

India's children: Where do we stand?

 terre des hommes
Help for Children in Need

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Introduction for facilitators:

Nearly 30 years after the ratification of the UNCRC, it is time to look back to see what progress has been made towards realization of child rights, what challenges have remained and where we go from here. In the spirit of children's right to participation, this booklet summarizes the findings of experts in different aspects of child rights and their perspectives on the course of action required. The booklet uses child-friendly language throughout. However, it would help children to understand the complex issues better if an adult facilitator could guide them through the various topics, with plenty of discussion, sharing of experiences and relating the information in the booklet to the children's own situation. Some suggestions for discussions have been included.

'India's children continue to challenge our conscience'
by Haq Centre for Child Rights, Report for Children by Mini Shrinivasan.

20th November, 2019



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Protecting our rights is the Government 's job

Our Government ratified the United Nations Convention on the Rights of the Child (UNCRC) in 1992. This meant that our Government made an international commitment to protect our rights. But even before that we have had a Constitution that promises to ensure that the rights of children are protected. Based on the Constitution and the UNCRC, our Government has made many laws, policies and plans to protect children.

So let us look at what the Government had promised, how far it has been successful in keeping these promises and what has come in the way of all children getting their rights. We will also look at which areas need immediate attention from Government and our society in general to make sure that all children have their rights.

This is what the Government is supposed to do :

Right from 1950, when we adopted our Constitution our rights were guaranteed. But people who wrote the Constitution of India were very careful to include provisions that were especially for children, because they recognized the need to protect young people. They also included a special article that speaks about making special laws for us children.

After signing the UNCRC, the Government had even more responsibilities towards us children. In making policies laws and plans that affect us, the Government has to keep our 'best interests' in mind always. It must also ensure that we do not face any discrimination because of our gender, our caste, our religion or for any other reason.

Also, these plans should come with enough money to make them possible and with enough trained people to make them work. For example, it is not enough for the Government to say that we have a Right to Education. There should be enough money made available so there are schools for all children. There must be enough trained teachers, head-masters, books, good school buildings, meals, sports facilities and everything that goes into making good schools.

This is what the Government has done so far : Laws, policies and plans

There is some good news and some 'not so good' news. The good news is that our Government has made many laws and policies that support the realization of children's rights. The 'not so good' news is that there is not enough money set aside to make this happen, not enough people trained to help children and Government is not looking carefully enough at what is actually happening to children. To take the example of education again, there may be enough schools and most children may be in school, but then the schools may not always give children a good education.

The first ever National Policy for Children was made in 1975. A new policy was made in 2013. This Policy very clearly says that all persons below the age of 18 years is a CHILD and must receive special attention. It guides the Government on what laws and plans are to be made for children.



Some of the good laws passed in the years since 1992 are:

- Prohibition of Child Marriage Act (PCMA), 2006
- Right of Children to Free and Compulsory Education (RTE) Act, 2009
- Protection of Women from Domestic Violence Act (PWDVA), 2005
- Commissions for Protection of Child Rights (CPCR) Act, 2005
- Protection of Children from Sexual Offences (POCSO) Act, 2012 (Amended in 2019)
- Juvenile Justice (Care and Protection of Children) Act (This was first enacted in 2000 and was amended in 2015).
- Child and Adolescent (Prohibition and Regulation) Labour Act 1986 (Amended in 2016)

Another 'not so good' news is that in some cases the Government has changed laws and made some things worse for children than they were before! The Juvenile Justice Act was amended so that children in the 16-18 age group can be now, after a mental assessment, be treated as adults if they have committed serious and violent crimes. If that happens, they may receive punishments that are normally given only to adults.

In the case of the Child and Adolescents Labour (Prohibition and Regulation) Act also there are some problems. In 2016, the Government has prohibited all child labour below the age of 14, but it added a proviso that children can work in family enterprises after school so that they can help their families. This is a dangerous thing, because it is difficult to be sure that the child is actually just helping and not being forced into labour. Also if you work for long hours after school, when will you play, read, sing, dance, meet friends, and all the other things that make your childhood happy?

In the case of the Right to Education Act, by defining free compulsory education for ages 6-14, the Act ignores the right of children below 6 to get a good pre-school education. Also the older child, over the age of 14 years is not included in the Act.

The POSCO Act was the first ever law in the country to deal with sexual abuse faced by all children- girls, boys and also those who may not be either girls or boys. This is what is known as the 'third gender'. This is a very important law to protect children.

The amendment in 2019 makes it possible for a person who rapes a child below 12 years to be sentenced to death. The minimum punishment is 20 years. Now this is something we need to seriously think about. Data shows that more than 70% of the persons who sexually abuse children are those whom they know, family members or friends or neighbours. If there is fear of the death penalty, family members may prefer to not report the crime, as no one wants to send

another family member to his death, even if they may want him to be punished for the abuse. So the effect may be that this horrible crime is not reported to the police at all.

So we can see that some of the laws have been changed without deep thought and discussion and have become less effective rather than more so for protecting our rights.

The National Policy for Children 2013, and the Plan of Action 2016 are documents that translate the commitment to child rights into actual details about how exactly the Government will work to support children in the realization of their rights. Part of the reason why this plan has not been as effective as it should be is that the different states are supposed to develop their own plans for children, and many states have been slow in developing these. However, this does not mean that the responsibility of the central Government is any less.

What has prevented the Government from doing its job?

1. A Muddle of Ministries

The main ministry in charge of all action for children is the Ministry of Women and Child Development (MWCD). All states also have departments to deal with child related issues. But just because there is a Ministry to look after the welfare, wellbeing of children, it does not mean other Ministries and Departments are not responsible for children or can ignore their entitlements.

Unfortunately, one of the problems has been coordination between ministries. For example, while the Ministry of Women and Child Development makes a plan of action for children, the Ministry that is concerned with housing does not keep children in mind when making schemes for providing housing to all citizens.

Another issue is that the Government focuses on punishing offenders who violate children's rights, but not enough on preventing such crimes, and on the rehabilitation of the victims of the crimes.

The Government itself sometimes seems not to be able to make up its mind about what children's behavior must be! For example, the age of consent for having sex is 18 years. This means sexual activity before 18 years is prohibited or is an offence, even between two young people below who know each other, or may even be in a relationship. So while they are not considered to be ready for sex, the children over 14 can drop out of school and work as adults. On the other hand, sex education is not encouraged for children of any age. Some of these things don't make sense when seen together!

On the issues of child marriage and child labour, the Government is seen to focus on different aspects at different times – sometimes on the problems of early motherhood, at other times on the child sexual abuse,



or sometimes on the importance of education. This makes it more difficult for the country as a whole to concentrate on a problem and solve it in a short period of time with concentrated effort.

First of all, do you know that there is no Ministry of Children? Doesn't make sense, does it, considering that one third of the country is children? We are lumped together with women, in the Ministry of Women and Child Development.

Secondly, various other Ministries also deal with issues that are important for us – one ministry deals with our education, another with our health and a third with our safety and security. Now unless all these ministries coordinate with each other there can be confusion. Worse than that, there can be lack of suitable action to ensure our rights.

Different Government documents have quoted different targets for the same aspect of child rights, so which one is supposed to be correct and against which one will the Government report progress?

A committee for coordinating all ministries related to children's issues was planned but has never been set up. The State and National Commissions on Protection of Child Rights are also supposed to coordinate all efforts towards realization of child rights, but no one seems to be very clear about what exactly the role of these commissions is.

2. Muddled information

Data means numbers and figures. For example, data on your class in school would mean, how many children, how many boys and how many girls, what are their ages, how many hours of teaching do you receive, what is the attendance of the students in the class, and so on. The Government needs to have a lot of good data on children so that they can make plans that will help all children to get what they have a right to. The data also helps the Government to see how successful or not any program has been. For example, if more children come to school when the mid-day meals are improved, then the Government knows that the mid-day meal scheme is successful in increasing school attendance. For this they need to have data about student attendance, as well as about which schools have done something to improve quality of mid-day meals.

One of the reasons that our Government is not able to ensure children's rights is that the data is incomplete or confusing. It comes from different sources, and is collected in different ways by different departments.

After collecting data, it has to be analysed and then decisions have to be made to improve matters if needed. Here too, there is a lot of confusion and overlap.



3. Not Enough Money

Our Government has a budget. This means that all the money collected by the Government in different ways is shared out for all the things the Government needs to do. It is generally felt that at the very minimum, 5% of this total budget should be kept aside for doing things for children. Our Government has never ever spent more than 5% on children and in fact every year they are keeping less and less aside for children. In 2008-2009 it was 4.8% and in 2019-2020 it is only 3.29%. In all sectors, budgets have been reducing while the indicators of progress are still not at all satisfactory. For example, 35.7% of Indian children below 5 years are underweight for their age.

4. What Happens When Our Rights Are Violated

The National and State Commissions for the Protection of Child Rights have been created so that they keep a watch on the implementation of rights of all children. These are also the bodies that one turns to if one finds any violation of child rights. These commissions do exist, but there are many problems in their functioning. The main problem is, the way in which people are appointed to these commissions. They are often persons who do not have the necessary qualifications. They are appointed because of their political connections. So they may be reluctant to make a big noise if they find that the Government is to blame for some violation of a child's rights. The people on these commissions are also often not experts in any particular aspect of child rights. This makes the commissions very inefficient.

There is also another problem. Laws relating to children's rights are often not carefully framed, and not enough money is put aside for implementing these laws. Besides, there are not enough people with the right kind of training to be able to make sure they are properly implemented.

5. Who Is Responsible?

Our elected representatives in state assemblies and central parliament are supposed to be the persons who will make sure that our interests and rights are protected. However, it is seen that in many cases, these representatives do not support our concerns strongly enough. As a result, many laws and policies have in fact become weaker and less effective than they were before. There is also no transparency in how decisions are made that concern us. That means that we are not given the reasons or the thinking behind some decisions that are taken. When promised actions are not taken for us, we have no idea why this has happened.

6. Involvement Of Civil Society

Civil society means individuals, including children, and organisations that are not part of the Government, but are actively involved in issues

to do with society. Earlier, Government used to involve civil society to participate in creation of laws and policies. For example, the Right to Education Act was discussed all over the country for many years before it was finalized. Children too have in the past been consulted on issues that affect them. This is rapidly disappearing and more and more, the Government takes decisions without the involvement of civil society. Further, the Government often gives funds to NGOs to run programmes for children, but does not regularly check if they are actually providing good services. So, on one hand civil society is no longer as involved in making laws or policies and on the other, Government passes on some of its responsibilities to civil society organisations without really seeing if they do the job well or not.

So What Does This All Mean For Us?

What we have discussed above are some of the major reasons why the Government is not able to fulfil the promises made to children. What needs to be done urgently is this:

- A re-look at all the laws and policies affecting children and changes where necessary
- Filling in the gaps in data and information about the situation of children through research and using this data for planning
- An honest re-look at existing Government programmes for children, so that they can be re-designed and improved
- Open discussion on children's issues, between Government, civil society including children, researchers and experts, so that everyone can cooperate and share their expertise
- Giving children's issues the highest importance in all policy making, and keeping enough money aside in the budget for fulfilling these policies

A lot has been achieved, but a lot remains to be done before we as a nation can say that 'every child has every right'.



Our Right to Education

Since 2000, that is in the new century, our country has had some remarkable changes in the situation of education. Nearly all children have access to primary schools, we have a modern curriculum, the Right of Children To (Free and Compulsory) Education Act, 2009 (RTE) makes education a fundamental right, and a huge amount of data on education (remember that word from the previous chapter?) is available at the click of a computer mouse.

But there are still some problems that remain:

Discuss:

What are the problems you see in elementary schools? What have you experienced yourself as blocks or challenges in elementary school?

- There are not enough teachers, supervisors and education officers
- Many teachers still teach in the old way, and are not able to take on modern methods of teaching that would help us to learn better
- Many children are in school but not learning as well as they can at their age
- Different kinds of discrimination still exists in school, based on caste, language, religion and gender, preventing children from developing as well as they should

We will talk about the early years before school in the next section. For now, let us look at school education

Elementary School Education

Elementary school education means Class 1 to 8. We all know the RTE Act which came into being in 2009. Since then the number of schools

has multiplied rapidly and enrolment of children in school has also gone up each year. Now almost 90% of children are enrolled in elementary school. But that does not mean that all problems are solved.

Here are some of those problems, which most of us have seen in school:

Discuss:

How many of you have gone to elementary school? What was that experience like? Share some good experiences, and some bad experiences.

- There are not enough teachers for the children who are in school
- There is not enough money available from the Government for all that we need in school, including enough teachers, books and teaching aids, libraries and laboratories, sports facilities, art and music teachers, and so on.
- Many children leave school after a few years, without completing even the elementary level. Children from SC and ST and Muslim families are more likely to drop out.

Even of the children who remain in school, many are not able to learn what they are supposed to in each grade. It is common to see students in Class 7 not able to read a Class 3 text book or do Math at a Class 3 level.

- Many children come to school from very poor families, and are not able to adjust easily to the school system. They may not be able to attend school every day, or they may have no one to help them with their homework. They may not understand the language of the school as they speak a different language at home. Our schools do not adjust themselves to help these students, but rather the school expects them to fit in or drop out.



- Teachers mostly teach in a way that makes it necessary for us to learn a lot of things by heart, instead of teaching us to think for ourselves. Many of the things they make us learn by heart can easily be found in books and on the internet. But we need to be taught how to find out information, how to make out if this information is genuine or not, how to use that information to solve problems or to study more about any topic, and how to deal with all the issues that may face us as we grow up. These things are usually not taught to us in school.
- Exams and tests also test only what we have learnt by heart. They do not test our ability to apply our knowledge, or to show how we are thinking about a particular problem or issue.
- Though there is a lot of technology now available to make learning more interesting and effective for us, this technology is often not used properly. For example, what is the use of an e-learning classroom if the teacher himself does not help us in using the material well and discuss what we have learnt? What use are computers if there is no one to teach us how to use them well and increase our skills?

With the increase in schools and enrolment, a lot of children who come to school now come from families where the older generation has never been to school. These children have many disadvantages:

Language: Most students come from homes where the school language is not spoken by anyone. Their home language may be somewhat similar to the school language, or it may be vastly different. Either way, it makes it very difficult for them to understand what is being taught and also to express themselves.

School Curriculum: Some of the things taught in school have nothing to do with the lives of most of the children in the class. For example a child from an Adivasi community may know a lot about trees and plants. But her knowledge is of no use in the classroom situation, and neither the teacher nor the other students even know that she has this knowledge.

Hidden Curriculum: Have you noticed that if the child of a poor labourer or rickshaw driver does well in the board exams, the newspapers all have his photo and interview? In a way this is a good thing, but in another way, it makes you wonder, do people think that most poor children are stupid, so it is something great when a poor child does well? Also, have you noticed that the teacher usually asks only some particular children to answer questions, or to sweep the classroom, or to help with the mid-day meal? Why them and not others, you may have wondered. In this and other such ways, some children are made to feel that they are in some ways inferior or different from others.

Secondary Education

Secondary education means Class 9 to 12. Since 2009, the Government has started focusing on secondary education. At the present time, 78% of children of 14-15 years are enrolled in the secondary level (Class 9 and 10), and 53% of children who are 16-17 years old in senior secondary level (Class 11 and 12). We saw before that more than 90% of children in the 6-14 age group are enrolled at the elementary stage. So where did the remaining go? You are right, they dropped out. In Class 9, you need to be able to do Math at a fairly high level, and also English. You also need to read and understand social studies and science textbooks in the school language. Many children do not manage to cope with secondary education because their early learning is very weak. Many cannot read with understanding, or do Math at the Class 8 level. Also, secondary education is not free, and the schools may be far from home. These are some of the reasons students drop out. A large proportion of dropouts at this stage are girls. They are more affected by the distance, as parents do not like to send girls far away to school. Girls also feel insecure, and find that there are no safe and clean toilets in the school. They are often made to take on many household and child care responsibilities, and also married early.

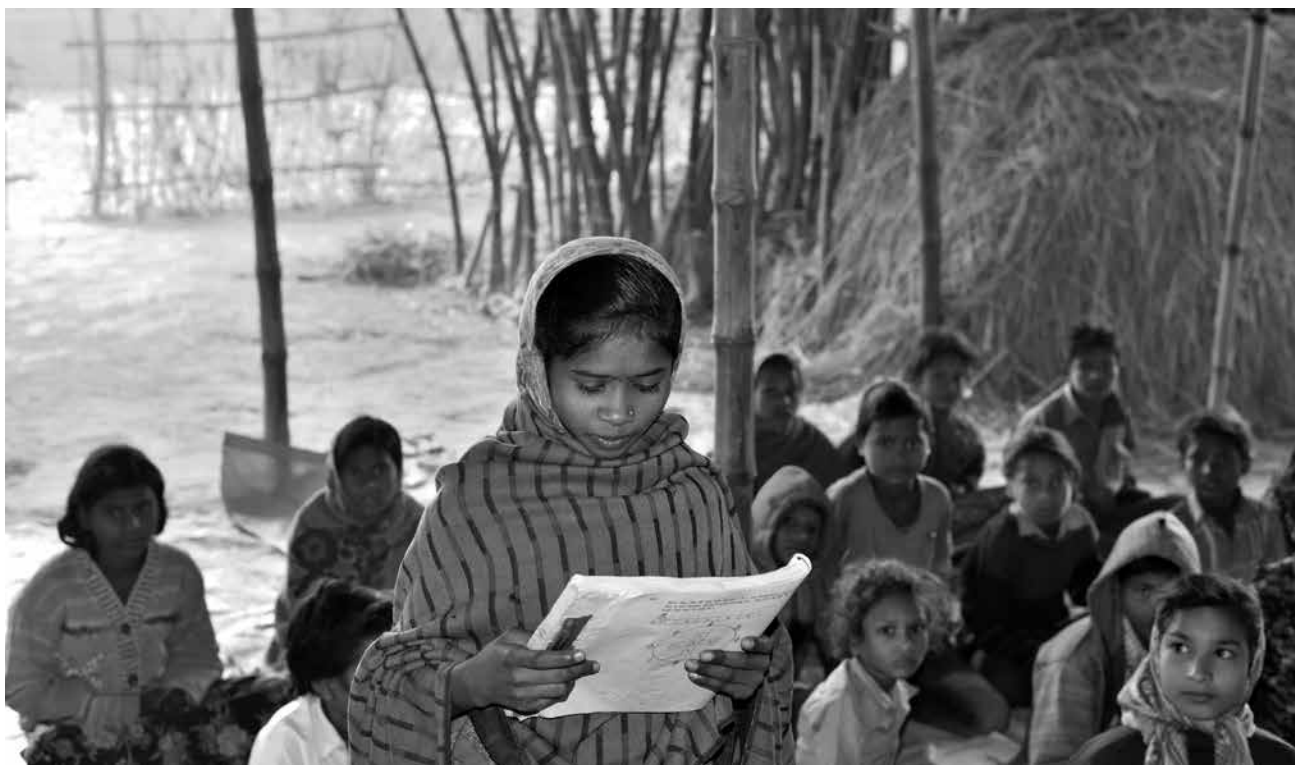
We all know that a great many children who drop out of school become child labourers, and we will discuss this issue in a later chapter.

The problems that we see in secondary school education are similar in some ways to those in elementary education, but different in other ways. Our needs as adolescents in secondary schools are different from the needs of children in elementary schools

- In secondary schools we need Science and Math teachers who are very good at their subject as well as being good teachers, because there are many difficult concepts for us to learn.
- We need science laboratories.
- We need good English teachers and plenty of opportunities to speak, read and write English.
- We need separate teachers for each subject.
- Our teachers need regular training so that they know about the latest developments in their subjects. They need good guides and supervisors to help them.
- Adolescents need to learn how to be independent learners and thinkers, to become good citizens and members of their communities and to learn things that will help them to look after a family and earn a living later on in life.
- These are the very things that are missing in many of our secondary schools. These are the reasons why students drop out, and also the reasons why many of those who complete the secondary level do not feel that they are ready to go on to higher education or enter the adult world with confidence.

Discuss:

What can be done?
What do Governments and other adults involved need to do to make the situation better? What do students need to do? What do parents need to do?



Making a Difference

Here are some ideas about what will help to make a difference to the situation of education for all children and help them to realise their right to a good education.

1. Every year, we see new schemes and ideas: Activity Based Learning, constructivism, CCE, are recent examples. The schemes come and go, and all of us, students as well as teachers, try to implement them but then something new comes along. Instead of coming up with new schemes and programmes every few months, the Government should follow one approach for several years. Everyone involved – children, parents, teachers and officials, should all understand the approach and support it. Only then will we see a change after a few years.
2. When a new method of teaching is introduced to make learning more effective for children, teachers need to see some schools where it is being done and working well. Only then will they try to change their own methods.
3. Teachers need to be able to make some decisions for themselves, not only follow instructions given by their superiors. They need to be trained well so they can decide how and what to teach, how to test children, how to help children who are not learning, and so on.
4. Just as students are expected to reach a certain level in each grade, teachers and education officials also should be expected to achieve something in their jobs. Those who do well should be given some reward and encouragement, those who don't do well should be helped to do better.



Before we go to School - 0-6 Years

Even before we all went to Class 1, some of us went to an Anganwadi, or Balwadi, or KG class, or something like that. Do you remember what that was like? What did you do there? Did you have fun? Were you scared? Did you miss your mother and your home?

Discuss:

Have you seen an anganwadi? What happens there? What is supposed to be happening there? Did you go to an anganwadi when you were little? What did you do there?

Those early years, from 3-6, are called the pre-school years, when we learn many things that help us to get prepared for formal education in school. And the years before that, from birth to 3 years, are when children also need to be looked after very well, and taught many things that will make them smarter and brighter. So the years from birth to 6 years are called the years of Early Childhood Development (ECD). These are actually the most important years for children, because this is when their brains are developing. Their brains as well as their bodies need to be very healthy at this stage, so that when they grow older they will be healthy and do well in school. This is also the period when they are most vulnerable to neglect and abuse and hence need care and protection.

Another thing that is important is that if we have some good place where little children are looked after, then their older siblings can go to school, and their mothers can go to work outside.

Let's take a look at those early years, and what children in our country need in those early years. And let's see if they actually get what they need or not!

- Around 30 babies out of every 1000 born, die before they are one year old. This figure has improved a lot, but is still a cause of worry.

- Nearly 40% of children under the age of 5 are malnourished. This means they are not getting enough food or the right type of food.
- Only 62% of babies get all the injections they need to immunize them against many diseases.
- There are only 916 girls for every 1000 boys, though an equal number of girls and boys are born. This means girls are not allowed to be born or die in larger numbers than boys due to neglect.
- Mothers are often very young when they have children, not healthy themselves because of lack of access to nutrition, which results in unhealthy babies.
- The progress is not the same across the country. In some states, the situation of the youngest children is much worse than in others.

These are some of the sad facts about the children below 6 years in our country.

Why does this happen?

You are probably thinking, everyone seems to love little kids and babies, then why are these things happening? There are many reasons, all connected to each other. Let us look at some of them.



Poverty: The issues that face young children are often the result of poverty. In poor households, there is less food for the mother, therefore the baby is less healthy. There is also less food for the young child when she is ready to eat. Poor households also may have unsafe drinking water and bad sanitation, which makes young children fall sick. Besides, as the mother is burdened with a lot of work, the baby may receive less breastfeeding and general care that she needs to thrive.

Families in rural areas children who live on the streets or in conflict areas also have less access to health care facilities.

Gender: The preference that many people have for boys means that girls get neglected during the important years of early childhood. They may get less breastfeeding and solid food, and are less likely to be taken to a doctor when ill. In some cases, the girl child is killed off while she is still a foetus.

Changing family situations: As more and more people migrate away from their rural homes to look for work, young children are deprived of the care that can be provided by larger extended families, uncles, aunts, grandmothers and grandfathers. Sometimes the only one available to look after the little baby is the older sibling. This deprives both of them of good care and development opportunities.

Lack of child care facilities

There is a shortage of good child care centres where children can be safe and taken care of when the mother has to go to work.



Around 68% villages and urban bastis have Anganwadis. Anganwadis are supposed to provide health care, nutrition and immunization for children from 0-6 years and for children from 3-6 years, a centre for pre-school education. This means that before they go to primary school, their bodies and minds, their thinking skills and language, all develop well, so that they can easily learn what is taught in Class 1. For this they need plenty of toys, activities, opportunities to sing and dance, handle different kinds of materials, and chat with their friends and teachers. But in many Anganwadis, most of this is not happening. Creches are also not available for a majority of young children whose mothers need to work outside the house.

What needs to be done?

There are a few very clear actions that would immediately make the situation of young children improve:

1. The entire age group of birth to 6 years, and within it the various stages, like birth to 6 months, 6 months to 3 years, and 3-6 years must be recognised as the most crucially important years of a child's life, both for her well-being as well as the health of our society.
2. The rights of the young child and the mother must be seen to be interconnected. If we are to have healthy and well-developed citizens, then we must make sure that mothers are healthy and cared for.
3. Centres that provide child care for babies whose mothers go out to work are a must in every community. These centres must provide not only good food, immunization, and clean atmosphere, but also stimulate the little child so that his or her body and brain grows and develops well.
4. These centres must also provide good pre-school education to children in the 3-6 age group so that enjoy their early education and their brains and bodies are prepared for formal education in school.
5. Different Government departments need to work with each other so that the services for young children are coordinated.

Besides this, there is an urgent need for us as a society, as well as our Government, to understand that the care of a young child is not only the mother's responsibility. The whole family and the community are responsible. This means that everyone needs to understand more about the important developments that take place when a child is young, and how to help this development at home and at the centre. The Government needs to make this information available to everyone through training and through media.

It is said that "If you change the beginning of the story, you can change the whole story." So if we can give the youngest children and babies a good background of health, nutrition and education then our whole country can become healthy and intelligent.



Our Health

Discuss:

What are the differences in your own eating habits and those of your grandparents? How could this affect your health?

Note:

Some simple graphs have been included below, which should be easy for children to interpret with help. Help them to understand these with discussions and questions

First, the good news: Since our country became independent, in 1947, to today, the health of Indians has improved a lot. In those days, out of 1000 babies that were born, 150 used to die before their first birthday. Now, 30 out of 1000 die before they are one year old. And in those days, most Indians died before they turned 40, while now most Indians live until they are 70.

Sadly, while economic development has brought many good things, it has brought in some problems too. How people spend their money has changed what they wear and what they eat. Children now eat more packaged food, as we all know! So although children may be eating more in quantity, they are eating less healthy food. In some cases, a child may be quite plump or even overweight but be malnourished. Strange, right? 40% children in India are malnourished, one in five children are overweight! All these overweight children are not healthy children.

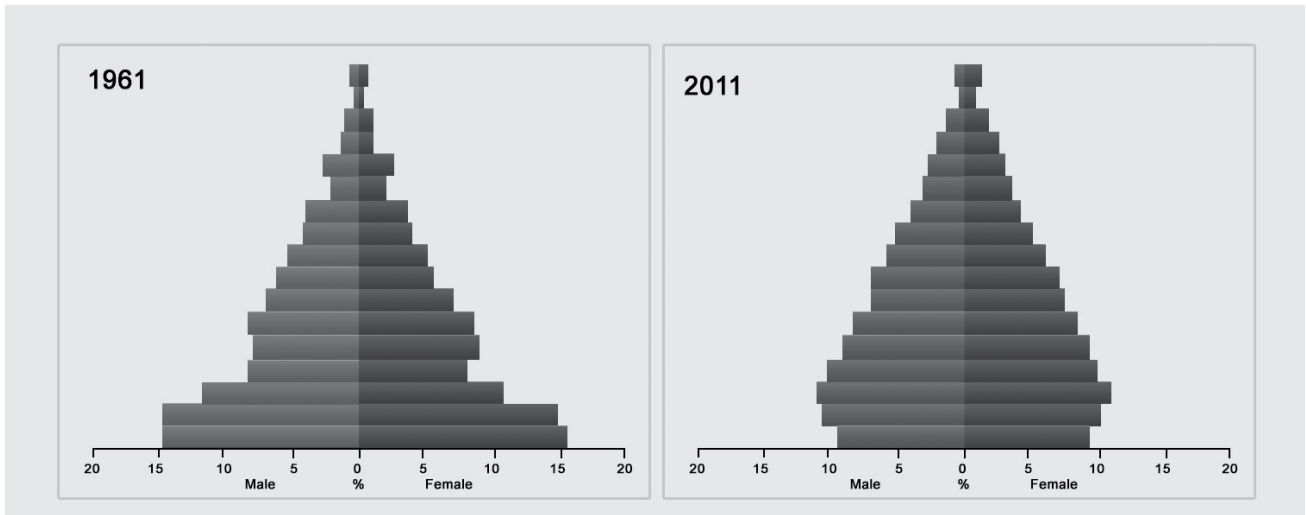
Let's first look at something very interesting: In the past 50 years, two different things have happened. One, women have less children than they used to. And two, children survive at a higher rate. This means that the composition of our population has changed.

Pyramids are a good way to show the change in population.

In 1961 for example, our 'population pyramid' looked like a regular pyramid. The base of the pyramid was broad (meaning many children born) but the top was sort of pointed (many children died at a young age, so there were fewer adults). But by 2011, you can see how the shape of the pyramid has changed.

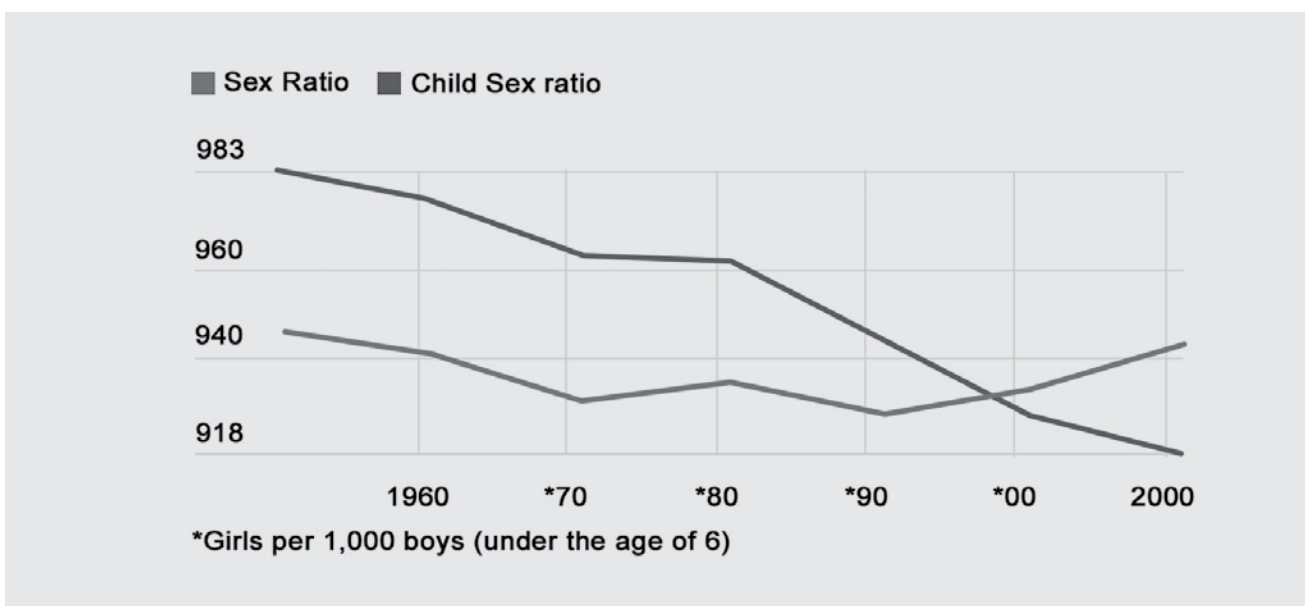
Even if less children are being born, more of them survive, so there are more adolescents, making the lower part of the pyramid fatter and the upper part less pointed. Look at the pyramids shown below and discuss what this shows.

Figure 1 : Population Pyramids in India 1961 and 2011



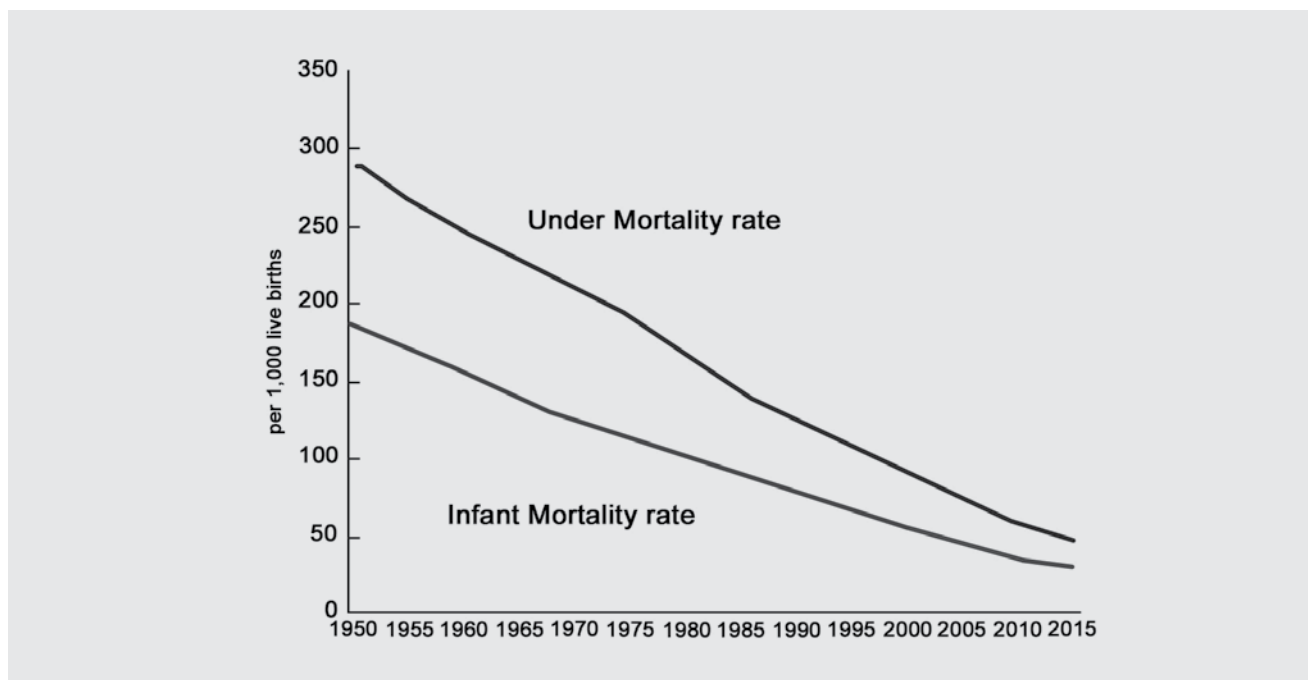
While we can see that more children are alive, it is so sad to see from the graph below that the population of girls is declining compared to boys. Though an equal number of girls and boys are born, people often prefer boys to girls and therefore either neglect girls so that they die early or even kill girls when they are still in the womb.

Figure 1 : Declining Child Sex-Ratio*, 1951 to 2011



Now here is a graph that should make us a little happier. This shows us that the number of children who die before they are 1 year old (Infant Mortality Rate) and before they are 5 years old (Under 5 Mortality Rate) has steadily reduced. Of course, this is the all-India figure. In some states the situation is much worse, with more children dying early. Also, the situation is worse for poorer families, and Dalit and adivasi (SC/ST) families.

Figure 1 : Declining Child Sex-Ratio*, 1951 to 2011



This progress in reducing child deaths is mainly due to reducing childhood diseases through immunisation, that is, giving children injections and medicines so that they do not get diseases (like polio drops and vaccinations). However, issues like clean drinking water, overall sanitation, availability of good food and education of mothers, still need to be improved if we are to make sure that this rate reduces to nearly zero. And of course we must always remember that as long as people favour boys over girls, girls will continue to die at a greater rate, and be less healthy than boys.

Discuss:

What diseases do babies and children most often get? Let children share their experiences of illness in babies children in their family and community

Common Childhood Diseases

Diarrhea, Tuberculosis, Malaria, Vitamin A deficiency resulting in blindness and sometimes death- these are the most common diseases affecting children. Apart from this, there are epidemics like forms of encephalitis which occur in different parts of the country. All these diseases affect children from poor families much more than others, because they may live in unhygienic conditions, and may not get the health care they need.

Malnutrition

We talked about malnutrition earlier. A variety of things affect the nutrition level of children, starting from the health of the mother, her level of education, the surroundings in which the child lives, the food that is available to the child, the overall health facilities he or she gets and other factors. Malnutrition leads to stunting, which means the child does not grow as well as he or she would if properly nourished. In this too, children from dalit (SC), Adivasis (ST and OBC) families suffer more than others, and girls more than boys.

One of the big gaps in about children's nutrition is that few people - today recognise and acknowledge what communities traditionally eat and feed their children. There is a need for building on traditional food and helping them to improve these traditional meals. Instead, more commonly, nutritious food is provided to them through the Anganwadi for example, and this ready-made food may not be liked by the children so it is wasted. Another problem in recent times has been that state Governments have taken a random decision on nutrition given in Anganwadis and schools. For example, children have mostly loved the boiled eggs given three times a week in some states, and of course eggs are very good for children. But these eggs have been stopped only because someone at the decision making level thinks that everyone should eat only vegetarian food!



The Health of Adolescents:

Sex and Sexuality

As you saw in the population pyramid above, the proportion of adolescents in the population is increasing. Adolescents means children and young people in the age group 10-19 years. The health issues affecting this age group are of course quite different from those of younger children. Apart from good nutrition and health services, children in this age group need guidance to understand and accept their sexuality.

In India there has been resistance on the part of the Government to address this need. It is seen as a westernized concept and something that will encourage adolescents to become sexually active. In the west it has been seen that this kind of sexuality education has helped young people to better manage their lives and relationships, but in India this is not yet recognised by the Government.

And yet the reality is that, though the law says that girls cannot be married before they are 18, under-age marriage is wide-spread. This also means that they are sexually active. This affects the girls' health mainly because of early motherhood. And early motherhood also affects the health of the new-born child, making this a vicious circle.

So we have this strange situation where adolescents become aware of sex early, often have their first sexual experiences before they are 18 and in the case of girls are often forced to have sex due to early marriage. But on the other hand, there is no way for them to get proper information about sex and contraception, or to discuss and form values about healthy sexual relationships.





Mental Health

Mental health is almost always understood as ‘madness’ and therefore stigmatised in our society. This is very tragic because that means children with mental illness are hidden away or even abandoned. They receive no treatment or support. If they did, they would be able to lead a normal or at least near normal life.

This is an area that needs more attention: Depression, anxiety, lack of concentration in school work, and even suicide, are becoming more common. There is a need to recognize this problem and provide adolescents with counseling services for themselves and their families

Addiction

Inhaling addictive substances, alcohol, gutka, smoking tobacco and other substances like ganja – these are becoming more and more common. Adolescents need help and guidance to fight these addictions and health services to take care of the associated health problems. It is addiction that often leads them to other things, including crimes.

Overall the recognition of the specific health problems of adolescents is only beginning and there is a long way to go on this.

For younger children, the Anganwadi or ICDS programme is the biggest health monitoring and nutrition support programme. There is also the Rashtriya Bal Swasthya Karyakram for screening children for birth defects, diseases, deficiencies and developmental delays.

However, the spread of these services needs to be increased, with more focus on the SC and ST communities, where the problems are more severe.



Child Labour

Until about 50 years ago, children were expected to take on many adult responsibilities. Child labour was not only common but also accepted, especially for poor children and children from backward castes. Only in the past five decades, we as a society have realised that child labour deprives children of their basic rights. Besides, it is now understood that child labour is on one hand the result of poverty and inequality, but also itself results in more poverty and inequality.

India has many laws related to child labour, but they have not been very effective. India has also ratified the UNCRC and the two ILO Conventions concerning the elimination of child labour. However, from 1981 to 2011, there has been only a 27% decrease in the number of child labourers below 14 years of age. According to the 2011 census, over 10 million children below 14 years were involved in some form of child labour!

Laws that help us, and laws that don't :

The most important laws that help to eliminate child labour are: The Child & Adolescent Labour (Prohibition and Regulation) Act 1986 amended in 2016, and The Right of Children to Free and Compulsory Education Act of 2009. There are many other acts related to labour that also ban child labour. Basically child labour in all forms is banned for children below 14 and in dangerous occupations for children below 18.

Recently the Child Labour act was amended to make it possible for children to be employed in family run businesses and the entertainment industry, if they also attended school.

Discuss:

How does child labour perpetuate poverty and inequality?

Although the amendment banned child labour below the age of 14 in all occupations, it left a loophole. It continues to allow children to work with their families in traditional occupations, as long as it is after school and does not affect their education. This sounds reasonable, but is a dangerous amendment for two reasons: one, the word 'family business' can be used to take advantage of cheap child labour by pretending the child is a close relative, and by showing on paper that he or she attends school. Also, at a family level, especially in remote rural areas, there is no way Government officials can keep an eye on the child and see if he or she is being exploited.

Secondly, if a child is working long hours after attending school, it still deprives the child of the right to play, to relax, to read, to do all the other things that are just as important as school education for the healthy development of children. And a child working after school or on holidays also has less time to do homework, prepare for exams, and so on and so he or she may do badly in school and finally even drop out of school.

The worst thing is that this amendment may result in children working in traditional caste-related occupations that the family may not really want to continue for future generations. For example, families would



not want to have their children working in occupations that are not very good sources of income or are unpleasant, like cleaning toilets or handling dead animals.

Thirty years after the UNCRC, the new Government elected in 2019 needs to show its true commitment to children and to social and economic equality by ensuring that child labour in all forms is banned and that children are given a good free education, right from preschool to secondary education. Only then can all children fulfil their potential and dreams and not be tied down to the same occupations, poverty and lack of freedom that their community and family have faced for generations.

The amendment also allows children to work in the entertainment industry. All of you must be watching children in films, serials and in live shows. However, the law lays down conditions for children to be working in these industries.

The sad fact is that there are many children who work in the traditional entertainment industry- such as street performers, singers, acrobats etc. This law leaves them out from its definition of entertainment.





Staying safe: Child Protection

What is Child Protection?

We all know that children need to be protected. And we all know that in many cases they are not. But how are children to be kept safe? How are they to be protected from harm, violence, abuse, exploitation? Child protection means the thoughts, policies, laws and services that try to prevent all forms of harm to children and respond to children who may be exposed to harm. The right to protection is the basis of all other rights – no other rights can exist unless children are protected from harm.

What we need to remember here is that when we say children are not safe- we mean safe from physical, mental and sexual harm. We must also admit that although families and communities are where children are the safest, these are also where may children face violence and exploitation.

Laws that protect us

The Constitution of India guarantees children rights as citizens, as well as special protections and rights for their special needs as children. The UNCRC is another important document that helps children to get laws that protect them. Important laws and policies that help protect us are:

- The Juvenile Justice Act of 2000 which clearly defines the child as all people below 18 years, and looks at issues facing children in need of care and protection, as well as children who may have broken some laws themselves. We will be discussing these children later on.

Discuss:

In what ways are children open to being harmed?

What are your own experiences, or those you have heard of?

What do you think would help to keep children safe?

- The creation of a new ministry created especially for women and child development in 2006.
- The Integrated Child Protection Scheme introduced in 2009 which makes it possible to create a protective environment around children, by setting up community level protection committees.
- The Prohibition of Child Marriage of 2006.
- The Protection of Children from Sexual Offences Act 2012.
- The Child Labour Prohibition and Regulation Act which was amended in 2016.

However, all these laws and policies still do not protect us well enough because enough budget has not been set aside for implementing them. This means there are not enough facilities and well-trained people to make sure that these laws actually work for us.

Civil society, that is non-Government agencies and organisations like Childline have been very active in creating awareness and also providing services for children in need of protection. HAQ Centre for Child Rights has been active in advocacy, especially for bringing children's issues into focus for budgeting.



Some road blocks on the way to protection

It is somewhat easy to have facts and figures about things like education and to plan budgets. We can find out how many children there are, how many schools they need, how many teachers, etc. and make budgets for them. But protection is a matter of preventing something. It is hard to have data like: How many sexual attacks against children may happen or how many children may be kidnapped and trafficked. This is one of the reasons it is hard to get Governments to put aside the money needed to protect children and prevent such things from happening.

The data that we do have tells us some sad truths:

- Crimes against children, including rape and sexual abuse, have increased.
- 27% of girls are married before they are 18 years old.
- Drop out rates in secondary school are still high.
- The numbers of young unskilled people entering the workforce is increasing.

Another fact to consider that some of the changes to laws that were made to supposedly protect children may actually result in making them less safe. For example, punishments for rape of minors were made much more harsh, including death penalty for rape of girls below 12. Data on child abuse shows that more than 70% of the times these crimes are committed by someone know to the child. So the family may bring pressure on the child not to report the crime to anyone outside the family as they do not want the person to be hanged. So making the punishments more harsh may actually have the opposite effect. Children themselves feel guilty that they have sent someone to death. They want the abuse to end, but do not want the abuser dead. That is why they feel the need to withdraw their complaint and the abuse gets away with it, which is a terrible thing.

The fact is, when we see so many children suffering, we are angry. And we say we want the 'rapist hanged'; the 'killer hanged'. We are right to be angry and emotional. But it is equally important to know that studies all over the world have shown that hanging the offender does not reduce crime. It is only 'guarantee of prosecution' – that means quick arrest, trial and punishment based on rightful conviction - that reduces crime.

Another big problem is that there are protection services at state and district level, but rarely at village or community level. A child in danger or a child being harmed in a remote village rarely has any way to approach an agency that would help her or him. The concept of Village Child Protection Committees has been launched, but is not actually happening in most cases.

Discuss:

Do you have a child protection committee in your village or community? If yes, what do they do? Has it helped to keep children safer than before?

Most of the laws that are made tend to be about how to make punishments harder for people who commit crimes against children. But isn't it better to prevent these crimes in the first place? This can only happen if there is properly trained staff as well as an aware active community participation at the local level, in the village or community. For this there needs to be funding and training, which is not available at present.

New issues in the new century :

In the modern world of internet, some new issues have come up, where children are exposed to new types of dangers. More than a million children in our country have mobile phones. Children are less able than adults to recognize false information. They can more easily be tempted to share their private information and photos with strangers. This exposes them to risks like on-line bullying, sexual exploitation and cheating. More education and awareness needs to be given to children to make them safe from this kind of abuse.

The internet also exposes children to all kinds of visual sexual content, and they need help and guidance to deal with the thoughts and feelings that this arouses in them at an early age. Sex and sexuality education are still not available to most children, but are very necessary so that they can approach these issues with some balance and with respect towards each other.

Addiction to alcohol and drugs is also on the rise amongst children, which poses a grave threat to their health, and mental and emotional development.

While much has been done on the legal side to make children more safe, much remains to be done on the implementation side before we can really say that children are well protected in our country.



Children in Conflict with the Law

On the other side of this picture, we have children who themselves break the law. Out of over 470 million children in our country, only 1.2% break the law. The rate of crime has increased in the past ten years by nearly 38% among children and 43% overall.

The most common crime that children commit is theft and burglary. The media has attempted to make it look as if serious crimes like rape and murder are increasingly committed by children. But if we look carefully at the statistics, we find that in a majority of so called rape cases, the reality was that it was sex between two young people below 18, which the law considers rape. Besides, the POCSO Act has widened the definition of rape so that more crimes come under this definition.

But due to this media bias, after the Nirbhaya case in Delhi, the JJ Act was amended so that children in the 16 to 18 age group can be treated as adults if they have committed serious crimes like murder or rape.

Science tells us that until the age of 18, the still-developing brain of children is open to being easily influenced by others, and is not yet capable of taking decisions in a balanced way. The chances are high that the serious crime has been committed along with an adult. There is no data on this important point. Children in the 16-18 age group are also more likely to take risks, due to their immaturity. Even though children between 16-18 commit maximum crimes among children, they are still only about 0.5% of the total crimes committed.

This is why we consider that children below 18, even if they have committed serious crime, need to be counseled and guided so that they do not enter a lifetime of crime but can become better human beings after a period of milder punishment. The amendment to the JJ Act therefore goes against children's rights and the UNCRC.





Children with Disabilities

The biggest problem that children with disabilities face in India is that they are mostly invisible. When most people think of children, they think of the so called 'normal' children. If they do think about children with disabilities at all, then it is usually in a pitying way. "Poor thing, she is handicapped" is how people often think of a child with disabilities. Yet if you notice, we are saying 'CHILDREN with disabilities', not 'disabled children'. They are children first of all. Disability is only a part of their identity. We need to keep that in mind when we speak of children with disabilities. Any one of us can become disabled tomorrow due to some illness or accident.

Because many people are not aware about children with disabilities, they do not realize that mostly they are hidden away, neglected, and denied their basic rights like health, education and recreation. The very fortunate among them may go to special schools, but that still keeps them away from being a part of ordinary life of society.

Apart from this, some of the issues they face are:

Denial: Many times the adults in a family refuse to accept that their child has a disability. This happens especially to children with an intellectual disability. If no one is willing to accept that the child has special needs, then she will not get the treatment, support and development opportunities that she needs.

Superstitions: In many families and communities, the birth of a child with disabilities is seen as some kind of curse that can be cured by performing rituals. Sometimes these rituals can be painful and

Discuss:

What types of disabilities are you aware of? Which children do you know who have disabilities? What kinds of problems do they face?

frightening for young children. Sometimes they can be downright cruel and harmful.

Abuse, Exploitation and Violence: Children with disabilities are more likely than other children to be sexually abused, because they may not be able to move fast to avoid the abuse, or to express themselves well to report the abuse. Particularly for children with intellectual disabilities, it is difficult to get a statement from them that would help to catch and punish the perpetrator.

Such children are also more likely to be exploited for labour, as they have fewer opportunities for education than other children do.

Children with disabilities are 4 times more likely than other children to be killed. Most often this is by a member of the family, who may do it out of frustration at not being able to handle their needs or from a false sense of pity for the child.

Educational opportunities: Three-fourths of the children with disabilities at the age of five years and one-fourth between 5-19 years do not go to any educational institution. The number of girls without access to education is more than boys. All Government education programmes like Sarva Shiksha Abhiyan and Rashtriya Madhyamik Shiksha Abhiyan include special provisions for children with disabilities. However, trained teachers are just not available to provide the services they need for the different types of disabilities. As a result even if they are enrolled in school, they may not actually be getting a proper education. Besides, they are often beaten, insulted and bullied by teachers and other children if they do go to school.



Health: Many children with disabilities need special health services for particular health problems associated with their disability, as well as special equipment like hearing aids, visual aids or wheel- chairs. These are not available for most children, particularly in rural areas and for children from poor families. In fact they face a vicious cycle of disability and poverty, because the poor health of the mother may result in disability which is then made more severe because they do not get the health services they need.

Accessibility: If you look around you, you will see how hard it would be for a child with physical disabilities to get around and try to lead a normal life. Right from using the toilet, to going to school or college, or going to a see a movie, neither the buildings or roads nor the transport systems are at all suitable for a person who has difficulty in walking or is in a wheel- chair. Naturally this restricts that child's life in so many ways.

Things are further complicated because their issues are handled by different ministries, like the Ministry of Human Resource Development and the Ministry of Social Justice. Many times, the needs of children with disabilities fall in the gaps between these ministries. So life is very hard for children with disabilities as our society is not at all geared to accommodate them.





Children affected by Armed Conflict

In our country, as in other parts of the world, there are a few areas where people are fighting with the Government or with each other, about something that they believe is their right. We don't want to discuss the right and wrong of that here, but think about what happens to children who are caught in the middle of these conflicts. Imagine a life where all around you, fighting and killing is going on. What a terrible life that must be!

The reality is very tragic: children who grow up in an area of conflict are denied the most basic rights. Their education is affected as schools may be closed, or taken over by armed groups, or it is too unsafe for students and teachers to go to school. Health services may be non-existent. Food may be in short supply. Children may also be forced to help the militant groups, even made into child soldiers. They may become victims of sexual abuse. And certainly they would be affected psychologically because of constant fear and insecurity.

The United Nations has created the Special Representative of the Secretary General specifically to focus on the issues of children affected by armed conflict. Internationally such children are a focus of concern through the UNCRC and the Geneva Convention. These and other laws have provided a lot of rules for the protection of children in conflict areas. Under the JJ Act too, children who are victims of or affected by armed conflict, civil unrest or natural calamities are considered to be in need of care and protection.

Discuss:

In what way would an on-going conflict around you affect you as a child? Think about education, health, recreation, safety, family relationships, etc.

Let's take a look at in which parts of our country children are affected by conflict. Look at a map of India to see where these areas are.

Jammu and Kashmir: The conflict in J&K has been on-going for many decades now. Most children in the valley have never seen a time of peace for many years. Schools open for a few days and shut down again. Even when they are open, children may not feel safe to go to school. Children have been hurt in gunfire between the militants and the army, and also hit by pellets which the army uses against ordinary people who are not armed but are protesting by throwing stones. Children, especially boys, have also been encouraged to join the militant movement, inspired by some fighters who have been looked on as heroes by the people, and also in anger at the things done by the army.

Maoist Conflict: Children have also been caught up in conflict between armed Maoist groups and security forces across several districts in central and eastern India. While the Communist Party of India (Maoist) is the best known, there are a number of other splinter groups. The media refers to them as Naxals, Naxalites or Maoists.

While the violence has declined slightly since 2018, HAQ: Centre for Child Rights has previously reported that children in the areas of Maoist conflict in Jharkhand and Chhattisgarh have suffered in many ways, including killings and sexual abuse. Dalits and Adivasis are particularly impacted in the Maoist conflict.

According to media reports, Jharkhand police estimate that over a 1000 children may have been abducted or volunteered to join the armed groups as fighters or to serve as informers, porters, cooks or messengers. In May 2018, the UN Secretary General submitted findings to the Security Council saying, saying that there are continued "reports of the recruitment and use of children by armed groups" in Chhattisgarh and Jharkhand.

One of the effects of these situations is that schools remain closed, sometimes being taken over by the armed groups, or destroyed by them. Health facilities are not available for children in these areas, and fear becomes a part of their lives.

Conflict in the North East: In the states of the north east, where as many as 350 different tribes and communities live, there are many groups fighting each other or the Government for economic and social causes. This has been going on for many years. Incidents of violence in the states Manipur, Mizoram, Meghalaya, Nagaland, Assam, Arunachal Pradesh and Tripura have reduced in recent years. However, decades of violence has had its effect on children, including in attacks, being recruited as soldiers, killings and arrests by security forces and of course due to school closures during strikes.

An ongoing effort in Assam to weed out illegal immigrants – the National Citizenship Register, added to the problem, as nearly 4 million people were not able to prove that they were citizens. Many, including children, ended up in detention centres.

In Conclusion

When adults use war and conflict as a way to solve their problems, they forget that children are the worst affected. It is important for Governments to think about the impact on children when they deal with security issues. The UNCRC and the Geneva convention, along with other laws, can help to reduce the impact on children if carefully followed. India should also consider endorsing the Safe Schools Declaration, a political commitment for countries to take concrete steps to make students, teachers and schools safer during times of armed conflict. Children do not choose to be part of a conflict, but they are the worst victims. Governments must place the security and development of children first when they think of security issues.





Children and the Media

What kind of news?

You may have noticed that most of the time, when there is any news about a child in the media, it is something sensational like a murder, kidnapping or rape. During the year from September 2017 to September 2018, the writer of this article looked at children's news, and found something interesting: The news items that were covered were about rape and murder of children, and about the low levels of learning in schools that a study found. Only the good work done in the Delhi Government schools was highlighted. The starvation deaths of children in many states got very little coverage. Two very important changes in the law, one in the RTE and one in the JJ Act, got coverage but no analysis. Mostly the journalists were quite positive about new laws that actually went against children's rights! In this and in other cases, children's opinions were never asked, only adults.

How much news?

A study in 2007 looked at 431 hours of news time on a number of Indian TV channels. The found that less than 3.6% of the time was for news about children or children's issues. Even out of this, many of the news items had come from international sources. Children living in rural areas got less news time than urban children. In the national and Hindi channels, there was very little news about children from non-Hindi speaking areas.

Note:

Collect several newspapers of the day or last few days. Let participants look at them and mark in red any news that concerns a child or children's issues in general. Discuss how many such items there are as a proportion of the total newspaper, and what these articles are about

In 2018 the situation had not changed much. In fact, in some ways it had become worse. News continued to be more about sensational issues and not about issues of basic rights violations that actually affect most children. Policy decisions affecting children got very little attention. Adults remained the focus of news, even where children were affected. For example, even though 59% of trafficked persons are children, the news was mostly about adult trafficking.

Does the law protect us?

The International Federation of Journalists developed guidelines for its members about what to keep in mind when reporting news or showing pictures about children. The guidelines say that news and pictures about children must be shown in a sensitive way, and not make it sensational. Journalists must think about what effect that news may have on the children concerned, and also give those children a chance to express their own opinion if they so wish.

In 2012 the High court of Delhi also approved some guidelines for reporting about children, which are in line with those stated above, and also emphasize that a child's right to privacy must be respected. It is also against the law to mention the name and personal details of children who are either victims of crimes or have committed crimes themselves.

But it has been seen that these guidelines are often ignored.

Other problem areas :

- Entertainment media do not always adhere to ethical guidelines.
- Very few journalists report regularly on children's issues of development, deprivation or child rights violations, the way they do on, for example, fashion or crime.
- Mostly sensational stories are reported and are related to an incidence or a crisis.
- Very rarely is a children's issue followed up consistently for a long time.
- Children's issues tend to be in magazine sections of papers and are not considered hard news.
- Covering social issues and children's issues is not considered glamorous for journalists who want to make a career for themselves.

New media

Digital media gives us some hope for better coverage of children's issues. As it is cheaper to produce, they can spend more money on getting good reports on social issues. While a lot of 'fake' news too gets circulated on the internet, yet there is a lot of scope for important children's issues to be highlighted.

Children's access to media

Article 17 of the UNCRC speaks of the importance of mass media and states that children must be able to get news and information from different sources and that it is the responsibility of the Government to see that this is happening.

From your own experience you would know that this is not really happening. Children's news channels are mostly about cartoons and entertainment, very few are informative or about news. Children's newspapers are almost totally absent. Children have to get their news from adult newspapers and news channels, which is not at all easy for them to understand.





Ecological Rights of Children

When we talk of children getting their basic rights of survival, protection, development, and participation, we take it for granted that these rights can only exist if the environment around them is a healthy one. The environment refers to natural as well as social environment. In this section we will refer more to the natural environment.

The UNCRC does not specifically mention the ecological rights of children. However, it recognizes the link between healthy growth and development of children and the environment around them. There are many references to the environment in different articles of the UNCRC, for example those related to health and education.

In the 30 years since the adoption of the UNCRC, the natural environment has become a lot worse. With climate change, frequent natural calamities like tsunamis, earthquakes, hurricanes, floods and droughts, children and their communities have suffered all over the world. Air, soil and water pollution too have been increasing, affecting health and growth of children. The children from poor and backward regions and communities are the worst sufferers.

Another problem has been the exploitation of natural resources for commercial gain. Deforestation, over-mining, over-fishing have all contributed to making the earth a more unhealthy environment for children.

But on the other hand, awareness of the causes for the destruction of the environment has also risen, and people also have a better understanding of how to improve it.

Children's ecological rights in India

A World Health Organization report of 2018 says that India has the largest number of children dying due to air pollution among all the countries in the world. More than one in every 4 deaths of children under 5 years is related to an unhealthy environment and poor sanitation. Chemical pesticides and fertilizers are another source of illness and death amongst children.

In spite of rapid economic development, more than 38% of children in India are stunted, which means they are shorter and smaller for their age than they should be if they are healthy. This is due to shortage of nutritious food and unhealthy environment.

Let's look at some examples where environment has affected children:

In the 1970s, the Kerala Government used to use a pesticide called Endosulfan on cashew plantations. It was later found that Endosulfan was a deadly poison for humans and animals. Thousands of children have suffered from the effects of this, including children born with deformities because their mothers were affected when pregnant.

In the cotton fields of Gujarat, Andhra Pradesh, Karnataka and Maharashtra, many children and young people are employed. First of all this affects their education and development. But besides that, they have also been poisoned by the pesticides and fertilizers used in the fields.

Another example is the river Noyyal that passes through Tirupur and Coimbatore. The textile and hosiery industries in these towns pour all kinds of poisonous chemicals that came out of the factories into the river. Children who lived on the banks drank the water, bathed in it, their families used it for cooking and agriculture. They suffer from skin diseases and other disorders. As the water cannot be used for agriculture now, there is a food shortage, resulting in malnutrition and other diseases.

Across India, there are rich resources in the earth – minerals like iron, stone like marble and granite, oil, gas, coal, and so on. Mining these means large areas of the earth have to be dug up. Before that, the people living on that land have to be moved somewhere else. Children are affected in two ways. If the community is moved, they lose their traditional sources of income, and that results in them being deprived of food and health. Some children also get employed in the mines, which affects their health in many ways.

Who is protecting children's ecological rights?

After the submission of the last report to the UNCRC Committee, the committee had recommended that the Government of India pay special attention to children's health, particularly 'acute respiratory infections,

malnutrition and diarrhoea', which are all related to the environment. It has been hard to find any particular action taken by the Government on this issue. The National Plan of Action for children, 2016, does talk about creating a safe environment for children. However, no specific mention is made of the ecology and the environment in which they grow.

It has been mainly civil society organizations that have been active in both fighting for change where serious issues like the Noyyal river affect children, as well as creating awareness in children and young people. Children and young people have been undertaking various activities to gather information as well as build public opinion about issues like unsafe water, disappearance of trees and open spaces, use harmful chemicals in agriculture, and loss of biodiversity. Organizations like terre des hommes have brought together many CSOs to share their findings and advocate for change at state and national level, and even made presentations at international conferences. A proposal has been sent to the Government to consider children's issues when planning mining projects.

Young people have also been getting together to protect their immediate environment, like mangrove or forests, raise issues of disposal of waste and use of plastic, promoting organic agriculture. They are having a good impact in their community and local Government. It is hoped that this is creating the right situation for the Government to recognize children's right to a healthy environment and make laws and policies to protect this.





Children's Participation

Until around 30 years ago, the attitude of most people towards children's issues was one of charity – the attitude was that some children don't get enough food or access to school and society must take pity on them and give them what they need. This has changed over time to looking at these things as rights. Survival, Protection, Development and Participation are the major areas under which all our rights fall. Of these, the right to participation has been the last to develop fully.

The UNCRC for the first time actually put down in words that children have a right to express freely in matters affecting them and that these views must be given importance and considered when making laws or policies that affect them.

After this, in the last 30 years, many organizations have tried to involve children in expressing their views on a variety of issues. However, many times this has remained at a token level, like participating in programmes and events. Some children have attended national and even international conferences and given pre-prepared speeches, which may not be their own thoughts but something given to them by adults to read out. Sometimes this has been taken to ridiculous extremes. For example, children have been made to sit through adult conferences on child rights issues, where the other participants are speaking and discussing only with the other adults, and the child participants are bored and wasting their time. Sometimes children have been made to take decisions that they are too young to take, for example deciding

which person an organization should hire for a job. This is not true participation

Children have always contributed to society in many ways. They help adults in work at home and in the fields, they may be labourers themselves and contribute to the family income. Children are made into soldiers in areas of conflict and used in the entertainment industry. They are also exploited sexually in many ways. Girls especially contribute to housework and caring for younger children, often becoming wives and mothers while they are still children themselves. But the idea that children can actually be a part of deciding the direction in which a society moves has only recently been given some thought!

In India, the idea of child participation has gained popularity in the past few years, and even the Government's policies give space for children's views. The National Policy for Children mentions participation as a right, and the National Plan of Action speaks of "enabling children to be actively involved in their own development and in all matters concerning affecting them". It specifically mentions a focus on:

- Providing access to children to age and gender appropriate information regarding their own health, growth, development and protection.
- Providing access to children to information regarding their rights and entitlements under various schemes and programmes.
- Creating an enabling environment and opportunities in school and community to actively involve children in all matters concerning them.
- Ensuring stress-free learning environment in schools, elimination of corporal punishment, ragging or humiliation of children.
- Providing an effective platform for the voices of children so that they are able to freely speak out on sensitive issues such violence, sexual abuse or child marriage

Many NGOs and state Governments, and also schools have involved children in children's councils and panchayats, to participate in governance at the local level. At times these councils are exactly like the adult ones, and some children dominate the others, or the teachers or other adults dominate the whole group. But in many cases these councils have helped children to voice their thoughts, to listen to others and to form balanced opinions on issues that affect them.

Getting information is essential for participation :

True participation of children can give a community a totally different perspective. For example children may have views on how to plan the redesigning of an urban space, where to place open spaces, schools, bus tops, etc. On a larger scale, children may have something valuable

to contribute towards national policy or laws too. For this to happen, children first need to be able to understand the proposals put up by adults. These need to be put into language that children can understand, as this book tries to do. Secondly, children need to study the situation themselves, through small surveys or interviews. Then they need to be able to discuss with adults so that anything they had not understood is clarified. All this takes time, but when adults begin to look at participation as a right, it will happen.

It can work!

Children in Delhi, through different NGOs, worked together to do a survey of open spaces. They found that most of the open spaces, though owned by the Government had been taken over by builders or private houses to use as gardens or parking spaces. They presented these findings to the Government and in some cases they could get these spaces to play in, while sharing the spaces with senior citizens and others who also needed the space.

More participation from children needed :

We don't yet see enough participation from children in the media. We discussed children and the media in an earlier section. But children can also participate by bringing out their own newspapers, video films, on-line content, etc. to share information, opinions and solutions on issues that affect their lives.





Another area where more child participation is needed is in the area of sex and sexuality. In our country children's opinions on this have not been sought, except in the context of protection.

Children participation is not only about the right to participation. It goes deeper than that. Children learn and grow by participating in their society, and the society is enriched by listening to children's voices. This process has to begin with families, where adults must listen to children's views on education, future jobs, marriage etc. before decisions are made.

Participating in decision making means not only expressing your own views, but also listening to and understanding other people's points of view. This helps children to develop democratic values and makes them better members of their community and better citizens of their country.

A democratic society is built when all its members learn and practice democratic values. Participation teaches children to respect diversity, value opposing views and negotiate to come to common decisions. This will build a strong foundation for a free, peaceful and equal society.

My notes

