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ISSN 1729-8997  
(Online Edition)

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# Children Speak

Vol 5, No.17, April - May '06

*A Newsletter of the Organization for the Protection of Children's Rights*

## Message from the President

The International Labor Organization estimates that some 246 million children – or one in every six children – are currently involved in child labor worldwide. Mostly concentrated in the developing countries, it threatens the physical and mental development of innocent children. In order to overcome the situation, the Maharashtra state government in India is drafting a Government Resolution that aims to rehabilitate rescued child laborers by providing them with an education and jobs for unemployed adults in their family. This issue features an interview with Ms Vandana Krishna, Secretary, Women and Child Welfare, Government of Maharashtra, on the education of runaway street children.

The problem of runaway children is not restricted to developing countries alone. In 2004, 52,280 children ran away from home in Canada. Ten years earlier, there were 40,140 children who ran away from home in Canada. The situation has worsened since.

There are four main factors that help young people deal with stress: home, school, community, and peers. When one or more of these support system changes or breaks

down, the youth's urge to run away increases. Most children who run away from home do so as a result of intense family conflict, (i.e. family breakdown especially when there is extreme animosity)

or even because of physical, sexual or psychological abuse. These children run away from the intolerable situation with the hope that things will get better or even change when they return home. In most cases, nothing changes leading the child to run away again.

Children who repeatedly run away are inclined to deal with their troubles by disconnecting from the source of the problem (home, school, community and peers) and establishing a relationship to a so-called "street family". Eventually, as they become more connected to this alternate "family", they return home less often. It is therefore important to try to break the cycle of running away early on because the alternative street life exposes them to health risks as well as prostitution and drugs. Any intervention to



Riccardo Di Done

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# Maharashtra State Plans to Ban all Forms of Child Labor

*A Times News Network Report*

**F**rom now on, it will be illegal to employ a child in any sector, be it for household work, a waiter at a canteen or the more hazardous industries like Stone-Cutting or Mining, as the Maharashtra state government, India, proclaims a ban on Child Labor.



The Maharashtra state is drafting a Government Resolution (GR) on child labor, which says no distinction between hazardous and non-hazardous industries should be made when rescuing child laborers. The central Child Labor (Prohibition and Regulation) Act (1986) bans child labor in hazardous industries only.

"If the GR is passed, Maharashtra will be the first state to do away with this distinction," said Farida Lambay, co-founder of NGO Pratham and part of a task force drafting the GR. It will be something that child rights activists across India have been demanding for the last 20 years.

Until now, children were allowed to do "non-hazardous work" in regulated conditions, including fixed hours of work and rest, even though child rights groups have long said any work is hazardous to the growth of a child and deprives him or her of a proper childhood.

"Without distinguishing between hazardous and non-hazardous industries, children doing any work in any district and in any industry

and not getting an education must be rescued by the task force and rehabilitated with the intention of giving them an education," says the draft GR.

Any Child Laborer below the age of 18 years, found during a raid, should be rescued from the employer and

handed over to the police. Under the Act, an employer can be booked for using a child as a source of earning.

The draft GR and a State Action Plan prepared by Pune-based Yashada plans for the rehabilitation of the rescued child laborer and his/her entire family, including jobs for unemployed adults in the family and an education for the rescued child.

The state plans to expand its existing homes and set up residential schools under the Center's *Sarva Shiksha Abhiyaan* scheme for rescued child laborers.

Children who do not want to return to their home states or have no access to education and other basic facilities in their villages will have the option of staying in Maharashtra and joining such schools.

After undergoing several revisions, the draft GR, being worked on by the labor department and NGOs, now

has to be circulated among the ministers and secretaries of all the departments connected with it, who will have meetings with the task force on child labor headed by deputy chief minister R.R. Patil. ■

**The draft GR and a State Action Plan prepared by Pune-based Yashada plans for the rehabilitation of the rescued child laborer and his/her entire family, including jobs for unemployed adults in the family and an education for the rescued child**

# Growth and Education of Runaway Street Children

*Maitri Porecha speaks to Vandana Krishna, Secretary, Women and Child Welfare about the opportunities for growth and development of Runaway Street Children.*

**CS: How is it possible to include Working street children in the formal education system? Are there any governmental and non-governmental organizations dealing with the issue?**

**VK:** There are many state and central government schemes for children. The children you are referring to are working, but have fled from their families, having no contact with their parents or relatives. They are referred to as 'Runaway Street Children'. There is a Central Government scheme for these children, details of which are available on their website. There are also NGOs like Pratham, Saathi, Prayas and educational institutions like Nirmala Niketan, which work in collaboration with the State Labor Department, to improve the conditions of these children.

**CS: How is it possible to include working street children in the formal education system? Are there any governmental and non-governmental organizations dealing with the issue?**

**VK:** More than formal education, what is required is need-based education. NGOs can take up the work of conducting informal education; they may even approach the Municipal Corporation to admit these children in municipal schools. Government funds are available for such training programs, to provide for office rent and salary for teachers. Under the *Sarva Shikshan Abhiyan Scheme* of the Government of India, one can admit these children in special or part-time schools.

**CS: It is observed that a majority of working children have attended primary school, however the number of children attending secondary school is lower. What can be the reason for this decline?**

**VK:** This phenomenon is true everywhere in India. This trend is observed even among



**“Government is always ready to provide financial support, but it does not have experts.”**

**- Ms. Vandana Krishna, Secretary, Women & Child Welfare, Govt. Of Maharashtra**

children who have parents. So, it is not an exceptional case.

**CS: A majority of these children reside on railway bridges and on the streets of Mumbai. What can society do to provide better housing facilities for them?**

**VK:** Many NGOs are making available temporary night shelters to these children by approaching the Mumbai Municipal Corporation to provide Municipal schools or other under-utilized government buildings. One has to approach the Municipal authorities.

**CS: A shocking revelation suggests that most of these children are drug addicts. Is the state government doing anything to deal with the problem?**

**VK:** The government is aware of these problems. There are de-addiction centers where they can be admitted but voluntary participation and willingness on their part is a must. A lot of agencies are working with other categories of children, such as children of construction workers, sugarcane farmers, and

migratory workers. These are more innocent children and it is easy to work with them. You are targeting a very difficult category of the society. Therefore, your job is much tougher. Perhaps, NGOs who have expertise in the field can come forward. Government is always ready to provide financial support, but it does not have experts.

**CS: What role can the media play in the protection of the rights of these children?**

**VK:** Media only goes in for sensationalism. It highlights some stories, which do create public awareness. However, people who want to employ child laborers are still employing them. Parents of the working children are still sending them to work. People who read the

# Growth and Education in India of Runaway Street Children

newspapers are sensitized by the stories, but for those who are directly related to the issue – like the employers, the working children and their parents, nothing changes. I have doubts whether the media has really made any difference.

**CS: What measures can be taken to stop the abuse of these children by their employers/ society?**

VK: Keep the punishments strict and make sure that the accused gets convicted. At present, only 2 to 5 % of the exploiters get caught. If they think they can get away with it, they will keep on exploiting the children. There has to be a deterrent. Under the 'Juvenile Justice Act' it is illegal to employ a child laborer whether the industry where he/ she is employed is a hazardous or a non-hazardous industry. Under this Act, a person can be punished for employing, exploiting or forcing a child into labor. If the person is found guilty and is condemned by the Court of Law, then there is a jail term to be served as well as a fine to be paid by the accused.

**CS: According to a recent 'The Times Of India' report, the state is planning to ban kids from all types of employment - hazardous and non-hazardous. Until now, the children were allowed to do "non-hazardous work" but there are instances wherein the children work for more than 12 hours in unregulated conditions. What has the state done about this?**

VK: Firstly, no law succeeds when the people don't support that law. There are so many laws made by the government and this is one of them. But the public does not believe in it. For e.g., giving or taking 'Dowry' is a criminal offence under the law, but still people give and take 'Dowry'. The day when a majority of people actually start believing in and implementing the law, that is the day when it will actually be abolished.

**CS: The Report also states that the State plans to expand the existing homes and set up residential schools under the state's *Sarva***



***Shikshan Abhiyan* for the rescued child laborers. Will this scheme ensure the total rehabilitation of the child laborers?**

VK: You have to understand that whenever there is a human cry about something the government responds to it with an Action Plan. The Government says, "If children are out of schools, we will set up more schools. If their parents are poor, we will not only help the children but also their parents by providing them appropriate employment."

There are people who feel there is no harm in sending children to work if they are earning as well as learning some work.

People also employ child labor

for household work. Therefore, government responds to the situation by charting out something like *Sarva Shikshan Abhiyan*. In a village in Maharashtra, arrangements for 23,000 children to stay back were made in the community hall in order to ensure that they do not leave the school when their parents migrated in the working season.

There is a communication gap between the people and the government. One does not know what the other is doing. In reality, Crores of Rupees are being spent in various schemes planned to improve the condition of children.

**CS: If a particular NGO wants to come forward for a cause, what procedure does it have to follow in order to procure government assistance ?**

VK: The NGO has to apply to the government under a Scheme. There are various Schemes for street children which financially support the NGOs. The government lays out conditions as to what activities are expected to be carried out. One has to download the application form from the website of the Government of India and has to apply under the right department under a particular scheme. Conditions such as registration of the NGO, experience, availability of trained workers, etc. will determine whether the NGO will receive the government assistance. ■

# Child Sexual Abuse & the Law

By Maharukh Adenwalla  
Published by: India Center  
for Human Rights and  
Law, 2000  
Price: Rs.250/-



*Child Sexual Abuse and The Law* looks at legal redress as a strategy to counter child sexual abuse. It examines the Indian as well as foreign and international laws dealing with child sexual abuse. Comparisons suggest that, by international standards, the Indian Laws are often inadequate when it comes to child rights. The author has covered various issues through an exhaustive study of child abuse, child sexual exploitation, child prostitution, commercial sexual exploitation of children and women, child trafficking etc., by giving precise definitions, shocking case studies and elaborate details about the legalities and sociological impact of each issue. Myths and confusions regarding the same have been effectively cleared.

The author is a lawyer working on child right issues. She examines the existing Indian law, which has been weighted against the child and in many cases causes great trauma to the tender mind of the child. She identifies the loopholes in the current laws and suggests proposals to fill in the existing gaps. The book aims at filling gaps like the verification of age limits for children produced in a magistrate's court; age limits for children accepted into remand homes; television-linked court rooms for victims who are minors; laws for children in conflict with the law; and substantial and procedural laws for child sexual abuse cases. It is a comprehensive book outlining guidelines and giving insight into the legal responsibilities of the various allied systems that come in contact with children.

A must read for Lawyers, Organizations dealing with child rights and for all the individuals who wish to make a difference in society by elevating the status of the future generations! ■

## Book Review

# UNICEF Goes Local



**Held by her mother and surrounded by other villagers, Tasmina from West Bengal, is the picture of good health**

In the Bagdoli village of West Bengal, the statistics related to undernutrition, particularly among children, are alarming. Every second child below age three is underweight, more than 4 out of 10 are stunted and 1 in 8 is wasted. Children are at high risk of becoming anemic.

So what approach does UNICEF adopt in order to ensure that the children in this village are healthy and nourished?

## Events

The villagers with the available scarce resources identified some new practices and mingled them with traditional ones to produce successful results. Of late, the babies of this village have grown to be cherubic and healthy with plump cheeks!

The villagers have benefited from 'Positive Deviance', a programme for early childhood launched in 2001 by the UNICEF and based on the premise that solutions to community problems already exist within the community.

The main occupation being agriculture, the sole bread winning father of the family toils all day long in the fields. Normally, people here live in one-room mud huts with open verandahs. The Mother cooks whereas the Grand Parents play with the child.

It is suggested to the mothers that they start breast feeding their babies immediately after birth. There is a mistaken belief that colostrum harms the infant, whereas the vitamin-rich liquid actually provides the child with its first immunization. When the babies are six months old, they should be fed with semi-solid foods, including fish and vegetables. Also locally available medicinal herbs can be utilized to treat the disorders like stomach upsets. On his

## UNICEF Goes Local

way back from work, the child's father can bring him/her a piece of fruit or a toy, and play with her when he gets home.

'Positive Deviance' emphasizes behavior change through participatory learning and community mobilization. In West Bengal, it focuses on feeding practices that lead to child under-nutrition and encourages parents to change faulty eating habits. It trains mothers in neonatal childcare and preventive health-care practices.

***"When I approach a child  
He inspires in me two sentiments:  
Tenderness for what he is,  
And respect for what he may become."  
– Louis Pasteur***

To put it simply, 'Positive Deviance' seeks to understand and share the beneficial feeding and caring patterns of families that are deprived, but whose children are nevertheless well nourished – families that have healthy children despite living in poverty. The practices and habits of 'positive deviants' in the community enable them to beat heavy odds and find solutions, however unconventional, to problems that are common in their lives. This grass-roots approach has mobilized the community, resulting in individual and social change at all levels.

### **Replicating the programme:**

While earlier nutrition programmes focused on sick, malnourished children, 'Positive Deviance' looks at healthy children in poor settings as sources of good examples to share with others in the community. Instead of asking 'How can we help you?' the programme poses the question, 'How can you help yourselves?'. Currently, the UNICEF-supported programme is being implemented in the districts of Murshidabad, Dakshin Dinajpur and Purulia, covering 1,015 villages with a combined population of 1 million – including 122,000 children under three years of age in West Bengal state of India.

'Positive Deviance' has taken off in a big way in West Bengal because the behavior changes are acceptable, affordable and sustainable. In fact, it has been so successful that other departments of the Indian Government are interested in replicating the programme elsewhere. ■

## Remembering Chernobyl

By Sabine Dolan

**A**t the United Nations Headquarters, UNICEF Executive Director Ann M. Veneman addressed a special meeting of the General Assembly in remembrance of the Chernobyl disaster.



"Few of us who are old enough to remember back two decades will ever forget Chernobyl," said Ms. Veneman. "Twenty years ago this week, it became the site of the worst nuclear power plant disaster the world has ever known. But long after the media spotlight had died down, the effects lingered on, resulting in illness, psychological damage and impaired human development across large areas of Belarus, the Russian Federation and Ukraine."

### **Impact on children**

In her speech, Ms. Veneman stressed the problems related to the health and well being of children and young people: "As is often the case in emergencies, children suffered a disproportionate impact. A sharp increase in cases of thyroid cancer was reported after the accident ... mainly in children and adolescents. It is clear that the increased incidence of childhood thyroid cancer caused by radioactive iodine fallout has been the most dramatic health impact of Chernobyl."

Meanwhile, the UN and partner organizations are monitoring the consequences of Chernobyl and how far they extend into the future. Funding is needed for new research to clarify the effects of nuclear contamination over a period of decades – data that could facilitate the treatment of Chernobyl-related diseases and assist in agricultural development in contaminated environments. ■

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### **Message from the President**

help runaway youth should involve the social services and mental health departments since they can focus on the child maltreatment, family conflict, substance abuse, and traumatic stress that are often at the origin of the problem of runaways.

Whether we are talking about child laborers and runaway street children in the developing world or in the industrialized world, it is imperative that we work to protect the rights and interests of our children. Together we can and will make a difference!

FOR THE LOVE OF OUR CHILDREN! ■