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CHALLENGES FACED BY PROSTITUTES AND CHILDREN BORN IN BROTHEL IN ORDER TO ACHEIVE SOCIAL STATUS AND EDUCATION

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ABSTRACT:

The realities faced by children born into brothels in Indian society are marked by deprivation of fundamental rights, societal stigmatization, and legal complexities. Despite legislative provisions aimed at their protection, the implementation of these laws remains a challenge. This narrative explores the harrowing circumstances of these children, the legal framework surrounding their rights, hurdles in accessing fundamental necessities like healthcare and education, societal biases, and proposes a comprehensive approach involving legal reforms, societal integration, and holistic support systems to ensure their well-being and rights are upheld.

KEYWORDS:

Children born in brothels, prostitution, fundamental rights, societal stigma, legal framework, access to healthcare, access to education, societal biases, holistic support, legal reforms, societal integration, marginalized communities, advocacy, societal acceptance, empowerment

INTRODUCTION:

To survive in this society everyone needs certain amount of respect, dignity and especially money. When a person is not able to afford for his or her livelihood, they engage in some of the illegal activities such as human trafficking, sex trafficking, organ trafficking and illegal drug trafficking. Most victims of these illegal activities are women and children. Most of the times women and girl children are forced to engage in sex trafficking. Whereas boys are been sold for organs or sometime as slaves in other countries.

In some of the red light areas, the women who are engaged in sex works don't want to leave or quit such works as their livelihood is depended upon it. There are some women or girl who voluntarily engaged in this work and most are forced to it. Indian constitution has provided certain provision and every citizen of INDIA is entitled to their fundamental rights. No one can hamper such fundamental rights unless any emergency or a denies it.

The marginalized status of sex workers and their children remains a hidden and neglected aspect of society, often overlooked in discussions on development and welfare. Despite existing legislation, the lack of implementation deprives them of essential rights and assistance, perpetuating the stigma associated with their profession. Children born into this environment face identity issues and a dearth of opportunities, limiting their future prospects. Although sex work is viewed as a means of livelihood, the involvement of children is discouraged for their well-being. While laws outline measures for the welfare of these children, societal acceptance and implementation are crucial for their effective realization. The absence of broader societal awareness and engagement perpetuates the invisibility of this vulnerable community, hindering their access to basic necessities and support.

THE HARSH REALITIES OF PROSTITUTION IN INDIAN SOCIETY: IMPACT ON CHILDREN

Prostitution, deeply ingrained in Indian history and society, spans from ancient epics like the Mahabharata to present-day realities in various regions across the nation. Despite its prevalence, the community of sex workers, often confined to 'Redlight areas', remains marginalized and neglected by society.

Children born into this environment face severe challenges, lacking access to basic necessities such as nutrition, healthcare, education, and a nurturing environment. Their upbringing is marred by witnessing the distressing realities of the sex trade, subjecting them to immense stress and mental trauma.

Devoid of support and interventions, girls often end up following their mothers' path into prostitution, while boys may become involved as pimps as they mature. Although prostitution itself is legally recognized in India, certain related activities are deemed illegal under the Indian Penal Code and the Immoral Traffic (Prevention) Act, 1956.

While the law allows for the trade to occur in private settings, it prohibits public solicitation or conducting business in public spaces. The crux of the issue lies not in the existence of sex trade but in the exploitation and involvement of children within this practice. The dire consequences of children being exposed to and involved in prostitution transcend legal nuances.

The detrimental impact on their well-being, mental health, and future prospects underscores the urgent need for comprehensive societal interventions and supportive measures. Efforts should focus on safeguarding the rights and future of these vulnerable children, providing them with opportunities for a better life beyond the confines of the sex trade's harsh realities.

THE PLIGHT OF CHILDREN BORN IN BROTHELS: LACK OF RIGHTS AND THE PATH TO REDEMPTION

The plight of children born and raised in brothels across India is a story marked by darkness, neglect, and hardship. These innocent souls face a turbulent journey from the moment they enter the world, devoid of the nurturing care and guidance essential for a normal childhood. Born into an environment steeped in the sex trade's harsh realities, these children confront a host of challenges that deprive them of basic rights, opportunities, and the hope for a brighter future.

Their upbringing within the confines of brothels, where sleep and sex coexist, strips away the innocence that should characterize early childhood. Witnessing the distressing realities of the sex trade, children are exposed to an environment fraught with danger, robbing them of their innocence and normalcy from an impressionable age. The lack of parental guidance, absent father figures, and the tumultuous environment within these spaces shape their upbringing in ways that hinder their growth and development.

The harrowing conditions within these brothels, compounded by societal neglect and the absence of basic rights, expose these children to a multitude of challenges. Deprived of proper nutrition, medical care, and access to education, their lives unfold in an environment that fails to provide them with even the most fundamental necessities. The stigma attached to their origins further alienates them from mainstream society, subjecting them to discrimination, isolation, and a lack of acceptance when they attempt to seek education or integrate into societal norms.

Despite legal provisions and fundamental rights enshrined in the Indian Constitution, children born into brothels are often denied these privileges. The right to shelter, education, healthcare, and protection against exploitation remains elusive for these vulnerable children. The absence of adequate legal protections renders them susceptible to exploitation, child labor, and human trafficking, perpetuating a cycle of adversity and hardship.

Efforts by NGOs and some government initiatives aim to offer these children basic aid, occasional education, and support. However, numerous barriers, including a lack of interest in education due to their challenging environment, hinder their progress. Gender discrimination aggravates their struggles, compelling many girls to follow in their mothers' footsteps, while boys might veer towards criminal activities due to limited options.

Addressing the plight of these children necessitates a comprehensive approach that spans legal reforms, societal integration, and concerted efforts from all stakeholders. It calls for a reevaluation of existing laws and the implementation of robust measures to safeguard their rights, provide a secure childhood, and create pathways for a brighter future. From securing shelter to ensuring access to education and healthcare, these children deserve the opportunity to break free from the confines of brothels and lead a life free from exploitation and hardship. The narrative of these forgotten children, concealed within the shadows of brothels, echoes a tragedy ignored by mainstream society. Their unheard voices beckon for recognition, protection, and a chance at a life liberated from exploitation and adversity. It is time for legal provisions to shield their rights, society to embrace them without bias, and the nation to ensure their well-being and prospects for a hopeful future.

Laws Governing Children Born in Brothels:

1. **Immoral Traffic (Prevention) Act, 1956:** Recognizes sexual exploitation as a cognizable offense. It has been amended to address child trafficking issues. Provides provisions for the rescue and rehabilitation of children from brothels.
2. **Juvenile Justice (Care and Protection of Children) Act, 2000:** Recognizes the needs of children, including those born in brothels, and aims to provide care, protection, education, and rehabilitation to them. Addresses both children in need of care and protection and those in conflict with the law.

3. **Juvenile Justice Act, 2015:** The updated version of the Juvenile Justice Act, reinforcing the protection of children's rights and addressing issues of children in conflict with the law or in need of care and protection.
4. **Indian Penal Code (IPC), 1860 - Sections 366A, 366B, 372, and 373:** Sections addressing offenses related to trafficking and exploitation of minors, including buying, selling, and importing girls for prostitution. Imposes strict punishment, including imprisonment and fines, for such offenses.
5. **Directive Principles of State Policy (Article 39(e) and (f)):** Aim to ensure the welfare of children, irrespective of their background, by safeguarding them from exploitation and providing opportunities for healthy growth and development.
6. **The Immoral Traffic (Prevention) Amendment Bill, 2018:** An amendment to the Immoral Traffic (Prevention) Act, focused on addressing the increasing issue of child trafficking, specifically aiming to combat exploitation and trafficking of minors.
7. **Information Technology Act, 2000 - Section 67:** Addresses child pornography, declaring it illegal and punishable, thereby aiming to prevent exploitation of children through digital means.

Court Judgments:

1. **Vishal Jeet v. Union of India¹:** The Supreme Court highlighted the failure of existing rehabilitation provisions for sex workers and their children, emphasizing the need for the government to assess and implement these provisions effectively. Ordered stringent action against exploiters and the establishment of advisory committees for rehabilitation homes.
2. **Gaurav Jain v. Union of India²:** Recognized the right to equality of opportunity, dignity, protection, and care for children of sex workers. Laid down guidelines for the constitution of a committee to prepare a scheme for the rehabilitation of child prostitutes and those born into brothels.
3. **Indian Young Lawyers Association vs The State Of Kerala³:** Expanded the scope of 'untouchability' to include menstrual seclusion. This judgment can be referenced to challenge social boycott and stigmatization of children born in brothels, as it stands against any form of creating feelings of inferiority or violating human dignity.

¹ AIR 1990 SC 1412

² 1990 AIR 292

³ WRIT PETITION (CIVIL) NO. 373 OF 2006

4. **Other judgments:** Various other court decisions have emphasized the need for protecting the rights of children born in brothels, urging the government and society to ensure their rehabilitation, education, protection, and integration into mainstream society.

These laws and court judgments signify the concerted efforts of legislation and judiciary to address the issues faced by children born in brothels, aiming to ensure their rights, protection, and opportunities for a better life, free from exploitation and stigma. However, implementation and enforcement remain significant challenges in securing these children's well-being and integration into society.

Hurdles in accessing their Fundamental Right such as Health, Social status and Education

Health Services:

1. **Challenges:** Children born in brothels often lack access to adequate healthcare due to their marginalized status, societal stigma, and the nature of their environment.
2. **Barriers:** The absence of proper nutrition, hygiene, and medical care within the brothel environment negatively impacts their health. They are vulnerable to various health issues, including malnutrition, infectious diseases, and mental health problems resulting from traumatic experiences.
3. **Access to Healthcare:** Government initiatives, NGOs, and healthcare professionals attempt to provide healthcare services to these children. However, the challenging environment and societal barriers make it difficult for them to access consistent and comprehensive healthcare.
4. **Stigmatization:** Stigma and discrimination often deter health professionals from providing adequate care, resulting in these children being underserved or denied healthcare services.

Education:

1. **Challenges:** Education for children in brothels faces significant obstacles due to societal prejudice, poverty, lack of infrastructure, and the transient nature of their living conditions.

2. **Limited Access:** These children often have limited access to formal education. They may face discrimination and isolation when attempting to enroll in schools due to their background, which further impedes their educational opportunities.
3. **Inadequate Infrastructure:** Brothel environments rarely provide conducive spaces for learning. Lack of resources, qualified teachers, and proper schooling facilities hinder their educational development.
4. **Interventions:** Some NGOs and government initiatives strive to offer occasional education and basic literacy programs to these children. However, the effectiveness of these interventions can be limited due to various challenges they encounter in their daily lives.

Accessing Rights:

1. **Legal Protections:** Despite legal provisions safeguarding children's rights in India, children born in brothels often face obstacles in realizing these rights due to societal neglect, discrimination, and a lack of implementation and enforcement of laws.
2. **Marginalization:** These children are often considered 'marginalized' or 'disadvantaged' and, consequently, their specific needs and rights may be overlooked or inadequately addressed by existing policies and laws.
3. **Efforts for Protection:** While there are efforts by both government and non-governmental organizations to protect these children's rights, the challenging circumstances they face in brothels often inhibit their ability to fully access their rights to health, education, and protection.

Social Status:

1. **Stigmatization and Discrimination:** Society tends to stigmatize and discriminate against these children due to the occupation of their mothers. This societal bias leads to isolation, bullying, and rejection, affecting their self-esteem and social integration.
2. **Lack of Acceptance:** They face challenges in being accepted as legitimate members of society due to prejudices against their background.

Challenges and Solutions:

1. **Complex Environment:** The harsh realities of the brothel environment, coupled with societal neglect and legal gaps, create a complex challenge in ensuring these children access their rights.

2. **Holistic Approach:** A comprehensive approach is essential, involving legal reforms, social integration, and concerted efforts to provide healthcare, education, and protection to uplift these children.
3. **Advocacy and Awareness:** Raising awareness, challenging societal biases, and advocating for policy changes are crucial to ensure these children are not marginalized and are granted their fundamental rights.

While there are laws and occasional interventions aimed at supporting these children, their implementation and effectiveness often fall short due to the deeply ingrained societal issues and systemic challenges. Efforts must focus on not just legal reforms but also on changing societal perceptions and providing these children with holistic support systems to ensure their well-being and access to their rights.

SUGGESTIONS AND CONCLUSION

Suggestions:

Efforts aimed at improving the lives of children born in brothels necessitate a multifaceted approach encompassing legal reforms, holistic support systems, and societal integration initiatives. Crucially, stringent enforcement of existing laws, notably the Immoral Traffic (Prevention) Act and Juvenile Justice Acts, is imperative to safeguard these children's rights effectively. Offering specialized legal aid tailored to their circumstances is pivotal for ensuring access to justice. Moreover, the establishment of comprehensive healthcare programs addressing their distinct physical, mental, and emotional health needs is essential. Educational outreach initiatives, devoid of societal biases, are vital to providing inclusive learning environments. Concurrently, community-wide awareness campaigns are crucial for reducing stigma and fostering acceptance, ensuring these children are embraced as valued members of society. Additionally, integrating programs designed to assimilate them into mainstream society, emphasizing their right to dignity and equal opportunities, is paramount for their holistic development and well-being.

Conclusion:

The realities faced by children born in brothels are complex and multifaceted, encompassing a lack of access to fundamental rights, societal prejudices, and legal challenges. Efforts to address these issues must be multifaceted and comprehensive.

While legislative frameworks exist, their implementation remains a significant hurdle. Societal

bias and systemic challenges hinder the effective realization of these children's rights. To truly support these vulnerable individuals, a collaborative approach involving government agencies, NGOs, communities, and the public is crucial.

Raising awareness, advocating for policy changes, and implementing specialized programs that cater to their distinct needs are essential steps. By addressing these challenges collectively and empathetically, society can provide a path towards redemption, ensuring that these children are not defined by the circumstances of their birth, but instead are empowered to lead fulfilling lives, free from exploitation and adversity.

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