Inputs on the status of children’s rights in the thematic and goal areas under review

Submitted by Child in Need Institute
More than 100 million children have been growing up on the streets as suggested by the reports of the UNICEF. The numbers are growing with each passing day and the exact numbers of street connected children are becoming impossible to quantify. With rapid urbanisation and the onslaught of urban population, the world is suffering from space-crunches thereby leading to the growth of unauthorised and unplanned settlements. Communities living in these settlements tend to spend most of their times in the streets which leads to their children spending quite a considerable portion of their lives on streets.

India is recognized for its fast growing urbanisation process because of its implementation of mixed economic policies. The urban population growth has increased from 27.81% in 2001 census to 37.16% in 2011 census. Following the global trend, the Indian economy has been shifting from agriculture based economy to urban-centric, service sector based economy as well. The urban-centric economy is accelerating but at the same time, it has led to unplanned rural to urban migration of the disadvantaged population. Growing urbanisation has adverse effects resulting in scattered growth, unplanned settlements and unauthorised habitation. Settlements of street communities are an offshoot of urbanisation in India. It is through these settlements that street connected families and street connected children have come into being. They form a large part of the informal economy and have been contributing to India’s development – but in vain, for their contribution goes unrecognised. They do not possess legal identity documents as they do not live in proper settlements to provide registered addresses. This leaves them segregated from the rest when it comes to availing social security schemes and financial inclusion.

Policy makers are struggling to deal with these multifaceted problems that have resulted because of unplanned urbanisation process. Yet most of the socio-economic policies are universalised and are open to all categories of children. They are not denied of these facilities, but they are invisible in official enumeration processes due to lack of citizenship documents they are denied the opportunity to exercise their rights as defined in UNCRC which thus in turn leaves them without any scope to be eligible to claim their rights and voice their opinions in future.

The Government of India is ratifying its schemes and policies to reach the targets of the SDGs. The SDG India Index ranks more than 20 states of India in the category of ‘Performers’ i.e. the SDG India Index score falls within the range of 65 to 50.

What we need is to change the perception of the society towards street connected children. We as responsible organisations need to come together and make the world look at street children just the way they look at their own children in their homes and communities. We have to make them understand that even street connected children have rights, even they have voices and most importantly, even they deserve a healthy and a fulfilling childhood.

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1 State of the World’s Street Children: Research, Sarah Thomas De Benitez, Street Children Series 2, Consortium for Street Children  
2 2011 Census of India  
3 SDG India Index 2018
4.1 access to quality education and effective learning for all

**Risks and challenges to children’s rights:** With the implementation of The Right To Free and Compulsory Education Act (2009)⁴ the children of the country are being able to access government schools, but street connected children are unable to access the benefits of this act. School enrollment is a challenging task for them due to lack of identity documents. Moreover, documents on proof of address becomes difficult for them to obtain as they have no permanent homes, the streets are the only place where they stay. Apart from this, another factor that causes barriers for children to access quality education is that education, though free up to the 8th standard, becomes costly after that. This is a major reason due to which children tend to dropout and become prey to child labour and child marriage.

4.2 access to quality early childhood development, care and pre-primary education

**Risks and challenges to children’s rights:** The Government of India has been running the Integrated Child Development Scheme ⁵ since 1975. Street connected children are the ones unable to access these schemes, once again the reason being lack of supportive documents for their enrollment into the scheme. An important one being the birth certificate. Most of these children do not possess birth certificates as their mothers are unable to access hospitals and nursing homes. This leads to many cases of non-institutional births that remain unregistered. They therefore are unable to access schemes like these.

4.5 eliminate gender disparities in education

**Risks and challenges to children’s rights:** With the advent of schools both in the rural and urban sectors, there should be more children accessing these schools. Unfortunately certain drawbacks lead to children, especially girls dropping out from schools. Schemes like Beti Bachao, Beti Padhao⁶ Girls are expected to stay back home and take care of their younger siblings and household chores. Improper provisions for menstrual hygiene in schools, lack of separate washrooms for boys and girls discourage girls from attending schools. They thus consider it better to dropout. This makes way for increased numbers of child marriages, child labour and even child trafficking in the country.

Solutions/Good Practices towards leaving no child behind:-

1. As a concerned organisation, we conduct sensitisation programmes at the grass-root level to generate awareness on government schemes for education.
2. Our health programme seeks to link pregnant women with institutional birth systems so that children can get birth certificates.
3. A possible solution to the issues mentioned above could be probing the government to strengthen schemes and acts on education specially for street connected children, so that they can avail them without facing discriminations.
4. As far as the issue of gender disparity is concerned, we conduct sensitisation meetings on the importance of education, female education, the ill effects of child labour and child marriage.
5. A suggestion would be to advocate for separate washrooms for boys and girls especially in government schools beacuse this is the major reason girls choose to dropout from schools once they reach puberty.

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⁴An act passed by the Indian Government which grants elementary education to children within the age group of 6 to 14 years. As per the act, the children are allowed to study in any government school across the country free of cost, up to Class VIII.
⁵a country wide scheme for children below 6 years of age that aims to provide children with nutrition, preschool education, primary health care, immunization, health check ups and referral services.
⁶A scheme launched by the Government of India in 2015 which seeks to tackle the issues of female foeticide and infanticide and encourage female education.
8.7 end child labour

Risks and challenges to children’s rights: Child Labour is one of the major problems being faced by the children of our country. The National Child Labour Project is one such scheme to tackle this burning issue in the country. But is a huge challenge as there are 10.1 million children working as child labourers in the country. With the passing of the The Child Labour (Prohibition and Regulation) Act, 1986 the laws and punishments pertaining to the issues of child labour in India have become stringent. But yet there are many children seen working as child labourers in India. Street connected children easily give into child labour to earn wages for their family. The migrated population of children from other states are the ones who fall into the traps of child labour. Beggary, fireworks factories, bangle-making factories, leather industries, tea-stalls, local restaurants, shops and domestic help are some of the main areas where children tend to work for wages. Industries hire them as a cheap source of labour - the informal sector. They are thus left with no social security schemes and provisions of financial inclusion. Moreover, what is worse is that the children work in dilapidated, dim and dingy conditions which pose immense hazards to the health of the children.

Solutions/Good Practices towards leaving no child behind:-

1. Our major tools to combat child labour are awareness generation programmes at communities and among probable employers regarding acts and schemes on child labour.
2. We also conduct linkage programmes for children who are at risk of becoming child labourers or are already child labourers. We identify such children and link them to government schools and vocational training courses.
3. An important solution tackle the issue of child labour in the country could be to urge the government to make more stringent laws that would help to eliminate child labour from the country.

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7 A scheme launched by the Government of India in 1988, seeks to adopt a sequential approach with focus on rehabilitation of children working in hazardous occupations & processes.
8 2011 Census of India
9 An Act to prohibit the engagement of children in all occupations and to prohibit the engagement of adolescents in hazardous occupations and processes and the matters connected therewith or incidental thereeto.
10.2 empowerment, social, economic and political inclusion

Risks and challenges to children’s rights: The street connected children and their families need to be empowered and included in the social, economic and political sectors but they are the unregistered population of the country. Due to these reasons they are unable to access socio-economic benefits. Their parents are unable to exercise their rights to vote. We still require more legislations and schemes in the country that deal with the upliftment of street connected children and their families else they will remain unidentified in social, economic and political sectors.

10.3 equal opportunities and outcomes; non-discrimination

Risks and challenges to children’s rights: Even with the prevalence of the Right To Equality street connected children are not getting equal rights and opportunities. Though they are the citizens of this country, they do not possess necessary documents that would help to include them into educational and developmental services. Though there are provisions in the country to help provide these children with equal opportunities but lack of documents makes it impossible for them to access those and thereby leads to discrimination.

10.4 fiscal/wage and social protection policies

Risks and challenges to children’s rights: Street connected children and their families are mostly engaged into the informal sector. They constitute a considerable portion of India’s unorganised workforce. Though The UnorganisedWorker’s Social Security Act, 2008 exists, street connected children and their families cannot access the benefits of the act because they are unaware of the fact that such provisions exists for them This denies them an opportunity to fiscal/wage and social protection policies.

10.7 child rights in situations of migration

Risks and challenges to children’s rights: A vast population of street connected children have migrated from other states and even neighbouring countries. They do so in the prospect of a better life and better earnings, or even to escape from an abusive environment at their homes. But it makes it worse for these children because once they migrate, there is not much scope of going back. They end up as child labourers or are trafficked. Research studies show that a majority of migrated children who are living in street situations do not have access to their basic rights of protection, development and participation.

Solutions/Good Practices towards leaving no child behind:-

Networking has been one of our main practices. We have partnered with national and international NGOS who have been working for street connected children. Together, we plan to bring the voices of street connected children to various national and international platforms. Our main aim is to partner with the NGOs of neighbouring countries of Bangladesh, Nepal and Bhutan as these are the main areas from where children migrate to our country, as we share the same borders. This paves way for child trafficking for either sex slavery or domestic labour. Together we plan to work towards eliminating such risks through means of awareness, rescue, rehabilitation and repatriation. As a network of organisations, we also plan to approach the governmentso that the voice of street connected children can be heard.

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10 Article 14, 15,16,17,18 of the Indian Constitution provides equality to all before law and prohibits discrimination on grounds of religion, race, caste, gender or place of birth, and equality of opportunity in matters of employment, abolition of untouchability and abolition of titles.

11 An act to provide for the social security and welfare of unorganized workers and for other matters connected therewith or incidental thereto.
13.1 Resilience and adaptive capacity to climate related hazards / disasters

Risks and challenges to children’s rights: The National Policy on Disaster Management\(^{12}\) though is a comprehensive policy in India when it comes to disaster management, yet measures need to be revised for dwellings of street connected children. The National Plan of Action for Children\(^{13}\) seeks to “Establish risk-alert systems to safeguard children’s lives and safety in hazard-prone settings and situations, including natural and man-made emergencies.” Even with the implantation of such policies, residing under bridges and flyovers, using tarpaulin as shelters and enclosures are the only means these children can protect themselves from natural disasters such as storms and cyclones (hurricane). These measures of safeguards against natural disasters are inadequate and thereby result in street children and their families being one of the first ones to lose their lives during times of climatic hazards.

13.2 Integrate climate change measures in national policies /planning

Risks and challenges to children’s rights: The National Action Plan on Climate Change\(^{14}\) need to be revised so as to include street connected children and their families in the action plans. Though this segment of the population do not have permanent homes or proper addresses, they still deserve to live in settlements that would protect them from the unforgiving climate change taking place in the country.

13.3 Improve education, awareness and capacity on climate change

Risks and challenges to children’s rights: A maximum number of educational institutions have been running courses related to environment and climate change. Nevertheless, street connected children do not receive proper awareness and education on these issues because they do not possess proper access to the education system. In fact, we can say that a small population of these children do know about their rights – with the help of organisations working for them – but they are unknown to climate change. They require more awareness regarding this issue because even though climate change takes a number of years to occur, these children will be one of the first ones to bear the brunt of climate change.

Solutions/Good Practices towards leaving no child behind:-

1. A probable solution to help street connected children and their families at the time of natural calamities could be that the government should lend out local schools, clubs, centres and other such spaces that can be accessed by these children and their families for a period of time until the damages done by climatic disasters are dealt with.

2. NGOs and educational institutions should take measures to help generate awareness among street connected children on issues related to disaster management and how to deal with climatic changes.

3. Environmental Education should be made an important component which would help to make street connected children understand the ways in which they can protect the environment – as for example the concept of the 5 Rs - ‘Reduce, Reuse, Recycle, Repair, refuse’.

\(^{12}\)NPDM 2009: A policy that aims to create a safe and disaster resilient India through developing a proactive, holistic, multi-disaster facet and technology driven strategy through a culture of preparedness, prevention, mitigation and response.

\(^{13}\)NPAC 2016: A comprehensive plan that outlines goals, objectives, and strategies to achieve the objectives outlined and recognises the needs of all children up to the age of eighteen.

\(^{14}\)NAPCC 2008: A comprehensive plan for India’s approach to climate mitigation and adaptation.
16.2 abuse, exploitation, trafficking and all forms of violence against and torture of children

Risks and challenges to children’s rights: The POCSO Act in India, Protection of Children from Sexual Offences Act, 2012, though has severe punishments for sexual offences and trafficking carried out against children, yet there were 106958 cases of crimes against children reported by the NCRB in 2016. Street connected children are exposed to various risks on a daily basis. Because of the lack of a proper place to eat, sleep and play, they spend their time on the streets thereby facing all forms of abuse - physical/sexual/verbal, trafficking, kidnapping and rape. They also fall prey to other major threats such as begging, child labour and drug abuse.

16.3 access to justice /rule of law

Risks and challenges to children’s rights: The Indian Constitution has provisions for every citizen of the country in the form of Fundamental Rights. The first and foremost right it states is the Right To Equality which treats every individual equally in the eyes of the law and prohibits discrimination on the basis of religion, race, caste, gender or place of birth, and equality of opportunity in matters of employment. It can be availed by street connected children as well, but the hitch is that they are not aware about such constitutional provisions. They do not possess the means to get educated on these rights and there are not many awareness generation programmes for these children and their families regarding the Basic and Fundamental Rights. It is for this reason that even though they have such rights, they aren’t being able to exercise those rights.

16.6 accountable, transparent institutions

Risks and challenges to children’s rights: One of the major problems that has to be tackled with is the perception of the society towards street connected children. When they face any kind of danger, they are not aware whom to confide into. They are scared that they may be blamed. Most of the times people do not take them seriously, if they try to lodge complaints at the local police station, their grievances are not taken seriously. This makes them stop believing in the institutions that are present for safeguarding them. The attitude of these institutions is such that “these children have no fixed place to reside, that is the reason they are always at risk and are being violated.” It is because of these reasons that the complaints and grievances of these children are not taken into consideration and remains unregistered.

16.7 inclusive, participatory decision-making

Risks and challenges to children’s rights: A majority of the population of children living in street situations are unaware of their basic rights that have been granted to them by the UNCRC – an essential part of which being the Right to Participate. This leaves the children excluded from exercising their rights to decision-making.

16.9 legal identity / birth registration

Risks and challenges to children’s rights: As mentioned earlier, most of the street connected children are born through non-institutional births. Their birth goes unchecked and unregistered which leaves them without Birth Certificates. Children can avail other legal identity documents with the help of their Birth Certificates, but when

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15Protection of Children from Sexual Offences Act, 2012; An Act to protect children from offences of sexual assault, sexual harassment and pornography and provide for establishment of Special Courts for trial of such offences and formatters connected therewith or incidental thereto.

16The Immoral Traffic (Prevention) Act, 1956 is an Act which provides in pursuance of the International Convention signed at New York on the 9th day of May, 1950, for the prevention of immoral traffic. The Act intends to combat trafficking and sexual exploitation for commercial purposes.

17National Crime Records Bureau, 2016

18Fundamental rights, the basic civil liberties of the people, are protected under the charter of rights contained in Part III (Article 12 to 35) of the Constitution of India.
they do not possess Birth Certificates, it becomes impossible for them to get access to other legal identity documents.

**16.10 access to information and fundamental freedoms**

**Risks and challenges to children’s rights**: The children of India have been granted with Fundamental Rights as well as Basic Rights of the UNCRC. In case of street connected children, it so happens that most of the time they are unaware and uninformed of these rights. Due to these reasons their rights are violated and these children are exploited. When this happens, they are clueless as to whom would they seek help from or how would they safeguard themselves if or when their rights are violated.

**16.b promoting and enforcing non-discriminatory laws**

**Risks and challenges to children’s rights**: The Right to Equality is the first Fundamental Right provided to the citizens of India\(^\text{19}\), that includes children as well. Though these rights exist in the constitution of the country, there are innumerable instances where street children have faced discriminations regarding their place of birth, lack of identity etc.

**Solutions/Good Practices towards leaving no child behind:-**

1. The first and foremost solutions to leave no child behind is to change the attitude and the perception of the society towards street connected children. They are facing terrible discrimination for people do not treat them as they treat their own children. This needs to be done away with. We as responsible organisations can therefore help to make the voices of street connected children heard, so that people can understand them and look at them the same way they look at their own children.

2. We need to advocate before the government for the inclusion of these children in the judicial provisions of the country.

3. We establish a relation of trust with children and always aim to be as child-friendly as possible. As a concerned organisation, we are always motivating street connected children to speak up for themselves, constantly brief them on their rights, help them to be as vocal as possible so that when they are in adversity, they can confide in us and will never hesitate to share.

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\(^{19}\)Part III (Article 12 to 35) Indian Constitution grants 6 Fundamental Rights to its citizens
**Cross-Cutting:-**

We at Child in Need Institute (CINI) are very much supportive of networking, alliance and linkages. Some of the main steps through which we ensure cross-cutting are as follows:-

1. Networking and alliance with various NGOs working for the cause of street children to help them realise their rights and raise their voices, and most importantly, provide them various national and international platforms to voice their rights and opinions. We have formed a City Level Children's Group which consists of street connected children. They will be the voice of all the street connected children within the city.

2. Strengthening relationships with the local governments and stakeholders at the rural and the urban level to discuss, monitor and combat issues faced by the children of the community. We have established strong relations with the local governments, the police, educational institutions, health centres and other such duty-bearers and service-providers to create an enabling environment for street connected children where they can seek help from us and confide in us without fear or hesitation.

3. Establishing linkages with various government departments (health, education, nutrition, women and children etc.) so as to advocate for the rights and the empowerment of children.

4. Converging the four realms of our organisation - education, protection, health and nutrition - and linking street connected children to these realms through referral services so as to provide the children with a holistic scope for development.

5. Co-ordinating regional partnership with national and international NGOs to combat violence towards children thereby advocating for a secure environment for street connected children.