



ACJP

AMBEDKAR CENTER FOR JUSTICE AND PEACE

Global HQ: P.O. Box 2060, Kingston, PA, 18704, USA,

E-Mail: victoryandpeace@gmail.com, , Tel.+1570714-9421

India Chapter: Ambedkar Center for Justice and Peace (ACJP)-India
Ambedkar Bhavan, Gokuldas Pasta Lane, Dadar (E), Mumbai-400014- India

Website: acjpindia.org **E-Mail:** acjpindia@gmail.com

Contact: +91-22-24156697

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Recommendations Submitted to the Committee on the Rights of the Child, United Nations, Geneva

on 2-3 June 2014

A) FAILURE OF RIGHT TO EDUCATION FOR THE MARGINALISED CHILDREN IN INDIA

Fact sheet:

UNICEF Report

1)80 Million children drop out of school before grade VIII. Boys dropout 58% and girls 64%

Right to info Act 2009 is yet to be properly implemented

2) India has highest numbers of child workers in the world-13 Million

3) Forcing marginalized children to sit at the back of the class, humiliating, demoralizing and discouraging them and promoting caste consciousness among kids , not having proper toilets for girls during their mensuration period are some of the reasons to drop out from schools.

RECOMMENDATIONS on the Right to Education:

- 1) India should take urgent effective steps to implement Right to Education Act 2009 not only for enrollment but also retaining every single child in the school till age 14 as a part of government motto.
 - 2) India should develop clear standards for monitoring at risk of children dropping out and develop mechanism to ensure relevant authorities undertake social mapping for marginalized children.
 - 3) India should develop clear indicators to improve the detection of and response to discrimination in schools. The National Commission for Protection of Child Rights should develop guidelines to address discrimination and other abuses of children and set out appropriate disciplinary measures to be fully implemented.
 - 4) Ministry of HRD to develop guidelines and manuals for teachers that set forth good practices for social inclusion, equity, promoting marginalized children to participate in school activities along with other kids.(refer HRW booklet-They say we are Dirty-Summary).
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B) Child Labor-Bonded or Forced Labor, TRAFFICKING OF GIRL AND WOMEN

Fact Sheet

(refer Supreme Court of India-Bachpan Bachav Andolan VS Govt of India dated 18th April 2011 Writ Petition no 51 /2006 ,judgment dated 18th April 2011)

1) 13 Million children in child labor-highest in the world....real figures could be 100 Million (unofficial resources)most of them below 15year old and many work in hazardous working conditions...

2)44000 children missing each year nationally and only 11000 are traced so 33,000 are lost in the forced child labor like trafficking in person ,child prostitution and organized CRIME..out of which 20% are below 15 years of age.

200 Girls and women coerced to enter prostitution daily due to FLESH TRADE MAFIA.

3)Fields they are forced to work are: domestic help, construction, carpet industry, garment industry, fish and shrimp industry, firework industry, beedi industry, formal and informal economy, begging, organ trade, drug peddling, hotel industry, circus, prostitution etc .

4)5000-7000 minor Nepali Girls are trafficked yearly into India from 10-14 years of age...most of them are forced to become commercial sex workers.....there are 2 million sex workers in India.

RECOMMENDATIONS:

- 1) Govt. should implement provisions of Immoral Trafficking prevention Act-1956 and National plan of Action to Combat Trafficking and Commercial sexual exploitation of women and children devised in 1998 and UN PALERMO PROTOCOL on TRAFFICKING in the letter and spirit. It is the primary duty of the Government to protect the children from TRAFFICKING INTO SEX TRADE. Set up dedicated police and administrative machinery to stop this trade especially at metro cities like Mumbai, Delhi, Kolkata, Chennai, Bangalore, Nagpur, Pune, Lucknow, Bhopal, Bhuvneshwar, Hyderabad etc. with provisions of adequate budget for relief and rehabilitation of freed sex workers.**
- 2. Liberate all child labor from all kinds of industry and agriculture and put them back to schools with adequate school infrastructure and budget in place as the number one national priority as the children are the future of India in order to meet 2015 MDG(Millennium Development Goal).**
- 3. As India is a home to 19% world's children and 440 million population is below age 18 years(2011 estimate of the Govt. of India), proportionate budget be earmarked for the education and development of children especially marginalized children.**
- 4. As Ministry of Women and Child, Govt. of India declared 40 % of India's 440 million children(176 million) as vulnerable and experiencing difficult circumstances, the national action plan be devised and implemented on urgent basis to help all children come out of difficult circumstances.**
- 5) Implement provisions of child Labor (Prohibition and Regulation) Act -1986 in the letter and spirit and plug all loopholes in the act due to which perpetrators of child labor are set free.**
- 6) Increase the minimum age for employment in hazardous occupations to meet international standards.**
- 7) Expand the scope of the Child Labor Prohibition and Regulation Act to cover children working in family enterprises.**
- 8) Prosecute violators of the Bonded Labor System Act.**
- 9) Expedite the adjudication of child labor cases.**
- 10) Desegregate the data in the Ministry of Home Affairs to include child trafficking violations.**

11) Prepare Desegregated Data on children

12) Create a monitoring committee with time bound program to assess the progress with the help of UNICEF, UNESCO, Member of CRC Committee from UN and 5 Ministries – HRD,WCD,MOL,MSW and MOE

13) While commenting on Juvenile Justice Act, The Times of India investigative journalism dated 27th May 2014 states that;

“Rapes, beatings and other abuses as being very common in the government run remand homes and orphanages for children and there is no protection for orphan children and other juvenile cases, it is imperative that states need to make emergency measures to overhaul the system. This is the state of affairs in every state of India”

Therefore there is the most urgent need for the Indian Government to look into the conditions of Remand Homes in all states all over India run by the govt. and juvenile homes by the private organizations and take all measures to improve the condition, enhance facilities and training provided to the staff with adequate budget provision for the purpose in time bound manner.

14) Since 176 million Indian children (as per Ministry of Women and Child) are declared as vulnerable and experiencing difficult circumstances, United nations Special Rapporteur on children should make urgent visit and subsequently twice a year visit to India to know the status of children rights and to suggest measures to overcome difficulties by India in this regard.

15) UNICEF India report states that 47 % Indian children born are malnourished which means every second child has such a severe problem. Govt. has not taken enough steps to address this issue which affects the future of the nation.

Therefore we recommend that India should provide nutritious food to prospective mothers by the government machinery and NGOs if necessary effective immediately.

16) India has 56% of defecation in open which causes death of many children due to diarrhoea and many other diseases. This needs to be addressed with urgency by India by providing proper toilets, sanitation and clean drinking water.
