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National Human Rights Commission

Minutes of the meeting of the Open House Discussion on the Rights of Children of Sex Workers and Children from Marginalized Communities

An Open House Discussion on 'Rights of Children of Sex Workers and Children from Marginalized Communities' was held on 30th September 2024 at Manav Adhikar Bhawan, New Delhi. The meeting was chaired by the Acting Chairperson Smt. Vijaya Bharthi Sayani and attended by Shri Bharat Lal, Secretary General, Shri Ajay Bhatnagar, Director General (Investigation), Shri Joginder Singh, Registrar (Law), Smt. Anita Sinha, Joint Secretary and other officials of the Commission. Other participants included representatives from various Ministries, NGOs, academicians, legal professionals and other eminent subject-matter experts.

2.) The Agenda of the Open House Discussion was 'Rights of Children of Sex Workers and Children from Marginalized Communities' with sub-themes:

- i.) Rights of Children of Sex Workers
- ii.) Rights of Children from Marginalized Communities
- iii.) Way Forward



Open House Discussion on 'Rights of Children of Sex Workers and Children from Marginalized Communities' held on 30th September 2024 at MAB

3.) At the onset of the meeting, **Smt. Anita Sinha**, Joint Secretary, welcomed all attendees and introduced the agenda for the open house discussion centered on the Rights of the children of sex workers and children from various marginalized communities. She highlighted the significant challenges these children face - such as social stigma,

limited access to education and healthcare, and increased vulnerability to exploitation while emphasizing the importance of creating supportive environments for their development. She also highlighted the initiatives made by NHRC on the issues concerning the Rights of Children.



Smt. Anita Sinha, Joint Secretary, NHRC briefing the participants about the Agenda of the Open House Discussion

4.) In his opening remarks, **Shri Bharat Lal**, Secretary General, NHRC underscored the importance of education and healthcare for these vulnerable children. He emphasized the necessity of prioritizing children's health and nutrition while acknowledging the government's ongoing initiatives in this regard. He highlighted the disparities in children's rights arising from geographic and socio-economic factors and discussed efforts to enhance the education of tribal children through the Eklavya Model Residential Schools (EMRSs), with plans to establish one school in each block and significant funding allocated for both plain and remote areas. Despite these advancements, he recognized the persistent challenges in improving basic services and educational opportunities for marginalized children. He also noted the Commission's active engagement, including visits to various schools and childcare institutions. He remarked on the potential of technology to provide equitable educational access to children from NT/ DNT communities, thereby aligning their opportunities with those available to urban children. He stressed the need for concerted efforts to bridge gaps in various indicators of child development and growth relative to the national average.



Shri Bharat Lal, Secretary General, NHRC delivering the Welcome address to the participants

5.) During the inaugural address, Hon'ble Acting Chairperson **Smt. S. Vijaya Bharathi** emphasized the profound responsibility of advocating for the rights of children from sex worker backgrounds and marginalized communities in India. She highlighted India's rich cultural heritage that traditionally values the protection and empowerment of children, citing constitutional provisions and various laws that support their rights. She emphasized how despite several safeguards, many children still face severe challenges such as stigma, poverty, and limited access to essential resources, which perpetuate cycles of vulnerability and discrimination. Smt. Bharathi urged collective action from policymakers, educators, and community members to create supportive environments and advocate for equitable access to education and healthcare. She called for a commitment to actionable solutions that ensure every child can achieve their potential and aspire to a brighter future. She outlined the NHRC's critical role in ensuring the protection of rights for all including children, advocating for the assessment of current programs, and addressing gaps to promote inclusivity and equitable development for the children from the marginalized section of the society.



Smt. S. Vijaya Bharathi Sayani, Hon'ble Acting Chairperson, NHRC delivering inaugural address to the participants of the meeting

6.) **Shri Ganga Kumar Sinha**, Deputy Secretary, Ministry of Home Affairs, highlighted key provisions of the Bharatiya Nyaya Sanhita (BNS), including Section 72 and Section 95, which aim to deter violence against children and safeguard their rights. He also mentioned the advisories issued by the ministry on the elimination of child labor. Shri Sinha emphasized the importance of coordination between all levels of government and Civil Society Organizations in addressing such issues.

7.) **Shri Sanjeev Kumar Chadha**, Additional Secretary, Ministry of Women & Child Development, provided an overview of the Mission Vatsalaya scheme, which focuses on children in need of care and protection, as well as those in conflict with the law. He emphasized that the ministry's policy prioritizes non-institutional care, aiming to instill social values without subjecting children to the often burdensome environment of Child Care Institutions. As the ministry is currently revising the guidelines for the mission, he invited suggestions for improvement. He also highlighted that the ministry has adequate financial resources and keen to incorporate recommendations that will ensure no child is left behind and help them achieve their full potential, flourishing in all aspects of life.

8.) **Shri Ajay Srivastava**, Economic Advisor, Department of Social Justice & Empowerment, Ministry of Social Justice and Empowerment (MoSJE), briefed the gathering on the SMILE scheme, which includes the rehabilitation of persons engaged in begging as one of its components. He informed that under the scheme, 37 cities were selected, where 7,000 individuals engaged in begging were identified, out of which 350 children. All identified children were rehabilitated with the assistance of Child Welfare Centres or Anganwadis, and some were successfully reunited with their families. He also mentioned that the ministry is considering the initiation of a program to monitor children post-rehabilitation. He highlighted that in some cases, families push children into begging, necessitating the sensitization of parents. Additionally, some of these children suffer from drug addiction. The

ministry is addressing this issue through awareness programs in schools under the Nasha Mukta Abhiyaan. He also referenced a recent mega event organized by the ministry as part of this initiative. Furthermore, Shri Srivastava discussed other scholarship programs and hostel facilities aimed at rehabilitating children. He acknowledged that these issues must be handled with patience and sensitivity, requiring the cooperation of all stakeholders.

9). **Smt. Meenakshi Negi**, Member Secretary, National Commission for Women (NCW), discussed the NCW initiatives on addressing the concerns of children of sex workers. She highlighted the series of stakeholder consultations organized by NCW, beginning last year in Mumbai, where sex worker women and their children were directly involved. Follow-up consultations were conducted in Hyderabad, Delhi, and other regions. Smt. Negi emphasized that one of the most pressing challenges they face is related to the documentation process. Despite numerous legal reforms, officials still insist on including the father's name in Aadhaar cards or encounter hurdles in securing admissions to educational institutions. She stressed the need for sensitizing individuals involved in these processes. Additionally, Smt. Negi pointed out discrepancies between laws, judicial pronouncements, and the implementation by police officers, noting that stakeholders, including law enforcement and the judiciary, need to be more sensitive in handling such cases.



Smt. Meenakshi Negi, Member Secretary, National Commission for Women (NCW), discussed the initiatives by NCW on addressing the concerns of children of sex workers

10. **Smt. Nassema Khatoon**, Founder of Parcham and a child of a sex worker herself, shared her personal experiences of growing up amidst the discrimination faced by children of sex workers. She described the challenges during police raids in such areas, where mothers are often forced to bring their children, complicating law enforcement's ability to

address trafficking issues. While NGOs and Civil Society Organizations (CSOs) advocate for the rights of sex workers and their children, Smt. Khatton emphasized that community representation is often insufficient. Parcham has initiated the "Police Pathshala" program, which collaborates with local police to sensitize officers and help children of sex workers obtain necessary documentation. As a result, these children, who previously fled at the sight of police, are beginning to trust the officers and have started to voice their concerns to them. Smt. Khatton also submitted a written account from these children expressing their happiness regarding this newfound trust.



Smt. Naseema Khatton briefing the participants about the "Police Pathshala" initiative by Parcham

11. **Ms. Lalita SA**, Vice President Society for Participatory Integrated Development (SPID) presented her extensive experience of 40 years working with the rights of children of sex workers and those from marginalized communities, including 35 years focused on the GB Road area. She emphasized the critical point in the Juvenile Justice (JJ) Act that children should be returned to their home states, but those unwilling to return should not be coerced. Ms. Lalita highlighted the necessity of documenting the children of sex workers to facilitate their admission into schools and proposed that official forms should include a guardian name column instead of just father's or mother's names. She reiterated her commitment to preventing second-generation prostitution and child trafficking, advocating for the inclusion of guardian name columns across all government portals for the children of sex workers. Additionally, she pointed out the heightened vulnerability of sex workers and their children to HIV/AIDS.



Ms. Lalita SA, Vice President Society for Participatory Integrated Development (SPID) presented her extensive ground experience of 40 years working

1 2 . **Shri Jaya Singh Thomas**, Founder/General Secretary, Chaithanya Mahila Mandali (CMM) addressed the numerous challenges faced by sex workers, including a lack of shelter, inadequate sanitation, and limited medical facilities. He noted that nearly all boys in these communities engage in substance abuse from a young age, while young girls are often compelled to continue their mothers' profession. Shri Thomas highlighted the economic and psychological distress associated with sex work, emphasizing the stigma faced by the children of sex workers. He pointed out that high dropout rates among these children are linked to their parents' illiteracy, poverty, and lack of education. Additionally, he mentioned the difficulties women face in documenting their father's name, advocating for an option to list a guardian's name instead. He recommended implementing value-based education to help uplift the children of sex workers.



Shri Jaya Singh Thomas, Founder/General Secretary, Chaithanya Mahila Mandali (CMM) addressed the numerous challenges faced by sex workers

13. **Dr. Asha Bajpai**, Former Professor of Law Founding Dean, School of Law, Rights & Constitutional Governance, Tata Institute of Social Science emphasized that children constitute 40% of the sex work industry, noting that daughters often follow their mothers' paths while sons typically assist by finding customers for their mothers and sisters. She stated that every woman in a brothel desires to educate her child but faces significant barriers, particularly concerning documentation. Dr. Bajpai advocated for greater sensitization and initiatives like the Samghra Shiksha Abhiyan to promote inclusive education for all children, alongside a community-based care model. She underscored the concept of social disability, asserting that children of sex workers should be integrated into educational systems. Additionally, she recommended extending the age for free and compulsory education for sex worker children to 18 years.

14. **Priya Krishnan**, Representative from Kat-Katha emphasized the crucial role of education in uplifting communities and breaking the cycle of exploitation. She noted that children of sex workers often lack stable family structures, face violence, and are prone to drug abuse, compounded by emotional pressure from being the sole family support for their mothers. To address these challenges, she recommended the creation of safe spaces, such as learning centers, implementing a three-pronged approach of Cleaning, Sharing, and Prayer, and fostering collaboration with psychologists to support children's mental health. Additionally, she proposed establishing classrooms within brothels to educate and empower sex workers. Priya also mentioned the "Dream Village," an initiative by their NGO that serves as a workstation where sex workers can acquire skills and secure employment, facilitating alternative livelihoods.

15. **Prabhat Kumar**, Child Protection Specialist, UNICEF focused on the importance of a family-based care model that prioritizes skill development and employment while providing emotional support. He emphasized that establishing a family structure can significantly benefit sex workers by fostering emotional well-being and facilitating the development of healthy relationships.



Prabhat Kumar, Child Protection Specialist, UNICEF focused his discussion on the importance of a family-based care model

16 . **Prof. Neena Pandey**, Professor, Department of Social Work, University of Delhi emphasized the importance of recognizing children as citizens who must be aware of their rights, asserting that education is essential for empowering them to understand and claim these rights. She highlighted the potential impact of implementing policies like the National Education Policy 2020 in schools to facilitate this awareness. Furthermore, she stated that educating children is a key strategy in breaking the cycle of violence.



Prof. Neena Pandey emphasized the importance of recognizing children as citizens who must be aware of their rights

17 . **Dr. Promita Chatteraj**, Professor of Law, National Law University, Odisha highlighted the vulnerability of children in brothels

to prostitution, often facing coercion or making choices influenced by their circumstances. She raised concerns about teenage pregnancy among these young girls and proposed measures to protect them. Specifically, she recommended allowing minors seeking pregnancy termination to maintain confidentiality despite existing reporting requirements. This approach aims to ensure safe, legal abortions conducted by licensed doctors while preventing hazardous back-door abortions. Dr. Chatteraj emphasized that this balanced strategy prioritizes the well-being of young girls while addressing necessary legal considerations.

18. **Smt. Uma Subramanian**, Director and **Mr. Siddharth Pillai**, Co-Founder Rati Foundation highlighted the issues of online safety and harm concerning children of sex workers. She noted that social media accounts, particularly on platforms like Instagram, are often hacked, leading to the misuse of content and pictures belonging to these children. She suggested that in such cases, complaints should be filed at the police station, and for those already filed by the children, the violations should be communicated to the platform for immediate action.

19. **Smt. Sneha Singh**, Child Rights Lawyer discussed the shift from a protection approach to a welfare approach, emphasizing the need to move toward a rights-based approach. She referenced significant cases such as Gaurav Jain vs. Union of India and Budhadev Karmaskar vs. State of West Bengal. She advocated for channelizing the system and stakeholders and enforcing Individualized Care Plans. She urged for filing cases directly with the children's court.



Smt. Sneha Singh, Child Rights Lawyer discussed several legal aspects related to rights of children

18. **Prof. Jyoti Dogra**, University of Delhi emphasized the importance of Article 12, which grants the right to express views, along with provisions in Article 169 that support marginalized and tribal communities. She stressed the need for a child-centered approach, highlighting the importance of incorporating children's perspectives into decision-making processes. Additionally, she also referenced the Riyadh Guidelines concerning juvenile delinquents.

19. **Shri Ajeet Singh**, Founder and Director, Guria India pointed out the challenges in implementing existing laws. While education and health are crucial, he emphasized that the arrest and conviction of the accused, along with the seizure of brothels and the rescue of victims, are of utmost importance.

20. **Dr. Veerendra Mishra**, Director, Samvedna spoke about his work with NGO Samvedna, focusing on children from Madhya Pradesh's Bedia community and the issue of intergenerational sex work. He stressed the importance of breaking the cycle in which children of sex workers accept this profession as normal, thereby challenging the normalization of this stigma. Dr. Mishra highlighted the need to enhance the self-dignity and self-esteem of these children by providing

them with opportunities to pursue diverse career paths.



Dr. Veerendra Mishra, Director, Samvedna spoke about the intergenerational sex work in Madhya Pradesh's Bedia community

21. **Smt. Subhasree Raptan**, Programme Manager, Goran Bose Gram Bikash Kendra (GGBK) addressed the issue of family migration due to disasters and calamities. She noted that families often fall into debt, forcing children into the same profession or into child marriage to repay these debts. She discussed the risks of re-trafficking and suicides among survivors, attributing these issues to a lack of mental health services and counseling. Smt. Raptan also emphasized the need for survivor compensation, mentioning the NHRC's initiatives to provide victims with financial support. She suggested monitoring policies and schemes while raising awareness about rights.

22. **Smt. Bishakha Lashkar**, Secretary, Durbar Mahila Samanwaya Committee underscored several real-life narratives and experiences of sex workers residing in the Sonagachi area of Kolkata. She stressed the importance of rehabilitating and empowering these women through counseling, enabling them to make informed decisions regarding their lives. Additionally, she noted the critical need to raise awareness of their rights among these individuals.

23. As concluding remarks, **Ajay Bhatnagar Director General (Investigation)** emphasized the necessity of a diverse range of solutions, highlighting that a one-size-fits-all approach is inadequate. He stressed the importance of properly implementing existing laws and schemes to achieve desired outcomes. Educating and motivating

mothers was identified as crucial for ensuring that their children receive appropriate education, which is vital for breaking the cycle of disadvantage. The DG acknowledged the complexities involved in removing children from their mothers or existing environments, advocating for tailor-made solutions to address the specific challenges faced. Additionally, he proposed that the National Human Rights Commission (NHRC) make it mandatory to include the mother's or guardian's name in all relevant forms, while allowing the father's name to remain optional. Finally, he called upon all directors general to be inspired and committed to the welfare of these children, encouraging them to strive for impactful change.

24. The meeting ended with a formal vote of thanks proposed by Dr. (Ms.) Rajul Raikwar, Consultant (Research) NHRC.

List of participants

National Human Rights Commission

1. Smt. Vijaya Bharathi Sayani, Hon'ble Acting Chairperson
2. Shri Bharat Lal, Secretary General
3. Shri Ajay Bhatnagar, Director General (Investigation)
4. Shri Joginder Singh, Registrar (Law),
5. Smt. Anita Sinha, Joint Secretary
6. Smt. Yasmin Ahmad, Presenting Officer
7. Dr. (Ms.) Rajul Raikwar, Consultant (Research)
8. Ms. Saptarni Majumdar, Junior Research Consultant
9. Ms. Lakshmi Kumari, Junior Research Consultant
10. Ms. Prerna Hasija, Junior Research Consultant
11. Mr. Raghawendra Singh, Junior Research Consultant
12. Ms. Vintee Sangwan, Research Assistant

Participants from Ministries and other Organisations

1. Shri. Ganga Kumar Sinha, Deputy Secretary, Ministry of Home Affairs (MHA)
2. Shri. Sanjeev Kumar Chadha , Addl. Secretary, Ministry of Women and Children (MWCD)
3. Shri Ajay Srivastava, Economic Adviser DoSJE, Ministry of Social Justice and Empowerment
4. Smt. Meenakshi Negi, Member Secretary, National Commission for Women (NCW)
5. Prof. (Dr.) Asha Bajpai, Former Professor of Law Founding Dean, School of Law, Rights & Constitutional Governance, Tata Institute of Social Science
6. Prof. Neena Pandey, Proffesor, Department of Social Work, University of Delhi
7. Prof. (Dr.) Paromita Chatteraj, Professor of Law, National Law University, Odisha
8. Prof. Jyoti Dogra, University of Delhi
9. Mr. Prabhat Kumar, Child Protection Specialist, UNICEF

10. Dr. Veerendra Mishra, (IPS) Director, Samvedna
11. Smt. Naseema Khatoon, Founder Parcham
12. Ms. Lalita SA, Vice President, Society for Participatory Integrated Development (SPID)
13. Shri. Jaya Singh Thomas, Founder/ General Secretary, Chaithanya Mahila Mandali (CMM)
14. Smt. Uma Subramanian, Director, Rati Foundation
15. Mr. Siddharth Pillai, Co-Founder Rati Foundation
16. Advocate Sneha Singh, Child Rights Lawyer
17. Shri. Ajeet Singh, Founder and Director, Guria
18. Ms. Priya Krishnan, Representative from Kat-Katha
19. Smt. Subhasree Raptan, Programme Manager, Goran Bose Gram Bikash Kendra (GGBK),
20. Smt. Bishakha Laskar, Secretary, Durbar Mahila Samanwaya Committee.