

# Unnoticed Children in Delhi

[A Position Paper]

## Health, Education and Nutrition



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## 1. Executive Summary

The life of sex workers and their children are mystified in a society where they are stigmatized and socially isolated from so-called mainstream society. Other people interpret the life of these people according to the preconceived notions. In all patriarchal societies women are divided as 'good' and 'bad' by the moral values of its carriers for their convenience. Hence, 'whores' are not accepted in the modern societies where monogamous patriarchal family is the rule.

Usually people have the belief that children of sex workers are more prone to sexual exploitation, they have a low self-esteem, and they have no opportunity for education and so on. There is partial truth in this. But it will be a fallacy if we put the sex worker's children with all the problems on the one side and other children having a better life on the other side. The life of the children is determined by many interwoven cultural factors, social environment, physical facilities, opportunities for socialization etc. Sometimes children facing many difficulties in their situation develop better survival skills and they may have more reflexive capability. On the contrary many overprotected schooled children may have less coping skills. But the specific problem of children of sex workers like the shame they feel when others despise them ostracisation from the other community should not be overlooked<sup>1</sup>.

The Preamble to the UDHR stated that: every individual and organ of society...., shall strive by teaching and education to promote respect for these rights and freedoms...." In accordance with the Preamble of UDHR, education should aim at promoting human rights by imparting knowledge and skill among the people of the nation states. Article 26 (1) of UDHR proclaims that: *Everyone has a right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.*<sup>2</sup>" Further, it provides that the Parties to the Convention (including India) recognize that, with a view to achieving the full realization of this right "primary education shall be compulsory and available free to all"

During the general discussion by the committee on Economic, Social and Cultural Rights on the right to education (1998), an agreement was reached that four elements define its core content that<sup>3</sup>:

- No one shall be denied a right to education;
- Everyone is entitled to basic (primary) education in one form or another; this includes basic education for adults.
- Primary education must be compulsory and free
- No one may withhold a child from primary education. A state (including India) has an obligation to protect this right from encroachment by third person

Article 46 of the Indian Constitution declares that the state shall promote with special care the educational and economic interests of the weaker section of the people<sup>4</sup>. It is significant to note

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<sup>1</sup> Case Histories of Children of Sex Workers- Dr. Jayasree A.K

<sup>2</sup> Universal Declaration of Human Rights-<http://www.un.org/en/documents/udhr/>

<sup>3</sup> <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx>

that among several Articles enshrined under Part IV of the Indian Constitution, Article 45<sup>5</sup> had been given much importance as education is the basic necessary of the democracy and if the people are denied their right to education then democracy will be paralyzed; and it was, therefore, emphasized that the objective enshrined under Article 45 in Chapter IV of the Constitution should be achieved within ten years of the adoption of the Constitution.

Further the Supreme Court in *M.C. Mehta V State of Tamil Nadu* the Supreme Court observed that *“to develop the full potential of the children, they should be prohibited to do hazardous work and education should be made available to them”*<sup>6</sup>. Education is compulsory, compulsory education is one of the states for stability of democracy, social integration and to eliminate social evils<sup>7</sup>. Not only restricting itself to certain categories of citizens, the Constitution has provided for right to equality (article 14), providing an opportunity to every citizen to live a life with dignity (article 21) and to get social justice (article 38). All the given Constitutional guarantees will be exercised only when the children belonging to such disadvantaged category will be provided an opportunity to education.

**"Abuse from the outside world and poor intermingling with peers within the school and outside school hours, also make these children quit school"**

Section 8 (c) of RTE Act provides that *“ensure that the child belonging to weaker section and the child belonging to disadvantaged group are not discriminated against and prevented from pursuing and completing elementary education on any grounds”*. And, therefore, the appropriate government may provide at least 25 percent reservation to children belonging to weaker section and disadvantaged group in the neighborhood and provide free and compulsory education till its completion- Section 12 (1) (c).

Children of commercial sex workers (CSW) are deprived from almost all the rights of the society. More attention is paid to the CSWs but their children are neglected. Children of CSWs constitute 5.3 million in number and between 5 and 18 years of age. They form 40% of the total population of CSWs in India. About 80% are found in the five metros, 71% of them are illiterate and 500,000 are forced to enter this trade every year<sup>8</sup>. Although there are many activities focusing on the CSWs, but there are not many for their children. It is a need of the hour to draw attention to them with care and concern.

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<sup>4</sup> Article 46 of the Indian Constitution- Promotion of educational and economic interests of Scheduled Castes, Scheduled Tribes and other weaker sections The State shall promote with special care the educational and economic interests of the weaker sections of the people, and, in particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation.

<sup>5</sup> The State shall endeavor to provide, within a period of ten years from the commencement of this Constitution, for free and compulsory education for all children until they complete the age of fourteen years

<sup>6</sup> <http://www.indiankanoon.org/doc/212829/>

<sup>7</sup> <http://judis.nic.in/supremecourt/imgs1.aspx?filename=40500>

<sup>8</sup> Seventh All India Education Survey, 2002

## **2. Right to Children of Sex Workers**

### **2.1 The right to Education**

50% of Indian children aged 6-18 do not go to school. Dropout rates increase alarmingly in class III to V, its 50% for boys, 58% for girls.

### **2.2 The right to Expression**

Every child has a right to express himself freely in whichever way he likes. Majority of children however are exploited by their elders and not allowed to express. The situation of children of sex workers is worse during the course of their life when they do not get the opportunity to express themselves.

### **2.3 The right to Information**

Every child has a right to know his/her basic rights and position in the society. High incidence of illiteracy and ignorance among children of sex workers prevents them from having access to information about them and their society.

### **2.4 The right to Nutrition**

More than 45% of children in India are malnourished. The situation is more vulnerable when children belonging to disadvantaged group do not avail services of nutrition based programme like ICDS and Mid-Day meal. Early childhood care and development are limited to such children.

### **2.5 The right to Health & Care**

58% of India's children below the age of 2 years are not fully vaccinated and 24% of these children do not receive any form of vaccination. Over 60% of children in India are anemic. Such figure counts children belonging to disadvantaged group. Similarly, high rate of maternal and infant mortality can be seen among those children.

### **2.6 The right to protection from Abuse**

There are approximately 2 million child commercial sex workers between the age of 5- 15 years and about 3.3 million between 15-18 years. They form 40% of the total population of commercial sex workers in India. 50,000 children are forced into this trade every year.

### **2.7 The right to protection from Exploitation**

17 million children in India work as per official estimates. A study found that children were sent to work by compulsion and not by choice, mostly by parents, but with recruiter playing a crucial role in influencing decision. When working outside the family, children put in an average of 21 hours of labor per week. Poor and bonded families often 'sell' their children to contractors who promise lucrative jobs in the cities and the children end up being employed in brothels, hotels and domestic work.

### **2.8 The right to protection from Neglect**

Every child has a right to lead a well-protected and secure life away from neglect. However, children working exploitative and inhuman conditions like children of sex workers get neglected badly.

### **2.9 The right to Development**

Every child has a right to development that lets the child explore her/his full potential. Unfavorable living conditions as we generally find in brothels prevents them from growing in free and uninhibited way. Moreover, their exclusion from attending schools, crèches, AWCs, day-care centres further intensifies their vulnerability.

### **2.10 The right to Recreation**

Every child has a right to spend some time on recreational pursuits like sports, entertainment and hobbies to explore and develop. Again institutions like schools, crèches, AWCs, day-care centres are meant to get them involved in such developmental activities. The UNCRC Article 31– Leisure, play and culture states “Children have the right to relax and play and to join in a wide range of cultural, artistic and other recreational activities”. ‘Leisure’ is a term implying having the time and freedom to do as one pleases. ‘Recreational activities’ embraces the whole range of activities undertaken by choice for the purposes of pleasure. ‘Play’ includes activities of children that are not controlled by adults and that do not necessarily conform to any rules.

### **2.11 The right to Name & Nationality**

Every child has a right to identify himself with a nation. A vast majority of disadvantaged children like of sex workers in are treated like commodities and exported to other countries as labor or prostitutes. Declaring its children as the nation’s “supremely important asset” in the National Policy for Children, 1974, the Government of India reiterated its commitment to secure the rights of its children by ratifying related international conventions and treaties<sup>9</sup>.

### **2.12 The right to Survival**

Of the 12 million girls born in India, 3 million do not see their fifteenth birthday and a million of them are unable to survive even their first birthday.

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<sup>9</sup> National Policy for Children, 2013

## **3. Our Commitments**

### **3.1 National Charter for Children, 2003**

The National Charter for Children, 2003 adopted on 9<sup>th</sup> February 2004, underlined the intent to secure for every child its inherent right to be a child and enjoy a healthy and happy childhood, to address the root causes that negate the healthy growth and development of children, and to awaken the conscience of the community in the wider societal context to protect children from all forms of abuse, while strengthening the family, society and the Nation.

### **3.2 National Policy for Children, 2013**

Expanding the scope of erstwhile National Policy for Children government's commitment to the rights based approach in addressing the continuing and emerging challenges in the situation of children, the Government of India hereby adopts this Resolution on the National Policy for Children, 2013. One of the guiding principles reaffirms our commitment that all children have equal rights and no child shall be discriminated against on grounds of religion, race, caste, sex, place of birth, class, language, and disability, social, economic or any other status. Similarly, it reiterates the Constitutional commitment that every child has the right to a dignified life, free from exploitation. Further, the National Policy retreats its commitment to children of sex workers are tracked, rescued, rehabilitated and have access to their right to education and take special protection measures to secure the rights of and entitlement of children in need of special protection like children on commercial sex workers.

### **3.3 National Health Policy**

NHP-1983, in a spirit of optimistic empathy for the health needs of the people, particularly the poor and underprivileged, had hoped to provide 'Health for All by the year 2000 AD', through the universal provision of comprehensive primary health care services. The recommendations of NHP-2002 is, therefore, attempt to maximize the broad-based availability of health services to the citizenry of the country on the basis of realistic considerations of capacity. The changed circumstances relating to the health sector of the country since 1983 have generated a situation in which it is now necessary to review the field, and to formulate a new policy framework as the National Health Policy-2002. Access to, and benefits from, the public health system have been very uneven between the better-endowed and the more vulnerable sections of society. This is particularly true for women, children and the socially disadvantaged sections of society.

Social, cultural and economic factors continue to inhibit women from gaining adequate access even to the existing public health facilities. This handicap does not merely affect women as individuals; it also has an adverse impact on the health, general well-being and development of the entire family, particularly children. This policy recognizes the catalytic role of empowered women in improving the overall health standards of the community.

NHP-2002 envisages giving priority to school health programmes which aim at preventive-health education, providing regular health check-ups, and promotion of health seeking behavior among children. The school health programmes can gainfully adopt specially designed modules in order to disseminate information relating to 'health' and 'family life'. This is expected to be the most cost-effective intervention as it improves the level of awareness, not only of the extended family, but the future generation as well.

### 3.4 Education for All- Sarv Shiksha Abhiyaan

The expanded vision of Education for All<sup>10</sup> –

- universalizing access and promoting equity
- Focusing on learning
- Broadening the means and scope of basic education
- Enhancing the environment for learning
- Strengthening partnerships

While emphasizing on universalizing and promoting equity Article 3 (4) of EFA asserted that: An active commitment must be made to removing educational disparities. Underserved groups: the poor; street and working children; migrant worker etc. should not suffer any discrimination in access to learning opportunities.

### 3.5 Education for All to meet Millennium Development Goals

In 2000, in Dakar, Senegal, all parties affirmed their commitment to achieving Education for All by the year 2015. They identified six key education goals which aim to meet the learning needs of all children, youth and adults by 2015. The **first goal** envisaged to expand early childhood care and education. **Expanding and improving comprehensive early childhood care and education, especially for the most vulnerable and disadvantaged children.** Similarly, **second goal** provide free and compulsory primary education for all, thereby ensuring that by 2015 all children, particularly girls, children in difficult circumstances and disadvantaged community have access to and complete free and compulsory primary education of good quality.

India has a global commitment of universalizing the education, therefore, it started Sarva Shiksha Abhiyaan (Education for All), and however, during its first phase of implementation it has been restricted to children aged 6-14 years. The basic aim of the programme was to universalize elementary education in a time bound banner with the following objectives-

All children in school, Education Guarantee Centre, Alternate School, ' to School' camp by 2003;<sup>11</sup>

- All children complete five years of primary schooling by 2007;
- All children complete eight years of schooling by 2010;
- Focus on elementary education of satisfactory quality with emphasis on education for life;
- Bridge all gender and social category gaps at primary stage by 2007 and at elementary education level by 2010;
- Universal retention by 2010

Moving a step further and two of six goals of EFA were adopted as **Millennium Development Goals** and India committed to Achieve Universal Basic Education by ensuring that, by 2015, children everywhere, boys and girls alike, will be able to complete a full course of primary schooling.

*The goals of Education for All (EFA) are centrally concerned with equality that is every child should be having accessibility to affordable education particularly those belonging to weaker section, disadvantaged section and girls. If children are excluded from access to education, they are denied their human rights and prevented from developing their talents and interests in the most basic of ways. It is also in the fundamental interests of society to see that this happens – progress with economic and social development depends upon it. Nevertheless, millions of*

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<sup>10</sup>[http://www.unesco.org/education/pdf/JOMTIE\\_E.PDF](http://www.unesco.org/education/pdf/JOMTIE_E.PDF)

<sup>11</sup><http://www.educationforallinindia.com/ssa.htm>

children still fail to gain access to schooling, and even larger numbers among those who do enroll leave prematurely, dropping out before the skills of literacy and number skills have been properly gained in which a majority of such children are girls.

## 4. Unnoticed Children in Delhi- Children of Female Sex Workers

### Introduction

The children of prostitutes are the main victims of these institutions as they are discriminated against social isolation and deprived of a normal life for no fault of theirs. They remain deprived of the basic opportunities and conducive environment and condition necessary for the overall physical and psychological development. Besides being born with the stigma of illegitimacy, they grew up in red light areas, where pimps, brothel keepers, and anti-social elements exist all around. These children of prostitute receive negative socialization in the families and tend to become juvenile delinquent or they join their family trade. These children suffer from malnutrition, poor living condition and have no opportunity to get them acquainted with the civilized world of education. Circumstances proved to be a barrier to the opportunities for developing their personality to full potential, whereby they can functionally contribute to the society. The children of prostitute lives in an environment which expose them to hard realities of life like gambling, addiction, physical harassment of mothers by customers, etc. and girl children are especially vulnerable. Quite often these children show behavioral problems, mainly due to faulty behavior patterns in their environment, relationship between parents and children, child rearing practices, over protection, over indulgence and so on (**Patil, Anuradha 1999**). Children of the commercial sex worker (CSW) have long been considered as 'socially excluded' group. They grow up in red light areas which have tremendous deleterious impact on the impressionable minds of children in the area. Various studies have already been conducted in different parts of our country to assess the nature and extent of vulnerabilities of the children in the red light areas.

“It is observed from the study conducted by Hema and Arabind Agarwal in **Jaipur Rajasthan (1996)** that the children of Prostitute are deprived of complementary feeding practices, as the mother generally had no time because she was busy with customers every evening to the next morning.”

A study conducted by Tata Institute of Social Science, 1991 estimated that there were approximately two hundred thousand sex workers in India in 817 Red Light areas, with more than 5 million children whose fathers' identity was not known to the mothers. Having born and grown up in red light areas, the children are isolated from the mainstream society and denied access to the basic opportunities for physical and psychological development. They live in an environment that is exposed to vices like gambling, addiction, physical and sexual harassment by customers and verbal abuse. They also exhibit problem behavior due to faulty behavior patterns, relationship dilemma and over indulgence or over protection by mothers.

### 5. Areas of Concern for Children of Commercial Sex Workers

The children of sex workers are victims of circumstances with no fault of their own. Having born with the stigma of illegitimacy and growing up in a red light area, the children are isolated from the mainstream and deprived of the basic opportunities for the physical and psychological development. Being children of prostitutes, they are often confronted with problems of variegated nature like social non-acceptance; loneliness; neglect; feeling of deprivation and rejection, lack of identity of fathers; social abuse; exposure to the world of prostitution since early childhood etc. They are also exposed to problems arising out of their life situation, like lack of a father figure to provide security, absence of facilities for care and guidance, economic hardship, lack of facilities to meet basic minimum needs, unhealthy social environment, malnutrition, and ill health. They live in an environment that is exposed to vices like gambling,

addiction, physical and sexual harassment by customers and verbal abuse. They also exhibit problem behavior due to faulty socialization process, relationship dilemma and social exclusion.

Children in brothels are extremely vulnerable to trafficking and sexual exploitation. A large number of children of sex workers' are in fact trafficked into sexual exploitation (Nair, 2005). Dr. P.M.Nair of UNODC (2005) considers that these groups of children are mostly vulnerable. Their vulnerability may be categorized according to their age specific development.

### 5.1 0-6 years

- lack of opportunities for early childhood care
- deprived of complementary feeding practices due to lack of education and awareness among mothers
- out of the purview of services given through ICDS
- less chances of getting socialized from the very early age

### 5.2 6-14 years

- due to exclusion of children from early childhood education they lack education opportunities education to further grow and develop
- their process of socialization is confined in that atmosphere alone both on account of social non-acceptability and lack of opportunities<sup>12</sup>
- they lack care and protection
- the parents themselves abet trafficking, mostly for commercial gain

### 5.3 14-18 years

- the parents themselves abet trafficking, mostly for commercial gain
- low literacy level among children
- lack of adolescent reproductive and sexual health
- they are deprived of livelihood options
- early marriage and childbearing also impacts adolescent health causing reproductive health problems, including complications that come with teenage pregnancies
- The risk of domestic violence, abuse and exploitation inherent in child marriages is well known. Being married early they conceive at a very early stage in their life<sup>13</sup>
- More chances of them get trafficked and end up being victims of sexual assault; trafficking for sex work or for employment/labor and in particular, domestic help; begging; for transfer of organs; for pornography including pornographic performances; development of pornographic material, promotion of sex tourism, and sexual exploitation under the guise of bar tending, massage parlors' etc. and abetment and involvement in armed conflict<sup>14</sup>

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<sup>12</sup> Impact of Support Services provided to Children of Resident Prostitutes in Kolkata Brothels, JAYAPRAKASH INSTITUTE OF SOCIAL CHANGE, Supported by Ministry of Women and Child Development

<sup>13</sup> In the three years preceding NFHS-3, there were 90 births per 1,000 girls aged 15-19 and 209 births per 1,000 girls aged 20-24 the highest of any age group

<sup>14</sup> India reportedly has the world's largest concentration of child sex workers, accounting for one in every four of the global number. It is estimated that there are about 3 million sex workers in the country of whom 40% are children. India Country Report: To Prevent and Combat Trafficking and Sexual Exploitation of Children and Women, World Congress III Against Sexual Exploitation of Women and Adolescents (Rio De Janeiro, Brazil, 2008)

## 6. Services to such Children

- Integrated Child Development Services
- Sarv Shiksha Abhiyaan
- Government schools run by- MCD and Delhi Government
- Health Centres- Sub Health-Centres and Primary Health Centres
- District Hospitals
- Delhi Ladli Scheme to empower the girls by linking financial assistance with their education up to senior secondary level. Under the scheme financial assistance is sanctioned at the following stages
- The Chacha Nehru Health Scheme, under which free medical check-up and treatment will be provided to all the school children
- Kishori Shakti Yojna<sup>15</sup>
- Nutrition Programme for Adolescent Girls<sup>16</sup>
- Ujjwala Scheme was launched in 2008 to prevent and combat trafficking and ensure rescue, rehabilitation, reintegration and repatriation of victims of trafficking
- Rashtriya Madyamik Shiksha Abhiyaan launched in 2009, is a shared scheme by the Centre and State to achieve universalization of secondary education viz standard 9th and 10th to check the dropout rate after elementary education. The objective of the scheme is to make secondary education of good quality available, accessible and affordable to all young people by providing one secondary school within 5 kilometer of every habitation
- The Ministry of Human Resource Development introduced an educational program, known as Adolescence Education Programme (AEP). The objective of the AEP is to provide young people with accurate, age appropriate and culturally relevant information; promote healthy attitudes and develop skills to enable them to respond to real-life situations effectively<sup>17</sup>
- Taking into the consideration the peculiar needs (educational, health, empowerment) of adolescent girls, the SABLA scheme was launched as Rajiv Gandhi Scheme for Empowerment of Adolescent Girls in 2012. It was envisaged as a comprehensive intervention for adolescent girls in the age group of 11-18 with a special focus on out of school girls. Under the scheme, the out of school adolescent girls are to be provided with life skills education, sexual counseling, leadership schools and vocational training

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<sup>15</sup> KSY, Ministry of Women and Child Development, <http://wcd.nic.in/KSY/ksyintro.htm>

<sup>16</sup> Also refer to <http://wcd.nic.in/npag/npag.htm>

<sup>17</sup> Status of Children in 14-18 Years: Review Of Policy, Programme and Legislative Framework, 2012-2013, NCPDR

## 7. Geographical Expansion of Sex Workers in Delhi

**G.B. Road** (full name Garstin Bastion Road) is a road from Ajmeri Gate to Lahori Gate in Delhi, India, parallel to the railway lines. . It is the biggest red light area in Delhi<sup>18</sup>. The road's name was officially changed to Swami Shradhanand Marg in 1966.

There are 96 brothels in total, located among the 20 main buildings of G.B. Road. Prostitutes and health workers once a week sit and discuss the stories and issues faced on daily basis by the prostitutes. According to a monthly publication “Red Light Despatch” there are around 2 million women sex workers across the country. They not only operate in publicly known brothels like G.B. Road of Delhi or Kamati Pura of Mumbai but also operate from various locations like massage parlors or just through a phone call to escort services<sup>19</sup>. Among the metros, Delhi leads the list. Though the capital has only one known red light area, GB Road, there are 37,900 sex workers -- more than those in India's financial capital, Mumbai<sup>20</sup>.

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<sup>18</sup> <http://thecnnfreedomproject.blogs.cnn.com/2011/08/04/woman-on-a-mission-on-patrol-with-top-cop-in-new-delhis-red-light-district/>

<sup>19</sup> Life as a Prostitute- <http://www.halabol.com/2012/06/09/life-prostitute>

<sup>20</sup> [http://articles.timesofindia.indiatimes.com/2010-07-21/india/28280971\\_1\\_india-s-hiv-hiv-infected-women-workers](http://articles.timesofindia.indiatimes.com/2010-07-21/india/28280971_1_india-s-hiv-hiv-infected-women-workers)

