providing ration cards to sex workers and transgender. And the State Government through its various Departments has also been issuing specific GRs on policy reforms for the community. The Department of Education has issued a GR stating that children of sex workers will not be denied admission to schools or forced to mention their father's name in any document issued by the Department. Other GRs pertaining to strengthening the inclusion of the community, relaxing documentation norms, etc are also in the pipeline.

Aruna Roy and Nikhil Dey, Activist, Mazdoor Kissan Shakthi Sanghatan (MKSS)

Smt. Aruna Roy spoke of the Right to Hearing Act recently passed by Rajasthan Government to strengthen mechanisms of accountability and ensure that schemes and programmes are implemented in a rights-based manner and delivered as an entitlement and not as a dole. She exhorted everyone to “hold hands and fight for equal rights and equal livelihood opportunities.”



Giving details of the Right to Hearing Act, Shri Nikhil Roy said, “We have great schemes and programmes but there is a problem in the implementation. In Rajasthan we have made the system responsible for the issues of marginal communities through the Right to Hearing Act and at the national level the Lokpal debate is also on accountability because systems have to be in place to address grievances, to provide information, give opportunities for people to be heard and action to be taken, as well as ensure participation and protection”.

He added that under the Right to Hearing Act: A single window mechanism will be put in place to receive complaints and petitions. The local Panchayat will be kept open from 10 am to 12pm every morning and complainants to be given dated receipt when they file a complaint. Public Hearings will be held every Friday from 12 to 3pm and complainants can and depose their concerns before representatives of various departments and the complainant will receive a response within 21 days of the hearing.



Thematic Session

Addressing Social Development and the Mainstreaming of Marginal Communities

Smt. Gurneet Tej, Director, Department of Women and Child Development:

Smt. Gurneet Tej, said that Karnataka State was grateful that the Department had started working with communities of sex workers and transgender people and gave details of the various programmes that have been initiated to strengthen women's development in the state. These include:

- The Stree Shakthi programme, which was started in 2000-01, to empower rural women economically and make them self reliant by organizing them in self help groups. Presently, there are 1.40 lakh groups, of 15-20 women functioning in the state with 20 lakh women from BPL families, landless agricultural labourers, SC/ST, the disabled, nomadic tribes etc. The scheme inculcates the habit of savings in the members to empower them economically and also provides them with legal assistance, financial relief, temporary shelter, protection and training to women victims of various atrocities. The groups are also entitled to receive a revolving fund, incentives for Savings and IGA
- Swadhar scheme that provides provide shelter, food, clothing, and care to the marginalized women/girls living in difficult circumstances. It also rehabilitates them socially and economically through education, awareness, skill up gradation and personality development through behavioral training etc. There are 34 Swadhar Centres functioning in the State. During 2012-13, 2394 women are provided shelter. Of this 1500 women were provided skill development training.
- The Integrated Child Development Services (OCDS) Scheme was started in Karnataka on 2nd October 1975. At present 61187 Anganwadi centers and 3331 mini Anganwadi centers are functioning in 204 ICDS projects in the State, covering all the 175 Taluks, 181 rural projects and 12 tribal & 11 urban projects.



- There are also numerous schemes under ICDS including: SNP which covers pregnant women, lactating mothers, children between age of 6months to 6 years and adolescent girls, 54 lakh beneficiaries covered last year. The Bhagyalaxmi scheme for the girl child, KSY scheme in which 180 Adolescent Girls in each project are given 5-days residential training every year and Creches for children of working mothers etc.
- Sabla scheme, which is being implemented in 9 districts provides supplementary nutrition (SNP) and non- nutrition component services to young girls. Under non-nutrition component, adolescent girls are provided with services like training on life skills, Nutrition & Health Education (NHed), knowledge about family planning, child care practices, home management, reproductive & sexual health, vocational skill training. There are 32 Ujjwala Centres functioning across the State to create awareness.

Besides these umbrella programmes there are specific rehabilitation programmes for Devadasi women and sex workers and a scheme for mainstreaming members from the transgender community that is being implemented by the Karnataka State Women's Development Corporation, Bangalore. It provides, a vocational training programme to transgender people to make them economically self sufficient and assistance in getting employment following when the vocational training is completed. Financial assistance up to a maximum of Rs.20000 is also given to individuals and a maximum assistance of Rs1, 00,000/- to a group of five members.

Social Defense Services were also being provided alongside through the implementation of Juvenile Justice Act, observation homes, child care institutions. Special Juvenile Police Units, state homes for women, after care services, open shelters for women and services for children with special needs

Manoj Kumar Tripathi, Project Director, Karnataka State AIDS Prevention Society

Manoj Kumar Tripathi highlighted the hurdles in proposing that sex workers should leave sex work and do other work and said that the choice should be left to them on whether they want to continue or leave sex work. While doing so he pointed out that in Karnataka the collectivization of sex workers and sexual minorities under Community Based Organizations (CBOs) had been extremely successful and resulted in the setting up of Cooperative Societies in five places with an annual turn-over of more than Rs. 1.5 crores. Some of them have also formed Self Help Groups. He suggested that other CBOs should be motivated to start cooperatives and that they should also be encouraged to apply for various Government programmes which are not being accessed by these communities because they do not know how to avail of them.



Yet another suggestion was the forming of core committees in key Departments that will meet once in month or every quarter to review how many people have received benefits and the problems in accessing these services. He added that it was necessary to have community representation in these core committees to provide support to the Departments in providing the services systematically.

Shri. Ashokanand, Director, Karnataka Health Promotion Trust:

Shri Ashokanand shared his experiences of working with communities of sex workers and sexual minorities and requested the Departments to refrain from using the term 'Rehabilitation' as it gives the impression that sex work is wrong and instead use the phrase "Alternative Livelihood". He also requested the Government to include sex workers and sexual minorities in the planning process so that they would also understand and become the part of the programmes.



Discussion:

During the discussion that followed both community representatives and stakeholders spoke of the hurdles, red tape and delays communities had to deal with while accessing entitlements, while officials shared their experiences of working for and with marginalized communities and the efforts being made to ensure better access to entitlements.

K. Rathna Prabha, Mission Director, NMEW recalled how as Deputy Commissioner, Raichur she had, with the help of Revenue Department, done a survey and identified 9000 Devadasi women. Based on this information she requested the Government to provide services to these women and the SC/ST Corporation had at that time provided land to these women. But 20 years on, the women have not received support from the Government for developing the land. Based on this experience she requested the Department of Women and Child Development to make sustainable plans for sex workers and sexual minorities.

Nandish, Karnataka Sexual Minority Forum, Mysore: "We have been asking WCD to implement the 2010 order to issue ration cards to transgender and housing facilities for sex workers and sexual minorities. But till today we have not got any facilities from the Government".

"The Housing Department recently issued a circular under the Special Orphan Scheme which includes the transgender community" Ashokanand, Karnataka Health Promotion Trust, Bangalore

Gurneet Tej, Director, Department of Women and Child Development: "Under government guidelines we must have proof of residence before providing services. So we are coordinating with Housing Department for the allocation of houses to sexual minorities and transgender people. Once they get a permanent resident we will provide other entitlements to these communities".

Lakshminarasamma, Swathi Mahila Sangha, Bangalore:

"We had two or three meetings with the Women Development Corporation (WDC) for starting vocational training for sex workers and submitted all the necessary documents. Then the concerned officer was transferred and nothing further was done. So we spoke to the Chairman of WDC and she, in turn, requested the Director, WCD, to plan vocational training for sex workers under WDC but so far nothing has happened on the ground."

"Through the Aadhar Centre in your premises you can ensure that everyone gets their Aadhar card. Once they get their Aadhar Cards they can access all other entitlements."
Gurneet Tej, Director, Department of Women and Child Development

Girija, Ashodaya, Mysore:

“We formed our own groups and requested the Bank to open an account for us but the Bank refused to do so because they wanted proof of residence which most transgender people do not have. We have also requested the department to start Aadhar Centres in CBO premises”.

Ranjani, Vijaya Mahila Sangha, Bangalore:

“Most sex workers live with their partner for the social security it provides them. But partners hesitate to put their name on any document because they have other families. Even when the husband expires neighbours and Government officials refused to accept the fact that we are widows. Because of this attitude we are deprived of many services.”

Sathish, Samraksha, Bangalore

“We should ensure that the interpretation of the Supreme Court is followed at both the state and district levels because in some districts officials say that the Department will support their rehabilitation only if they leave sex work. This results in the community not accessing other departmental benefits.”

Gurneet Tej, Director, Department of Women and Child Development:

“Many CDPOs and Deputy Directors of the Department of Women and Child Development are present here. They are the authorised person at the district level to take up this issue and they also have an understanding of how to support sex workers under our programmes.”

Shanthamma, Sahabhagini, Mandya:

“We are implementing an HIV prevention programme with the support of the Karnataka State AIDS Prevention Society. We request the Government to provide us office space or land for constructing our own office to sustain the programme. Banks also demand land documents for sanctioning a loan. Who will give this surety for sex workers?”

Gurneet Tej, Director, Department of Women and Child Development:

“There is provision for loan facility under Women Development Corporation so you can avail of an individual or group loan from WDC for self employment opportunities.”





Plenary Session-I:

Enhancing Access, Addressing Barriers with the Focus on Schemes available through the Home and Health Departments

This session commenced with community representatives sharing their concerns and speaking of the discrimination they face from the police and in health care settings and the challenges they had to deal with in availing the schemes available through the Home and Health Department. Senior bureaucrats then shared their insights on the concerns that had been raised by the community.

Bhagya, Ashodaya Mysore:

“Through our collective, which has a self regulatory board consisting of community and non community members, we have rescued several girls. But we have experienced a lot of non cooperation from the departments including the Police Department. For instance, the Karuna Trust refused to accommodate a rescued woman so we collected some money and sent her home but she did not go. Soon after that she became pregnant and nobody was there to support her. The government must take on the responsibility for protecting homeless women and children. Apart from implementing an HIV prevention programme among sex workers we are also protecting girls who are entering sex work”.

Veena, Samara, Bangalore:

“I would like to share two things; one is police violence and the other is the stigma and discrimination that marginal communities face in hospital settings. Sex workers and transgender persons face a lot of problems from the police. They ask us what we are doing on the street, beat us in the public, pull our hair, force us to clean toilets in the police station, confiscate our money, mobile and other belongings and deny us the right to contact our people. We request the Department to treat us like other citizens.

“In hospitals the doctors and other staff treat us very badly and the doctors hesitant to touch us. We request the Government hospital to treat sex workers and sexual minorities without discrimination. Treatment for general and STI problems must be made available in primary health centres, taluk and district hospitals. The Karnataka Police Act, which treats transgender people as culprits and criminals, must be abolished.”



Rosy, Vijaya Mahila Sangha, Bangalore:

“I was discriminated against by the doctors in the hospital because I am HIV positive and not given proper treatment when I was admitted for an eye problem. Because of this my vision has been affected and I cannot see properly”.

Smt. Sushama Godbole, Additional Secretary, Home Department

Describing the Consultation “as a timely initiative, especially in the wake of the writ petition filed by National Legal Services Authority versus Union of India”, Smt. Godbole referred to the remark made in the writ that, “Transgender people, though they are human beings, are not recognized as persons in violation of their human rights.”

She said, that because of this they were being denied ration cards and admission in schools and since there is no separate column for them in application forms they are constantly being deprived of various facilities and services.

Moreover, the issues of transgender people are not discussed anywhere and there is no information about these communities. Even in public places, there are no separate toilet facilities for TG's. This is an issue that is not discussed or included in any of the curriculums.



She stated that now, following the receipt of the writ petition, some steps have been taken by the Karnataka Government to better their lives. For the first time the Karnataka High Court has appointed a transgender person for a Group D post. But we find that even if we want to appoint transgender people it is difficult to get eligible candidates as many of them don't have basic education. She went on to add that “unless we recognize them as human beings and give proper education, perhaps through special schools, it will not be possible to give them proper employment opportunities.”

Part of the reason for this situation, she said was that society has never considered the third gender as the natural part of the society or human beings and they are subjected to ridicule, violence and harassment. “And the violence and harassment they face is not just from the public but also from law enforcing agencies” she admitted

She went on to share that in an effort to end such harassment, the Karnataka Police Academy has now included the issues of transgender people in the induction training of constables to officer's level and a government circular has been issued to the Commissioners of Police, DCPs to treat sex workers and sexual minorities as human beings. Budget allocations have also been made to open separate cells as well as toilets depending upon the number of transgender inmates in prisons and we are in the process of amending the Cinema Rules to provide for separate toilet facilities for transgender persons in cinema halls.

Smt. Godbole, was also of the opinion that that under the Immoral Traffic Prevention Act (ITPA) no legal action should be taken against the person visiting the brothel but strict action should be taken against the person who is the running the brothel. Many are also unaware of ITPA and there is a need to sensitize the police on this.

She went on to inform the gathering that the Home Department, on its part, has also taken up human trafficking as a serious issue. Anti Trafficking Units have been set up in various places and a workshop was recently conducted in Bijapur for prosecutors, the Department of Women and Child Development and the Police. In this context, she lamented how children of labourers in North Karnataka were being sexually exploited by foreign clients when they go to Goa and other places for coolie work.

Discussion:

Manoj Kumar Tripathi, PD, KSAPS

The Project Director, KSAPS, assured Rosy that she would be referred to doctors for further investigation and treatment

Pranathi Prakash, Ashodaya Mysore:

“Counselling is very important and counsellors should be sensitized and made aware of the concerns sex workers and sexual minorities”.

Shanthamma, Sahabagini, Mandya

“In Mandya doctors are not treating sex workers and sexual minorities. They just refer us to other hospitals when they find out about our status”.

Pushpalatha, Swathi Mahila Sangha, Bangalore:

“The hospitals that are associated with our HIV Prevention Programme also discriminate against sex workers and sexual minorities. We have to address these issues.”

Geetha, Vijaya Mahila Sangha, Bangalore:

“Sex workers, especially HIV positive sex workers, face a lot of discrimination and humiliation from doctors and other hospital staff.”

Lakshminarasamma, Swathi Mahila Sangha, Bangalore:

“The police does not show us any respect and talk badly about sex workers collectives. Efforts to sensitize them to our concerns take more than six months and the officer is invariably transferred after that. We request the Home department to issue a letter to all police stations to support sex workers CBOs.”

Ranjini, Vijaya Mahila Sangha, Bangalore:

“The police filed a case against a CBO member who had resolved the crises of sex workers. If they know we are from a CBO they file cases against us without conducting any investigations.”

useful elementary education to all children with the focus on social and gender equality, regional parity with the vibrant participation of the community in the management of school”. She also said the action would be taken if the children of sex workers and children living with HIV stigmatized.

Pranathi Prakash, Ashodaya, Mysore:

“During our meeting with the Deputy Commissioner he had directed the Food and Civil Supplies Department to issue Antyodaya Ration Cards for all people living with HIV. But the Department says that quota for this category has already been issued and another HIV positive person can be issued a card only if someone dies. We request the department to issue Antyodaya Ration cards for all HIV positives people”.

Manjula, Vijaya Mahila Sangha, Bangalore:

“The Department is rejecting applications from the single woman. There are many sex workers who have been abandoned by their children and are living alone. We request the Department to issues BPL cards for these women”.

Plenary Session-II:
Enhancing Access;
Addressing the Barriers;
Focus on Schemes in
Education, Food and
Civil Supplies and Rural
Development and
Department of Women
and Child Development



Community representatives spoke about the delays they encountered while trying to access schemes and entitlements available through the departments of Education, Food and Civil Supplies and Rural Development and Department of Women and Child Development and stressed that the Action Plan should address these concerns.

Muktha, Uttara Karnataka Mahila Okkutta, Gadag:

“It is a struggle for sex workers to educate our children so we admit them in hostels. But the hostel authorities treat our children very badly and ask unnecessary questions about their fathers which embarrasses them. They are also told to submit HIV test reports.”

Bhagya, Ashodaya, Mysore:

“No sex worker wants their children to become sex workers; whatever problems they may face they do not want their children to get into trouble.”

Christy Raj, Samara, Bangalore:

“Male transgender people like me face a lot of stigma and humiliation in society. People make rude remarks and say you look like a female; how can you claim that you are male? Even in schools we face humiliation. Educational institution must be sensitized about our community because it is difficult for us to attend school where we are treated as untouchables.”

Huligemma, Uttara Karnataka Mahila Sangha

“I am a sex worker. When I tried to admit my children in a hostel the head of the organization asked my children about me and also told them to test for HIV”.

K. Rathna Prabha, Mission Director, NMEW

The Andhra Pradesh Government issued a Government Order that no educational institution should ask for details about the father and the mother name should suffice. We request the Karnataka Government to pass a similar GO.”

Katyayini, CIVIC, Bangalore:

“Programmes and schemes are not reaching marginal communities and BPL families. This is something the Action Plan must ensure. Moreover, the BPL criteria does not include vulnerable and marginal communities”.

Sathish Joshi, Samraksha, Bangalore:

“The HIV prevention model which CBOs are using to prevent HIV is a good model that should be considered while designing a Social Inclusion Plan for Socially Excluded and Marginalised Populations. For the Action Plan to succeed it is also important to include these communities in the whole process”.

Lalitha, Sahabhagini, Belgaum:

“We have been working with sex workers for the last 18 years but none of the government departments have given our collective any support though we have requested them to do so. The SHGs under the anganwadi have also received training and subsidised loans but our SHGs have not got any support from the Rural Development and Urban Development departments. We request the Government to recognize our SHGs and extend support to sex workers and sexual minorities”.



Savitha, Payana, Bangalore:

“We are a migrant population so no one is willing to come forward and give the surety necessary for availing of ration cards. The Government must develop strategies to issue ration cards to sex workers and sexual minorities and also give us opportunities to be part of mainstream society”.

Hemalatha, Mission Director, NRLM

“National Rural Livelihood Mission, the revamped programme of Swarna Jayanthi Swarojagar Yojana (SJSY) is forming SHGs, linking them in to banks, federating them at the gram panchayat and taluk level and facilitating livelihood programmes through them. We are also working with specific groups in partnership with KHPT to understand how sex workers can be included in the NRLM programme”.

Kalavathi, Deputy Secretary, Food and Civil Supplies Department:

“We had a meeting with the Department of Women and Child Development and asked for the list of beneficiaries so as to avoid misappropriation of schemes. We have also introduced a new strategy for the issue of new card. If you give us the list we can process it and issue ration cards”.

Prabha Alexander, Programme Officer, Education Department:

Sarva Shiksha Abhiyan's motto is “let us all learn and let us all grow”. Our aim is to provide relevant and useful elementary education to all children with the focus on social and gender equality, regional parity with the vibrant participation of the community in the management of school”. She also said the action would be taken if the children of sex workers and children living with HIV stigmatized.

Pranathi Prakash, Ashodaya, Mysore:

“During our meeting with the Deputy Commissioner he had directed the Food and Civil Supplies Department to issue Antyodaya Ration Cards for all people living with HIV. But the Department says that quota for this category has already been issued and another HIV positive person can be issued a card only if someone dies. We request the department to issue Antyodaya Ration cards for all HIV positives people”.

Manjula, Vijaya Mahila Sangha, Bangalore:

“The Department is rejecting applications from the single woman. There are many sex workers who have been abandoned by their children and are living alone. We request the Department to issues BPL cards for these women”.



Plenary Session-III:

Enhancing Access: addressing Barriers: Focus on Schemes related to Housing and Urban Development

Nandish, Sexual Minority Forum, Mysore:

“The Government has issued a circular asking the Slum Board to sanction houses to sexual minorities. But this benefit is not reaching sexual minorities”.

Geetha, Vijaya Mahila Sangha, Bangalore:

“We have mobilized many sex workers and formed our own collectives, but it is very difficult to disclose our identity to our children because we fear they will reject us”.

Shri. Jagadeesh, Managing Director, Rajiv Gandhi Housing Corporation:

“We have to develop strategies to sanction housing for sex workers while maintaining their confidentiality because the Corporation cannot sanction housing unless they recognize themselves as sex workers or sexual minorities.”

Tusharamani, Urban Development:

“We can help them to construct houses under Rajiv Awas Yojana and subsidized loans and other benefits can be got under the SJSRY programme. But concerns remain because banks ask for identity proof and other documents. We have issued a circular to all Deputy Commissioners to include sex workers in this programme”.

Priya, Soukya Belaku Samudaya Sangha, Bellary:

“After a long struggle we got an income certificate so that we could avail of services under the Udyogini scheme. But when we tried to access the benefits under this scheme the officer refused to extend support. The doctors also treat us very badly. If we accompany our relatives to hospitals they openly ask them if they are in sex work. It really hurt us. Kindly treats us human beings”.



Ismail, Sarathya Sexual Minority Forum, Gagad:

“It is difficult to disclose our identity in our own villages or access services in rural areas. The authorities must develop plans for providing services in rural areas”.

**Plenary Session-IV:
Enhancing Access and
Addressing Barriers:
Focus on Schemes
related to Revenue,
Social Welfare and E-
Governance (Aadhar)
Department and Bruhat
Bangalore Mahanagara
Palike (BBMP)**



Bamma, Samara, Ramnagar:

“I am transgender. Once we become old there is no one to look after us and we don't have the documents necessary for accessing any entitlements including pension”.

Narayanamma, Karnataka Sex Workers Union, Chikballapur:

“Sex workers once they cross 40 years cannot do sex work and they have no other source of income or security. I request the Revenue Department to sanction pensions to all sex workers above the age of 40.”

Venkataiah, Principal Secretary, Social Welfare Department:

Venkataiah explained the provisions under the Social Welfare Department that provide residential schools and hostel facilities to the children of sex workers, sexual minorities and communities belonging to of SC/ST categories.

“The department is running English medium hostels. This year 95% children passed in the SSLC board Exam. The Morarji Desai and Chitoor Chennamma residential schools are providing education with free hostel facilities. Provision has also been made for minority communities like Muslims, Christians and Backward Class communities under these programmes. We will coordinate with Department of Women and Child Development and ensure that sex workers children get hostel facilities. We will admit children above 5th standard and a base Scholarship is given to children who are not studying in hostels. Under the Ambedkar Development Corporation, ST Development Corporation and Devaraj Urs Development Corporation we give loans to SHGs for self employment activities”.

Discussion:

Annapurna, Sadhana AIDS Tadehattuva Mahila Sangha, Shimoga:

“When we visit the Department of Women and Child Development; they always give assurances but nothing is given to our community women”.

Veena, Samara, Bangalore:

“There should be Welfare Board for sex workers and transgender people. The board comprising of various department heads must meet once in three months to review the welfare of these marginal communities”.

Nandish, Karnataka Sexual Minority Forum, Mysore:

“Many sexual minorities including transgender move to the cities. There should be short stay home/hostels for transgender persons and training should be given to them based on their interests and skills”.



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