

Submission to the Committee on the Rights of the Child by a team of 10 young people working with 51 children from the slums of New Delhi

presented through Edmund Rice International (an NGO with ECOSOC status with the United Nations)

for the Review of India October 2013



Preamble

Sixty-one (61) Indian children contributed to the writing of this submission, working with Edmund Rice International, for the Committee on the Rights of the Child that is reviewing India's child rights record in October 2013. Ten of them acted as investigative journalists who had a good command of English and Hindi as they attended private schools. Together they worked through a child friendly process to collect evidence based data and real life stories of the 51 children from the New Delhi slums who had gathered for a holiday workshop. They played with, danced, talked and built rapport with the 51 children from New Delhi's slums over 5 days, June 3 – 7, 2013. These 10 young people, all under the age of 18 years were – Surbhi, Arunima, Christy, Hadhav, Devika, Thomas, Nikhil, Dev, Pratik and Barkha. They live in New Delhi and are actively engaged in the NINEISMINE children's campaign that is asking the Indian Government to keep its promise of allocating 6% of India's GDP (public spending) for education and at least 3% for health.

Every day each investigative journalist spent an hour and a half with one to three children completing a data survey and asking questions about the children's lives - their health, education, family life, access to services and their rights as children. The children also spent time together preparing for a 'flash mob' display that was performed in the Central Plaza (Connaught Place) of New Delhi so as to raise awareness of the general public of India that India has the greatest number of malnourished children of any country. The children's 'flash mob' involved dancing, public speaking, street theatre, sharing of a piece of fruit with bystanders and the signing (not singing) of the national anthem. This was done and communicated through the media as G8 leaders were meeting the next day in London (June 8) for the World Hunger Summit.

These young activists (all between the age of 10 and 18) have broken through the barriers of class and economic divisions to speak with a united voice as children of India. The submission that follows is the result of their time together as young people sharing their lives, their dreams and their stories of seeking to enjoy their inherent rights. The children were told why they were being asked the questions, permission was sought to publish their stories anonymously to the Committee on the Rights of the Child and they were invited to answer only the questions they were comfortable answering.

Edmund Rice International (ERI) facilitated the gathering of these children with their partners - Shades of Happiness, Save the Children, Mobile Crèche, Salam Balak Trust and World Vision.

Introduction

1. 40% of India's population are children below 18 years of age. With a population of 1.2 billion citizens, 445 millions of them are '*kidizens*' in the country which is the largest democracy in the world.
2. We, the children of India praise our government for heeding to the advice of the Kothari Commission (1966) to give 6% of the annual income of India to education. The previous UPA government promised to give 6% to education and 2-3% of the GDP to health by 2009. Since it was unable to fulfil its promise, we are hoping that the current UPA government will be able to achieve it by 2014.
3. We praise our government for passing the Right to Education Act 2009 and for providing programs such as mid-day meals to all, and for attempting to universalise primary education through the Sarva Shiksha Abhiyan and the Anganwadis. "The 86th Constitutional Amendment (2002) and the Right to Education (RTE) Act (2009) give us the means to provide quality education to all the children," said Mr Kapil Sibal, Former Union Minister for Human Resource Development, and we largely agree.

Disaggregated Data Analysis

Appendix 'A' details the denial or violation of child and human rights in the stories shared by children with children about their lives and their desire to enjoy their rights.

The data presented in Appendix 'B' is an analysis of a survey completed by the 51 children interviewed and show that the age distribution ranged from 10 to 18 years, the average age was 13 years, with 64% representing the 'girl child.' The parent's occupations indicate they come from low socio-economic backgrounds with 94% of mothers being child carers and house keepers. Households with access to clean water numbered 42%. 58% said they were not taught child rights at school or were discouraged to talk about 'rights' yet most could name a person or institution that could assist them if they felt their rights were being denied or violated. Those who were taught their rights at school were able to name 18 rights that they felt they could claim.

Appendix 'C' is the survey used to collect from the children the data analysed in Appendix 'B'.

Chapters According to the Convention on the Rights on the Child

The following stories are told by the children who were acting as investigative journalists

Family Environment & Alternative Care

The Story of Rakita recorded by Arunima

When I first met Rakita, she was very shy and wasn't willing to speak to me. I tried to make conversation, but she turned her face away, not replying to anything I said. I gave her the CRC survey form to fill and started talking to the other girls. Slowly, she looked at me and said, "Didi (sister), I can't read English." We sat together and I explained the form to her, but I realised she was unaware of her rights and wasn't treated well at home, either. "Aren't you taught your rights at school?" I asked. She told me that she hadn't been to school for about four years, because her teacher didn't teach well at all. Apparently, she merely came to the school and sat in the cafeteria all the time, and didn't attend her classes. When she did decide to attend class, she used to beat up the children with sticks. We got talking and she told me more about her life. She was my age, fourteen years. However, our lives were so dramatically different. Rakita was homeless, as her grandmother sold her home for her uncle's wedding. She told me that she lived with her 'nana and nani,' (grandmother & grandfather) but if they decided to ask her family to leave, she would have to live on the road. Her father

played the 'dhol' (drum) at weddings, and was the only earning member of the house. He too, beat up Rakita and her sisters, but gave their brothers all his love.

Her family didn't have access to clean water and drank out of the drain instead. On some days, Rakita had to walk as much as three kilometres to fetch water. I asked her if she knew that she had the right to education and nobody could force her to work. She replied by saying that nobody in the house listened to her, and she was merely told that she was too young to make decisions. I asked her, then, if she knew who to go to if her rights were violated. "Who'd want to go to our police? If you give them a few notes, they'd let any criminal off scott free," she replied. She opened up to me and told me another shocking secret. "I've got into the habit of chewing tobacco," she said. I explained to her that it was wrong and her health would get badly affected. "Does your mother know about this?" I asked her. She told me it was an affirmative no, for if anyone got to know she'd be beaten up badly. "Then where do you get the money for the tobacco?" "I tell my mother that I want money for food, and I go to the shop and buy the tobacco. If there's no money, I go and clean the utensils in the neighbour's houses and earn about 10 rupees for myself. My parents don't know about this, either." I told Rakita that instead of working at the age of fourteen, she should go to school instead. She explained to me that she had told her mother, but her mother had said that there was no use of education, since she was going to get married in six months and would only cook food in her in-laws home. I was speechless. I kept looking at Rakita, wondering what to say. She looked at me, and very softly said, "Didi, I don't want to get married. I don't want to go away from home. I want to study, Didi. But nobody listens to me, for I am just a child."

Rights denied or violated under the following :

(No 1, No 5, No 2, No 6, No 7, No 9, No 10, No 11, No 12 & No 13 - Appendix 'A')

The Story of Rahul recorded by Hadhav

Rahul has just turned 18 years old. His life has been sad, tragic, yet full of interesting happenings. He lived in a slum with his parents in Mumbai, who were daily wage workers and couldn't provide enough food for the family to eat. One day, Rahul and his parents went to a fair when Rahul was 6 years old; he got separated from his parents. Little Rahul tried to go home but lost his way. Confused, scared and frustrated, he had no option but to live off the street. A few days later, the police found him. He was relieved, and tried to explain his plight, but the police didn't understand. They took him to Patna, where he made a few friends and found a way to escape to Delhi. Rahul became a beggar, he learnt how to fight and he learnt how to steal. Since he didn't have food to eat, he got addicted to sniffing whiteners. It was the only way he could fill his stomach. After 5 years he was finally caught by the police who brutally beat him and left him on the street.

A kind man saw him crying and told him to go to the Salam Balak Trust (SBT). He was treated kindly there and after he had healed completely he was asked to stay at SBT as living on the street was illegal. He did not listen to them and ran away because he thought that they wanted to amputate his limbs. Thus he was back on the street. A social worker from SBT talked to him and convinced him to come back. He began to live with children of his age at SBT, they gave him money, and he with a social worker went to Mumbai to find his parents. When he reached Mumbai he found that the slum his parents lived in was destroyed. He was grief stricken.

He returned to Delhi and ran away again from SBT for the second time. But after a week or two he realized the value of what SBT had given him. He had become disciplined. He was no longer an addict and most of all he was not a common beggar. Therefore he went back to SBT and lived there for the rest of his childhood. Once he turned 18 he began living with his friends. Now he pays his own rent and has a job. He is a tour guide for a SBT project called 'City Walk.' He shows foreigners around Pahad Ganj and Old Delhi. He has learned how to speak English fluently over the years and is currently trying to learn Spanish on his own. He is trying to

save enough money so that he can afford to take Spanish lessons from the famous Spanish institute – ‘Cervantes.’ Whenever Rahul gets free time, he visits the slums of Delhi and tries to convince the children to join SBT. He stresses on the importance of education and tells them about his life.

‘I have never got a chance to go to school but I want to make sure that others like me get the chance I did not have.’

Rights denied or violated under the following :

(No 3, No 14, No 6 & No 7 – Appendix ‘A’)

The Story of Ridhi recorded by Christy

Ridhi is 16 years old and is the eldest child in the family. Being a girl she is burdened with the responsibility of managing the household chores and cooking all the 3 meals of the family and also manages to balance it with her education. However, her father isn’t keen on letting her pursue her education after class 10 as he believes that this is sufficient education for a girl. Domestic violence has had a long lasting impact on her life as she recalls that at the age of 8 years, one night when her father came home after drinking, beat her mom and when she tried to stop him she was pushed and fell on the gas stove and burned her entire arm. Even now when he returns home drunk, he beats up her mother and the girls of the family and doesn’t raise his hands at her younger brother. She is one of the last members of the family to eat.

Rights denied or violated under the following :

(No 4, No 15 & No 11 - Appendix ‘A’)

The Story of Seema recorded by Surbhi

Seema, a girl in the group narrated that her friend got kidnapped a while ago and the kidnapper asked for a ransom of Rs. 1 lakh (100,000). Later it was found that the kidnapper was the victim’s uncle. The children also stated that there were lots of stories of child marriage and they were also threatened and warned that if they did not study, they too would be married off.

Another child stated that because her parents were very poor and could not afford to pay the fees, she was thrown out of school and her parents made her work as a servant.

Rights denied or violated under the following :

(No 1, No 9, No 5, No 11 & No 8 – Appendix ‘A’)

Civil Rights and Freedoms

The Story of Anil recorded by Pratik

Anil is a 17 year old boy staying with Salam Balak Trust in Delhi. Born in Agra, he attended school only till Class 9 and at the age of 10 ran away from home to Delhi. Now in the city he survived on the street and just about managed to earn enough to have one meal a day. He was a ragpicker and during this time came to terms with the harsh realities of the dream city of Delhi which unravelled various truths about issues of human trafficking. He witnessed, children his age and even younger being picked up from the streets and nearby slums who were often lured by the people running this racket, with the promise of being employed with food in families with high wages. But instead they became victims of human trafficking – subjected to cruel practices of limb amputation and being forced to beg on the street. He too was constantly terrorised and victimised by those running the rackets.

Rights denied or violated under the following :

(No 16 - Appendix 'A')

The Story of Nimran recorded by Devika

Nimran's teacher keeps hitting students. Nimran wants to get educated so wants to go to school and because she gets a meal every day at school which she doesn't get at home. Her parents want to marry her off as soon as possible but she does not want to be married and leave her family behind. Nimran is just 11 years old.

She got restricted from school for abusing a boy who was hitting her. Nimran has a scar on her face which reflects the boy's violent mind-set.

She does not want to stand against her family because a while back one of Nimran's cousins had tried to protest against child-marriage and her family hanged her. One of her friends got burned to death because she was in a relationship with a boy from another religion (Islam). She likes to play, but her mother does not allow her to leave the house other than for school. She keeps Nimran back so that she can help with the household chores.

Rights denied or violated under the following :

(No 8, No 1, No 9, No 5, No 11 & No 17 – Appendix 'A')

Education, Play and Cultural Activities

Story of Anil recorded by Thomas

Anil is a 12 year old who lives with his family in Delhi. He goes to the local government school. Complaining about the deplorable condition of his school, he mentions that corporal punishment is practised with girls especially being beaten by the teachers. The basic levels of sanitation are not met in school and the washrooms are un-kept and there is no drinking water for the children. Even though children in nearby areas attend school, the teachers are irregular and do not take keen interest in teaching. Even if they come to school, teachers sit and talk amongst themselves and the children are left unsupervised and idle in class.

Rights denied or violated under the following :

(No 1, No 9, No 5, No 17, No 12 & No 11 – Appendix 'A')

Story of Preeti recorded by Arunima

Preeti is a 15 year old and studied in class IX. She talks about how even though she is regular to school, no teaching takes place and it is of no help as she depends on her after school tuitions and is encouraged by school teachers to study from guide books to pass the exams. She also claims that the attitude of the male teachers towards the girls in her school is not right and the girls are too afraid to report their teacher's misbehaviour to higher school authorities. Past experiences of complaining to the school authorities for instance, un-kept washrooms, dirty drinking water, have all been ignored.

Rights denied or violated under the following :

(No 1, No 9, No 5, No 17, No 12, No 11 & No 18 – Appendix 'A')

Story of Manisha recorded by Surbhi

Manisha, a student of class 10 lives 15 minutes away from her school in a 1 bedroom flat. She wants to study and at the same time, work in order to support her family. She plans to do her 12th from 'open school' (correspondence) and work in a textile firm. She is only 15 years of age and likes to study and go to school. However she is unhappy with her school. There are no fans in the classroom due to which it is very difficult for her as well as her friends to concentrate while the teaching is going on especially when the temperature soars to 48 degrees. The walls of the classroom are filled with foul language written all over them, there are no game periods and she is not allowed to talk to boys in her school.

When asked whether or not children in her community go to school, she said some of the kids in her locality do not go to school because either their parents are suffering from ill health or they themselves who are sick most of the time. The reason for this was that their food did not have enough food or food rich in nutrition. Most often these kids need to work in order to survive.

Manisha loves to talk and be with her friends but unfortunately she doesn't have a place in her community where she can play with them. Thefts are common, however she claims to feel safe and secure. Recently, a 12-year-old girl was abducted from her community and found dead after five days.

Rights denied or violated under the following :

(No 1, No 9 & No 5 – Appendix 'A')

The Story of Puja recorded by Barkha

On being asked the question regarding their rights being denied, 12 year old Puja said that she doesn't even know what rights are and therefore how can she know if they are being exploited? They have never been taught about rights in school or anywhere else.

The school where she goes have no facilities for the children, no toilets, no chairs or desks, no fans, no mode of transport and no supply of clean drinking water. She lamented that the courts and the government only gave false hopes of guaranteeing good education. She felt for children like her the only way to improve their lives was to get educated. She mentioned the teachers were not interested, often did not turn up for classes and when they did used to spend their time on the cell phone.

She also stated that they did not have a playground to play and they only received a ten minute recess, which was not enough time to play with their friends.

Rights denied or violated under the following :

(No 1, No 9, No 5, No 12 & No 19 – Appendix 'A')

Basic Health and Welfare

Story of Joseph recorded by Dev

This is the story of a boy named Joseph who I met today. His age must be between 10-12 years. He told me that he went to a government school and was satisfied with the facilities and education that the school provided. He told me that both his parents were working as casual labourers. Yesterday when he returned home after playing, his younger brother complained of pain in his mouth. The mouth was swollen so he decided to take his brother to a nearby hospital. As they reached the hospital, they stood in line for registration. It took them 3 hours to reach the registration desk. When they went to the OPD (out patients department), they discovered that the OPD was closed as the doctors had left so they went to the emergency

ward and there were no beds left. They eventually went home. After their mother came home, they went to a private hospital to get the treatment done and the boy said his mother had to spend all her days' income to get her son treated.

Rights denied or violated under the following :

(No 1, No 9, No 5, No 17, No 12 & No 2 – Appendix 'A')

Recommendations

We the children of India, we seek the support of the world community in ensuring that the rights guaranteed us under the Indian constitutions and various international commitments.

We recommend that our Indian Government

Family life and alternative care

1. Strengthens and implements laws against perpetrators of domestic violence but makes access to justice through the courts more victim friendly.
2. Bans the sale of liquor close to residential localities.

Civil rights and freedoms

3. Educates the police and other people in authority on the rights of the child.
4. Educates children about juvenile justice boards, child welfare committees and other child protection organisations.
5. Pass and implement firm policies and laws to fight corruption and bribery particularly situations affecting children.

Education, play and cultural activities

6. Ensures that all children are educated on the rights of the child as part of their regular school curriculum.
7. Creates awareness about Child Rights and the Right to Education and it benefits among parents.
8. Ensures that the Indian Government provides parents with opportunities and means to send their children to school. (the right to work, the right to a just wage, neighbourhood schools etc.)
9. Establishes teacher-training colleges to improve teaching standards.
10. Creates a system of monitoring mid- day meals to ensure minimum quality and nutrition standards
11. Provides clean drinking water in all schools.
12. Improves infrastructure in the classroom ensuring there are desks, chairs, blackboards, fans and teachers.
13. Provides clean and separate toilet facilities for both boys and girls in all schools.
14. Establishes campaigns and implements laws against bullying and corporal punishment in all schools.
15. Sets up easy and accessible systems to address complaints related to cases of physical, emotional and sexual abuse in all schools.
16. Establishes campaigns in schools and in the wider community against child marriage

Basic Health and Welfare

17. Provides adequate public health care for all
18. Makes the public health care system centred more patient friendly rather than on tedious legal formalities and unnecessary paperwork
19. Provides clean public toilets and ensures for their regular maintenance
20. Provides clean drinking water for all and in public areas.

21. Establishes better waste disposal and segregation mechanisms while providing safe work conditions for those handling waste.



Signed:

Date: 28/6/13

(Brian Bond Executive Director ERI)



Signed:

Date: 28/6/13

(Peter Harney Advocacy Officer ERI facilitator of the process of consultation with the children in India)

Appendix 'A'

List of International Treaties, Covenants and Conventions protecting child & human rights that have been signed and ratified by India yet have not been honored as demonstrated in the stories of these children. Reference is also made to the Constitution of India that protects the rights of children.

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|-------|---|
| No 1 | The Right to Free and Compulsory Education (Article 21-A of the Constitution of India) |
| No 2 | The Right to Life and Personal Liberty (Article 21 of the Constitution of India which is an umbrella right and encompasses the right to a family life, protection from domestic abuse, police excesses, exploitation at work, and child marriage) |
| No 3 | The Convention on the Right of the Child (Article 24 which provides for adequate and nutritious food) (b) The Convention on the Right of the Child (Article 33 which provides for protection against substance abuse) |
| No 4 | The Constitution of India (Articles from 14 to 18 which guarantee the Right to Equality in terms of non-discrimination, opportunity, employment) |
| No 5 | The International Covenant on Economic, Social and Cultural Right (Article 13 & 14) |
| No 6 | The International Covenant on Economic, Social and Cultural Rights (Article 11 and 12 which provides for securing a family as a fundamental unit of society) |
| No 7 | The International Convention on Civil and Political Rights (Article 23 which also provides for securing protection of the institution of a family) |
| No 8 | The Convention on the Elimination of Discrimination against Women (Article 16 which provides for the prohibition of Child Marriage) |
| No 9 | The Convention on the Right of the Child (Article 28 which provides for right of the child to education) |
| No 10 | The Convention on the Right of the Child (The Preamble and Article 18 which also provides for protection of the Family Environment) |
| No 11 | The Convention on the Right of the Child (Article 19 which specifically provides for protection of children from violence, injury and abuse while in the care of a parent, legal guardian(s) or any other person who has the care of the child) |
| No 12 | The Convention on the Rights of the Child (Article 24 for ensuring clean drinking water) |
| No 13 | The Convention on the Rights of the Child (Article 32 which provides for protection from exploitation as a child laborer have also been violated). |
| No 14 | Convention on the Right of the Child (Article 40 which provides for administration of Juvenile Justice) |
| No 15 | The Convention on the Right of the Child (Article 29 which speaks of equality of sexes) |
| No 16 | Convention on the Rights of the Child (Article 35 the which requires appropriate measures be taken to prevent trafficking) |

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| No 17 | The Convention on the Rights of the Child (Article 2, 37 and 39 which elucidates about the need to protect children against degrading punishment and the need to ensure humanity and empathy.) |
| No 18 | The Convention on the Right of the Child (Article 34 which protects against all forms of sexual exploitation have been violated.) |
| No 19 | The Convention on the Rights of the Child (Article 31 which provides for the Right to Play) |

Appendix 'B' Results

Quantitative Survey Results – 51 Children Interviewed

Age Range	Nos	U r b a n	R u r a l	Gender	Father Occupation	Mother Occupation	Access to Clean Drinking Water
10yrs	2	45	6	18 Males	Packer (2)	NGO worker (1)	Access (Yes) 30
11yrs	4			Laborer (5)	Laborer (1)		
12yrs	2			Ticket collector (3)	Beauty Parlor (1)		
13yrs	14			Driver (6)	Maid (2)		
14yrs	9			Plays dhol in Band (2)	Housewife (46)		
15yrs	7			Cleaner (5)			
16yrs	8			Factory Worker (1)			
17yrs	4			Security Guard (4)			
18yrs	1			Office Worker (2)			
Total	51					33 Females	Watch Repairer (2)
					Chef in hotel (1)		
					Farmer (2)		
					Tailor (2)		
					Salesman (spices) (3)		
					Self-employed (8)		
					Electrician (1)		
					Mechanic (1)		
					Government (1)		

Child Rights Taught in School	Name a Child Right	Have a say in decisions affecting your life	Organizations that help children whose rights are violated
Taught (Yes) 21 Taught (No) 30	Right to Education (24) Right not to be Exploited (2) Right to Play (8) Right to Clean Water (1) Right to report against Crime (1) Right to Religion (1) Right to Health (4) Right to Security (4) Right to Read (1) Right to Information (2) Right to Food (1) Right to Life (5) Right to Participation (2) Right to development (1) Right to Freedom of Speech (2) Right to Equal Share (2) Right to Freedom (3) Right not to be married until 18 years (1)	No Say (10) Yes Say (41)	Police NGOs Dr AV Balingo Memorial Trust Help groups at School Salam Barak Trust Child Help Line Teacher Mother & Father Shades of Happiness Child Welfare Groups Josh Org.

Appendix 'C'

Written Survey

Name: _____

Age: _____

Region or State: _____

Urban or Rural: _____

Male or Female: _____

Parents' Occupation: _____

I have access to clean drinking water: _____

Child rights are/ are not taught at my school? _____

Name some children's rights?

Do you have a say in decisions that affect your life? _____

What organizations can children go to if their rights are violated? _____

Any Further Comments
