

Human Rights in India

Report on Children's Status



National NGO Child Rights Coalition
(NNCRC)
Joint UPR Submission
India
November 2011

Note for information:

Prefatory Note DRAFT from * to **

*A number of Indian NGOs committed to working for children's rights have joined together as a national NGO Child Rights Coalition to report on the status of children's human rights in India in the context of the Universal Declaration of Human Rights and its two international covenants. This report marks their first collective engagement with the UN Human Rights Council and its Universal Periodic Review process, assessing India's 2008 UPR report and the forthcoming 2012 UPR.

Based on a shared commitment to working in coalition and through open forums on common concerns, the participating organisations, networks and institutions formed a coalition for the purpose of this UPR reporting on 1st November 2011. This collective initiative links with ongoing coalition processes for alternate reporting on the UN CRC and Optional Protocols, and joint advocacy for policy standards on child rights in India.

Previous coalition initiatives have interacted with the UN Committee on the Rights of the Child since 2002, and the UN General Assembly since 2001.

The NGO Child Rights Coalition:

NGOs, networks, NGO coalitions and institutions that have worked together for this reporting are: Indian Council for Child Welfare-Tamil Nadu, Joint Women's Programme, Plan India, YWCA of India, Mobile Creches Organisation, Chetna - Badte Kadam, Delhi, CRY-Child Rights and You, Women's Coalition Trust, Wada Na Todo Abhiyan, Childline India Foundation, Right to Education Forum, SOS Children's Villages of India, CHETNA Centre for Health, Education, Training and Nutrition Awareness-Ahmedabad, India Alliance for Child Rights, Young Lives Foundation, OXFAM-India, GRACE - Grassroots Advocacy for Community Empowerment, Child in Need Institute-Jharkhand, Mountain Children's Foundation, INDUS-GNRC, Peace Channel-Nagaland, ABHAS, Childline India Foundation, National Campaign for Dalit Human Rights, Jaishankar Memorial Centre, Prayatn-Rajasthan, IACR-North Zone, Plan4Children Coalition, World Vision India, Al-Hira, Chetanalaya, Centre for Future's Study, Arth-Aastha, Mera Gaon-Gujarat.

Those consulted include Right to Education Forum, Council for Social Development, Centre for Budget and Governance Accountability, Karnataka Child Rights Observatory, Sahayog-India. The coalition has also interacted with the National Human Rights Commission.

Children's views of rights access and status have been sought in a fast-track consultative exercise. The assessments given by 1,456 children from six states are included and cited in the report and annexures.

(Also circulated to two partnering networks of 746 NGOs involved in CRC alternate reporting and 583 NGOs involved in review of national policy for children, from whom only starting but only some could send feedback in the limited time-frame).

NGO CHILD RIGHTS COALITION JOINT REPORT ON CHILD RIGHTS IN INDIA

(Submitted for the UPR 2011/2012)

1. Summary

Any audit of rights access in India must be mindful of the factors of both the age and identity of the people. Since 41 % of everyone in India is aged below 18 years, there is sufficient justification in reviewing how the Indian State's attention to implementing rights fulfils or fails to fulfil the rights of this young cohort. The lack of monetary and programmatic investment in meeting their needs and entitlements is only one index of national failure to recognise their social, cultural and economic claim on the nation and their right to civil rights and freedoms.

An allied dimension of rights awareness and commitment is the State's investment of attention and resources and the establishment and evidence of accountability. This report looks at the implementation of national, regional and international obligations by the Government of India. In setting out 5 key human rights issues, applicable to children as well as other age groups, we perceive a pentagon of rights: survival/quality of survival, learning and development, protection and security, participation, and inclusion with dignity. India's slow and poor implementation of UN CRC obligations is itself a human rights denial. India has not even legally defined who is a child. Programming is preoccupied with aspects of early child development, without adequate attention to survival rights; this approach addresses only survivors of the bad start most children endure. Our coalition's experience of alternate reporting in the UN CRC frame has led us to realise that children will not get their due until their needs are acknowledged as integral to the human rights agenda. Hence this report.

2. Rationale and Framework:

- 2.1. Planning, programming and practical action for children in India face some basic stumbling blocks. A primary fault is the marginal positioning given to children as rights-holders. Low funding attention, never exceeding 5% of GDP, is evidence of this, and lack of accountability confirms it.
- 2.2. The neglect of legally defining the span of childhood continues. Without this, children lack recourse to a sheltering law. Anomalies persist, with different ages in different laws and policies, and the Constitution of India still sets the upper age at 14 years. There is no definitive Children's Act. The Juvenile Justice Act sets its age ceiling at 18, but repeals no other law. An evolving new national policy for children (to replace one adopted in 1974), acknowledges that anyone aged up to 18 is a child, but will have no legal force to modify any law.
- 2.3. The CRC Periodic Report 2011¹ admits lack of uniformity, but holds that: "Harmonising the definition of 'child' under the different Acts is a progressive exercise." Since there has been no change since 2001, it is questionable how far this can be considered progressive even in spirit.
- 2.4. The proportion of the population should in itself justify specific attention to the child impact of any policy, investment or measure affecting social

¹ India: 3rd and 4th Combined Periodic Report on the Convention on the Rights of the Child 2011/Govt of India

and economic development as well as civil rights. The status and condition of the children of the underserved is a grim indicator of unmet rights and clear evidence of official and political indifference to social and economic justice.

- 2.5. This coalition has consciously based its questions and observations on published Government data and reports as official information sources, which the Government should be able to explain or defend.
- 2.6. The UDHR and the two international covenants are the key frame of reference. The UN CRC serves as the rights instrument specifically aimed at children's rights entitlements, and this report draws upon for its data India's latest periodic report¹. In this report for UPR consideration, special attention has been given to: the legal definition of the child, issues of survival, quality of survival, identity factors in access to services and protection, the provision failures when normal expectations of access are disturbed or disrupted for any reason, and the State's failure to address the most vulnerable ages and settings of childhood as well as to recognise the full span of childhood. It is our case that these are not slippages in development, but denials of rights.

3. Scope of International Obligations (status of ratification and domestication of instruments)

- 3.1. This coalition commends the readiness of the Government of India in ratifying various international treaties relating to children including the UN Convention on the Rights of the Child (UNCRC) and its two Optional Protocols (on the Sale of Children, Child Prostitution and Child Pornography, and on the Involvement of Children in Armed Conflict) as well as the UN Convention on the Rights of Persons with Disabilities.
- 3.2. However we would like to highlight that international treaties are not self-executing in India. Consequently implementation of the commitments under all the conventions remain slow and mostly limited to the sectoral Ministry responsible for the reporting to the Committee, with little inter-ministerial coordination. This results in fragmented action and assessment.
 - a. The Government's record in reporting is notable for both delay and superficiality. The 3rd and 4th Periodic Report on CRC was due in July 2008, but submitted in August 2011. It focused mainly on listing schemes and programmes, and failed to explain outcomes and impact. Human rights reporting overall largely bypasses children; the 2008 UPR report disconnects its eight paragraphs on child rights from its sections on the international covenants and on rights to life, liberty and development. This is not merely a disservice to children; it is a failure to acknowledge that this 41 % has the right to equal and affirmative attention.
 - b. In child rights reporting, haziness persists on the status and entitlements of the older child (14-18). Programming for adolescent girls is obsessed with preventing early childbearing, or ensuring safe motherhood missing out on wider rights; there is barely any programming recognition of older boy children. While the State deplores social "son preference," it fails to see its own "boy blindness."

- c. Despite recommendations from the earlier UPR review, the Government of India continues to maintain its reservation to Article 32 2(a) of the UNCRC and has still to sign and ratify ILO conventions No138 and 182 relating to abolition of child labour.
- d. India has ratified the UNCRPD, and already has a policy and a law, but Government perspectives on disability have yet to move from a medical and mainly preventive model to a rights perspective. The CRC Periodic Report 2011, places children with disabilities in the health sector. The State should be addressing the childhood rights of children surviving with disability.
- e. The National Commission for Protection of Child Rights has taken several positive initiatives to highlight human rights problems facing children. However, it lacks even the authority of the National Human Rights Commission (NHRC). As with NHRC, state commissions have not been set up in all states; some still lack members, and some are inactive.
- f. Government has not widely disseminated the earlier findings and recommendations of the Committee on the CRC in the country. Nor has it disseminated the current report to the CRC. This leaves it to civil society groups to do what they deem necessary.
- g. In terms of process, the Government's record of consulting children themselves is poor and largely tokenist. When asked, children clearly perceive uneven and unfair access to rights, and complain that they play little part in decisions affecting them.²

Recommendations:

- (1) The Government of India should revisit its position on the ILO conventions No 138 and 182, and reconsider its reservation on Article 32 (CRC) to affirm its commitment to the abolition of child labour with practical action. It is unjust to children in occupations still unlisted as hazardous to be left waiting for protection and liberation from labour. A fundamental right to be in school cannot coexist with legal laxity on child work.**
- (2) The Government of India should ensure that reporting on obligations is based on results.**
- (3) The Government should actively disseminate information on concluding observations and encourage greater civil society interest in taking forward recommendations.**
- (4) The Government must ensure annual reporting on the functioning of the inter-ministerial coordination committee National Coordination Group (NCG) to ensure extension of ownership across the ministries. The NCG has been kept dormant.**
- (5) The Government should invest in developing genuine and candid consultation with children, and establish mechanisms for such interaction at all levels, for both programming and monitoring.**

² See Annexure 2 to this report: Children covered in the 2011 fast-track consultation placed 'participation' at the top of their list of rights denied. They clearly perceived inequalities in rights access, and questioned why the principle of 'all rights for all children at all times' is so neglected.

4. Constitutional and Legislative framework:

- 4.1. The NNCRC acknowledges the initiatives of the Government of India towards strengthening the legislative framework for children's with the formulation of new laws and amendments in old laws. New legislation have been introduced such as the Prohibition of Child Marriage Act (PCMA), 2006, the Right of Children to Free and Compulsory Education Act 2009, Amendments have been made to existing legislations such as the Juvenile Justice (Care and Protection of Children) Amendment Act, 2006, (JJ (Amendment) Act, 2006). However the case remains for a definitive National Children's Act.
- 4.2. Our Coalition suggests that the Government reviews laws pertaining to the child, as well as references affecting children in other laws to bring them into conformity with human rights standards. For instance, the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989 aimed at removing identity-based offences against these communities is admittedly failing.³ The ratification of the Convention against Torture is still being officially 'processed.' A national Bill on prevention of torture is falling short of international standards, and makes no mention of children. This could obstruct children's deserved access to protection. Recommendation #1 of India's first UPR report relates to this gap.

Recommendations

- (6) **The Government of India should establish a single uniform legal definition of the child and align other Acts to meet this definition.**
- (7) **This would also imply an amendment in the various laws to ensure conformity.**
- (8) **The Government of India should ensure implementation of laws to protect children.**
- (9) **Both legal and policy provisions on rights should consciously include applicability to children. (e.g. current law on domestic violence relates to women and omits children).**

5. Institutional and Human Rights Structures

- 6.1. The Government of India has mandated the setting up of the National and State Commissions for the Protection of Child Rights under the Commissions for the Protection of Child Rights Act 2005. In the absence of any enforcing authority, the 13 present Commissions remain investigative and advisory bodies, unable to take concrete action against child rights violation.

Recommendations:

- (10) **The Government of India should ensure the setting up of the Commissions (SCPCRs) in all states, establish standards for members' qualifications, and allocate adequate resources for proper functioning.**
- (11) **The NCPDR should have the status and powers to match the NHRC, to take action against violation of child rights. Its suo motu mandate should be strengthened for this.**

³ CRC 3rd and 4th Periodic Report 2011, Govt of India

II. Implementation of human rights obligations on ground

6. Equality and Non-discrimination

- 6.1. Of concern is the Government's inability to fully implement the Constitution's Directive Principles, as well as policies and legislations related to discrimination and disparity affecting children of vulnerable population groups (Dalits, tribals, religious and ethnic minorities, migrant, street and working children, those affected by HIV/AIDS, leprosy, and disabilities. All available data on deprived groups show that survival levels and quality of survival are significantly worse than the national averages.
- 6.2. The persistence of stark social and economic inequities influenced by a culture of exclusion cannot be seen as anything but a conscious denial of human rights to those who have somehow got classified as undeserving of anything better. If society defaults in ensuring equity as it has for generations in India, it is the State's duty to fulfil this responsibility, and to do so pro-actively.
- 6.3. Girl children remain doubly disadvantaged. The sex ratio in the 0-6 age group fell from 927/1000 in 2001 to 914/1000 in 2011.ⁱⁱ Female foeticide is blamed, but neglect of girl survivors also persists. The far worse sex ratio of the 15-19 age group (just 858/1000 in the 2001 Census, still unpublished for the 2011 Census) has not excited governmental attention. The share of early maternal mortality in this group awaits notice.
- 6.4. A rights approach would demand that the most vulnerable and neediest are identified and given first call on the State's resources and attention. Currently there is no report on disaggregated impact of government programmes and schemes.

Recommendations

- (12) **The State should identify and undertake focused and targeted steps to safeguard the most vulnerable children and their communities and settings.**
- (13) **The causes of the 15-19 sex ratio gap and decline should be identified and addressed.**
- (14) **The State should specifically report on how its programmes impact on the most marginalised and underserved children.**

7. Right to life and access to health services

- 7.1. Despite stated official intent and government interventions, consecutive health surveysⁱⁱⁱ reveal high infant and under-five mortality. The highest mortality graph persists in the youngest age groups, but neither the National Rural Health Mission nor other health services target the first week and first year mortality, which have stagnated for years. The first-week deaths account for half all infant deaths (39/1000 live births), and have reduced only 10 points over 5 years; the perinatal mortality level has fallen only 4 points, to 18/1000 over the same period.

- 7.2. Poor nutrition levels persist, with stunting among children aged below three years down only from 51 to 45 %, the level of wasting up from 20 to 23 %, and underweight levels reduced only from 43 to 40 per cent. Malnourishment of children is a significant indicator of food insecurity. The all-India trend of the proportion of underweight (severe and moderate), wasting, stunting among children below 3 years of age indicate that India will not achieve its MDG targets to reduce malnutrition and infant mortality
- 7.3. The Integrated Child Development Services (ICDS) programme has largely bypassed children with disabilities and from Dalit and minority groups.⁴ The infant mortality rate for Dalit (SC) children is 88/1000 versus 69/1000 of the general population and Dalit child deaths of the under-fives are 43/1000 compared to 25/1000 for the general population.⁵
- 7.4. Since 2008, the price rise of food, fuel and other essentials has added a further burden on the subsistence-level consumer. The Bill for a national Food Security Act is yet to be finalised (2011) - and it makes no commodity provision for the youngest (e.g. milk) and the planned food security measures bypass the most deprived child age-group. Failure to move surplus food stocks to needy communities has made headlines, but remains uncorrected.

Recommendations :

- (15) **The Government should recognise basic childhood health needs, and focus all services to address actual causes of death and damage; 100% immunisation cover for all children is only one among health protections to be ensured; diarrhoea, respiratory tract infections and unspecified “fevers” deserve attention.**
- (16) **The Government should revisit current budget provisions for children’s health and nutrition throughout childhood, to ensure that adequate resources and services reach every child.**

8. Right to Protection from abuse and exploitation

- 8.1. India is still in the process of ratifying the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment. The Governments draft domestic legislation has no mention of children. Reports of child abuse and maltreatment need to be investigated and addressed.
- 8.2. The Government has still to bring the draft Offences against Children Bill to the Parliament. The Juvenile Justice Act, 2000 sets up mechanisms to receive, investigate and prosecute complaints, and has provisions for ‘care and protection’ of children who need special attention, but the Act is not reaching all children.
- 8.3. The Integrated Child Protection Scheme (ICPS), launched by the Ministry of Women and Child Development pledges a safe and secure

⁴ The 8th report of the Supreme Court-appointed Food Commissioners remarks on the rareness of finding a child with disabilities at any ICDS centre. It is not only their impairment but also the environment that hampers their mobility. Neither schools nor other government facilities are designed or modified to be adequately accessible.

⁵ <http://wcd.nic.in/schemes/icps.pdf>

environment for overall development of children in need of care and protection, but implementation stage is still at a pilot stage. Its provisions for children with disabilities are limited to institutionalisation and segregation. This goes against such children's equal right to live within the family and the community.

8.4. Corporal Punishment and Sexual Abuse

8.4.1. Corporal punishment and other forms of violence against children remain rampant. A Study on Child Abuse (2007)^{iv} initiated by the Government indicated that 2 out of 3 children reported facing corporal punishment in domestic and school settings. In a national study conducted by Saath Trust and Plan India^v, children reported facing 33 types of punishment at school. Dalit children continue to experience humiliating and degrading treatment in schools and in public places, including being beaten. During the distribution of mid-day meals, they face segregation by being made to sit separately. While the Right to Free and Compulsory Education Act forbids physical or mental abuse against children, the model rules are yet to be finalised by states and there are currently no safe redressal systems in place for children to report violence. Despite recommendations by the UN Committee on the Rights of the Child, there is no uniform ban on corporal punishment in the country.

8.4.2. This situation is compounded by weak laws, and weak enforcement of laws. Prosecution of cases is weakened by the lacunae in the Indian Penal Code (1860) that provide immunity to a person causing hurt to a child if the act is done 'in good faith, not intending to cause harm.'^{vi} The Prevention of Offences against the Child Bill, which aimed to bridge this gap by expanding the definition of 'offence' and listed corporal punishment among offences, is still at a draft stage.

8.4.3. The Government has moved a Bill⁶ only on sexual offences against children, and this focuses on punishing offenders and omits to provide for counselling, rehabilitation and restoration of confidence and dignity of the affected child. While recognising that sexual offences against children are reportedly rising, a law like this will fail to meet child victims' right to recover, and to regain their childhoods. The law should more consciously focus on helping affected children to retrieve their potential.

8.4.4. Among other persisting violations of children's human rights is children's disappearance. The Government reports that in any given year, an average of 44,000 children are reported missing; 11,000 of them remain untraced.⁷ Reported reasons include trafficking, abduction, kidnapping for beggary, child prostitution, bonded or forced labour in small-scale manufacturing and services, domestic labour. Sale and slavery camouflaged as marriages is increasingly reported. There are also runaway children. Child tracking is only now a stated governmental objective.

⁶ Protection of Children from Sexual Offences Bill 2011 (under consideration of a Parliamentary Standing Committee)

⁷ CRC: 3rd and 4th Periodic Report 2011, Govt of India.

- 8.4.5. Fallout of displacement due to disasters or disturbance: Both natural and man-made disruptions of normalcy put children at risk. There is insufficient customizing of immediate and longer-term relief and rehabilitation to the age-specific needs and fears of the affected children. A particular concern is the discrimination suffered by affected children due to their identity or adjudged position or the categorisation of their elders or communities as 'anti-State or against the law. Article 2 and Article 7 of the UNDHR clearly rule against such distinction, and Article 2 of the UN CRC specifically obliges India to protect and safeguard children against all forms of discrimination for any real or perceived reason.
- 8.4.6. A special rights gap exists in the deprivations and exclusions facing children of shifting populations of 'street circus' groups of jugglers, tumblers, and acrobats. The State has failed to protect and provide for such children, who subsist outside the development systems, and also face economic exploitation within their communities. Those from so-called 'criminal tribes' (even though now officially 'de-notified') are particularly vulnerable.

Recommendations :

- (16) **The Government should expedite the establishment of fast-track child friendly courts in all the states**
- (17) **The Government of India should invest in public education of parents, communities, all service providers (including teachers), on the adverse effects of corporal punishment, to develop preventive mechanisms, and improve training and accountability provisions and standards. Offenders should be held accountable. India must begin to address the widespread defaults in aware and attentive governance which deny children both preventive and corrective safety nets.**

8.5. Child Labour:

- 8.4.1. Child labour is a persisting rights violation, and a major fallout of poverty coupled with official failure to check exploitative employment practices. The Government's current data on this issue does not address the numbers of children working in their family profession or in agriculture in rural areas. It is also silent on the existence of bonded labour in the country. Child trafficking for labour and the sex trade are similarly un-mapped. The UPR Recommendation No 5 is especially important in finding out the facts on such rights violations so as to address them. The Government response that data is 'available in the public domain' does not clarify what is being done.
- 8.4.2. The rise of internet access, and its misuse for child pornography and other exploitative portrayal deserves to be addressed by law and corrective action. The portrayal of children in both 'entertainment' and marketing on media channels calls for vigilance and regulation. India's 2008 UPR report (Paragraph 25) deserved to be questioned in this context, and could have

been targeted with a recommendation. The Government should not report expansion of media and information channels and public access without commenting on what is being communicated and at whose cost.

- 8.4.3. The listing of some occupations as hazardous for children leave many other unsafe forms of work sheltered behind an assumption that they are 'safe.' The UN CRC unfortunately echoes this faulty definition of 'worst forms;' it is not clear what might be 'best' forms of child labour. The fundamental right to education has not saved working children from this anomaly. Many work in grueling conditions.
- 8.4.4. The official position stated on child labour in India's UPR 2008 report (paragraph 66) claims a sequential approach to child labour eradication, from hazardous to non-hazardous forms. This compares oddly with the 2011 CRC periodic report, which still speaks of 'wholesome development' of child workers and potential child workers among vulnerable socio-economic groups.(Chapter 8C.1.3:paragraph 89). The CRC report also contradicts the Child Labour (Prohibition and Regulation) Act, 1986, as it allows children under 14 to work in "non-hazardous" occupations. From a rights lens, it is arguably hazardous for children to be forced into labour at all.
- 8.4.5. The Government has argued that it is not 'realistic' to remove all children from all forms of work. This raises a question of ethics in both law and development, and the question of whether employers are opting to hire children and to bypass both minimum wages and minimum working conditions. The State should investigate reports that children at work may be from families and households where employable adults are not able to get work.

Recommendations :

- (18) **The government should seriously address the child labour situation, inform itself, and act to provide and protect basic UDHR standards. It should change the child labour law to conform to the right to education by banning all forms of child labour entirely.**

9. Right to Education

- 9.1. Making the right to education a fundamental right for the 6-14 age group of children denies parity to the learning rights of children under 6 and above 14 years. This deserves review.
- 9.2. Children still out of school are from marginalised communities^{vii}. The number of schools for children aged 10-14 (upper primary) and secondary (post 14 years) is far below the need.

- 9.3. The growth of for-profit private schooling deserves scrutiny. So do proposals for public-private partnerships in school education. The new RTE Act says nothing will be sub-contracted.
- 9.4. The quality of schooling overall is poor^{viii} and lacks basic prerequisites like infrastructure, availability of teaching-learning materials and adequate numbers of trained teachers. These deserve investment. At the core of the problem is the failure to invest adequately, in visioning, capacity building, infrastructure development and financing. The government continues to fall short of its commitment to invest 6% GDP in funding education (3.23% GDP).
- 9.5. A core question in schooling is what is being taught, and how this meets rights entitlements. Quantum increase in buildings and the filling of classrooms does not equal actual education. The calibre of teachers, and the substance and spirit of what is taught deserve attention too. It is India's obligation to honour CRC Article 29. Schools where children are mistreated because of their identity, or denied knowledge cannot provide inclusive education.
- 9.6. India should examine the 'why' of schooling with equal attention. An example in the national school curriculum is the lack of history lessons on any part of India outside the territorial 'heartland.' All children need and deserve to learn their whole history, and the State has the duty to ensure it is taught. India's credo of 'unity in diversity,' means that education should aim to build understanding and respect for this. Both the 'mainland' child and the one representing diversity have this socio-cultural entitlement. India is the poorer for such inattention to how children in India could know and value their composite and plural identity.
- 9.7. Other disparities deserve to be examined. The educational system continues to be multi-tracked, with a different quality of education offered to children based on their socio-economic status.
- 9.8. Continued military occupation of schools in conflict-affected areas has put children at risk & barred them from exercising their right to schooling⁸.
- 9.9. A large part of India is disaster-prone, but retro-fitting of buildings as per the National Building Code has been slow as has the integration of school safety in the curriculum.

Recommendations :

- (20) Six per cent of GDP or 20 per cent of Government expenditure should be provisioned for education, and half of this public spending on education needs to be targeted towards primary and elementary education.**
- (21) To ensure quality of education, regular and trained teachers should be recruited. Para teachers recruited so far should be trained for regularisation, or replaced.**

⁸ UNESCO: Education For All Report 2010

- (22) The Government should move to extend the right to education for all children up to 18 years of age, and generate the resources and investments to make this possible. This will hinge on the comparative commitment to education as against other sectors of expenditure.
- (23) A universal system with enhanced minimum standards is needed, in line with existing recommendations for common schooling standards for all children. Irrespective of their parent's socio-economic status. All forms of discrimination in the education system they based on caste, class, religion, disability or other forms need to end.
- (24) All forms of privatisations including the Public Private Partnership or franchise to corporate bodies that leads to profiteering, commoditization and weakening the public education system should be dropped.

10. Civil and political rights

10.1. Birth registration

- 10.1.1. The Registration of Births and Deaths (1969) makes it mandatory for births to be reported and registered, yet nearly 9 million newborn children go unregistered in the country every year.^{ix} The government is also not currently collecting sex disaggregated data. The Government claims that 69% of births are being registered. But government's own surveys show the level at 41%, with only 27% of households able to produce a certificate.⁹
- 10.1.2. The low outreach of birth registration/civil registration services, low awareness about birth registration as well as the lack of resources invested implies that scores of children are denied birth certificates and installation on the roster of people. Such rostering is both an identity and a protection tool for children. Given the various age related legislations in the country, the Birth Certificate is also an important document to protect children against many child rights violation linked to age and identity. Proof of age is essential to ensure that children access their rights to education, are prevented from entering into child marriage or child labour as per the different legislations passed in the country.
- 10.1.3. Marginalised groups in both rural and urban settings are still denied their right to identity provided by registration and certification^x. The NNGOCRC notes that the government also needs to simplify the processes for registration especially for street children or ensure alternate procedures to register them

Recommendations :

- (25) The Government should simplify the process of registration and ensure the right to registered identity for street children, other children without adult guardianship or support, and other vulnerable groups.
- (26) Government should improve the outreach of the registration services to the people, and have awareness programmes for states that are lagging in registration of children.

⁹ 3rd and 4th Combined Periodic Report on the Convention on the Rights of the Child 2011, Govt of India.

11. Right to Security and Consideration :

- 11.1. All children have the right to be safe, and to have a sense of security wherever they are. Children of groups in any situation of distress or displacement or disruption of normal and stable living conditions, are at high risk.
- 11.2. The Government's 2008 UPR report mentions terrorism {"aided and abetted from outside"} as a serious challenge. It says nothing on human impact in affected areas. India's 2011 Initial Country Report on the CRC Optional Protocol (OP) on Involvement of Children in Armed Conflict and its CRC 3rd and 4th Periodic Report 2011 state that "India does not face either international or non-international armed conflict situations." The OP report cites legislative provisions to prevent children's involvement in armed conflict, and provide care and protection to children affected. The official introduction to the CRC periodic report acknowledges that "needs and entitlements demand a variety of interventions, and notes "children in areas of civil unrest" among those in need. These statements can be commended, but perhaps India should review ground realities for children in all such settings and situations.

12. General Measures - Resources for Children

- 12.1 There are two defaults that affect children: low budgeting of resources and low allocation of attention.

Recommendation:

(27) Both investments urgently require correction.

=====

(5108 words without End-note)
