

**Submission for the Thirteenth Session of the Working Group  
for the Universal Periodic Review of India (May 2012)**



This submission of Edmund Rice International was largely written by eighteen children - Angelina, Remenberlang, Dilbert, Kamdathmu, Evermoon, Aitimon, Ribanline, Bayakmenlang, Rikida, Adeline, Rosalyne, Kashmiri, Albert, Daryll, Neil, Paul, Dzipu and Anees from the North East of India (a geographically vulnerable region of India) on behalf of the children of India.

Nine of the children have disabilities.

The children travelled from Shillong to New Delhi from the 13<sup>th</sup> of November (the Day of the Deprived Child) to the 20<sup>th</sup> of November (Child Rights Day). Along the way they held 'Children's Hearings' in nine states on the state of Child Rights in India, particularly from the perspective of vulnerable children like Adivasi (tribal) children, Dalit children and children of minority communities.

At each of the nine venues, three of the children were invited to speak on their own experiences of exclusion and poverty and were also invited to make recommendations to their government. Local Child Rights organizations were invited to these hearings to supplement these recommendations. The eighteen young child rights activists listened to these stories and have compiled the report which follows.

These young activists (all between the age of 12 and 16) have used the life stories of children along the way as the basis of this report for the UPR of their country. The group of eighteen children was basically from two organizations, namely Jyoti Shroat Inclusive School and Kiddies Corner Secondary School, Shillong.

Edmund Rice International (India) facilitated the hearings and the writing of this submission. An effort was made to maintain the language and images of the children as far as possible.

## INTRODUCTION

1. 40% of India's population is 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 3% of the GDP to health by 2009. Since it was unable to fulfill 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 86<sup>th</sup> 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, the Union Minister for Human Resource Development, and we largely agree.

## PROMOTION AND PROTECTION OF THE RIGHTS OF CHILDREN

### Child Labourer

#### **Child's Right to Protection from Economic Exploitation - Article 32 of the Convention on the Rights of the Child (CRC)**

4. Jeevan Pradhan, a 16 year old rescued child miner, attended school up to class 3. His family comprises his parents and his sister who is already married. He came to the mines of Jaintia hills in 2011 and met his grandmother who is presently staying at Ladrymbai. He has been working in the coalmines since then; his work includes extracting coal and loading the trucks.
5. According to the IMPULSE a Human Rights organization based in Meghalaya, there are around 70,000 children working on the coalmines of Jaintia Hills, Meghalaya.

#### **Recommendation 1:**

**We recommend that the Government of India invite the Special Rapporteur on the sale of children, child prostitution and child pornography, to visit India as soon as possible.**

#### **Recommendation 2:**

**We recommend that our Government extend the minimum age to 18 years for any form of labour that robs a child of education and a childhood.**

### **Child in Conflict**

#### **Child's Right to Protection and Care when Affected by Armed Conflict - Article 38 of CRC**

6. Joyram is an Adivasi child who was 3 years old when he experienced the Bodo tribals attacking his people. In that conflict he lost everything and found himself in a relief camp along with 16,000 other Adivasis.

7. HAQ, a child Rights organization in India, has issued a report "*Still out of Focus—the State of India's Children 2008*" which says that out of 28 Indian states 19 are facing conflict situations.

#### **Recommendation 3:**

**We recommend that no schools be occupied by the army or police during conflict situations, and that schooling and proper education should be provided to children, even in relief camps.**

### **Adivasi Child**

#### **Child's Right to Education and Right to Health - Articles 24 & 28 of CRC**

8. Lamit Lepcha is a 12 years old girl who lives in Kalimpong. Her father, who drinks, has now separated from them. When she was 9 years old she was sent to live in a teacher's house because her parents could not support her education. She works as a domestic help even while she attempts to complete primary education.

9. According to the "The State of India's Children 2008 Report" the national average for deaths of children under 5 years is 59 per 1000 live births. However for the Scheduled Castes the child mortality rate is as high as 88, and for the Scheduled Tribes, 96 deaths per 1000.

10. We believe that for the right to quality education to be ensured, 6 % of the GDP (government spending) needs to be dedicated to Education.

#### **Recommendation 4:**

**We recommend that the government keep its promise of allocating 3% of the country's annual income (GDP) on health and 6% to ensure quality education by the year 2014 so that all children, particularly the Adivasi and Dalit and all vulnerable children, could enjoy a bright future.**

#### **Recommendation 5:**

**We recommend one common and quality centered education system for all children in India.**

### **Dalit Child**

#### **Right of Child to be Protected from All Forms of Discrimination – Article 2 of CRC**

11. Babloo Kumar, a 12 year old boy who is a Dalit from Bihar has been ridiculed and teased by his teacher in his school and by his fellow classmates.

12. According to MHRD (Ministry of Human Resource and Development) the dropout rate at class 10 level in India is 62% but for the Scheduled Castes it is 71%

#### **Recommendation 6:**

**We recommend that all schools ensure quality education and zero tolerance to any form of discrimination based on religion, region, caste, disability, etc. and the setting up of ‘accountability procedures’ for teachers and school authorities to ensure this.**

#### **Recommendation 7:**

**We recommend that affirmative actions be extended to all Dalits (including Christians and Muslims) irrespective of their religions they practice.**

### **Urban Poor Child**

#### **Child’s Right to an Adequate Standard of Living – Article 27 of CRC**

13. Sitara from Lucknow is a 6 year old girl who lives with her mother. The mother is a domestic helper, while Sitara herself is a rag picker who earns about Rs. 30-50 per day with which she provides food for her family. Because of this financial problem she does not go to school.

#### **Recommendation 8:**

**To ensure that all children remain in school we recommend that all parents be given work with a proper, just and timely salary.**

### **Girl Child**

#### **Child’s Right to Protection from Sex Discrimination – Article 2 of CRC**

14. Sonai is a 14 year old girl child who lives in Titara Gaon, Haryana. When she goes to school boys tease her, but she is scared to report this to her parents as she fears that they would stop her from attending school altogether.

#### **Recommendation 9:**

**We recommend that the government quickly passes the much awaited 33% Women's Reservation Bill (Constitution 108th Amendment Bill) in the parliament to help people understand the contribution and dignity of women in society**

**Rural Poor Child  
Child's Right to Education – Article 28 of CRC**

15. A 12 year old girl child named Pooja, from Manna Gaon, said that she had no schooling since the village lacked a school. Her parents have decided to marry her by 2012.

16. While child marriage has been banned in India for many years, according to a 2011 Boston University School of Health Study, 1 in 5 girls in India (22.6%) are married before the age of 16.

17. Although we have laws that ban child marriage in India, we lack sufficient bodies to monitor its enforcement. At present, only 11 states out of 28 in India have State Commissioners for Protection of Child Rights (SCPCR).

**Recommendation 10:**

**We recommend that State and District Commissions for the Protection of Child Rights be set up in all States and Districts.**

**Disabled Child  
Right of the Disabled Child to a Full and Decent Life – Article 23 of CRC**

18. Usha shared that she lives in an orphanage in Chandigarh. She lives with epilepsy; hence she needs a special teacher and specialized medical attention and therefore attends a 'special' school away from her friends.

19. According to a survey in 1999 ("*Poverty and Disability: A survey of the literature 1999*") an estimated 6-10% of children are born disabled. The same report claims that one third of the disabled population is below the age of 18.

**Recommendation 11:**

**We recommend that all disabled children of India, irrespective of their level of disability, be educated within mainstreams schools within the same campus, with all the special care and specialized infrastructure they need, such as ramps, lifts and accessibility to information through the use of Braille, audio devices, large prints etc.**

**Minority Group Child**

## **Child's Right to be Protected from all forms of Discrimination – Article 2 of CRC**

20. Asmina is a Muslim child studying in class 7. She said that her teacher refers to her as a fool in front of the entire class. She expressed that this was because of the fact that she is a Muslim.

### **Recommendation 12:**

**We recommend that an 'Equal Opportunity Commission' should be set up to look into grievances of all deprived groups.**

21. Finally we state that though we are not voters, we believe that our voice can be stronger than the votes of adults.