

Report

National Dissemination Meet

Enhancing Access to Legal Services and Entitlements:
Sharing Learning, Practices and Reflections

17 August 2015, New Delhi



Report on
National Dissemination Meet
Enhancing Access to Legal Services and Entitlements:
Sharing Learning, Practices and Reflections

Organised by

Sahaya, Paalam, Varadhi, Prarambhand and CFAR

In collaboration with

All India Network of Sex Workers, Pratibha Mythri Mahila Sangham, WISE, Sampurna TI, Kranti Mahila Sangh, Sri Lakshmi Pengal Munnetra Sangam, Madurai, Salem Pengal Nala Vazhvu Sangam, Vijaya Mahila Sangh, Sangama, VCAN Network, Shakthi AIDS Tadegattuva Mahila Sangha, Namakkal Maavata Sabarmathi Pengal Membattu Sangam, Milan Mahila Sangathan, Chaitnaya Mahila Mandali, Vanitha Maythri Public Welfare Society, Sahyog, Sakhi Jyot, Sakhi, Durbar Mahila Samanvaya Committee, Namakkal Mavatta Sabarmathi Pengal Mempattu Sangam, Amrapali Mahila Samiti, Disha Mahila Bahuddeshiya Sanghatna, Ekta Mahila Mandal, Ekta Sangthan, Sahyog Mahila Mandal, Sarvodaya Samiti, Ashodaya Samithi, Wada Sewa Sanstha, Mrignayani Seva Sansthan, Karmojibi Mahila Samity, Sahyog Mahila Mandal, Lakshmi Bhanusri Service and Development Society

Enhancing Access to Legal Services and Entitlements: Sharing Learning, Practices and Reflections: A Report



Accessing Justice: Paving Path

The Member Secretary, National Legal Service Authority and Member Secretaries, State Legal Services Authority, Rajasthan, Delhi, Bihar, Uttar Pradesh, Maharashtra, Bengal, Andhra Pradesh and Karnataka and leading Women's Rights advocates expressed their unswerving commitment to strengthen legal rights to marginalized communities like domestic and unorganized workers, Women living with HIV, sex workers, homosexual and transgender people to help them address multiple violations of their rights by the State and non-State actors. The commitments were made at the National Meet on “Enhancing Access to Legal Services and Entitlements - Sharing of Learning, Practices and Reflections”, organized by Centre for Advocacy and Research (CFAR) in Delhi on August 17, 2015

Ms. Asha Menon, Member Secretary, National Legal Services Authority (NALSA) delivered the Keynote Address and Member Secretaries, State Legal Services Authority (SLSA) from Delhi, West Bengal, Andhra Pradesh, Maharashtra, Bihar, Uttar Pradesh, Rajasthan and Karnataka and representatives of Civil Society Organisations delivered special addresses and Women's Organisations participated in the Meet as co-chairs and as key respondents in the Meet.

Over 46 Community-based Organizations (CBOs) from 13 states, working with sex workers, sexual minorities, single women, homeless and urban poor not only participated but more specifically shaped the

Meet in many ways. These 46 CBOs are working to address crises that their peers face and ensure access to social and legal entitlements for its members. They are linking with concerned departments, police and judiciary and grappling with systemic and structural barriers in their efforts.

The National Meet was particularly significant because it brought together the three key stakeholders viz. the NALSA and SLSA, representatives of CBOs and women's rights groups and advocates, to review and evolve more decisive ways to strengthen the access of marginalized communities to legal entitlements

Setting the Context



Placing upfront the expectations of the host organization, CFAR Ms. Sanyogita, Dhamdhare, Senior Program Officer, said CBO representatives would share their efforts, gains as well as challenges in accessing justice. They seek to overcome barriers and systemic discrepancies they meet with. The outcomes of the day long deliberation are significant, not only for organizations participating in the program but also for the marginal communities across the country.

Voices on the Ground

In the inaugural session senior community representatives shared their concerns and insights related to crisis response and access to legal services

Appeal from PLHIV

Ms. P. Kousalya, President, Positive Women's Network, Chennai



In absence of any specific law to protect their rights, women living with HIV are unable to fight against life threatening stigma and discrimination. They are often robbed off their rights by family members and left vulnerable. SLSA needs to extend assured legal support through free legal aid in order to help women and girls living with HIV claim their dues.

Enhance trust

Ms. Renuka Pattar, Shakthi AIDS Tadehattuva Mahila Sangh, Karnataka



It is far more easier to get a voter card than other essential schemes and services that would really help marginal women like us. On one hand sex workers are recognised as citizens but on the other they encounter many problems in claiming rights as a citizen, be it getting scholarships for children or getting police

protection against domestic violence. We experience refusal and discrimination from service providers and expect NALSA to take steps to sensitize service providers and officials down the line of each department.

Strengthen workplace safety

Ms. Anthoniammal, Counselor, National Domestic Workers Movement, Chennai



Domestic workers hesitate to speak up and expose the incidents of violence they face at their places of work, because they fear they will lose the job. If they speak out they are likely to face humiliation and the police also in most cases tends to treat their complaint casually and with disbelief. Now due to the process of collectivization and unionization the workers are slowly but steadily gathering the necessary courage to register complain. We expect NALSA to help in strengthening the efforts we are making to sensitize the Police and law enforcement officials.

Develop strategic linkages

Ms. Vimla, Mahila Pragati Manch, Delhi



Women are fragile when they seek redress as individuals; as a collective they can be far more assertive. However what makes us sad is when a senior official stated at a public meeting that he found that sometimes women lie to strengthen their complaints. With so little support and response and added to this the inherent lack of trust and sensitivity, women are compelled to present only their side of the story

However, we have decided to strengthen the support to survivors and provide right linkages to help the CBO members get the legal protection as and when needed. We access legal aid services from DLSA and this has helped many women suffering from domestic violence and harassment at workplace. In May 2015 we also organized a public hearing which was presided over by Secretary, District Legal Services Authority (DLSA) and other stakeholders.

Change attitude

Ms. Kusum, Mahila Milan, Delhi & President, All India Network of Sex Workers (AINSW)



AINSW is a collective of over 3 lakh sex workers and sexual minorities associated with over 90 CBOs across the country. People feel sex workers have no right to dignity or protection against violence. The mindset of stakeholders and service providers towards sex workers should be changed. We also oppose the proposed amendment to criminalize customers, as it would adversely affect our living. We demand decriminalization of sex work. We expect NALSA's help to let the people know that sex work is not illegal.

Accept Transgender persons

Ms. O. Laila, President and Project Director, Modern Awareness Society, Warangal

Earlier transgender person faced a lot of police harassment, frequent arrests and forceful testing. With the support from DLSA and SLSA we got the much-needed protection against the police excesses. Eight CBO members have also received training as Paralegal Volunteers (PLVs), which proved very useful. In 2014 the Supreme Court gave a landmark



judgment on rights of transgender persons. However the recognition as third gender is yet to be translated into concrete changes for the better on the ground. We expect NALSA to take the initiative to sensitize the state and district administration on the letter and spirit of this judgment and create operational guidelines for translating intent into action on the ground.

Recommendations

Accrediting and training Paralegal Volunteers (PLVs) is an initiative, that needs should be institutionalized. We should have PLVs established across the country with representation from all sections, of society; also refresher training, regular monitoring and review of cases being handled and reflection on the action taken.

The CBOs need greater support in conducting awareness camps in remote villages where they find more incidence of violence and harassment against women

SLSA should spread awareness among all state government officials about the various aspects of the Supreme Court judgment on Transgender rights and benefits conferred on transgender persons in order to translate the intent of the judgment into action and concrete deeds.

Response by Member Secretary, State Legal Services Authority (SLSA)



Collective Platform of Action

Mr Dharmesh Sharma, Member Secretary, Delhi SLSA.



DLSA, Delhi in fulfilling its role as a service provider, particularly through free legal aid and systematic inputs for building capacities of lawyers on the panel by involving NGOs for sensitisation.

DLSA will soon have a fresh cadre of 100 Para Legal Volunteers drawn from marginalized communities, including 25 from transgender people. With the similar felt need DLSA has allocated a special section to cater to transgender children in the Lajpat Nagar Children Care Home.

Periodic feedback from service seekers on the progress of cases would help rectify gaps and improve quality of DLSA services and hence DLSA proposes such a review with CBO/CFAR representatives.

DLSA also deploys legal services for the victims of sexual offenses. Delhi police sends the FIR copy of the victim within 7 days to DLSA and thereafter the

legal services advocate interacts with the victim and family. Benefit of 'Delhi Victim's Compensation Scheme' is also channelized through DLSA and the amount is transferred to the victim's account through RTGS within 24 hours of the announcement of compensation.

Special NALSA scheme for Sex Workers and Transgender persons

Mr. Abhijit Som, Member Secretary, West Bengal



SLSA, West Bengal has formed a state committee to facilitate the implementation of the Supreme Court decision in favor of transgender identity and concrete actions will be taken accordingly.

Judicial officers in the SLSA have been asked to prioritize cases of PLHIV litigants to avoid delays.

Section 12 of the LSA Act provides for free legal aid to people who are unable to hire private lawyers. Accordingly people have a right to access legal services at state, district and at taluka or blocks.

NALSA can design a special scheme for sex workers and transgender people, similar to the presently existing schemes for workers, mentally challenged people and women.

Strengthen collaborative processes- training and public hearing

Mr. G. Shyam Prasad, Member Secretary, Andhra Pradesh and Telangana,



Legal Services Authority plays an important role in making justice accessible to marginalized sections. Hence, we appreciate role of CBOs and NGOs in spreading awareness about the services being provided by Legal Services Authority (LSA). I urge you to contact concerned district or taluka LSA for legal assistance and to organize public hearings.

Legal awareness camps should be focused and must cover laws that are specific to key problems faced by particular community groups.

In Rajamundry, DLSA with help of CFAR organized training and public hearing for community. Such collaborative programs involve all concerned departments and lead to speedy redressal.

Legal aid is a right of the marginalized

Ms. Swapna Joshi, Member Secretary, Maharashtra

Legal Services Authority offers free legal to marginal



people in our society which includes marginalized due to class conditions and social factors, backwardness due to different disabilities, sexual preferences and people for living with HIV

We are committed to extend support to such communities and ensure their constitutional and legal rights. We are ready to give you all services, so that no one feels helpless or isolated.

Made legal awareness a priority

Mr. Om Prakash, Member Secretary, Bihar



Since creating legal awareness is a first step towards accessing legal rights, hence it is a priority of SLSA, Bihar. This year, during the annual Court vacations, awareness programs were organized across the districts. Emphasis is also given on training PLVs in collaboration with NGOs.

PLHIV are getting medical support through State funded programs, however they are disowned by their family. DLSA provides legal assistance to enable them to get their due rights .

In Bihar an Advisory committee has been formed to translate SC guidelines for Transgender on ground.

Undertook special initiatives

Mr. Satya Narain Agnihotri, Member Secretary, Uttar Pradesh



SLSA, UP has special initiatives for girl child protection and implementation of Pre-Conception and Pre-Natal Diagnostic Techniques (PCPNDT) Act.

SLSA organizes special need based programs in various parts of the states, such as in Vrindavan for widows, in Bundelkhand region against blind faiths. Similarly legal awareness programs are organized for women regularly, at least once a month, across the state.

Reaching out to the unreachable

Mr. Satish Kumar Sharma, Member Secretary, Rajasthan



The state has special program focusing on sex workers which also includes rescue and rehabilitation measures for children and women.

I urge CBOs to approach legal services at their respective places and in case, they fail to get response, they can contact state or national offices.

Systemic problems, like shortage of courts and judges, which cause delay in justice delivery, also need to be addressed, when we want to ensure access to justice as a right.

Extended supportive measures for transgender persons

Mr. Mustafa Hussain S. A., District Judge and Special Officer, Karnataka



SLSA organized state consultation on the issue of discrimination faced by transgender and made concrete recommendations to rectify the problems.

Various initiatives taken in Karnataka which have resulted in minimizing discrimination faced by TGs and sex workers. This includes, separate check up room for TGs in hospitals, providing employment to TGs and other recommendations for unorganized workers.

Committed to safeguarding legal entitlements of marginalized women and communities

Keynote Address by Ms. Asha Menon, Member Secretary, National Legal Services Authority (NALSA)



The NALSA regional seminar held in 2013 on strengthening legal entitlements to communities most vulnerable to HIV was a learning experience in many sense and led to significant collaborative initiatives, particularly in the southern states when all Legal Services Authority participated in the conference. The changes are visible and positive and also form a model example for northern states where we did not have a similar initiative.

Sex workers, transgender and other marginalized women need to “speak up” and “complain against any injustice or denial” that they face. Efforts and expectations made by community organizations are significant, but unless you raise your voice, you will not be heard. But if you stand up for your justice, pursue the court cases despite hurdles, you will not only get justice, but also set an example for others who hesitate to come forward to seek help.

Para Legal Volunteers (PLVS), being drawn from the community, have an important and crucial role, as a link between community and Legal Services Authority at their respective levels. PLVs should take their work seriously, raise the community problems with the Legal Service Authority and seek relief from them. In order to plan needed relief PLVs should also keep regularly in touch with Secretary, DLSA.

Taking note of community opinion regarding the Supreme Court Judgment on Transgender, she stated

that I assure support from NALSA and SLSA to do what we can to sensitize State Governments about the significance of various aspects of the judgment and benefits guaranteed to transgender therein, to facilitate the translation of the judgment on the ground.

Vote of Thanks

Akhila Sivadas, Executive Director, CFAR extended a special vote of thanks to Ms. Asha Menon, Member Secretary, NALSA

On behalf of all community-based organizations and resource persons she thanked the Member-Secretary for the sustained support she has given to this entire initiative beginning from 2013. "It is clear that many of the Milestones that the CBO representatives are sharing and reflecting upon would not have been possible without the guidance and support of the Member Secretary," she added

**First Plenary:
From Crisis Response to Knowing About the Law: Sharing Experiences on Issues
Related to Community Participation and Inclusion**



Chair: Mr. Alok Aggarwal, Additional District Judge, Officer on Special Duty, NALSA, Co-Chair : Ms. Flavia Agnes, Director, Majlis

Strengthening legal entitlements through community-led campaign

Ms. Obullama K, President, Pratibha Mythri Mahila Sangham, Kadri Anantapur



Initiating a Legal Campaigns by six CBOs in Anantapur along with the DLSA has helped widen legal awareness among sex workers up to village level, seeking protection against violence and in the process has built community confidence. We are running legal aid clinics to make legal assistance accessible to women and have also formed a Social Action Committee with Mandal Legal Services Authority and Child Development Project Officers at the block level.

Legal awareness led to legal action

Ms. D.Sai, WISE, Peddapuram, East Godavari

Legal campaign enabled women to get know laws,

such as Prevention of Domestic Violence Act, Protection of Children against Sexual Offences, Sexual harassment at Workplace, Criminal law Amendment 2013, in detail from the legal experts. It has also led to filing of cases and also organizing Lok Adalat, exclusively for addressing the cases of sex workers in Rajahmundry.

Forceful rescue operations remains a major worry and concern

Ms. Renuka Jadhav, Program Manager, Kranti



Mahila Sangh, Solapur

Through the legal campaign 'hot spot' level meetings were organized for women, enabling them to freely interact with advocates discuss their problems ranging from domestic violence, property issues to securing basic documents. But we still face problem of police raids that is on rise in various part of the states.

Focus on legal rights as well as social entitlements

Ms. Aasha Ramesh, Founder Member, Ondede, Gender and Development Expert, Bengaluru and Key Respondent



Adopting a campaign mode is significant as it would contribute to change the societal mindset towards sex workers. The campaign has also made significant headway in terms of linkages with

government offices, Panchayat, Police along with Legal Services.

I congratulate NALSA and its State and District bodies for joining hands. Although NALSA is extending support to CBOs, this is just a beginning and there are miles to go before we see complete access to justice. Delay in justice is still a cause of concern and needs to be addressed on priority basis.

Along with legal help, other entitlement should also be focussed on, like voter card, getting place on rent, pension schemes and school admissions. This can be facilitated with a single window approach, with an assured mechanism and convergence of government departments.

Need for a more pro-active response by DLSA

Ms. Sumitra Acharya, National Law School of India University, Bengaluru and Key Respondent

Clearly there is a need to pave paths and build bridges in order to ensure that communities and groups such as sex workers and transgender people really get the dues they are entitled to.



Principally they have equal rights but in reality on every step they take is challenged and hindered by the

hostile attitude around them and the tendency of formal systems not taking their problems as seriously as they should.

Now Sex workers are sensitized about their right but equal efforts are not coming from DLSA side by them taking proactive steps to reach out to these communities and ensure the legal relief they seek.

Need quality lawyers for legal aid

Ms. Flavia Agnes, Director, Majlis and Co-Chair

The depositions of community women show they have come a long way. Earlier there was hardly any awareness that sex workers too were entitled to rights. But now they are not only aware of the rights but are claiming them as well. There is also a recognition of their rights by the system.

However, while we uphold the rights on one hand, the reality presents a grim picture and demands that the road to access needs to be created conscientiously and diligently.

NALSA should think about systemic changes to strengthen its services. Free legal aid need to be strengthened with quality lawyers. They are paid pittance and hence inexperienced lawyers take this responsibility, which goes against the spirit of this support.

The honorable gathering should also think upon systemic changes so that legal aid and main courts are working properly. It is essential to ensure speedy justice so that justice is not delayed and denied.

Activating mechanism for continuous monitoring of legal aid schemes

Mr. Alok Aggarwal, Additional District Judge, Officer on Special Duty, NALSA and Chair

The problems can get addressed if each plays their roles effectively and work in collaboration. We should all work together and replicate best practices from the states.

The existing mechanism of Monitoring committee, in each DLSA, which is responsible to see whether the legal aid lawyer are working or not, needs to be strengthened.

**Second Plenary:
Can Laws that prevent and address domestic violence, sexual assault, harassment at work place enable women from marginalized communities to address structural**



Chair: Mr. Rajesh Goyal, Additional District Judge, Director, NALSA, Co-Chair: Ms. Rashmi Singh, National Convener, National Forum for Action on Convergence

Speedy delivery of justice for People living with HIV

Ms. Ujwala Kadam, Director, Saudamini Network of Positive Women and Children in Maharashtra, Pune



We need to ensure timely disbursal and expedition of court cases for marginalized people, especially for people living with HIV, so that they are able to sustain their quality of life. For this purpose NALSA should gear up the monitoring mechanism, take periodic reviews of pending cases and employ more sensitive and competent lawyers.

The Women's Policy of Maharashtra State Government gives exemption to women in court fees in matrimonial and property related cases and it should be extended to their children as well, especially in case of HIV positive women.

Sensitive and effective mechanisms needed

Ms. Veena, Advocacy Officer, Sangama, Bengaluru

Sexual and gender minorities face multiple forms of violence and discrimination.



The transgender children are more vulnerable as they are completely dependent on family who is unable to understand their different orientation. They should get benefit of child protection rights; Child Welfare Committee (CWC) should be sensitive.

Transgender children face a number of problems in schools and as they are growing up. Therefore school syllabus should include biological facts related with the trans people so that the children will be accepted. This will contribute to sensitizing students and teachers.

Along with gender recognition and reservations in jobs, we also expect enabling work environment with social acceptance.

Conduct sensitization of police on a priority basis

Ms. Sultana Begum, Resource Mobiliser, AINSW, Ajmer



My collective works with Police department to make them understand community issues but sensitive officers get transferred and then with new ones we have to initiate sensitization process again.

Sex workers Network seek recognition as workers

Ms. Sameem Patel, Resource Mobiliser, AINSW, Vadodara



Sex workers should be recognized as workers. Stakeholders should not conflate between trafficking and sex work.

Daily travails of People and Women living with HIV

Ms. Meena, President, Bengaluru District Network of Positive People, Bengaluru

A PLHIV who is open about her status like me, has to fight stigma in daily life. Although there is a law supporting me, my children face discrimination in school and community and there is no mechanism to address this kind of discrimination.

Recommendations

The Maharashtra policy gives exemption to women litigants in paying court fees in matrimonial cases including partition of property and this exemption should be extended to their children as well, especially in case of women who are HIV positive.

NALSA should ensure quality legal aid, fast track the services as well as have a proper monitoring mechanism in place.

Ensure timely disbursement and expedition of court cases of marginalized communities, especially for people living with HIV so that they are able to sustain the quality of life they need.

NALSA should ensure quality legal aid, fast track the services as well as have a proper monitoring mechanism in place

Protect sex workers from violence

Dr. Smarajit Jana, Chief Advisor, AINSW and Durbar Mahila Samanwaya Committee, Kolkata and Key Respondent

In case of sex workers domestic workers also means partner violence and eviction. Sexual harassment at workplace is mainly in the form of police excesses.

According to AINSW survey 90% of violence against sex workers is perpetrated by partners, police and clients and they should get legal relief for these violations within the existing legal provisions.

There is also need to change the law, make new laws to ensure access to social justice for sex workers and TGs. For instance, as per ITA law the house or place cannot be rented for sex work, this provision is incorrect and acts as a systemic barrier for women surviving on sex work.

PLVs is a good initiative, that needs to be institutionalized. We should have PLVs across the country, representation from all social sections. Also conduct periodic refresher training and monitoring of cases handled is essential along with feedback and reflection on their action.



NALSA should focus on the grey areas in the law

Ms. Tripti Tandon Deputy Director, Lawyers Collective and Key Respondent



We should have a distinction between situations where legal intervention is needed and where it is not needed. For longest time sex workers are seen as victims of trafficking, therefore even when they are doing sex work on their own, rescue measures are imposed on them. Alternatively, when they are really victims of domestic violence, the system is reluctant to hear, help and protect them.

For transgender, domestic violence begins from childhood, they are not willing to take legal action against their own parents, the way a woman hesitates to file charges against her family. These are challenges and access depends on how these grey areas are perceived and interpreted in the context of legal provision.

Also any support to these communities should not be conditional. Reservations, jobs or skill building should not be given on pre-condition of stopping sex work, instead emphasis should be on changing perception towards them.

Awareness building is needed for stakeholders, not for the marginalized communities, alone

Ms. Vrinda Grover, Advocate, Women and Human Right Activist and Key Respondent

There is ample evidence of sexual violence against sex workers and hence they should get protection under present law, by taking into account their social situations. Once we agree in principle, the nitty-gritty of provisions to ensure protection to sex workers and transgender can be worked out.



Awareness building is clearly needed, but for whom? Sex workers know their rights, awareness is needed within the systems responsible to observe these rights, like police, administration, teachers and judicial officers. NALSA should take up this awareness program with community as resource persons not as participants. Distinction between sex work and trafficking should be a key point for this training.

Legal Services Authority needs to strengthen its services. Perhaps it is the only statutory body which due to lack of monitoring, has weakened the services. LSA should provide effective legal representation. PLVs, if perceived as a bridge between judiciary and aggrieved community, need to be paid an honorarium and the program needs to be revisited and reformed.



Analyze the gap between committed services and the capacity to deliver

Ms. Rashmi Singh, National Convener, National Forum for Action on Convergence and Co-Chair



Although the Indian Constitution recognizes right to equality as a fundamental right, which includes equality before the law, discrimination, in its many forms, is structurally embedded in all social institutions like family, school, workplace and other. Therefore, first and foremost, the institutions meant for addressing and eliminating discrimination should be made accountable, which include systems and mechanism like Commissions.

We have various laws, but they are ineffectual in the absence of enforcement machinery, as has experienced it in the dowry laws. which still continues despite the strictness of the law, In this context, NALSA should do a gap analysis state wise, to see where implementation has to be improved. Both short and long term strategies should be adopted, like crises response can be short term while partnership and linkage strengthening can be long term strategy.

NALSA planning a scheme to work with sex workers

Mr. Rajesh Goyal, Additional District Judge, Director, NALSA and Chair



Sex workers and sexual minorities have rights like any other citizens and therefore should not hesitate to come forward to access them. In order to support and smoothen the access we will work on suggestions, strengthen legal awareness and stakeholder sensitization.

In near future SLSA is introducing a special scheme where by all LSA offices will be working with sex worker and TG communities. The scheme is being chalked out by NALSA in consultation with groups working on community issues.

**Third Plenary:
Developing a community centered legal response to address and prevent violence and discrimination: Way forward to empower survivors and vulnerable**



Chair: Mr. G. Shyam Prasad, Member Secretary, Andhra Pradesh and Telangana, Co-Chair: Ms. Poornima Chickermame, Founder Member, Kagad Kach Patra Kashtakari Panchayat, Pune

Change attitude to people with disability

Ms. Rathna, Disabled Rights Activist, December 3 Movement, Chennai



People with disabilities who are vulnerable to physical, sexual and verbal abuse, face challenges and hurdles in accessing legal help needed.

We need to sensitise key stakeholders about various types of disability and vulnerabilities of people with disabilities and ensure their inclusion on all platforms.

Legal knowledge is empowering

Ms. Mahananda Bongane, Secretary, Daksh Samuha, Pune

I have taken training as PLV and feel that legal know-how makes women confident to deal with their problems. I have enabled women suffering from violence to get legal assistance.

Police excesses - an urgent concern

Mr. Navdeep Pannaala, Transgender Activist, Hyderabad

Police treat Transgender with contempt. When Transgender are ill treated by family to escape from this they either take to begging or sex work, which brings them into contact with the police. And since they face the police daily, they are unable to challenge them. Transgender are unable to resist police excesses. They are physically and sexually exploited and humiliated with illegal detention.



Perhaps the police perceive transgender as a threat to their masculinity; we do not fit in their cultural and moral norms. But we are a society that is led by law of the land and not cultural and moral assumptions, isn't it?

NALSA should sensitise all stakeholders about the SC judgement recognizing transgender identity.

Ensure skill based jobs for Transgender

Ms. Disha Kene, Shrirampur Trutyapanthi Sanghtana, Shrirampur



Transgender persons have their unique and parallel system of justice delivery, which its members have to abide by. In absence of viable options transgender will have to stick to community congregation and will be deprived of constitutional rights as citizens of country.

The judicial system and advocates, especially at taluka places, should be sensitized to realities of transgender or else they will not be able to represent us. Paralegal Volunteers will be a good initiative for transgender if there are more PLVs they will help community with the existing systems.

Mainstreaming is a big challenge and should be a well thought out process. What will be laws applicable to transgender? Can we seek protection under laws meant for women? What laws will protect us when we are sexually harassed or verbally abused or receive sexually explicit texts or face violence by partner? In terms of work and jobs, what procedure would be adopted? Many transgender have so identity or qualification records in place. Hence they should get skill based work.

More Paralegal Volunteers needed

Ms. Surekha Baravkar, Pune

As a Para Legal Volunteer I participated in Lok Adalat as social worker and panel judge on community issues.

We have to increase number of PLVs. More community women should get PLV training, it will help to reduce risk and violence.

Coping with police insensitivity

Ms. Noorjahan, Mahila Pragati Manch, Delhi

Law says that staring and stalking are criminal sexual offenses. However, in urban communities, even if we are beaten by goons by entering in our homes, the police is reluctant to lodge our complaints. Police does not listen to us, but the court trials are based on the police statements. So how should we get justice if the police manipulate us rather than helping us?



Significant State schemes to be up-scaled

Ms. Bharti Ali, Co-Director, HAQ: Centre for Child Rights and Key Respondent



Today a lawyer may not hesitate to defend a criminal and corrupt leader but will refuse to take up case of violence and discrimination against a person who is in sex work. Morality should not guide the course of our response towards aggrieved people, as it is a clear subversion of law of the land. This is a matter of concern, judiciary has perhaps major role to change this situation.

Every individual and marginal group is entitled to claim their human rights. However, rights come with a responsibility to respect the rights of others. We have to be mindful about this and uphold human rights for

all or else various groups are being taken as if having clashing interests with others, like sex workers rights clashing with anti-trafficking groups and so on, even if it is not true.

Significant initiatives in Delhi like Delhi Witness Protection Scheme and Victim compensation schemes should be introduced in all states. When it comes to Victim Compensation Schemes, there is a strong perception that people are faking up cases to get the money. Service providers need not apply their judgment since the scheme is meant to meet immediate needs, which if unattended have severe irreversible repercussions.

Inclusive training on gender and sexuality

Ms. Diksha, Partners in Law and Development and Key Respondent

Problems related with discrimination, be it in family or judicial and police system, are rooted in patriarchal mindset. Hence gender sensitivity and sexuality, should be an integral component in all our training and education efforts, to create an openness towards these aspects.

PLD organises training with community workers. However, the problems does not get addressed only by knowing the law, hence we also have training with institutions like police and judiciary

Agency building efforts needed

Ms. Meera, Founder, WINS, Tirupati and Key Respondent

Let us focus on strengthening human agency through the training. We should adopt a capability approach - introduced by Nobel laureate Amartya Sen for agency development and deepening of agency of every individual.

Our experience of working with sex worker collectives in five states, with the capability approach, show positive outcomes. Training facilitates process of self awareness and emphasizes skills necessary to deal with power structures and to access rights and resources.

Build strategic alliances among marginalised rights holders

Ms. Poornima Chickermane, Founder Member, Kagad Kach Patra Kashtakari Panchayat, Pune and Co-Chair

Experiences of discrimination for waste pickers and

sex workers have lot of commonalities and therefore they can join hands to gain strength to put forth their demands more strongly before the State.

As many speaker exhorted Paralegal Volunteers is a community friendly program. However, like most support systems by the State have become honorarium based, like Anganwadi workers, ASHA workers. Like these service providers PLVs should not end up taking responsibilities on their shoulders voluntarily, but should be duly compensated.

As the various depositions in the consultation show the claimants / victims are paying the cost of accessing justice. They are made to try repeatedly and still are denied help and facing humiliation. Therefore, the State, who is accountable for the well being of people, should take responsibility for effective implementation of laws and schemes and to make it agencies to deliver their duties efficiently.

Committed to bring legal services closer to needy through CBOs

Mr. G. Shyam Prasad , Member Secretary, Andhra Pradesh and Telangana and Chair

I assure that proactive steps will be taken to bring the law closer to CBOs struggling on ground. We will take many more meetings in our state and invite you as resource persons.

We will examine the situation in the light of positive suggestions in the consultation.

Recommendations

- Transgender children are more vulnerable as they are completely dependent on family who is unable to understand their different orientation. They should get benefit of child protection rights and CWC should be sensitized.
- Sensitisation of various stakeholders about various disabilities and vulnerabilities of people with disabilities should be conducted and their inclusion across all entities and platforms should be ensured
- NALSA should have a scheme for sex workers and transgender implemented in all states, on the lines of schemes that NALSA has formulated for workers, mentally challenged people and women
- Support community-based organizations of sex workers and transgender in realizing their rights by sensitizing police, judiciary and policymakers on their issues.
- The sensitization programs, should explain distinction between sex work and human trafficking.

Valedictory Session

Re-capping Key Issues, Presenting the Next Steps



Ms. R. Jeeva, Founder Member, VCAN Network, Chennai

Ms. Putul Singh, Treasurer, AINSW, DMSC, Kolkata



- Although transgender persons face number of challenges in accessing their rights, initiatives like PLV, with support from DLSA, have helped in building community awareness and involvement in the process
- Accessing DLSA support and services has shown that crisis intervention can be effectively done through partnerships and linkages
- Still there are concerns, especially regarding a well coordinated systemic response in the light of the Supreme Court judgment in recognition of the third gender
- DLSA services to be strengthened by competent, sensitive advocates who receive reasonable payments

- Sex worker victims should be treated like any other women suffering from violence without any bias or morality by the concerned systems of protection and justice delivery
- Distinction between sex work and human trafficking should be understood and effectuated
Rehabilitation should not be imposed, but an option providing reasonable alternative for the people who wish to get out of sex work
- Sex worker collectives are willing to work with the State to address the problem of trafficking and to effectively address problems faced by the community



Mr. Pankajkumar Bedi, CFAR

- Consultation highlighted and strengthened need to join hands by collectives of people with different social identities to be able to get heard at state level
- In the light of problems faced by sex workers and transgender people, the consultation weighed up the efforts of their collectives in accessing legal help in collaboration with LSA and other stakeholders
- Consultation expects NALSA to think upon special scheme for sex workers and TGs on lines with the existing schemes for unorganized workers and such marginal people

Concluding Remarks

Dr. Smarajit Jana, Chief Advisor, AINSW and Durbar Mahila Samanwaya Committee, Kolkata

Consultation was most useful as it enabled us to have a meaningful interaction among community representatives and representatives of Legal Services Authority

Sex workers should be seen and treated as partners in the anti-trafficking efforts and the collectives are willing to work with the State on this issue. Along with the State and its machinery, awareness is also needed in different professionals.

The problem of sustainability of CBO work did not get much attention, which is becoming more and more severe with shrinking funds and state support to HIV program.

Mr. Mustafa Hussain S.A., District Judge and Special Officer, Karnataka

As the Karnataka experience shows multi stakeholder consultations help to bring in needed sensitivity in the respective programs. We involved officials from police, judiciary and health system who listened and interacted with community speakers. These consultation lead to concrete changes in programming to reduce violence against community members.

I am sure national level guidelines will be soon made to include sex workers and transgender in all schemes

The consultation concluded with vote of thanks by Mr. Pankajkumar Bedi.

Recommendations by Community Representatives from Maharashtra, Karnataka, Andhra Pradesh, Tamil Nadu, Rajasthan, Bihar, Uttar Pradesh and West Bengal



- The services provided by DLSA such as Free Legal Aid Clinic should be displayed on a board in all the police stations for the knowledge of people in need of their assistance.
- Para Legal Volunteer training should be conducted regularly and PLV training and their accreditation as Paralegal Volunteers renewed
- Involve and train more number of community members as PLV to spread legal awareness among community members residing in interior places
- NALSA to ensure that police officials contact the PLV or the CBO whenever there is a case related to the community member.
- A special Lok Adalat for all cases related to sex workers and marginal communities can also be organised once in 3 or 6 months in districts where there is a demand for it.
- The CBOs need greater support in conducting awareness camps in remote villages where they find more incidence of violence and harassment against women
- Special cell or wing must be established to speed up processes, arrive at settlement and monitor the cases filed by the communities most-at-risk of HIV and to enable the process to get speeded up and settlements.
- Community Representatives who are trained as Paralegal Volunteers must be appointed in courts to know more about the procedures in the court.
- Provide community members the training on law and extend legal aid to file cases
- Free legal aid should be available to all community members as they are not in a position to bear the cost of legal remedies
- Support community-based organizations of sex workers and transgender in realizing their rights by sensitizing police, judiciary and policymakers on their issues.
- The sensitization programs, should explain distinction between sex work and human trafficking.
- All sensitization initiatives should emphasize that as citizens, sex workers should be entitled to all the constitutional rights guarantees therein to all person irrespective of caste, gender, creed and religion

- Extend support in advocating for rights and dignity of sex workers and their mainstreaming across all sectors and departments.
- NALSA should have a scheme for sex workers and transgender implemented in all states, on the lines of schemes NALSA has formulated for workers, mentally challenged people and women
- Legal Training and legal redressal through Lok Adalat can be organised together. This will be unique initiative of mass education, which where community members will learn the laws and local problems can addressed there and then through Lok Adalat.
- Lok Adalat panel should have representatives from the aggrieved community to strengthen community centered perspective and enable the marginalized communities to enhance their status .
- SLSA should spread awareness to all state government officials about the various aspects of the Supreme Court judgment on Transgender rights and benefits conferred on transgender persons in order to translate the intent of the judgment into action and concrete deeds
- The Maharashtra government policy gives exemption to women litigants in paying court fees in matrimonial cases including partition of property and this exemption should be extended to their children as well, especially in case of women who are HIV positive.
- Ensure timely disbursal and expedition of court cases of marginalized communities, especially for people living with HIV so that they are able to sustain the quality of life they need.
- NALSA should ensure quality legal aid, fast track the services as well as have a proper monitoring mechanism in place
- The Transgender children are more vulnerable as they are completely dependent on family who is unable to understand their different orientation. They should get benefit of child protection rights and CWC should be sensitized.
- Sensitisation of various stakeholders about various disabilities and vulnerabilities of people with disabilities should be conducted and their inclusion across all entities and platforms should be ensured
- All government officers should be sensitized after their recruitment on issues of marginal communities such as sex workers, transgender people, people with disability to cite a few



Centre For Advocay and Research (CFAR)
H-2B, 1st Floor, Kalkaji, New Delhi -110019
Telefax: 011 26418846/26418847
Email: cfardelhi@gmail.com
Website: www.cfar.org.in