

Main Identity

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 Sent: Saturday, February 07, 2004 1:38 PM  
 Subject: [bangaloresolidarity] Let children get the attention they deserve: An Appeal from the Concerned for Working Children India

Dear Friends,

The General Elections 2004 have been announced. Many of you, through your civil society movements or private development organisations are preparing for your campaigns to draw the attention of political parties and the civil society to the issues that concern you deeply.

This appeal comes to you from the Concerned for Working children, a secular, democratic national private development agency working in partnership with children for the realisation of their rights ([www.workingchild.org](http://www.workingchild.org)). We are committed to create a sustainable and comprehensive model of development which enables the active involvement of all marginalised groups, including children in governance.

Any society that is child centered and child rights friendly is essentially a just and equitable one. Hence we sincerely request you and your organisations to consider children's rights and the best interest of children as crucial elements of the India we aspire for. We appeal to you to kindly indicate the importance of children's rights and include them to issues you intend to lobby for during and after the elections.

We have included a list of over-arching issues for your consideration. We are facilitating in depth consultations with children regarding the issues they wish to raise with the political parties. We will send out the outcome of those discussions to you in due course.

We also request you to indicate those issues that you would like us to raise in our campaign.

Let children get the attention they deserve:

We, as a nation, have repeatedly failed our children. We have not been able to meet their most basic needs and have been unable to ensure them a quality of life that they deserve. We have grossly denied their right to self-determination and identity and we have been treating them as passive recipients of adult benevolence on the one hand and on the other, as victims of adult exploitation and abuse.

As a consequence of our present model of development that has resulted in the changing nature of land use and agriculture and sacrificing the rich bio-diversity of our planet; the privatisation of basic services such as education, energy, water, transport and telecommunications and lessening peoples participation in the governances of common goods like forests, land, air, water, fuel, manure and forest produce; the increase in urban poverty and the displacement of the marginalised, children have become the most vulnerable victims of this global war for ultimate resource control.

This has resulted in a wide range of problems, including a drastic increase in child labour, child trafficking, child abuse and child pornography. While other marginalised groups at least have a voice, children are denied even this. We are yet to provide space for children and they remain invisible, marginalised, unrecognised and oppressed. This has also resulted in a gradual reduction in children's participation in the economic, social, political and spiritual arenas and the reasons for this were not always *'the best interest of the child'* but protectionism, patriarchy and the rise of corporate imperialism.

In 1989, the General Assembly of the United Nations adopted The Convention on the Rights of the Child (CRC). It states "every child has a right to good food, shelter, education and play, the right to say what they think and to be listened to, and the right to protection from abuse." However these rights are qualified by a basic principle in the CRC that states in Article 3: *"In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interest of the child shall be a primary consideration"*.

Since the late 19<sup>th</sup> century the conceptualisation of children as irrational, incomplete and passive has dominated western thought and has been exported globally. Accordingly, adults - including agency staff - are taken to be the experts on children's needs, with most organisations traditionally targeting interventions at parents in the belief that benefits would trickle down to children. Only relatively recently has it been acknowledged that children have (and can express) different concerns, needs and aspirations from those of their parents. This being the case, it cannot be assumed that approaching children through adult family members necessarily serves their best interests.

But how do we determine the child's best interest? The answer to this question is no different as for any other group. We need to ask the children. Children are not passive beings. They have proved time and time again that they are very powerful actors for social and political change. To participate is a natural instinct. Children are attempting to participate all the time. There are many groups of children especially working children's unions and movements that have demanded and occupied space to participate, including political space.

We request you to urge all political parties to:

- Commit themselves to the realisation of the Convention on the Rights of the Child.
- Accept the Principle of the Best Interest of the Child as central to all their policies and programmes.
- Set up the National Children Commission on the basis of the recommendations made by children. (The Recommendations of the National Movement of Working Children is enclosed as Annexure 2)
- Ensure meaningful participation of children in the development, implementation and monitoring of the State and National Plans of Action towards fulfilling their commitment to create a world fit for children.
- Set up decision-making structures, which enable children to participate in decision-making processes at all levels of governance.
- End social, political and economic exploitation of children.

- Revitalise democracy, secularism and decentralised governance in order to ensure the meaningful participation of all marginalised groups, including children.
- Allocate adequate resources to issues, which affect children either directly or indirectly.

We look forward to your feed and thank you for your solidarity.

With warm regards,

Kavita Ratna

Director – Communications

The Concerned for Working Children

Annexure: 1

The following are the Recommendations by the members of the National Movement of Working Children as stated in their Alternate Report submitted to the members of the Committee on the Rights of the Child:

**WHAT WE THINK SHOULD BE DONE:**

We have discussed and put down what we think needs to be done. Our suggestions have been listed here under three main heads:

1. Participation
2. Protection
3. Provision

**1. Participation:**

- We have given detailed recommendations to the Government on the structure, the role and the functions of the proposed National Commission on Children. It is annexed to this report. (Annexure 1)
- Most children of our country do not know that we children have rights. The Government should make sure that all children have access to information about what children's rights are. The school curriculum should also include lessons about children's rights.
  - We children should form our own organisations to protect our rights and to realise our rights. The Government should give recognition to our organisations and take our views seriously.



*"In one of the areas where we are present, the roads were flooded due to heavy rains. There were huge pits on the roads. At night, many children fell into it. We complained to the local authorities about it. But they did not respond to us.*

*"We called for a meeting and decided to repair the road ourselves with the help of the local youth association. The very next day, we filled up the pits with brick piece and sand. The members of the community appreciated our efforts and our organisation continues to receive their support."*

Members of Young Pillars, Gudiyattam

- o Many of our parents do not know about their rights. It is important that adults know about their rights and the ways to realise their rights. Parents also need to know how they can help us to grow to our full potential.
- o When decisions are made about matters that concern us, we children should be involved in that process. Wherever children's organisations exist, representatives of children's organisations should be involved in the process. Where children's organisations do not exist at present, the adults should facilitate children to choose their representatives – keeping in mind different age groups and different situations of children.
- o There should be provisions for representatives of children's organisations and children's councils to take part in Employers Associations' meeting where they discuss and take decisions about children.
- o The Government and the NGOs should help us to set up structures for us to participate at the local level, the state level, the national level and the international level.
- o At the local level, there should be provisions for us to form our own 'Children's Councils'. These councils should be made up of child representatives elected by all children of the constituency. We should make sure that all groups of children (working children, school-going children, children with disabilities etc) are represented in the council. The number of seats for each category of children may be decided based on the number of children they represent and severity of the problems they face.
- o We must have provisions to appoint select adults as 'Children's Friends' or 'Children Ombudspersons'. We should decide the role and the responsibilities of the ombudspersons. They should be accountable to us.
- o We children need adequate support systems - from the local level, right up to the National Level. The children's organisations, children's councils, ombudspersons and concerned adults, such as representatives of local governments and government departments should collectively develop these support structures. These structures should be a part of the National Commission for Children.
- o The representatives of the local governments should have meetings with representatives of children's organisations in their areas at least once in three months. At these meetings the Corporators should consult us about what we need and also report to us about the actions they have taken regarding our recommendations. Once a year, they should meet all the children in their constituency for a detailed consultation and discussion.

## 2. Protection:

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*Some people have wrong ideas about girls talking to boys. In our member organisations we do not differentiate between boys and girls. In all our struggles we work together. We trust each other. We have been able to convince our families about the need for us to work together. Without getting organised or without information we would not have been able to achieve this.*

*Any problem is easier to face if we get organised and fight collectively.*

(This is an extract from the document produced during the child labour day celebrations at Bangalore in which 300 working children from Karnataka attended, April 2001)

- o Children in hazardous industries must be protected. If we have to come out of hazardous work, we need support to deal with our financial problems and we need assistance to get good education. Some of us are not in a position to stop working right now. So we need schools that we can attend at times that are convenient to us.

The working hours for children should be appropriate to our age.

Observation homes and certified schools have to be set right. They should be places where we get counselling and opportunities to learn, not places where we are punished and humiliated

- o Toll free phone lines and stamp free post cards should be made available for us to contact children's organisations, children's councils, ombudspersons in times of crises. The existing children's help lines and support structures should be given much more publicity and support. They should also work with better co-ordination among

themselves.

- o There should be more child friendly institutions for children who have run away from home.
- o When a child is taken into the State Observation Home, he/she should have an immediate access to legal assistance from a special panel of Lawyers. (Either volunteers or those appointed by the Judges or from the Legal Aid Cell) This will ensure that we are assured of legal and emotional support of a high quality. Such systems exist in other countries such as Canada.
- o Many children are taken into the Observation Homes and Remand Homes for non-criminal reasons. Yet, when they return home, they have to face a lot of humiliation within the family and the community. They do not get jobs. This is because most people equate Remand Homes to jails. So we recommend that each child who leaves the Remand Homes has to be given a certificate explaining the reasons for which they were placed in the Remand Homes so that they can retain their dignity.
- o Children who leave Remand Homes should also get a certificate for the vocational skill they get in the Home so that it may be useful to them to find jobs in the future.
- o The members of the National Movement of Working Children would like to receive permission to visit Remand Homes on a regular basis in order to inspect the Remand Homes in our respective states, provide support to children who are there and help in their rehabilitation. We would also like to recommend that NGOs working with us to be given permission to enter the Remand Home to represent children when required and to assist in the rehabilitation.
- o Children in difficult circumstances should get appropriate rehabilitation. The concerned children and their families (where ever required) should be involved in the planning as well as the implementation of the rehabilitation programme.

police personnel must handle that dock.

- o All police personnel must be trained in how to best to deal with children and to assist them. They should be aware of children's rights.
- o Free legal aid should be made available to us at our convenience.
- o Child marriage should be taken up as a major problem in all communities where it is prevalent

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There should be total awareness about the ill effects of child marriage on children and on the society. The present law on child marriage is very weak. There should be a better law on child marriages and it should be effectively implemented. The law should include a condition that all marriages have to be registered at the local government.

("We want the help of police to stop child marriages" A drawing by Hasiru Sangha)

- o The practice of demanding and giving dowry should be stopped. If any bridegroom or his family insist on taking dowry they should be legally and socially punished.
- o The Government should take legal action against doctors and hospitals that carry out female foeticide.
- o The Government should close down liquor shops and create awareness among the people of the village about the ill effects of alcohol abuse

### 3. Provision:

#### Education:

- o Education is our right. It should be made available to us at the place of our convenience and at times that are convenient to us.

We, working children should have opportunities to get schooling and vocational training at times that are convenient to us

Madurai Veeran, Vidiyal Vanavil Sangham

- o We working children want quality education, which is recognised by the Government and the society. Not non-formal education.
- o The local governments should have the authority to take decisions about the school timings, the location of the school, the location of the day care centres for small children and such other matters concerning their areas
- When adults migrate for work for long periods of time, their children need to be provided hostel facilities in their villages/hometowns so that their schooling is not disturbed and that they are taken care of
- o All the childcare centres should work full day. So that our parents can go to work.
- o The information regarding schemes and scholarships provided to marginalised children should be widely publicised and they should be available to us at the right time. The materials provided under such schemes (free books, stationery, uniform etc) should be of good quality.



- o Nutritious midday meals should be provided to children. It should be prepared in clean surroundings and should be distributed in a hygienic manner.
- o The Government should fix reasonable amount as fees to be collected in private schools so that children can continue their education even when there are no government schools.

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- Education Curriculum should be relevant to our daily life. It should help to prepare us for the future. Lessons about the Children's Rights, including all laws applicable to children should be part of the curriculum. It should include information about our bodies, our work and such issues that are important to us. At school we should also learn about how we can protect ourselves from all forms of abuse.
- We should receive the knowledge and skills to analyse and understand our situations so that we can change them for the better.
- Vocational education should be a part of the curriculum for higher grades. Special vocational training programmes should be designed and planned for children with disabilities.
- The teaching methodology in schools should be child friendly. Our textbooks should be attractive and they should be easily available to us. The teachers should use teaching materials that make it possible for us to understand difficult subjects like English and mathematics. We should also have learning materials to work in the classrooms so that we can also learn on our own.
- There should be a good learning environment in the school. We should have a chance to speak in the classroom and ask questions in the class. Our learning should be interesting and joyful.
- We should be involved in the planning of school systems.
  - o There should be sufficient number of teachers and classrooms in each school. Adequate number of toilet facilities should be provided.
  - o In agricultural areas, information about agriculture should also be part of the curriculum.
  - o Teachers and children in school must be sensitised about the equality of all the religion and castes. We should have an opportunity to understand the essence of all the religions.
  - o There should be lessons about the ill effects of Untouchability. The laws against Untouchability should be taught in the schools.

#### Health facilities:

- o We should have access to good health facilities close to where we live.
- o The hospitals should be open at timings convenient to us rather than being open from 10 am to 5 pm.
- o Every hospital should have a separate section for children where children can also get counselling if required.
- o The local PHCs should have a medical record of all children in their areas. Once in 3 months every child should get medically examined and the record should be up-dated.
- o There should be counselling services for children who are mentally disturbed.
- o The hospitals should be clean.
- o All paediatric hospitals must have trained social workers.

- The Government should identify people who are really needy to benefit from their various schemes. All selections should be made at the local level and the selection process should be transparent.

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- Basic infrastructure like water, toilet fuel etc., should be made available to communities according to the population of the area.
- When major development programmes like building of dams are planned, the local communities should be consulted

## Annexure 2

### Recommendations of the National Movement of Working Children regarding the National Children's Commission.

We, the National Movement of Working Children, in our fifth meeting held at Bangalore (April 27, 28 & 29, 2001), discussed the proposed National Children's Commission. These inputs of ours, the National Movement of Working Children, will be circulated extensively in order to bring in children's direct inputs into the formation and functioning of the National Children's Commission.

We have come up with the following key issues that are grouped under four heads:

1. The role of the National Children's Commission (NCC)
2. The composition of the NCC
3. The location of the NCC
4. The functioning of the NCC

Our inputs were further developed during the Child Labour Day celebrations of the Karnataka State Working Children's Movement on April 30, 2001

#### i. The role of the NCC

- We children have our own rights. The Commission should make it possible for us to realise them
- The Commission should ensure that the State makes available to us all that is due to us according to law
- The Commission should ensure that we should not face any kind of problems
- The Commission should make sure that no rights of any children are violated
- The Commission should discuss children's problems and find solutions for them
- The Commission should create opportunities for us to present our issues. We children should be able to discuss all our problems with the Commission and to find solutions together
- It should help us to access an education that is of quality and appropriate to us as stated in the Convention on the Rights of the Child
- It should make sure that no working child has any problems
- It should support other unions and organisations in their work
- The Commission should prevent exploitation of children
- The Commission should ensure that children below the age of 18 should not be involved in harmful work.
- The Commission should make sure that children who are involved in harmful work have viable alternatives.
- Our opinions should be reached to the government through the Commission
- The Commission should stop all exploitation of children by employers
- The Commission should ensure that children have access to all the facilities we need
- The police should be friendly with children. If they are not, the Commission should take action. They should provide training to the police about children
- The Commission should be concerned about school dropouts. It should find out why children are leaving school and work with other organisations to solve their problems. It should improve the school system to meet our needs.
- Children face a lot of problems because of alcohol. The Commission should shut down all liquor shops.
- The Commission should work closely with organisations and forums formed by children



## 2. The Composition of the NCC:

- The Commission should have representatives of our own organisations. Children should be represented in the Commission – with organised representation of working children, school going children and disabled children
- The adult members of the Commission should be aware of children's rights. They should be people who are capable of understanding children's situations. The members should be those who are full of love and affection for us. The members should be those who are capable of finding solutions to the problems we children face. The members should be those capable of paying attention to us and to hold discussions with us. They should be aware of children's organisations. Most importantly they should respect children and be able to fill them with happiness
- The members should be able to respect and support the decisions children take. They should be able to provide quick relief to children
- The Commission should include representatives of the National Movement of Working Children. It should have representatives of Children's Panchayats.
- The Commission should include representatives of organisations that work with us. Its members should include our well wishers.
- It should have representatives of government officials, labour unions and people who have a legal background. It should also have doctors and counsellors

## 3. The location of the NCC

- Some of the facilities we need like police stations and hospitals are not accessible to us. They are too far away. The Commission should not be like that. It has to be always accessible to us
- We should be able to contact the Commission easily through post and phone. Its phone number should have least number of digits so that children can remember it easily like the Makkala Samaya Vani or Children's Help Line, telephone number: 1098.
- The Commission should be located within the village and slums at such locations where they can be easily accessed
- The Commission should be in each state. There should be an office at the national level. There should be links between the different centres of the Commission.
- Wherever the governments are not doing good work, the Commission should definitely be present
- Wherever there are large number of children working, the Commission should be present there
- There should be Children's Commissions in all countries of the world so that the children of other countries can also benefit from it

## 4. The functioning of the NCC

- It should ensure that all children get justice. How ever difficult the problem is, it should work in such a way that our rights are realised. It should ensure that all children are able to access all the facilities they need
- It should give respect to us
- It should work in such a way that children can reach it at anytime, in any situation and inform our problems
- Many times we children face problems because governments do not do what they are supposed to do. The Commission should never do that. It should work in such a way that no children are inconvenienced
- It should solve our problems immediately
- Even if the problem is a small one, the Commission should give it a lot of importance
- There should be a lot of publicity about the Commission in all places