

IV. CHILDREN'S RIGHTS

John Desrochers

In the Panel on *Children*, Ms. Mary Chelladurai (Secretary of the AINA Trust) first spoke of child labour, especially in the silk industry. Mr. Joseph Rathinam then described the **Children's Parliament** (cf. below, pp. 327-30) and Ms. Lalitha N., finally spoke of the protection of child rights from a legal perspective (cf. below, pp. 331-3). Ms. Linnet D'Silva was the Moderator and John Desrochers consolidated the Reports.

The Major Insights

The participants became more aware of the great qualities and potential of children as well as of their manifold rights – particularly in the fields of health care and education. On the other hand, they also became more aware of the immense and disastrous violations of children's rights through the poor response of the state and civil society. **Millions of children are indeed denied their childhood** because of the prevailing poverty and inequalities, and the people's wrong values and prejudiced attitudes. Children are thus forced into child labour and are deprived of relevant and meaningful education. As usual, the most affected are the children belonging to the Dalit, Tribal, Muslim and economically backward communities, especially the girl children.

The government fails to invest enough money in health care and education. As a result, the coverage and quality of these services and systems suffer and the poor are deeply affected. In spite of some limitations, the legal provisions on children's rights are generally good, but their implementation is quite defective. *There is a lack of political will to implement them.* For instance, the state – which is ultimately responsible to ensure children's rights – often manipulates the data on child labour and thus denies its magnitude. *The police, government officials, judiciary and general public are often insensitive.* The juvenile homes are also terribly inadequate.

The Colloquium moreover highlighted the problem of sexual abuses within and outside the family (e.g., in the school set-up!) and that of

children's trafficking, either for child labour and/or sexual abuses. Though all adults were once children and though most are now parents, *there is a serious lack of awareness of children's issues and a disastrous lack of concern.* **The need for education and conscientisation is therefore paramount.**

Main Issues and Challenges

The dehumanising and unjust situation in which several million children find themselves in India is itself the major issue, and transforming it is our overall challenge. In fact, the treatment of children by several parents, teachers and other members of society, and their attitudes towards them, require profound changes. *This is particularly true regarding child labour, human trafficking, sexual abuses, violence against children, and the lack of proper health care and education.* **People's struggles to defend and promote children's rights are therefore imperative.**

For this, we must become aware of the root causes of the problems, namely, our socio-economic system and its consequences (caste and class, impacted lately by globalisation!), as well as the pervasive mentality of indifference and neglect towards children's well-being and rights. The mass media seldom pay much attention to children's issues. The state interventions are moreover deficient at the level of policies (for instance, the insufficient investments), but especially at that of implementation. Children's legislations like that on child labour and programmes like the ICDS (Integrated Child Development Services) often fail because of the lack of political will and monitoring mechanisms, administrative neglect and inefficiency, and widespread corruption. The criminal justice system is also rather insensitive to children.

To conscientise people, motivate and organise them to address the above problems and issues, and to make the state accountable are therefore tremendous challenges.

The Needed Responses

The Colloquium participants realised that **a variety of responses have to be given at both the personal and the societal/institutional level.** Every person, activist, NGO and organisation should therefore discern its specific role. A wholistic rather than

compartmentalised approach has moreover to be adopted everywhere. The rights of children, as individuals and groups, have to be promoted, including those of children under six.¹ *There is a vital need to educate and conscientise all sections of society to change their values and attitudes, and to organise people for collective political action.* Special attention must be given to the poorest and most disadvantaged groups at all levels of intervention.

The change process should start at the family level itself. The parents have to be taught how to respect their children, love and trust them, care for them, and develop their potential. Children should never be treated as objects. *They must be helped to grow in responsibility, freedom, sharing and solidarity, and the spirit of justice* (cf. above, p. 275). They can even become involved in decision-making. *Education has to be made more relevant*, especially for the poor, and this will renew people's faith in it. In fact, people's grassroots committees should become involved in shaping and monitoring education. *Panchayats and neighbouring groups* can be used to conscientise people about children's rights and to meaningfully involve them in grassroots issues.

Innovative initiatives need to be taken at all levels. Various institutions and organisations like schools, NGOs, CBOs (community-based organisations) and children welfare boards must collaborate and network to foster children's rights, tackle grassroots issues, and even become involved in the formulation and implementation of policies. **The NGOs should take children's rights seriously and rethink their attitudes and involvements.** They must know the state policies and programmes for children, inform the public about them, and use them to improve the children's situation. They can help to monitor the health and educational services of the government and to implement its legislation to stop child labour. *They can for example wipe out child labour and promote education for all in their area*, by disseminating accurate statistics on child labour, freeing children, setting up a mechanism to personally follow up the children, tackling the economic problems, organising bridge schools, etc.

Instead of being concerned only with their own progress, *Self-Help Groups and neighbourhood groups* can address various social issues, including those of children. Though some raised questions,

several participants highlighted the importance and relevance of **children's parliaments** to conscientise their members about their social responsibilities and even to actively involve them in the process of societal transformation (cf. below, pp. 327-30). Given a chance and properly encouraged, children can be much more efficient change agents than usually believed. **Children are thus a sign of hope.**

Appendix The Children of India

The Census figures indicate that in 2001, *there were 426 mn children (about 41.5% of the total population) below 18 years.* Of these, 110 mn (about 10.7%) were below 5 years, 128 mn (12.5%) between 5-9 years, 125 mn (12.2%) between 10-14 years, and 63 mn (6.1%) between 15-18 years.² According to the 2005-06 National Family Health Survey (NFHS), *almost 46% of under 3 children (49% in rural areas and 36% in urban areas) were then malnourished.* Around the year 2000, about one-third of the children of the age group 5-9 years in rural areas and 28% in urban areas were not attending schools. *“The magnitude of out-of-school children represents the most conspicuous failure of the Indian education system.”*³

Looking at the ICDS in a rights based perspective, Jean Drèze wrote that *there is “an urgent need to re-examine what India is doing for the survival, well-being and rights of children under the age of six years.* Ultimately, this involves addressing the structural roots of child deprivation. However, there is also an immediate need to protect this age group by integrating it in an effective system of child development services that leaves no child behind.” **“The main challenge... is to make the ICDS (and, beyond that, children's rights) a lively political issue.** This may sound like a tall order, if not wishful thinking. But the same would have been said 15 years ago of *the right to education*, 10 years ago of *the right to information*, five years ago of *the right to food*, and three years ago of *the right to employment.*”⁴