

The Alternate Report

by the
National Movement of Working Children, India

Submitted to the
The Committee on the Rights of the Child
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INTRODUCTION:

We, the members of the National Movement of Working Children (NMWC) India are proud and happy to present this Alternative Report – 2003 to the Committee on the Rights of the Child.

The National Movement Of Working Children (NMWC) is a national federation of working children's organisations in India.

The problems of working children are most often misunderstood or ignored. However, our member organisations have vast experience of solving problems collectively. They have been most effective at the local level, but also nationally, regionally and internationally. We formed the NMWC to bring together the strengths and experiences of all the member organisations in order to gain a stronger voice to negotiate for issues that concern us and have a greater impact on society as a whole.

We want, first of all, to be recognised as working children. This is the first step towards solving our problems. If our identity as working children is denied, then nothing will be done to solve the real problems that force us to work. We want to participate actively in solving these problems so that we no longer need to work. We want to build a new world where children are not exploited and there is justice for all.

NMWC has a total membership of over 14, 000 working children, boys and girls under 18 years of age. Our members are from both urban and rural areas and from different communities, ethnic groups, castes and religions. We work in a wide range of occupations – in both the formal and informal sectors. While all our members are working children, some of us combine work and schooling – either in the government run schools or in NGO programmes. Ever since the formation of our National Movement in 1999, we have been collectively fighting against our exploitation and discrimination.

Three of our member organisations, Mahashakti Sangha, Tamil Nadu, Soshu Panchayat, Orissa and Bhima Sangha, Karnataka, along with Udaan, Mumbai prepared the first ever children's own report to the Committee on the Rights of the Child in 1998. Their report, "Working Children's Report" was not only accepted by the Committee on the Rights of the Child but representatives of the reporting team were invited to depose before the Committee in Geneva.

We, NMWC submitted a report to the UN as our inputs into the United Nation's General Assembly Special Session on Children. Our representative took part in the discussions at the national, regional and international level as a member of the 'under 18 delegation'.

We sincerely hope that you will accept this Alternate Report. We request you to discuss the issues we have raised with our Government and to keep us informed regarding the specific recommendations you may make so that we can monitor the implementation of those recommendations in our country.

WHY WE DECIDED TO PREPARE AN ALTERNATE REPORT:

- We working children can and should participate in solving the problems affecting us. We have a right to contribute to the improvement of our situation. So we should submit our own report.
- We know our situation well. If we send our report to the Committee, our situation will be clearly depicted.
- The CRC has placed obligations on our Government that are not being fulfilled. Our Report can highlight these lapses.

- Our report will help us to draw the attention of our Government to our problems and to the solutions we propose.
- Our Government did not consult us when they prepared their report. So we have to send an Alternate Report to ensure that our views are heard.
- Our report will enable our direct participation in the reporting process to the Committee on the Rights of the Child.
- Our Alternate Report will take our struggle for Children's Rights and our Right to Participation forward.
- We, the NMWC can gain recognition as a federation that represents working children of India through our Alternate Report.

In connection with the above discussion we also took a decision to review the Government of India's (GOI) first periodic report for the following reasons:

- We have to review the report of the GOI to the Committee because it will inform us about what the GOI has done to fulfil its obligations to us.
- If we know the contents of the GOI Report, we can judge whether or not it depicts our situation fairly.
- We the children of India have the right to information about matters related to us.
- When we learn what is contained in the Government Report we will be better equipped to plan the NMWC's strategy for follow up and advocacy.
- We will be able to inform other children about the Report.
- We will be able to protest if we find things in the Report that are inaccurate.
- We can include our review of the GOI report in our Alternate Report.
- We will be able to understand to what extent the CRC has been translated into national laws and how effectively our rights are being realised in practice.
- We want to see how the GOI Report reflects the reality of street children and working children.
- We want to know what the Government says about 'children's participation' in its report.
- We would like to get official statistics regarding school going and non-school going children from the GOI Report.
- We would like to find out more about the GOI's programmes for children.

HOW WE WORKED ON THE ALTERNATE REPORT:

After our 8th NMWC meeting, all our member organisations held discussions in their respective states among their members regarding the Alternate Report.

It was extremely difficult for us to get hold of a copy of the GOI Report. Our friends at the Defense of Children International, Geneva Office informed us that only one copy of the report was

available with them. They did not have any soft copies to email us. However they said that the GOI may upload their report on the official website. This is yet to happen. For almost a year after our NMWC meeting in 2002, we could not access the GOI report.

At our 9th NMWC meeting (February, 2003) we prepared the following framework for information collection for our Alternate Report:

- Our present situation in the context of the realisation of our rights with regard to our Protection, the Provision of services and infrastructure and our right to Participation.
- Our own initiatives that have helped us to improve our lives and to realise our rights.
- Our review of the GOI Report.
- Our suggestions for what needs to be done for the realisation of our Rights.

Our members carried out detailed discussions in their respective organisations based on the above framework. The outcome of these discussions formed the organisational inputs of the member organisations to the Alternate Report. For this process, we requested the NGOs¹ working with us to give us inputs regarding the reporting process, to help us with translations and to provide logistical support when required.

As scheduled, 16 representatives of NMWC from different member organisations met in June 2003 to fine tune the Alternate Report. Our member organisations had prepared their reports in their respective languages. These reports were translated and compiled as our Alternate Report. A team of adults from the NGOs that support us facilitated this process.

We would like to emphasise that our report only covers the problems and issues of working children and is based on the areas and sectors that our member organisations represent. We do not claim to speak for all the children of India and we sincerely hope that children in other situations and circumstances and in different parts of India are also producing their own reports to put forward their realities and their suggestions. This is also an issue that we feel the Government of India should help to facilitate with the help of adult organisations and NGOs.

PROBLEMS:

Violation of our rights related to Protection:

At home:

- A large number of families in our country face a lot of hardship. They suffer from acute poverty and little or no support systems. In such situations our parents are not able to provide adequate care to children.
- In some homes there are a lot of tensions among the adults because of the difficulties they face. Due to these tensions, sometimes parents may get separated or leave home. This happens more often in urban slums. When parents leave homeless children behind they often end up on the streets. Such children undergo a lot of trauma.
- In our country, there are a many children without parents. In some cases, after the death of the mothers, fathers marry again. Children are often ill treated by their stepmothers. Such children have no facilities where they can stay peacefully and study.
- Some of us are subjected to verbal abuse at home. Our members also report that sometimes parents and relatives sexually abuse children.

¹ List of NGOs supporting the NMWC is available in Annexure 2

- There are several instances where families reject physically and mentally challenged children. In such families, children who need a lot of care and attention may get ignored or even abandoned.
- In some acute crises situations like communal riots when adults clash with each other, children also get hurt. Sometimes this may be deliberately done. Sometimes in such situations, girls and women get raped.
- In some parts of the country, both in the urban and the rural areas, children are married off at a very young age. In one such area one of our member organisations, Bhima Sangha has launched a major struggle against child marriages.

“One of the main reasons for the success of our struggle against Child Marriages is the backing it has from all our members. It started as a personal struggle when I refused to get married at the age of 14. But it is now a collective struggle of all our members. Our struggle has helped us to stop several child marriages from taking place in the areas where we are present. Now it has inspired many children of our neighbouring villages to protest against many child marriages.”

Uchengemma, the president of Bhima Sangha

In the Community:

- In our country, there is an increase in the known cases of female foeticides and infanticides. This is practiced by both upper caste² and lower caste families for various reasons. One of them is that they do not want to pay huge amounts in dowry. Because of this, the male-female birth ratio has been affected.
- In some communities alcoholism is a serious problem. In some areas because liquor is sold in public places, girls find it difficult to move around, especially in the night because they fear harassment from drunkards.
- Some children have reported that the society does not have any respect for families of alcoholics. Even children from such houses are looked down upon for no fault of theirs.

By the Police:

- Most of our member organisations have noted that we working children are often accused of crimes we have not committed and are harassed unnecessarily by the police. There are also incidents where police snatch money from children. These happen more often in the slums than in the villages.
- Some of us are very scared of the police. From our experience we feel that many police personnel do not help us or talk to us politely. They do not take our complaints seriously, instead they suspect us.
- Sometimes In the urban areas, children who live and work on the streets are taken into police custody and are beaten up. Our member organisations report that most often these arrests are made on the basis of false allegations. Sometimes children are let off but sometimes they are sent off to the State Observation Homes.

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² Caste: A social hierarchy in the practice of Hindu Religion

One of our member Organisations, Hasiru Sangha discussed the above matter with senior police officials of Bangalore City in areas where they are present. They have an arrangement with the local police by which they are contacted if the police find any child on the street late at night. Hasiru Sangha gets in touch with the child and provides assistance to him/her if required.

Our members report that areas where this arrangement exists, harassment of children by police has reduced considerably.

- Many of the State Observation Homes and Certified Schools of the Country are run like 'punishment' places for children. Some of our members, who have been remanded to these institutions, report that during their stay, most often all the children there were locked up inside the institutions. Officials treated them very badly and often abused them physically and mentally. When children come out of these institutions, the society looks down upon them and treats them like criminals.
- Some times, when police cases are booked, children who are not yet 18 years of age are also registered as adults and produced in the courts. Due to this those children do not get the legal protection, which is theirs by right.
- In some areas our member organisations are a part of the Makkala Sahaya Vani³'s (MSV) and Child Lines systems. With the help of MSVs and Child Lines, they report that many children have been able to get immediate assistance during crises, to counter police harassment to some extent and obtain the support of all the adult organisations who are members of these help lines. Our member organisations have also reported that they (children) have acted as resource persons in police training programmes. They feel that this has been possible because their organisations have gained recognition through their participation.

At work:

- The Government conducts raids on our work places as a part of its Child Labour Eradication Programme and 'rounds up' working children like stray dogs. We are pulled out of work, taken away against our wishes and illegally confined. The actual raid experience is very traumatic for us. No one talks to us before hand to ask us if we need to be rescued. No one talks to us after the raid about what the next steps will be. Sometimes we are sent off to the Observations Homes and kept there for days. We are constantly told that we have to stop working and start going to school. But they do not realise that in our given situation of poverty and deprivation, work is a necessity. Even if we try to explain our situation, we are not taken seriously. If we are migrants, we are sent off to our villages. They do not realise that we left our villages because we had no livelihood there. In the raid process we the concerned children are not at all consulted. Our needs are not taken into consideration. The alternatives forced on us by the Government actually make our situations worse than before. These raids are a total violation of our rights and are not a solution to child labour.
- Many working children in the country do not know where to go for help if they are in trouble. If anyone ill-treats them, they do not know where they should file their complaints or where they can get justice. Those of us who are members of working children's organisations are able to protect ourselves better because we have the support of our members. Our members provide us information, protection, care and solidarity in times of crises.

"My name is Rehman. I am twelve years old. I have an important story to

³ Makkala Sahaya Vanis (children's help lines) are community initiatives to help children in crises

tell. I have a friend in Bhima Sangha who is like an elder sister to me. She is a domestic worker. One day while she was standing at a bus stop, some rogues teased her badly. I was very angry when I saw it. In the next Bhima Sangha meeting I talked about it. We decided to talk to those guys. They threatened us. "Get lost, what can you do?" They challenged us. We were ten of us; we stood together and faced them. We decide to go to the police and we filed a complaint. Those guys even threatened the police. But we did not let them go. Finally we managed to put those eve teasers behind bars for 10 days. "

A member of Bhima Sangha

- Many of us who live and work on the streets have no protection from bullies who tease us and threaten us. Some of them force us to beg money on the streets for them. The girls on the street are severely harassed. We also do not have any place to keep our earnings safe. We are not allowed into the banks and other institutions where people save their money. So we are constantly worried about bullies who grab our money from us.

"In our organisation, we decided to start a savings account. When we approached the local bank, the officials told us that they could not allow us to start an account in the name of our organisation. We argued, " we earn money. We do not have any safe place to keep our earnings. Many of us end up spending all that we earn because if we don't, bullies may take them away. We also want to save money for the activities of our organisation. We too have a right to save money in this bank". The officials give this matter some more thought and suggested that we pass a resolution in our meeting regarding the bank account. On the basis of our resolution, we were allowed to start our own bank account."

Members of Maha Shakti Sangham

- Our members report that stray dogs bite children who work on the street sometimes.
- Our members feel that one of the biggest problems for those of us who live and work on the streets is the lack of care and protection, especially when we are sick or when there is violence in the locality.
- Often, when girls work as construction labourers, they have to stay on the site for many days where they have no protected place to have a bath and no safe place to rest or sleep.
- Some people in the urban areas treat working children in a rude manner. Some of our members have reported that they are viewed with suspicion and are told to leave the area by affluent people in their neighbourhood.
- Often, we working children have difficulties at our work place. We have to work for long hours with little or no salary. We are not provided adequate health care or sick leave. Some employers are kind, but they are exceptions.
- In some extreme situations, employers abuse us both physically and mentally. At times we have to listen to humiliating words from our supervisors. At the work place we are scared when the supervisor raises his/her hand to hit us.
- Our members report that some sectors of work are very dangerous even though most people are not aware of this. One example of such a sector is child domestic work. In some situations domestic workers are not only subjected to a lot of physical and mental harassment, they are also sexually abused.

- Our members have reported that they know of cases where children have been abducted and their body organs are removed and sold by people involved in such rackets.
- Some of our places of work are very unhygienic such as the street, tanneries, meat and poultry markets, fish processing etc. This is especially true in urban areas.
- According to our members, in some situations, where adults and children are employed in the same workplace, the adults often take out their anger and frustrations on children.
- Many children migrate from villages to cities for work. They have little or no information about where they should go or whom they should contact to get employment and shelter. Sometimes their belongings are snatched away by street gangs. Middlemen manipulate them and force them into bad work situations and gain commission from the employer.
- Some adults in the cities and villages of India work as middlemen and supply children for employment. They give false assurances to poor parents and bring their children away in the pretext of providing them education. Once the children are brought to another village or city, they are forced to work. Our members report that many of these children do not know how to get back to their homes and end up working for many years under difficult conditions. Our member organisations have been able to assist some of these children to find their families. In one situation, a case was filed with the help of MSV against the employer and as a punishment he had to pay a financial compensation to support the child's education.
- In several parts of India, especially in drought prone areas, there is a severe shortage of fodder. Some of our members who are from such regions report that they have to take their sheep to far away fields for grazing. Sometimes they have to stay in those fields, for many nights and days, without any protection or safety.
- Our member organisations report that in rural areas where the agricultural fields are far away from the villages, ruffians sometimes abuse girls during their walk to the fields or while at work.
- In Karnataka one of our member organisations, Bhima Sangha has set up Makkala Panchayats (please see the box below for details) and elected Makkala Mitras⁴ (children's friends or Ombudspersons) who provide children the support and assistance they need. But children's organisations, Makkala Panchayats, Makkala Mitras, Makkala Sahayavani's exist in very few places in the country. So a very large number of children do not have the benefit of such support structures.

⁴ All the Makkala Panchayats have elected one or more adults as Makkala Mitra/s, children's friend or ombudsman to provide support and assistance to children in crisis or difficulties.

Makkala Panchayats:

The Makkala Panchayats are parallel governments of children that work closely with the Panchayats. Bhima Sangha and the Concerned for Working Children (CWC) set these up in Karnataka jointly in collaboration with the Ministry of Rural Development and Panchayat Raj in 1995 as a pilot project.

The Makkala Panchayats are forums for all children to participate in the process of decision-making and governance in the village. Makkala Panchayats are presently functioning in eight Panchayats of Karnataka where the Rural Programme of the Concerned for Working Children is being implemented. The constituency that elects the members of the Makkala Panchayat are all the children of the Village in the age group of 6 years to 18 years. Representatives of working children, school going children and children with disability form the Makkala Panchayats. These Makkala Panchayats are positioned to interface between the children and the local self-government structures. They formally interact with the members of the Village Panchayats at the Task Forces⁵ set up in each of the Panchayats.

At school:

- Our member organisation report that children from urban slums often face a lot of humiliation and abuse. They are also beaten and abused with vulgar language by the teacher.
- Our members have information that there are incidents of sexual abuse by the teachers of students, especially girls.

Due to construction of dams:

- Some major developmental projects that displace large numbers of people, place children at risk. For example, mining in Orissa and constructions of dams in North Karnataka. Our members from Karnataka express their anxiety about a dam that is proposed for their area. They fear this construction may lead to the submersion of large areas of land, agricultural fields and houses. This may also cause extensive deforestation. From past experience, most of the villagers are not even sure of getting adequate rehabilitation and alternate housing. The Government is not holding any public discussions with them. So the anxiety levels are very high.

VIOLATION OF OUR RIGHTS RELATED TO PROVISIONS:**Education:****Problems related to access to schools:**

- In many villages of India, children have to commute very far to access Middle Schools (6 - 7 grades) and High Schools (8 –10 grades). One of our member organisation reports that children have to walk for two hours from their village before they can take a bus to reach the nearest High School. Many children find it very difficult to walk that far and to afford bus tickets. So they drop out of school after Middle School. Girls drop out in larger numbers, as families do not allow girls to travel far.
- Many of us find that school timings are not convenient as they clash with our routines at homes and our work. Because of this many of us find it difficult to manage domestic work, employment and school.

⁵ The Task Force is a tripartite body composed of child representatives, government officials, representatives from the community and businessmen/employers facilitated by CWC.

In some areas where we are present, we have demanded Extension Schools⁶ with timings that suit our needs. In some areas, we have been successful. The students who study in the Extension Schools are recognised by the State Government of Karnataka and are permitted to attend the examinations with all the children in the Formal Schools.

- During the rainy season in the coastal regions as well as the hilly regions of our country it is very difficult to go to school because the mud roads get very slushy and many streams cross our path. Some of the streams are very deep and they are very difficult to cross. Many children stay away from school during the monsoon and some of them also drop out of school.
- In some remote, hilly villages, during the rainy season water flows into the trenches and since there are no footbridges, children have to take alternate routes through deep forests or across fields that have been sown to reach the schools. These routes are usually very difficult and often unsafe. So children, especially very young ones and girls, discontinue their schooling.
- Our members have also reported that in some hilly areas of the country, the only way to reach schools is through dense forests. Small children, especially girls find it difficult to walk through these paths alone so they do not start schooling. Sometimes even if they enrol in the beginning, if their companions leave school, they too drop out.
- One of the serious problems faced by children who move their residence from one State to another is that they will be admitted only into class one (Grade 1) irrespective of their earlier education because of different state languages that are the medium of instruction. Our members, many of whom are migrants, are very concerned about this.

Problems related to education content:

- Most children of our country do not get any education or information about our rights either in schools or anywhere else. Those of us, who are members of children's organisations, have some access to such information through our peers, the NGOs that facilitate us and the other sources of information that we now have.
- Many of our member organisations have pointed out that the lessons taught at school have very little relevance to our lives and appear unconnected to our livelihood. For example there is hardly any health education or legal education in schools. So some of us feel that we should not waste time at school – especially after we have learnt to read and write. There are very many educated unemployed people in our country. Some of our family members tell us “we do not want you to become like them”. They prefer that we learn a vocational skill in school or out of school – so that we can take care of our future.
- Many of our members find several problems with the examinations at school. They pointed out that a large number of children fail in schools because it is difficult to cope with the English language and subjects like mathematics because the basics are not learnt well in the primary school.
- Our members report that when children fail in the examination, they have to go back to the same class they studied in. When they do that, teachers and other children humiliate them and say, “You should be ashamed to sit with younger children”. That is why some children dropout of school if they fail even once.
- One of the common problems pointed out by all our members is that most often they find lessons a burden. They are very difficult to follow.

⁶ An Extension School is an extension of the formal school, where all the children are registered at the formal school, but are able to study at their convenience with regard to timings, location and scholastic needs.

Problems related to learning environment:

- There are no special facilities in our villages for children who are physically and mentally challenged. If they try to attend the regular schools, no special attention is given to them. Teachers and students make fun of them and humiliate them. They too have a right to education – which hardly any one cares about.
- Many schools in the urban slums are run in very congested spaces. 5 classes being run in a single classroom or lessons in two languages being taught in the same room are common sights.
- Some of our members complain that some teachers assign their personal work to children during school hours. For example, children are asked to fetch vegetables, clean lunch boxes, massage the teacher's legs etc. So children are not able to attend classes regularly.
- One of the serious complaints our members make in connection with schools is the humiliation faced by children. In some schools we are called names that ridicule our appearance. For example, a dark skinned boy is called 'Blackie'. In some schools, teachers and children from high caste families call children from low caste by their caste name in a derogatory manner. For example children are called 'Kulala' [Potter], 'Pujari' [Toddy taper] 'Samagara' [cobbler] etc. We children hate this.
- Our members point out that there are many forms of discrimination in schools. Children are discriminated on the basis of caste and children from upper caste families get more favourable treatment than the others. Teachers also favour students who are more intelligent. In some situations children from rich families get more attention. From our experience we know that children who are discriminated against and neglected by teachers very often drop out of school.

Problems related to teaching methodology:

- In most schools we children do not find the methods used by teachers interesting. There are hardly any teaching aids in the classrooms. Teachers talk all the time or read out lessons in a manner we are not able to follow. We are not allowed to ask questions or to speak up and say 'we find it difficult to understand what is being taught'.
- One of the serious problems we face in our schools is that we are not taught how to use what we learn in the classes in our practical lives.
- Many of us feel that there is no self-discipline taught in the schools. We children are not allowed to form our own ground rules and to maintain discipline.
- Many of us have faced difficulties in connection with the language of instruction. At schools we are not taught in our mother tongue. When we start going to school we often find it very difficult to understand the lessons.

Problems related to facilities in schools:

- In most parts of India, many schools have insufficient teachers.
- Many schools do not have toilet facilities. This is a serious problem, especially for girls. Older girls drop out of school because of this.
- First Aid information and First Aid facilities are absent in most of the schools.
- Many schools do not have playgrounds.

- Some schools provide mid-day meals. In most places, no hygiene is practised in the preparation and distribution of mid-day meals.
- The Government is supposed to provide us free textbooks, uniforms, mid day meals etc. Many of us do not receive all that is due to us. So quite a few of us have dropped out because we are not able to afford schools.
- Even in situations where the Government does provide textbooks and uniforms, we still have to bear a lot of additional expenses such as the cost of notebooks and other stationary. Many of us cannot afford it, especially if we are many children in one family.

Problems faced by us within our homes that affect schooling:

- Many of us are first generation learners, so we do not get help at home to study. We find it difficult to catch up with lessons.
- In some families, adults get drunk and they beat children and other members of the family. In such homes, it is very difficult for children to study.

One of our member organisations, Bhima Sangha decided to address the problem of alcohol abuse in one of their villages in Karnataka. First, they decided to collect all the necessary data regarding the problem. Their research indicted that the total amount of money spent by the adults of their village annually for alcohol was 3.2 Million Indian Rupees. When this information was presented to the local government it created a major stir. Now the children are working with the women’s organisations and other like-minded groups to close down liquor shops and to create awareness about the problem. (For the full story, please go to www.workingchild.org)

- In some of our families, there is insufficient income. Our parents either have no jobs or do not earn enough to support the family. So, often we have to step in to support the family financially by taking up jobs. As the schools do not have flexible timings, if our working hours clash with the schools hours, we have to drop out of school.
- In many rural areas of the country, there are very few Government High Schools. Sometimes private High Schools are available, but they charge very high fees. We cannot afford to pay such high fees. So very often children, especially girls, drop out of school after the Middle School.
- Many girls in the country are not allowed by their families to continue their education after 7th grade. The families feel that if their daughters study further, they will have to find them grooms who are even more educated and this means paying a higher dowry. So they prefer girls to get employed after learning basic reading and writing skills.

Problems faced by us because of the lack of facilities in our cities and villages that affect schooling:

- Our members report that in many parts of India, both in the urban and the rural areas, there are no childcare centres. So when both the parents have to go to work, those of us who are older stay back at home to take care of the younger children.

One of our member organisations, through the Makkala Panchayats, managed to convince their local government to start 4 childcare centres in their Panchayat. Now while these childcare centres take care of small children, older children are able to attend schools and women are able to go to work. This has dramatically increased the enrolment and retention of children in schools.

However, the Department of Women and Child Welfare that is supposed to distribute nutritious food to all children under the age of 6 years is not yet supplying food to these childcare centres even though the local governments run them. The local governments do not have sufficient funds to provide food for the small children who attend these centres. Children have filed several applications in this regard, but they are yet to receive a positive response.

- In many parts of rural India, due to the acute water scarcity during the summer, we children have to walk long distances to fetch water. The public food distribution centres are also very far way from our homes. Several days in a month, we have to walk long distances to fetch the groceries. During these days we are forced to absent ourselves from school. When we get back to school we find it difficult to follow the lessons.
- In many urban areas water shortage is a serious problem. The Corporation⁷ supplies drinking water through the public taps at 9 am. Our parents go to work very early in the mornings. So we have to collect water. So we are late to school. At school, they don't think this is an issue. Teachers punish us if we are absent or late. So some of us leave school.

Problems related to lack of Health facilities:

- In our villages, we do not have proper health care systems. Even though there are health centres, the doctors are hardly available. These centres do not have even basic facilities. In our cities too we do not get the medicines we require in the government hospitals. We have to buy them in the shops for a lot of money.
- Both urban and rural areas have Primary Health Centres (PHCs). But they do not work efficiently. Sometimes they are located very far away from our houses. The doctors are very irregular. They hardly make any village visits. The doctors and the nurses are not supposed to charge any fees for their treatment, but they do.
- In many PHCs the health workers and nurses get transferred frequently. This is disruptive because even before they get familiar with the needs of the people of one community, they are out of the area.
- In the big government hospitals, we have to bribe everyone to get treated.
- In most of our cities, diseases spread rapidly because of the bad sanitation facilities.
- In the slums of India sewage and drainage facilities do not exist. In slums and market places there are only open drains or gutters and this is one of the main reasons why children who live in slums frequently contract infections and fall seriously ill.

Problems related to lack of basic facilities:

- In most urban slums, we do not have a regular supply of drinking water. In some places water is supplied once in 2 days – at times in the middle of the night. We have submitted memorandums to the authorities in the City Corporation to set the problem right, but there is no improvement.
- In all urban slums of the country, there are no proper roads, no underground sewage and no public toilets. This is despite the fact that some of the slums we live in are over 30 years old.
- In families where most of the income is spent on alcohol, the environment is not healthy. These families also remain below the poverty line. Such families are neither respected nor trusted by the members of the community. Most of the family members including children suffer from chronic illnesses.

⁷ Urban Local Government

- In many villages of India lighting facilities are very poor. We do not have electricity and we do not get sufficient kerosene oil from the public distribution system.

VIOLATION OF OUR RIGHT TO PARTICIPATION

At home:

- Most of our members say that children have very few opportunities to take part in decisions at homes. Often we are not even allowed to choose the clothes we wear. Older children get listened to sometimes, especially if we contribute to the family financially.
- Our members have noted that most parents never ask children what they wish to study. Adults almost always take decisions about children.

At school:

- At schools, both in the cities and the villages, there are no opportunities or platforms for us to express our views and opinions on matters related to us like teaching, games etc.
- We children do not have the freedom to practice any religion we like or to study different religions.
- In many schools, both in the urban areas and in the rural areas, if children ask questions, teachers do not answer them. Instead, children are threatened and asked to keep quiet.
- In some schools, teachers beat children. One of our member organisations, Vidival Vanavil took up this issue in Tamil Nadu. The response they got from the teachers was “Beating children is our right. Only if we beat them will children learn well”.

In our communities:

- In several regions of the country, fodder is not available near the villages. So children have to take their sheep grazing to faraway places. Sometimes they are away from their homes for weeks at a time. Our members say that due to this, many of them are not able to participate in schooling, in domestic work, in cultural programmes, in sports, in the Extension Schools and in the children’s organisations.
- In the drought prone areas we do not have proper irrigation systems. Agriculture is totally dependant on rains. If it does not rain, then families have to migrate to far away places for work. Then it is difficult for us to take part in schools, or in any activities or programmes of the community.
- In most parts of the country, there are a lot of restrictions placed on girls. So some girls find it very difficult to attend the activities of our member organisations. Even when some of our parents are supportive to our involvement in our organisation, other communities are likely to discourage them with words like “if your daughters go out and participate it will be difficult for you to get them married in the future”.

There are a growing number of women’s organisations in some of the villages and cities where our members are present. This has had a positive impact on many families. Many women have benefited from their involvement in their organisations. So they are able to understand why it is important for us children to have our own organisation. Many of our members report that if their mothers are active in the women’s organisations, they are very supportive of children’s participation.

- In those villages and cities where children's organisations, children's councils and children's friends (Ombudsperson's) are present, our members report active children's participation. Children in such places have been able to protect and assist children. They have been able to make very effective use of information to argue their cases and present their demands and to build excellent partnerships with adults.
- Our members also point out that in some situations, even though structures for children to participate exist, if we do not get the full support of the adults and the local government, we find it difficult to use the structures as effectively as we could have otherwise.
- Many of our parents themselves do not have any say in the decisions made in the villages. So they find it difficult to support us because they lack experience in participating in public spaces.

In governance:

- Our members report that there are several announcements by the Government about issues that affect us – directly and indirectly. But there are no consultations with any children regarding any of those programmes.
- The Government has announced a National Commission for Children. But there has not been a single consultation with children that we know of regarding this. The members of our National Movement prepared a document with our recommendations for the National Commission. It was submitted to the President of India. We sent it out to all the members of our Parliament. But we have not received a single response or an acknowledgment to date. The full text of our recommendations is attached to this report as Annexure 2.
- The Government does not have any structures for children to participate in decision-making processes. Children are not involved in developing policies, planning programmes, or implementing them - from local level to international level.

OUR CRITIQUE OF THE INDIA REPORT:

At the very outset, we feel that the Government of India has to be accountable to all the children of the country. So in connection with their report to the CRC, their first obligation was to consult all children before the report was prepared. Once prepared, they had to prepare child friendly versions of the report so that all of us could go through its contents and critique it if necessary.

In our review processes we first put down all the criteria for how a 'child friendly version of the CRC report should be'.

Criteria for a child friendly version of the CRC report

- It should be available in all the regional languages of India.
- It should have an interesting narrative that can hold our interest.
- The print should be in bold letters so that we can read it easily.
- The language used should be simple.
- The report should have a lot of pictures and illustrations so that we can understand it easily.
- The pictures used should be attractive and colourful.
- Report should be creatively presented.
- The content of the report should flow smoothly from one point to another.
- The report should be easily available to all children.
- It should also be available as an audio recording.
- The main points of the report should be converted into posters and pasted in all parts of the country.

We examined sections relevant to us in the GOI Report, keeping these points in mind. Our adult facilitators assisted us. We are sorry to say that the present report does not fulfil a single criterion we have listed.

Our feedback to the official report of the Government:

General observations:

- The report does not mention any consultations with children. There are no opinions of children included in the report. It appears that children have not at all participated in the preparation of this report. This is a serious lapse.
- We would like to point out that in the section on children's Right to Association of the GOI report, there is a reference made only to one of our member organisations that is Bhima Sangha. Our NMWC has 8 other members and there are several other children's organisations in the country, but they have not been mentioned.
- During the Pre Com of the UNGASS, our representative met the Minister and the officials concerned and briefed them about NMWC. At that discussion, NMWC put forward a demand to the Ministry to carry out consultations with representatives of all children's organisations in the country prior to the UNGASS. NMWC in fact offered to organise such a consultation. However, the Government did not respond positively to this suggestion.
- As mentioned earlier we were able to procure a copy of the GOI Report with a lot of difficulty. Even to this date the State Governments do not have copies for distribution. The copy which was finally available to us is in English. There are no child friendly versions of this report that are available. Considering that this report should have been widely distributed and discussed within the country, we feel this is a serious lapse.
- After going through some of the highlights of the report we feel that this report does not give a full picture of our situation or of our problems.

Specific observations:

- We happy that there is at least a reference to a working children's union⁸ (Page 88) and the children's councils⁹ in connection with Article 15. But the only information provided is that such organisations and structures exist. There is no mention about the activities of such organisations, their achievements and their challenges. There is no mention of what the Government has learnt or gained from these organisations. There is are no statements about what the Government has done or plans to do to encourage more children's organisations and there is no indication that the GOI is planning to consult with these organisations in the future.
- The 'Nehru Yuvaka Kendra' is listed as a 'children's association'. Since its membership is open to persons up to the age of 35, we feel it is a youth organisation and not a children's organisation. Moreover, as per the information we have, it is an adult led Youth Programme implemented by the Government. So its mention in this section on 'children's associations' is not appropriate.
- In connection with Article, 13 (Right to Freedom of Expression) the National Centre of Films for Children and Young Persons has been extensively mentioned. It is possible for film centres to advocate for our rights and be a forum for us to voice our opinions. Unfortunately, the National Centre of Films for Children and Young Persons has not done this so far. In the GOI Report, it is mentioned "children also play important roles in the films produced by the Children's Film Society". If we children act out scripts prepared by others that cannot be

⁸ Bhima Sangha

⁹ Shishu Panchayats in Rajasthan and Makkala Panchayats in Karnataka.

considered an expression of our views. Instead if the society trained us to make our own films, that would be one means to our right to freedom of expression.

- There are many statistical tables in the section on education. But there is no data on the number of children who are out of school in each State. This would be very important information for us to understand the real nature of the problem.
- In the section on 'Children's Right to Education, Leisure, and Cultural Activities', we are happy to see that the GOI Report states "poverty and adult illiteracy are not the only reasons for children to drop out of schools". But none of the other reasons are mentioned. Also, this section does not carry what the GOI plans to do to address all the reasons that force children to drop out of schools.
- In the section on Economic Exploitation of children (Article 32), we do not find clear statistics about the total number of child labours in every state.
- There is no information about the total number of working children covered by the Governments programmes. From our experience we know that a very large number of working children are not covered by any GOI programme. The report does not mention if there is a plan to reach all working children of the country.
- The following case study is the only one we saw in the Report that talks about an individual child. So we read it eagerly. Quote from page 366: "*Amar came to Mumbai to meet Sachin Tendulkar: He happened to ask a policeman in plainclothes for the address. The policeman called Child Line. Amar refused to go home, saying that he wanted to live in Mumbai. Child Line referred him to a shelter. A few days later, a Child Line volunteer escorted him home.*" Having read it, we are very baffled by this case study. The headline and the text have no connection with each other. More importantly we do not see how this case study is appropriate for a section on Child Labour.
- In the 'Current Situation' section (page 367) it is mentioned that, "*...thus child labour is essentially associated with inequality in the society*". We completely agree with this statement. However, we are not able to find any mention of Government's plans to end this inequality in the society.
- The GOI Report makes several mentions about its education programmes. All children of India have a right to education. Many of us are compelled to work. So we need education that is provided to us at our convenience. In this report, the GOI does not make any mention of programmes that enable children like us to work and get an education simultaneously.

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 2)
- 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

- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.

- 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.

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)

2. Protection:

- 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.
- 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.
- There should be more child friendly institutions for children who have run away from home.
- 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.
- 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.

- 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.
- 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.
- 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.
- Every police station should have a 'children's desk' to deal with our issues. Specially trained police personnel must handle that desk.
- 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.
- Free legal aid should be made available to us at our convenience.
- Child marriage should be taken up as a major problem in all communities where it is prevalent. 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)

- 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.
- The Government should take legal action against doctors and hospitals that carry out female foeticide.
- 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:

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

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

Madurai Veeran, Vidiyal Vanavil Sangham

- We working children want quality education, which is recognised by the Government and the society. Not non-formal education.
- 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.
- All the childcare centres should work full day. So that our parents can go to work.
- 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, stationary, uniform etc) should be of good quality.
- Nutritious midday meals should be provided to children. It should be prepared in clean surroundings and should be distributed in a hygienic manner.
- 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.
- 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.
- There should be sufficient number of teachers and classrooms in each school. Adequate number of toilet facilities should be provided.
- In agricultural areas, information about agriculture should also be part the curriculum.
- 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.

- There should be lessons about the ill effects of Untouchability. The laws against Untouchability should be taught in the schools.

Health facilities:

- We should have access to good health facilities close to where we live.
- The hospitals should be open at timings convenient to us rather than being open from 10 am to 5 pm.
- Every hospital should have a separate section for children where children can also get counselling if required.
- 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.
- There should be counselling services for children who are mentally disturbed.
- The hospitals should be clean.
- All paediatric hospitals must have trained social workers.

Basic facilities:

- 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.
- 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 1

Names of the NMWC member representatives who compiled the inputs from all our member organisations and prepare this Alternative Report - 2003

Serial number	Name	Age	Gender	Organisation
1	Maduriveeran	16	Male	Vidiyal Vanavil Sangam
2	Ventakesh	14	Male	Indradhanush Sangam
3	Akbar	17	Male	Ele Nakshatra Sangha
4	Ramesh	16	Male	Ele Nakshatra Sangha
5	Govindaraju	18	Male	Hasiru Sngha
6	Dinesh	16	Male	Hasiru Sngha
7	Bindu	14	Female	Hasiru Sngha
8	Ramesh	15	Male	Hasiru Sngha
9	Harissh	14	Male	Hasiru Sngha
10	Antony	15	Male	Hasiru Sngha
11	Suresh	15	Male	Bhima Sangha
12	Aima	15	Female	Bhima Sangha
13	Sujatha.M.	14	Female	Bhima Sangha
14	Rekha. O	14	Female	Bhima Sangha
15	Anita	15	Female	Bhima Sangha
16	Pradeep Sagar.	16	Male	Bhima Sangha

The adult organisations that support the NMWC are:

Vidyal, Tamil Nadu
Cedar, Tamil Nadu
APSA, Karnataka
APSA, Andrapradesh
World Vision, Karnataka
World Vision, Tamil Nadu
Aragamee, Orissa
The Concerned for Working Children, Karnataka

Annexure 2

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

We, the National Movement of Working Children¹⁰, 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

1. 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

¹⁰ The National Movement of Working Children is a National Federation of working children's organisations and unions in India.

- 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 organisation's 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
- Where they do not exist, the Commission should help children form forums/organisations through which all children can share their problems; where all children can participate as equals.

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 Sahaya 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