

Global Forum of Communities Discriminated on Work and Descent
(GFoD) Submission to Special Rapporteur on violence against women
and girls to the Human Rights Council on prostitution and violence
against women and girls

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Introduction

Discrimination based on Work and Descent (DWD) affects more than 270 million people worldwide. Communities Discriminated on Work and Descent (CDWD) can be found on all continents: Dalit communities in South Asia and Buraku in Japan, Roma communities in Europe, Haratin, Osu and other communities in West Africa and Quilombola or Palenque communities in Latin America. DWD is a unique type of discrimination that takes the form of social exclusion based on inherited status and ancestral occupation. DWD is often associated with notions of “purity and pollution” and practices of untouchability.¹ Consequently, CDWD are faced with harassment and violence on a daily basis and face extreme forms of discrimination in accessing employment, education, healthcare, housing, water and sanitation and other basic services. CDWD are often bound by bonded labour or modern/ancestral slavery practices.

CDWD women and girls face heightened marginalisation due to cross-cutting, intersectional discrimination as a consequence of their CDWD identity and their gender. It is not uncommon for CDWD women and girls to be bound by sexual slavery regimes. The marginalisation and extreme poverty of CDWD often means that as a means of survival they engage in informal street vending, waste collection, sex work and begging. The relationship between women from discriminated backgrounds and their likelihood to become prostitutes and victims of trafficking is deeply intertwined with systemic inequalities and social dynamics. They often face economic marginalization due to factors such as racism, sexism, and classism. Limited access to education, employment opportunities, and financial resources can push these women into precarious economic situations where they may turn to prostitution as a means of survival. Economic vulnerability increases the likelihood of exploitation and coerced involvement in sex work. Discriminated backgrounds often result in limited social support networks for women, leaving them more isolated and vulnerable to exploitation. Without adequate support systems, women facing discrimination may have fewer resources to resist exploitation or seek help when subjected to trafficking or abusive situations within the sex trade. Discriminatory laws and policies can exacerbate the vulnerability of women from marginalized backgrounds to exploitation and trafficking. Criminalization of prostitution, for instance, pushes sex work underground, making it difficult for women to access legal protections and support services.

¹ For the full definition please see - Draft Principles and Guidelines for the Effective Elimination of Discrimination based on Work and Descent, Human Rights Council 11th Session, 18 May 2009, Final report of Mr. Yozo Yokota and Ms. Chin-Sung Chung, Special Rapporteurs on the topic of discrimination based on work and descent, available at: <https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/RegularSession/Session11/A-HRC-11-CRP3.pdf>

The CDWD women of India

India, is a country where structures of caste continue to be deeply ingrained in the social institutions, sexual labour is closely tied to the paradigms of caste and gender. As a result, various caste communities that are a part of the CDWD tend to be generationally² involved in different forms of sex work, often hidden under religious traditions, traditional practices/artforms. Oppressed caste communities (Ex untouchables/Dalits) such as Nat Community, Perna community, Bacchara community among others are excluded DWD communities where families are socially involved into and economically dependent on sex work. Women born into these families in these caste communities are pushed into prostitution after they hit puberty, earning bread for the family.³ In many “performer” communities such as Kolhati and Bediya communities, women engage in Drama (Nautanki)/Dance performances, their bodies are sexualized in dance performances and they are forced to satiate the sexual hunger of men.⁴

The Devdasi practice in India involves dedicating pre-pubescent girls (often as young as four) to temple deities. No longer allowed to marry a mortal, they are expected to bestow their entire lives to the service of the goddess.⁵ Some of the major findings from a recent report submitted to the National Commission for Women state that the majority of girls who are dedicated are from the Schedule Caste community, and many of them are subjected to different forms of abuse.⁶ A State Government report on Rehabilitation of Devdasi program notes that 95.3% respondents are from Dalit background and 4.3% of them are from tribal background.⁷ With respect to Devdasi system, it has been noted that despite legislations existing, they have remained only on paper, with no uniform policies, programs and schemes for the welfare and benefit of devadasis in the four states of India on ground.⁸

Forced marriages for marital relations and progeny through bride trafficking are prevalent in India where minor girls – majority of whom are likely from CDWD – are purchased from poorer backgrounds and sold for marriage in states with skewed sex ratios.⁹ Moreover, an estimated 1.2 million children are exploited in sex trade.¹⁰

² Al Jazeera 2016:

<https://www.aljazeera.com/features/2016/11/28/the-indian-caste-where-wives-are-forced-into-sex-work> ;

³ The Guardian 2009:

<https://www.theguardian.com/global-development/2019/jan/14/indian-village-where-child-sexual-exploitation-is-t-he-norm-sagar-gram-jan-sahas> ; Al Jazeera 2016:

<https://www.aljazeera.com/features/2016/11/28/the-indian-caste-where-wives-are-forced-into-sex-work> ; Al

Jazeera 2013: <https://www.aljazeera.com/features/2013/1/19/nat-purwa-where-prostitution-is-a-tradition>

⁴ Pune Research World 2016: <http://puneresearch.com/media/data/issues/57e2d9fbb8e4.pdf>; Agarwal, A. (2008). *Chaste Wives and Prostitutes Sisters- Patriarchy and Prostitution among the Bedias of India*. New Delhi: Routledge

⁵ The Guardian 2012 '[Devadasis are a cursed community](#)' | Women | [The Guardian](#); Also see Agrawal, Anuja, ed. *Migrant women and work*. Vol. 4. SAGE Publishing India, 2006.

⁶ National Commission for Women 2016

[https://ncwapps.nic.in/pdfReports/Exploitation of Women as Devadasis and its Associated Evils Report.pdf](https://ncwapps.nic.in/pdfReports/Exploitation%20of%20Women%20as%20Devadasis%20and%20its%20Associated%20Evils%20Report.pdf)

⁷ Hyderabad Karnataka Centre for Advanced Learning 2016:

<https://kmea.karnataka.gov.in/storage/pdf-files/Reports%20and%20other%20docs/Devadasi%20Eng.pdf>

⁸ Rehabilitation of Devdasi scheme implemented by Karnataka Women's Development Corporation, Bengaluru –involves a pension scheme, Economic Improvement through Income Generating Activities Housing Benefit Scheme, Legal and Social Awareness Program and Right to Health.

See also: National Commission for Women 2016:

[https://ncwapps.nic.in/pdfReports/Exploitation of Women as Devadasis and its Associated Evils Report.pdf](https://ncwapps.nic.in/pdfReports/Exploitation%20of%20Women%20as%20Devadasis%20and%20its%20Associated%20Evils%20Report.pdf)

⁹ Asia Dalit Rights Forum (ADRF) 2021

<https://globalforumcdwd.org/communities-discriminated-on-work-and-descent-in-south-asia-status-of-modern-sla-very/>

¹⁰ ADRF 2021:

<https://globalforumcdwd.org/communities-discriminated-on-work-and-descent-in-south-asia-status-of-modern-sla-very/>

In India, practice of sex work, privately, between two consenting adults is legal. However, in the context of women from DWD communities who are generationally involved in prostitution due to lack of resources and are also trafficked, the matter of ‘choice’ could not be applied – hence, speaking of meaningful consent in this scenario is a futile exercise. In a society of caste patriarchy, the burden of sexual labour falls on CDWD women – who are sexually exploited and trafficked particularly by men from the dominant castes.¹¹

The sex work in India is governed primarily by the Immoral Traffic (Prevention) Act, 1956 (ITPA), but Indian Penal Code (IPC) and Juvenile Justice Act also have provisions dealing with prostitution and trafficking in India. A recent Supreme Court order limits police actions regarding sex workers and puts sex workers and their children at par with rest of the people¹² While this order gives hope for providing access to legal mechanisms and healthcare facilities to individual sex workers, the legal system still does not address the forms of prostitution that generationally involve DWD women which is considered a social norm. Criminalization of prostitution without providing safeguards to sex workers does not work as it often translates to criminalization of victims themselves, and the police arresting sex workers only to extort money and demand sexual favors from them.¹³

The Dalit women in Bangladesh

Bangladesh is home to 6.5 million Dalits¹⁴, at least half of them are women. As a community, Dalits face severe (multiple) discrimination. The vulnerability of Dalit women and girls has pushed them to easier targets of forced prostitution and sex trafficking.

Article 18 (2) of the constitution of the People’s Republic of Bangladesh¹⁵ provides that “the State shall adopt effective measures to prevent prostitution”. However, no law in the country specifically prohibits or criminalizes prostitution by a woman above the age of eighteen of her free choice.

The women who are in the profession are mainly from vulnerable socio-economic conditions and disadvantaged communities, especially the Dalits and other CDWD. Dalit women, especially the Dalit girls, are more exposed to the risks.¹⁶

The issue of sex work in Bangladesh attained national and international attention when in July 1999, at least 2,000 sex workers were evicted from the then-largest brothel in the country and also the oldest-operating since 1888, named the Tan Bazar brothel located in Narayanganj city, very close to the capital Dhaka¹⁷. A large number of them were from Dalits and other CDWD.

¹¹ CERD 2007:

https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Download.aspx?symbolno=CERD%2FCO%2FIND%2FCO%2F19&Lang=en

¹² Outlook 2022:

<https://www.outlookindia.com/national/explained-the-supreme-court-order-on-sex-workers-laws-on-prostitution-how-sc-order-changes-things-news-198865>

¹³ UPR Submission – India 2012:

https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/session13/IN/JS4_UPR_IND_S13_2012_JointSubmission4_E.pdf

¹⁴ STATISTICS: Dalits in Bangladesh, Retrieved from:

<https://idsn.org/wp-content/uploads/2021/10/Bangladesh-Dalit-statistics.pdf>

¹⁵ <http://bdlaws.minlaw.gov.bd/act-367/part-details-199.html>

¹⁶ The end of the mission statement by the Special Rapporteur on trafficking in persons, especially women and children to Bangladesh from 31 October to 9 November 2022, highlighted concerns about Dalit children who face discrimination and violence and may be at heightened risk of child trafficking, in particular those living in street situations.

See more at: <https://reliefweb.int/attachments/89e323ef-e45c-4052-88eb-b74402a81d41/G2308304.pdf>

¹⁷ <https://www.aljazeera.com/features/2014/10/9/bangladesh-sex-workers-homeless-after-brothel-eviction>

The Roma women in Slovakia

Roma are the largest CDWD in Europe with an estimated population of 10-12 million, including around 6 million in the European Union. It is not uncommon for Romani people to be referred to as nothing more than “annoying” beggars, welfare dependents, prostitutes, and thieves.¹⁸ For example, in Slovakia, many Roma women are victims of human trafficking, forced marriages, child prostitution or become involuntary prostitutes either in Slovakia or abroad.¹⁹ Usually, women and girls are forcibly taken from the eastern part of Slovakia, where poverty prevails, and a high number of Roma communities are vividly present.²⁰ Prostitution²¹ as such is not a criminal act, but the procurement of prostitution is a criminal act under Article 367 of the Criminal Code.²²

The Osu women in Nigeria

Nigeria is a federation made up of 36 states with different laws regulating prostitution and those who solicit women in prostitution; See for example: The Islamic Penal Code, regulates some of the Northern States; ²³ Section 223, Section 224 and Section 225 of the Nigerian Criminal code²⁴; Trafficking in persons (Prohibition) Enforcement and Administration Act, 2015,²⁵

Individuals from economically disadvantaged backgrounds may be more vulnerable to entering prostitution due to limited economic opportunities. Poverty and lack of access to employment contributes to a higher likelihood of involvement in sex work. This is characteristic of girls in the CDWD, especially the Osu communities in Nigeria. They move into cities where their status is unknown and engage in prostitution to survive. Lack of access to quality education in the Osu communities in Nigeria limits the employment options of girls, therefore increasing their likelihood of engagement in the sex industry especially outside their communities to earn a living. Girls from the Osu communities due to stigmatization within and around their communities and lack of proper education tend to be easily lured to migrate for prostitution.²⁶ Obtaining disaggregated data on women and girls affected by prostitution in Nigeria is challenging due to the clandestine and stigmatized nature of the sex industry and CDWD.²⁷

Prostituted individuals experience physical violence, such as assault, beatings, or other forms of bodily harm from clients, pimps, or other individuals. This type of physical abuse is inflicted on the Osu women by the chief priest of shrines. Some women and girls in the sex trade may be abducted and subjected to physical harm against their will. Stigmatization of Osu women

¹⁸ Kóczé, A and Trehan, N. ‘Racism (neo-)colonialism, and social justice: The struggle for the soul of the Romani civil rights movement in post-social Europe’, in Huggan G. & Law I. (eds.), *Racism Postcolonialism* Liverpool: Liverpool University Press (2009), p. 52

¹⁹ <https://www.minv.sk/?current-situation-in-the-field-of-combating-trafficking-in-human-beings-in-slovakia>

²⁰ <https://spectator.sme.sk/c/20922714/slovak-women-were-sold-and-forced-into-prostitution-in-the-uk.html>

²¹ <https://www.epi.sk/odborny-clanok/sucasny-pravny-rezim-a-moznosti-legislativneho-vymedzenia-institutu-prostitutie-v-slovenskej-republike.htm>

²² http://europam.eu/data/mechanisms/PF/PF%20Laws/Slovakia/Slovakia_Criminal%20Code_2005_en.pdf

²³ Heather B, Mohammed S.U & Peter B. (2019) *Shariah Criminal Law in Northern Nigeria*. Obtained from: https://www.uscirf.gov/sites/default/files/USCIRF_ShariahLawinNigeria_report_120919%20v3R.pdf

²⁴ Criminal Code Act. (Nigeria) Section 223,224,225. Obtained from: <https://lawsfnigeria.placng.org/laws/C38.pdf>

²⁵ Trafficking in persons (Prohibition) Enforcement and Administration Act, 2015. Section 14,15,16,17,18. Obtained from:

<https://naptip.gov.ng/wp-content/uploads/2021/11/NAPTIP-Re-enactment-Act-1-GAZETTE-10001-1.pdf>

²⁶ Ibekwe C, Otti V.U & Onwunaje J.C (2023) *Osu-Caste system and the Socio-Cultural implications in Okija, Anambra state*. Obtained from:

<https://gojamss.net/journal/index.php/gojamss/article/download/873/859>

²⁷ US State Department: *Trafficking in persons Report 2022*. Obtained from:

<https://www.state.gov/wp-content/uploads/2022/10/20221020-2022-TIP-Report.pdf>

and girls who engage in prostitution sometimes take the form of verbal abuse as they are seen as lesser humans. Women and girls in prostitution are often vulnerable and exposed to various forms of abuse that infringe on their ability to live freely from violence and exploitation and therefore violate their human dignity. This relates to the case of the Osu girls and women who are treated as sex slaves with no dignity.

There are no specific Legislative Frameworks and policies for the prevention of Violence against women and girls in Prostitution, but the Trafficking in persons (Prohibition) Enforcement and Administration Act, 2015 helps in preventing violence against sex workers. Human trafficking is often associated with the sex industry and prostitution in Nigeria, therefore, the trafficking law plays an important role in preventing prostitution and invariably violence against women and girls in prostitution.

Trokosi Sexual Slavery System in Ghana, Togo and Benin

The Trokosi system, predominantly in Ghana (with over 5,000 women and 15,000 children affected), Togo, and Benin, involves the enslavement of women and girls as a form of atonement to the gods for perceived wrongdoings either by them or their families. They are subjected to forced labor and sexual exploitation within shrines. The practice calls for young girls, normally aged between 5 and 10 years, to be given to the Shrine as a 'wife to the gods'. The trokos\ becomes a slave to the Shrine, bonded there to attend to Shrine rituals and maintenance

The Bororo girls in Cameroon

In Cameroon, there are two (2) main hidden forms of prostitution, namely sedentary prostitution and luxury prostitution. These two hidden forms are recognized and treated as such to the extent that they take into account the level of education as well as the social origins of the actors involved and have various names in popular language such as: *mami nianga*; *waka-waka* or even *akwara-woman*.²⁸

The Far North region of Cameroon has a relatively low school enrolment rate in general, and more particularly for girls, whose ancestral traditions prevent them from going to school. As a result, Bororo girls are reduced to domestic and household tasks that prepare them for their future married life. Their illiteracy is taken advantage of to solicit all sorts of services from them: selling sweets, being nannies, maids, waitresses in hotels, and sexual exploitation. The proceeds from their sales are passed on to their parents, who manage them as they see fit. The Bororo from CDWD practice a hidden form of prostitution, where they are invited by those who solicit them in hotels. Others move around selling milk and healing herbs used as a coverage for the home prostitution they do.

Given that prostitution is an immoral activity and contrary to Cameroonian customs and customs, it is consequently penalized. As a result, there are no legislative frameworks and policies for preventing and responding to violence against prostituted women and girls.

To date, there are no measures for collecting and analyzing data to better understand the impact of prostitution on the rights of CDWD women and girls as there are no reliable statistics in this meaning and data collection has remained sporadic.²⁹

²⁸See Practice of prostitution : crossed perspectives between socio-economic regulation and rejection of standards
Louis Roger Kemayou, François Guebou Tadjidje, Marie Sophie Madiba
In Penseeplurielle 2011/2 (n° 27), pages 93 to 110, available at:
<https://www.cairn.info/revue-pensee-plurielle-2011-2-page-93.htm>
²⁹ https://fondationscelles.org/pdf/RM4/Cameroun_fr.pdf

Recommendations

1. Naming and documenting groups and practices in order to acknowledge and recognize the hidden and uniquely vulnerable position women from Communities Discriminated on Work and Descent (CDWD) are in. Deeming them often “less than human” and allowing for systematic violence and forced prostitution hidden in plain sight.
2. Design specific policies and programs, some of which are detailed below, to accommodate the unique situation of CDWD women.
3. Take steps to regulate sex work, acclaim sex work as a profession and recognize the rights of the women and girls selling sex.
4. Introduce strict preventive measures to tackle sex trafficking.
5. Take special measures for the rehabilitation of women and girls selling sex with special attention to the more vulnerable communities like CDWD.
6. Provide technical assistance and capacity-building support to law enforcement agencies, legal professionals, and judicial authorities to effectively address cases of violence and exploitation against women and girls involved in prostitution.
7. Improve access to justice for CDWD sex workers by addressing barriers to reporting crimes and seeking legal redress.
8. Implement programs that provide alternative economic opportunities for women and girls, including vocational training, education, and job placement, reducing the economic vulnerability that may lead to involvement in prostitution.
9. Improve data collection on violence associated with prostitution to enhance the understanding of the scope and nature of the issue, which can inform targeted interventions.
10. Support programs and social services should be put in place to help women and girls leave forced prostitution, with an emphasis on social and economic reintegration.
11. Take all necessary constitutional, legislative, administrative, budgetary, judicial and educational measures to eliminate discrimination based on on work and descent and to respect, protect, promote, establish, implement and monitor the human rights of those facing discrimination based on caste and work and descent,
12. Contribute to the full realisation of the human rights of persons discriminated against on the basis of work and descent by considering ways to include this issue in the regular work of the Human Rights Council.



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