



## Can sex workers regulate police? Learning from an HIV prevention project for sex workers in southern India

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### ABSTRACT

There is an argument that policing practices exacerbate HIV risk, particularly for female sex workers. Interventions that mobilize sex workers to seek changes in laws and law enforcement practices have been prominent in India and have received considerable scholarly attention. Yet, there are few studies on the strategies sex worker advocates use to modify police behavior or the struggles they face in challenging state institutions. This paper draws upon contemporary theories of governance and non-state regulation to analyze the evolving strategies of an HIV prevention non-governmental organization (NGO) and female sex worker community-based organizations (CBOs) to reform police practices in southern India. Using detailed ethnographic observations of NGO and CBO activities over a two year period, and key informant interviews with various actors in the sex trade, this paper shows how a powerless group of marginalized and stigmatized women were able to leverage the combined forces of community empowerment, collective action and network-based governance to regulate a powerful state actor, and considers the impact of the advocacy strategies on sex worker well-being.

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### Introduction

Theories of “distributed”, “networked” or “nodal” governance have sought to account for the powerful part played by non-state actors in managing social systems (Burris, Kempa, & Shearing, 2008). New governance scholarship, which owes much to Foucault’s studies on governmentality (Foucault, 2000 [1982]), shifts attention from formalistic concepts of governance built on a strong public–private distinction to a relational understanding of how power is re-articulated and re-ordered among both state and non-state actors (Lea & Stenson, 2007; Phoenix, 2007; Sending & Neumann, 2006). While disagreement persists as to the extent to which traditional state-centered modes of governance have been weakened or displaced by this development, there is wide agreement that non-state actors are participating in governing, and sometimes even governing the state itself (Freeman, 2000; Held & McGrew, 2002; Rhodes, 1997; Rosenau, 1999). The ability of “the weak” to take advantage of distributed modes of governance by creating community-based institutions and enrolling in

governance networks has been a major normative and descriptive question. Does polycentric governance offer opportunities for the weak to deploy new “methods of power” as regulators of their social space (Braithwaite, 2004; Burris, 2004; Lindell, 2008), or simply create new forms of “democratic deficit” between the haves and the have-nots (Sorenson & Torfing, 2003)? This paper uses ethnographic evidence to assess the evolving strategies of an Indian non-governmental organization (NGO) and new sex worker community-based organizations (CBOs) to govern the policing of sex work in one region of southern India.

The paper links studies of regulation and governance, particularly analyses of competing interests of state and civil society institutions, with public health scholarship on structural interventions and the impact of policing on HIV risk. Policing is a key issue in understanding the relationship between sex work and HIV because the HIV risk environment for sex workers and drug users is shaped to a considerable degree by the police (Blanchard et al., 2005; Blankenship & Koester, 2002; Burris et al., 2004; Chatterjee, 2006; Kerr, Small, & Wood, 2005; Pollini et al., 2008; Rekart, 2005; Rhodes, Singer, Bourgois, Friedman, & Srathdee, 2005). “Structural interventions” that change risk-creating aspects of the social and physical environment are an important, if not essential, complement to traditional interventions aimed at helping people within dangerous environments (Blankenship, Friedman, Dworkin, &

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Mantell, 2006; Parker, Easton, & Klein, 2000; Sumartojo, Doll, Holtgrave, Gayle, & Merson, 2000). Recent evidence shows that structural interventions can positively alter the HIV risk environment (Pronyk et al., 2006; Shahmanesh, Patel, Mabey, & Cowan, 2008). Structural interventions aimed at police and policing practices are an urgent priority (Blankenship et al., 2006; Open Society Institute, 2006; UNAIDS Best Practice Collection, 2006; WHO Toolkit for Sex Workers, 2004), and empowering sex workers in relation to the police has been part of the rationale for the creation of sex worker CBOs in a number of sites around the world (Cornish & Ghosh, 2006; Halli, Ramesh, O'Neil, Moses, & Blanchard, 2006; Kerrigan et al., 2006).

It has been shown that in resource poor settings, NGOs can emerge as powerful players in regulating and modifying the behavior of intransigent constituents (Braithwaite, 2006; Drahos, 2004; Gereffi, Garcia-Johnson, & Sasser, 2001; Keck & Sikkink, 1998; O'Rourke, 2003). Following Hancher and Moran (1989), Scott (2001) defines regulation as “any process or set of processes by which norms are established, the behavior of those subject to the norms monitored or fed back into the regime, and for which there are mechanisms for holding the behavior of regulated actors within the acceptable limits of the regime (whether by enforcement action or by some other mechanism)” (Page 283). Examination of the regulatory space involves considering the norms, behaviors and laws that shape sex work and identifying the changing relational power between the police, the NGO and the CBO.

We begin by contextualizing sex work regulation within the local political economy of the sex trade in south India, highlighting the situation before the arrival of the NGO, when sex workers had no recourse against abusive policing practices. We then describe how a new NGO, introduced from outside the community as an HIV prevention measure, mobilized sex workers in developing a sophisticated strategy for regulating police behavior. The NGO and CBO articulated new standards for acceptable police behavior, set up a network to monitor compliance, and created a rapid-reaction team to punish non-compliance through confrontation, publicity and legal action. We conclude with a discussion on the capacities and limits of the NGO-initiated network-based governance model and its ability to impact powerful state actors and improve sex worker well-being.

## Research site

The NGO is a local branch of an organization headquartered in the United States and is one of over 130 NGOs funded by the Bill & Melinda Gates Foundation's Avahan India AIDS Initiative. (G. Dal-labeta, personal communication, April 11, 2008). Avahan is implementing HIV prevention interventions in six high-prevalence states of India, covering 83 districts and 220,000 female sex workers. The NGO described in this paper is implementing a community-led structural intervention for HIV prevention among female sex workers in Rajahmundry, a semi-urban town of 400,000 in the largely rural, economically prosperous district of East Godavari in the high-prevalence southern Indian state of Andhra Pradesh. There are approximately 1500 sex workers in the NGO's operational area, covering 8 of the district's 59 revenue ‘mandals’. The majority of sex workers are highly economically vulnerable, non-literate, not currently married, and the sole providers for their families. They have high exposure to violence –42% reported being beaten, threatened or forced to have sex in the past six months by their intimate partners, police or clients (Parivartan Survey Summary Report, 2006). Clients of sex workers belong to various socioeconomic backgrounds, including agricultural and petty labor, landowners, businessmen, college students, office employees, and truckers. Most report entering sex work out of financial necessity as

sex work offers better earnings than agricultural, construction or domestic labor (Parivartan Life History Summary Report, 2007).

The NGO began operations in October 2004, identifying Social Change Agents (SCAs) and training them to work as peer educators and community organizers. SCAs, of which there are approximately 70, engage in traditional intervention activities distributing condoms to sex workers, bringing peers to the NGO-sponsored STI clinics and drop-in centers for services and providing general health education. From the start, the HIV prevention strategy also included activities aimed at structural change – community mobilization to change the “governance” of sex work, including changes in policing. SCAs were trained to set up CBOs led by sex workers, of which there are 12 at the time of writing. CBO members were taught organizational skills, including holding regular elections for office bearers, conducting monthly meetings, and maintaining a record of activities and basic principles of book-keeping. The NGO's goal is to transfer ownership and control of intervention activities to the CBOs. SCAs were also trained in dealing with police problems. A similar structural intervention model has been applied in other community health programs for sex workers in India, notably in Sonagachi in Kolkata (Jana, Basu, Rotheram-Borus, & Newman, 2004).

## Methods

The data were gathered between February 2005 and June 2007, as part of a multi-method study—Project Parivartan—which aims to analyze the implementation and impact of the NGO's HIV intervention. This paper draws upon the qualitative components of the study, including detailed observations of the NGO's activities and key informant interviews with sex workers, their intimate partners, police, madams, lawyers and clients. Efforts were made to get a representative sample of sex workers by approaching women at their work sites and not limiting study participants to only those who frequented the NGO office. Interviewees included sex workers with various levels of involvement with the intervention – SCAs in leadership positions, SCAs who held no leadership position, sex workers who were not SCAs but affiliated with a CBO and finally, those with no affiliation with either the NGO or any CBO. Ethical approval was obtained from the Institutional Review Board at Yale University, Duke University, and through YRG Care, a research institution in India.

Project Parivartan worked independently of the NGO. All data were collected by the study's full-time staff of four ethnographers fluent in English and Telugu. Hand-written notes taken during observations were converted into word processing files. Interviews lasting between 1 and 2 h were conducted in the Parivartan office after obtaining consent and were taped and transcribed. Interviews conducted in Telugu were first translated into English before being transcribed. Interview guides were shared with NGO staff and their input sought. At monthly NGO meetings, Parivartan staff provided feedback on data collection activities with implications for the intervention and periodically, they gave presentations on major findings to both NGO staff and sex workers.

Data analysis was conducted in different stages. The research staff at the field office – including three authors of this study – conducted weekly research meetings to discuss and share findings with the U.S.-based research team. The weekly meetings were the forum for ethnographers to report on observations of NGO activities. The minutes of these meetings were written up as monthly reports that summarized observational data over time, particularly around key themes of interest, including the NGO's police advocacy efforts. Formal interviews fell under one of three research components – longitudinal interviews with a set of women about their involvement with the intervention, interviews to assess law,

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