

LAWYERS COLLECTIVE

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18th February, 2011

To,
The Honourable Justice Mr. G.N. Ray,
Chairman
Press Council of India
Soochna Bhavan, 8-C.G.O. Complex,
Lodhi Road, New Delhi-110003

Subject: **Concerns over media reporting of sex workers**

Respected Sir,

We write to you on behalf of the *Lawyers Collective*, an NGO that has been promoting women's equality, social justice and rights of marginalized groups for over thirty years. The Women's Rights Initiative of the *Lawyers Collective* was instrumental in bringing in the *Protection of Women from Domestic Violence Act, 2005*. The *Lawyers Collective HIV/AIDS Unit* uses litigation, research and advocacy to craft a just, rational and non-discriminatory response to HIV including protection of rights of sex workers.

Breach of Privacy during raids and rescue

We wish to bring to your attention the continuous **violation of sex workers' right to privacy and protection of identity by the media** (both electronic and print), especially during arrests, mass raids and rescue operations. Apart from arbitrary police intrusion, sex workers face an added form of harassment at the hands of the media present during the raid or at the police station. The media persons, mostly male cameramen, are only interested in clicking photos by fully showing their faces, despite refusal. They are least interested in doing a sensitive story which would voice their concerns and issues. These photographs are then splashed in local papers or beamed non-stop on local television channels in a sensationalist manner, exposing them and their children to stigma and ostracisation.

Violation of laws and guidelines on media reporting

We also wish to bring to your notice that even when young girls are rescued, the media behaves in a similar fashion by flashing photographs of children on television or revealing their

names, in violation of the *Juvenile Justice (Care and Protection of Children) Act, 2000*, which forbids the publication of name, address, etc of a juvenile in print or visual media (Section 21). This kind of intrusive behaviour also violates the Press Council of India's own guidelines on "*HIV/AIDS and the Media*" (2007) that prohibits "publication of any information or photograph resulting in identification of the children and violating their rights."

Whenever raids happen, whether in Delhi, Mumbai, Surat, etc, the police usually informs the media about the raids or the arrests of sex workers. The police complicity in this regard is evident as it does not restrain the media from making disparaging remarks on sex workers or pestering them for photographs. This stands in complete contrast to guidelines and protocols laid down by the government (*Ministry of Women and Child Development (WCD) and United Nations Office on Drugs and Crime (UNODC) Protocol on Inter-State Rescue and Post-Rescue Activities relating to Trafficking*) and international agencies, which forbid the media from disclosing the identity of the victims and the accused who have been charged under the *Immoral Traffic (Prevention) Act, 1956*. These guidelines focus on protecting the identity and confidentiality of women and children who are involved in sex work in order to protect them from further discrimination.

The Supreme Court and various High Courts too, have issued directions to the media restraining them from divulging the identities of women and children who are removed from brothels. The Madras High Court in *the Director, Tamil Nadu State Judicial Academy v. State of Tamil Nadu* [W.P. No. 36807 of 2006] has directed the police "*to take complete precaution to ensure that the facial and other identity of the rescued victim is not revealed. Particular care shall be taken to protect the identity of the rescued victims from publicity through media and victims shall be protected against their being used by the media for its own commercial end.*"

Sexual Violence by local media persons

We have also come across incidents of local media personnel in Surat, Baroda, Ahmedabad, etc going to sex workers' houses and blackmailing them to have non-consensual sex or pay money, otherwise threatening to publish their names and addresses in local newspapers. This has resulted in enormous ostracisation and harassment of sex workers and their families. One child was told by his school teacher that his mother was a sex worker, after her identity was revealed in a local daily. These events have made a mockery of media ethics and highlighted the impunity with which sex workers' rights and dignity are being violated by one and sundry, especially the police and media.

Consequences of breach of privacy

We strongly feel that breach of privacy and confidentiality frustrates efforts to reintegrate those who wish to stop sex work. Once their identities are publicly known, it is very difficult for such women to find work and support their families, without facing stigma and humiliation. While we believe in free circulation of news and views, the manner of reporting stories involving sex workers' tends to be crass and voyeuristic, in complete disregard of media ethics. Further, protection of one's identity and privacy is part of right to life and personal liberty enshrined in Article 21 of the Constitution. As disempowered and vulnerable members of society, sex

workers deserve more of such protection and not less. As a regulatory body of the media, the Press Council of India (PCI) is obligated under the *Press Council of India Act, 1978* to uphold the highest standards of journalism. Respecting the dignity and privacy of women, whether sex workers' or otherwise, constitutes one of the foremost principles of professional conduct.

Demand for redressal

We therefore urge the Press Council of India to issue an appropriate guideline to all media including electronic, print and online news websites to not reveal the identities of sex workers, during arrest, raid and rescue operations, whether as victims or accused, and not to publish or telecast any photos that would result in disclosure. Proper action should be taken against the erring media persons. Further, PCI should take strict and immediate action against those media people in Gujarat who have blackmailed sex workers into having non-consensual sex and cancel their press accreditation along with issuing stern directions to media personnel against committing such human rights violations.

We sincerely hope that the Press Council of India takes urgent note of our concerns and acts accordingly.

Thanking You,

Yours faithfully,

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