



DISCUSSION ON CHILD RIGHTS

DISCUSSION ON CHILD RIGHTS WITH SEX WORKER COMMUNITY, HYDERABAD, TELANGANA

27.06.2019

AGENDA

Time	Session	Speaker
10:00 - 10:15	Introduction to HRLN and Bread for the World Project	Rachana Mudraboyina, HRLN resource person
10:15 - 10:45	Child rights	Rachana Mudraboyina, HRLN resource person
10:45 - 11:30	Discussion on Protection of Children from Sexual Offences (POCSO) and Immoral Trafficking Protection Act(ITPA) & 2018 Bill	Rachana Mudraboyina, HRLN resource person & Mrs.Lalitha Shiva Jyothi founding member, General Secretary, Mahila Abhyudaya Sangham, sex worker CBO, Hyderabad, Telangana
11:30 - 12:00	Tea Break Discussion on	
12:00- 12:30	Sharing the Experience of Sex worker community on Child rights	Mrs.Lalitha Shiva Jyothi founding member, General Secretary, Mahila Abhyudaya Sangham, sex worker CBO, Hyderabad, Telangana
12:30 - 01:30	Discussion and Recommendations	Rachana Mudraboyina, HRLN resource person & Mrs.Lalitha Shiva Jyothi founding member, General Secretary, Mahila Abhyudaya Sangham, sex worker CBO, Hyderabad, Telangana
01:30 onwards	Lunch follows	

INTRODUCTION TO HRLN AND BREAD FOR THE WORLD PROJECT

- ◉ Human Rights law Network: Rachana explained about HRLN that is a collective of Indian lawyers and social activists who provide legal support to the vulnerable and disadvantaged sections of society. It works on child rights, disabilities rights, rights of people living with HIV/AIDS, prisoners' rights, refugee rights, rights of indigenous people, worker rights and rights of the minorities and people who have faced or subject to sexual violence among others.
- ◉ HRLN is a project of the Socio-Legal Information Centre (SLIC). SLIC is a non – profit legal aid and education organization, which provides free legal assistance to people who lack the capacity to approach courts for redress. SLIC files more than 100 petitions each year to protect the health, dignity, and rights of India's citizens. SLIC is one of the country's largest, most active legal human rights programs and reproductive rights unit. SLIC is also an implementing partner of the United Nations High Commissioner for Refugees. As a non-profit non-governmental organization, HRLN started in 1989 as a small group of concerned lawyers and social activists from Bombay. The team was led by Colin Gonsalves,, a public interest lawyer. Today, HRLN is considered the country's leading public interest law group and has a nationwide network of more than 200 lawyers, paralegals, and social activists spread across 26 states/Union Territories.
- ◉ HRLN is also the parent body of the Indian People's Tribunal (IPT), also called the Indian People's Tribunal on Environmental and Human Rights or Independent People's Tribunal. Set up in June 1993, IPT is an unofficial panel led by retired judges who conduct public inquiries into human rights and environmental abuses. It provides an alternate outlet for the victims faced with official obstruction and delays in the delivery of justice. IPT conducts investigations into cases of relocation of rural people to make way for dams or parks, eviction of slum dwellers, industrial pollution and communal or state-sponsored violence.

SESSION 1: INTRODUCTION TO HRLN AND BREAD FOR THE WORLD PROJECT

- ◉ In 2003, HRLN was awarded the Mac Arthur Award for Creative and Effective Institutions for its contributions to reproductive rights advocacy in India.
- ◉ Activities of HRLN
 - ◉ 1. Legal aid and public interest litigation
 - ◉ 2. HRLN offers pro-bono legal services to those with little or no access to the justice system, and runs a helpline for people seeking such help. It also conducts litigation in the public interest. Lawyers of HRLN take up cases in the lower courts as well as the Supreme Court and various state High Courts
 - ◉ 3. Legal education
 - ◉ HRLN provides training through several avenues and also trains young lawyers. HRLN also periodically publishes 'know your rights' material. The group also provides opportunities for internships and scholarships and organizes country-wide seminars, workshops, and training courses, such as paralegal certificate courses.
 - ◉ 4. Advocacy
 - ◉ HRLN works to increase public awareness through research and dissemination of information on violations and anti-poor policies. HRLN has formulated laws and policies against child sexual abuse, against communal crimes, and for the right to food and work.
 - ◉ 5. Investigations, monitoring, and crisis response
 - ◉ 6. HRLN conducts fact-finding missions to monitor and document cases of violations. It also deploys crisis-intervention teams and makes sure that these cases take the form of petitions in court.
 - ◉ 7. Publications

SESSION 1: INTRODUCTION TO HRLN AND BREAD FOR THE WORLD PROJECT

- ◉ The Bread for the World Project :
- ◉ The main objective of the project is to bring about changes in the law, public policy and implementation of the law for social and economic rights and entitlements in the 11 States of India, in favor of the poor and marginalised communities in India. The project will indirectly benefit the following groups of people as both direct and indirect beneficiaries:
- ◉ 1. Dalits and other marginalised communities systematically denied access to justice to enforce their socio-economic rights especially their right to education, health, welfare and employment. Additionally who have been subjected to atrocities and extreme forms of exploitation and excluded from welfare and economic schemes.
- ◉ 2. Tribal and nomadic communities who are vulnerable to the violation of their forest rights, depletion of natural resources affecting livelihoods and exclusion from welfare and economic schemes.
- ◉ 3. Religious minorities who are vulnerable to social exclusion and communal violence, lynching, exclusion from welfare and economic schemes.
- ◉ 4. Human Rights Defenders, journalists and activists and community leaders who have worked on defending the rights of marginalised persons and access to justice and have been subject to a concerted effort by the state to silence voices of dissent through their illegal arrests, detention, terminations and in some cases violence.
- ◉ 5. Women, men and children vulnerable to trafficking, distress migration, violence and discrimination.
- ◉ 6. Children who are in the Juvenile Justice System, both children in need of care and protection and children in conflict with the law.
- ◉ 7. Workers and unions who are kept away from accessing their right to reservations, safety standards, adequate working conditions and benefits.
- ◉ 8. Persons with disability who are vulnerable to social exclusion and denial of rights to education, livelihoods, care and shelter in addition to exploitation, abandonment, discrimination and violence.
- ◉ The second objective of the project involves State Level Consultations, Collaborative meetings with local communities and skill-based training for young lawyers and activists on working with communities that will benefit lawyers, activists, community-based organisations, community leaders, unions, judges, collectives, students and other rights based groups in a three-fold structure.

SESSION 2: CHILD RIGHTS

- Rachana has explained that According to international law, a 'child' means every human being below the age of 18 years. This is a universally accepted definition of a child and comes from the United Nations Convention on the Rights of the Child (UNCRC), an international legal instrument accepted and ratified by most countries. India has always recognised the category of persons below the age of 18 years as distinct legal entity. That is precisely why people can vote or get a driving license or enter into legal contracts only when they attain the age of 18 years. Marriage of a girl below the age of 18 years and a boy below 21 years is restrained under the Child Marriage Restraint Act 1929. Moreover, after ratifying the UNCRC in 1992, India changed its law on juvenile justice to ensure that every person below the age of 18 years, who is in need of care and protection, is entitled to receive it from the State. There are, however, other laws that define a child differently and are yet to be brought in conformity with the UNCRC. But, as stated earlier, the legal understanding of the age of maturity is 18 for girls and 21 for boys. This means all persons in your village/town/city below the age of 18 years have to be treated as children and need your assistance and support.
- What are Child Rights:
- All people under the age of 18 are entitled to the standards and rights guaranteed by the laws that govern our country and the international legal instruments we have accepted by ratifying them.
- The Constitution of India guarantees all children certain rights, which have been specially included for them. They are :
- Right to free and compulsory elementary education for all children in the 6-14 year age group (Article 21 A).
- Right to be protected from any hazardous employment till the age of 14 years (Article 24).
- Right to be protected from being abused and forced by economic necessity to enter occupations unsuited to their age or strength (Article 39(e)).
- Right to equal opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and guaranteed protection of childhood and youth against exploitation and against moral and material abandonment (Article 39 (f)).

SESSION 2: CHILD RIGHTS

- Reasons why Children need special attention:
- Children are more vulnerable than adults to the conditions under which they live.
- Hence, they are more affected than any other age group by the actions and inaction of governments and society.
- In most societies, including ours, views persist that children are their parents' property, or are adults in the making, or are not yet ready to contribute to society.
- Children are not seen as people who have a mind of their own, a view to express, the capacity to make a choice and an ability to decide.
- Instead of being guided by adults, their life is decided by adults.
- Children have no votes or political influence and little economic power. Too often, their voices are not heard.
- Children are particularly vulnerable to exploitation and abuse.
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- What UN Convention states about Child Rights:
- Applies equally to both girls and boys up to the age of 18, even if they are married or already have children of their own.
- The convention is guided by the principles of 'Best Interest of the Child' and 'Non-discrimination' and 'Respect for views of the child.'
- It emphasises the importance of the family and the need to create an environment that is conducive to the healthy growth and development of children.
- It obligates the state to respect and ensure that children get a fair and equitable deal in society.
- It draws attention to four sets of civil, political, social, economic and cultural rights:
- Survival
- Protection
- Development
- Participation

SESSION 3: DISCUSSION ON PROTECTION OF CHILDREN FROM SEXUAL OFFENCES (POCSO) AND IMMORAL TRAFFICKING PROTECTION ACT(ITPA) & 2018 BILL

- There was a discussion on the recent rescue of 32 children from a area of Yadadri where the maximum of women are from Dommara community and culturally involved in sex work as their profession. It has been seen that the Protection of Children from Sexual Offences(POSCO) and Immoral Trafficking Protection Act (ITPA) has been wrongly used to criminalise the women who are into sex work with an allegation of children for whom they are parents or next parents have been construed under the above said Acts as traffickers. This particular case set an example of mis using of POSCO act by the law enforcing agencies to criminalise the women who are voluntarily into sex work as their profession. The women claim that the children under their parenthood are either children whose parents are either deceased of HIV/AIDS, or whose mothers have given birth to them and left with these women as care takers or few of them are their own children. Because the onus of proof lies with the women whose profession is sex work which is already jeopardized with the social stigma and taboo attached to this profession , these women are booked as traffickers of the children who are their parents. Often women who are voluntarily into sex work as their profession not only discriminated to approach for the human rights violations they face in their life to the law and order implementing agencies but even criminalised for being parents of their own children or adopted children .Jyothi the founder of MAS a CBO of sex workers tried to explain her board members and the community members present there about the seriousness of the situation where the POCSO can be mis used to criminalise them and their children.

SESSION 3: DISCUSSION ON PROTECTION OF CHILDREN FROM SEXUAL OFFENCES (POCSO) AND IMMORAL TRAFFICKING PROTECTION ACT(ITPA) & 2018 BILL

- There was also discussion on Trafficking Bill 2018 where the trafficking definition has been made more clumsy, the raid, rescue and rehabilitation model has been strengthened by giving more powers to the police. The properties of the sex workers who are mostly of madams, pimps or such have been made to attachment to the court order. Many of the sex workers in the meeting expressed their concern how their profession will continue if such stringent law will become. They also expressed the fear that now almost police has sanitized the working spots of women who are into sex work voluntarily in the name of anti-trafficking programs. Where as Rachana discussed regarding Justice Verma Committee recommendations and various SOPs developed to protect the rights of independent or voluntary sex workers who are adults but police never given any eye on that and started rehabilitating all the sex workers. So they decided to write their recommendations to the Department of Women and child on behalf of their CBO regarding changes to be made to the Bill.

SESSION 4: SHARING THE EXPERIENCE OF SEX WORKER COMMUNITY ON CHILD RIGHTS

- Jyothi founding member, General Secretary, Mahila Abhyudaya Sangham, sex worker CBO initiated the discussion on the children of sex workers. She said they have tried to get the houses for sex workers in their CBO with the help of District legal services authority of Ranga reddy district. She also shared that few sex worker women are also trained as Para legal volunteers and have their identity cards. Apart from that the sex worker community is most concern about their children's education and future carrier. Few sex worker women said that the risk they take in sex work both in the society and in their personal life is all because they want to see their children in shining colors. They hide their profession from their families, neighbors and relatives and earn money only to accommodate good house, clothing, education and employment of their children. Many of the sex worker women asked to how to get the Government scholarships with the help of low economic status of the family. Many of the sex worker women also complained that they are either single women or their husbands are not capable of taking the responsibility of children and their needs that is how they came into this profession and they until their children settled in their life they continue this. Few of them also shared their fear that after the discussion of the POCSO how they will continue in the sex work and protect their children also.

SESSION 5: DISCUSSION AND RECOMMENDATIONS

- ◉ It has been decided that the housing schemes should be scaled up and who ever has been registered with the CBO should be listed and the same should be negotiated with the District legal services authority because they have special scheme for that. Secondly they have also decided that the children who needed scholarships of the sex workers should be prepared to meet the concerned economic back ground or welfare department to cover such scholarships and the technical part can be taken up by the CBO staff. The sex worker community also strongly felt the need to write to the Central government that to consider the children of sex worker community not to be criminalised and rehabilitated provide such provision also in drafting the Trafficking Bill after the consultation with the community.

PHOTO GALLERY

