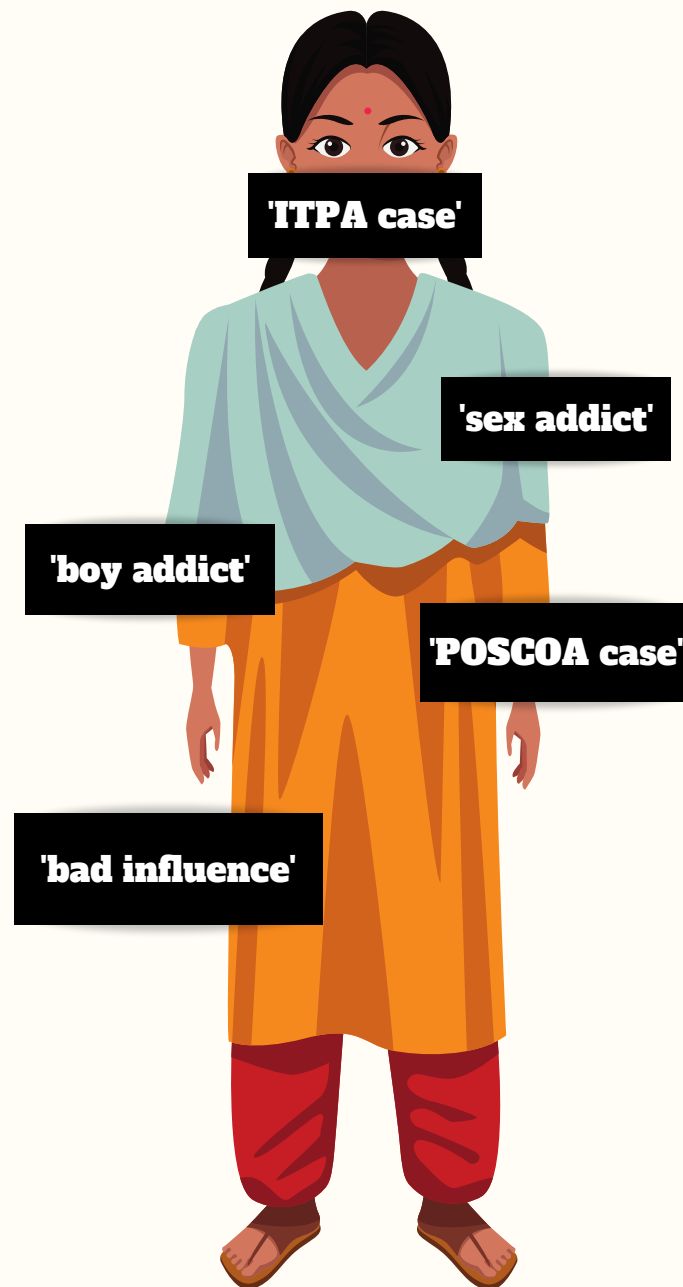


PRERANA'S FIELD OBSERVATIONS



**THE PRINCIPLE OF
NON-STIGMATIZING SEMANTICS**

Introduction

Laws are created for the purpose of maintaining order, resolving disputes and protecting the rights and liberties of all people, including children. The current legislation related to children in India is, the Juvenile Justice (Care and Protection of Children) Act, 2015. It upholds the principles set in the UNCRC and has issued certain principles of its own in the best interest of children. In legislations, there are certain rules that are inherently applicable, like equality, accountability, fairness, transparency, etc. Apart from these, certain laws prescribe their own principles in the text of the law for their specific implementation. These principles are referred to as the guiding principles of the law, and they pave the way for the interpretation and implementation of the spirit with which it was created. The Juvenile Justice (Care and Protection of Children) Act, 2015 has also laid down some fundamental principles for the administration of the Act. These principles guide the central and state governments, and other agencies in implementing the provisions of the Act. ***This document is an attempt to bring one such principle to light, the principle of non-stigmatizing semantics, along with instances where children face stigma due to their backgrounds.***

Section 3 of Juvenile Justice (Care and Protection of Children) Act 2015 states that *'The Central Government, the State Governments, the Board, and other agencies, as the case may be, while implementing the provisions of this Act shall be guided by the following fundamental principles'* Section 3(viii) lists the following principle –

Principle of non-stigmatising semantics: Adversarial or accusatory words are not to be used in the processes pertaining to a child

Through our on-field interventions, we have often witnessed the violation of this principle and hence, felt the need to share our observations. While this principle is often used in reference to children in conflict with law, our field experiences have helped us in identifying the need to follow this principle in cases of children in need of care and protection, and other vulnerable children as well. **This principle is closely related to the Principle of non-discrimination and equality (under JJA 2015).** Stigma is the discredit or societal disapproval that creates bias towards a community, often resulting in the behaviour of discrimination. In this document, we will be focusing on stigmatising semantics because the association with sex trade is the cause of the discriminatory behaviour faced by many children. Through this document, we hope to amplify the voices of the children who we work with and the discriminatory behaviour that they face.

As per Section 3(x) of Juvenile Justice (Care and Protection of Children) Act 2015 -

Principle of equality and non-discrimination: There shall be no discrimination against a child on any grounds including sex, caste, ethnicity, place of birth, disability and equality of access, opportunity and treatment shall be provided to every child.

Note: *In our work at Prerana, we strive for a non-discriminatory approach in our everyday interactions and actively work to bring in more positive interventions and this document is a step in the same direction. The document is based on the experiences of the various team members across different projects of Prerana. It is not exhaustive in any way, and we are aware that there are countless other instances where children suffer due to stigmatizing semantics. Through the document, we have tried to highlight a few of the instances observed by Prerana's team while working with children in need of care and protection, and vulnerable children from the red light area. The aspects of non-stigmatizing semantics covered in this document may not completely fall under the formal Juvenile Justice system, but form a part of the larger issue of child rights and child protection.*

We understand that not all the individuals who may use some of these terms, may do so on purpose, or mean any harm or disrespect to the children. Some people may not be aware of the discrimination that is attributed by using certain words and may also not have the vocabulary for the correct terms. This document is, thus, an attempt to capture the same and help duty bearers to be aware of the terms that are discriminatory and stigmatizing, and help them with respectful, non-discriminatory vocabulary to ensure harm reduction.

Prerana's Experiences

Since its inception in 1986, Prerana has strived to bring forward the issues of rights of the children born in the red-light areas. At a time when the discourse of human rights across the world was focusing on UNCRC, we realized that there were hundreds of invisible children who were being excluded from the discussion. The biggest contributor to their invisibility was their postal address - their birth in the red-light area.

For the longest time, the children born in the red-light area have had no choice of creating a path for their future, and were forcibly pushed into the sex trade or its allied activities. Between then and now, it has been over 30 years and while things have changed for the better, there is still a long way to go.

At present, Prerana, among its various projects, works with children who have been exposed to the sex trade in two ways -

- children born in the red-light areas
- minor victims rescued from commercial sexual exploitation and trafficking

While working with both these groups, the challenges that our teams face are not just procedural, but also due to the stigma that the children face because of their association with the sex trade. There are systemic biases that have been internalized by most stakeholders, and thus, need to be addressed.

Stigma faced by children from the red-light area

A girl in the red-light area often grows up being objectified and sexualised by the people around. Till as recently as the last decade (and sometimes even now), the usage of ordinary cosmetic products like nail polish and lipstick by the girls born in the red-light areas was frowned upon. Any girl in the red-light area who used a cosmetic product had to face statements like 'Being a prostitute runs in her blood and no amount of education will stop her from becoming one.'

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The stigma was so deep rooted that it will not be an exaggeration to claim that no mother we worked with wanted her daughter to apply make-up, as she feared that her child would be discriminated against. The injustice against children from the red-light area was not only limited to physical appearances, but their behaviour was also under close scrutiny. Some of the instances observed over the years are the following -

- The Juvenile Justice Act, 1986 defined a 'delinquent juvenile' as a juvenile who has been found to have committed an offence. The conceptual framework of the word delinquent was changed when the Juvenile Justice (Care and Protection of Children) Act, 2000 replaced the term 'delinquent juvenile' with 'juvenile in conflict with law', which was changed to 'child in conflict with law' in the Juvenile Justice (Care and Protection of Children) Act, 2015. This welcome change found its way in the law, but not on the on-ground implementation. Children from the red-light area and children rescued from the sex trade were often referred to as 'delinquents' and not seen as children that were in need of care and protection.



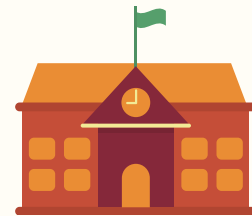
- Within the red-light area, if any adolescent girl (born to a prostituted woman) was seen with a boy, even if it were a classmate or a college friend, insinuations were made about the girl's 'character'. People would immediately conclude that the girl wanted to be in a sexual relationship with that person.



- Usage of terms like 'frivolous' to refer to the women of red-light areas, and their daughters is still common. In some cases, they are also referred to as 'sex addicts'. In our experience, these terms are unique to being used in the context of children born in the red-light areas, and victims of commercial sexual exploitation and are not used for children from other marginalised backgrounds.



- In the past, our team members have come across instances where children from the red-light areas have been made to sit on the floor in schools. They have been refused treatments at hospitals due to the fear of contracting HIV from them. It used to be assumed that they would be HIV positive due to their surroundings and because they were born to prostituted women.



Stigma faced by children from the red-light area

It was not long ago when Child Care Institutions across Mumbai were unwilling to accept minor victims rescued from sex trafficking. The perception was that these children were 'habituated' to sex and their company would 'ruin' the other children and 'corrupt' their minds.

More recently, through our interventions in Child Care Institutions, we have observed biases towards minor victims of commercial sexual exploitation, due to their participation in music and dance activities. When some children would dance to a popular Hindi song during celebrations at the Child Care Institution, the staff of the Child Care Institution would be quick to remark that nothing else could be expected from these 'bar dancers', referring to the fact that these children were rescued from establishments of shadow entertainment often described as dance bars. In reality, dance bars are infamous for commercial sexual exploitation of minor girls. They are often used to groom minor victims for life in the sex trade.

Being associated with the sex trade is just one of the many stigmatizing situations that are often thrust upon children. The other forms of discrimination, rooted in the stigma of being associated with sex trade, that we have come across through our work in Child Care Institutions, have been listed below -

- When minor victims of commercial exploitation living in a Child Care Institution have been waiting for their families outside the CWC, they have been referred to as 'boy addicts'. Many caregivers believe that the victims sit there to derive pleasure by looking at men coming in and out of the CWC, as they are 'habituated' to it. The usage of the terms like 'sex addicts' or 'boy addicts' is used to imply that children born in the red-light area or victims of commercial sexual exploitation are primarily interested in sexual activities.



- Girls rescued from the sex trade are not seen as having been wronged or exploited. Instead, they were referred to as 'deviants'. Deviance refers to breaking away from the societal norms, and often has a negative connotation. This term was reflective of how the society perceived these children as the ones who wanted to join the sex trade as they 'didn't want to conform to societal norms and values. The perception ignored and did not acknowledge that the children had been violated.



- The stigma faced by children rescued from commercial sexual exploitation is also visible in avenues of rehabilitation. Children who are in need of care and protection should have access to opportunities that further their growth, development and protect them from harm and abuse. These services should be made available to all children, irrespective of their religion, caste, color, creed, socio-economic and political background. Despite these provisions, rehabilitation services are made available differently for different 'types' of children. It includes differential treatment towards children who were found and rescued from begging, children rescued from sex trade or children belonging to the red-light areas, and the latest in the list being 'POCSO' children (child victims of sexual abuse). Children who have faced commercial sexual exploitation or belong to the red-light area are at the bottom of the ladder, because of the stigma of their association with the sex trade. To associate negative, harsh and stigmatic words with children who need care and protection to start healing from their traumatic experiences, is disconcerting.



No child should be shamed for having been exploited or born to a prostituted woman. In our experiences of working with victims of commercial sexual exploitation, being constantly reminded of the traumatic incident by use of stigmatizing words/statements can re-traumatize the child. For children born in the red-light areas, it can diminish their self-esteem and may curtail them from flourishing in social situations. This could lead to the child wanting to withdraw him/herself from society and feel like an outcast, thus hampering their development.

Equality and integration in the true sense can only be achieved when one steps away from the realm of stigma and stops using discriminatory language while addressing children. Children who have been through trauma will be unable to move past it if they are not taught to look forward to a brighter future. Inclusion is not just avoiding discrimination but also undertaking active efforts to increase appreciation and acceptance of the individuality of each child, to provide them with a supportive environment for development. Children should be identified by their individuality, and not by their problems, trauma or postal address.

To understand more about working sensitively with children, read more [here](#)



20 Years of ATC

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