

NATIONAL COMMISSION FOR PROTECTION OF CHILD RIGHTS (NCPCR)

**National Convention on Right to Education and Abolition of Child Labour:
Freedom and Dignity for All Children**

11th & 12th December 2008 – Vigyan Bhawan, New Delhi

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NOTE FOR THE PRESS

Introduction:

On 12th June 2008, the World Day Against Child Labour had declared 'education as best response for the child labour' as its theme for this year. In pursuance of this theme, National Commission for Protection of Child Rights (NCPCR) along with UNICEF & ILO conducted a Workshop on 12th June 2008. It was followed up with a series of Regional Consultations on the issue. These Consultations were held in the States of Uttar Pradesh, Karnataka, Rajasthan, Tamil Nadu, West Bengal, Orissa and Andhra Pradesh. There is a proposal to continue with such consultation in Gujarat, Maharashtra and in other States.

The Consultations have shown very clearly the need for a total abolition of child labour in the country. It highlighted the exploitation, suffering and servitude of children, who have not attended school and are engaged in work. It also showed how relentless action by both the Government as well as NGOs in some areas have resulted in a large number of children being withdrawn from work and sent to schools. The Consultations showed that it is possible to abolish all forms of child labour in the country if a serious effort is made in this direction. The Consultations also resulted in a set of principles which had to be adhered to if every child has to enjoy her right to education. These include:

- i. A very clear stand that all forms of child labour are to be abolished and a need for an amendment to the existing Child Labour (Prohibition & Regulation) Act, 1986. This amendment to be in the nature of removal of regeneration of child labour and towards total prohibition of child labour.
- ii. To protect the rights of children till they are 18 years of age and ensure that all of them attend full-time formal schools as a matter of right.
- iii. A strong enforcement of the law to abolish child labour as well as an optimum utilization of the Bonded Labour System (Abolition) Act and the Juvenile Justice Act, 2000 to enable withdrawing children from work and ensuring that all of them attend schools.

The Consultations also emphasized the need to ask the question 'how' to get children to schools rather than get into endless debates on 'why' children are in work. It felt that the question on 'how' to get children to school would provide for concrete measures for abolition of child labour whereas the question 'why' children are at work will only provide excuses and rationalization for continuance of child labour.

Present Scenario:

The present Convention is a culmination of all the Regional Consultations and the objective of the Convention is as follows:

1. Bring visibility to the issue of child labour and children out of schools.
2. Opportunity for advocacy - by engaging with the system and all layers of officials to further the right to education and abolition of child labour.
3. Bring in the much required convergence between various departments – labour, education, home, women and child, social welfare.
4. Create a mood and an environment in the state and nationally, for the total abolition of child labour and the right to education for all children.
5. Bring the non-negotiable agenda to the political center stage and action around it.

Consensus reached on what is the non negotiable Agenda:

1. The definition of child labour is inclusive of
 - All children up to 18 years.
 - All children out of school.
 - Children engaged in any form/ type of work or employment.
2. All children have the right to free and compulsory, equitable and quality education.
3. All children shall be in full time, formal schools. All schools, including aided, unaided, government, private; shall be fully functional and there shall be no mergers or closing of schools or reduction in the number of teachers.
4. Budgetary allocation for education to be 6% of GDP.

Participants for national process:

Include representation of all civil society constituencies that are in agreement with the non negotiables to engage with government and political representatives. Bring the ownership of people and involvement of the community on the issue.

- Senior most officials of concerned departments- education, labour, social welfare, WCD, Home, revenue, panchayati raj, tribal development.
- Political representatives at all levels – Gram panchayat, zilla parishad members, MLA's, MPs.
- Faith leaders, NGOs, academic institutions, industry, corporate bodies, employers associations.
- Trade unions including teachers unions.
- Donor agencies and other international organisations.

Children's participation:

- Includes children's participation, in meaningful ways, appropriate to their age and ensuring support systems of translation. Independent processes with children as well as linking children to the mainstream process of the regional/ national consultations.
- Opportunities for children who have been freed from child labour to speak of their positive experiences and gains.
- Build on existing children's processes of organisations and coalitions.

Conclusion:

In view of the fact that the Bill on Right to Education would be introduced in the current session of the Parliament, this Convention should enable highlighting the need to totally abolish child labour for an effective implementation of the Right to Education Act. It is evident that it is only when children are in schools and not at work, that fulfillment of the Right to Education is possible. Therefore, it is absolutely essential that the law for abolition of child labour is amended to prohibit all forms of child labour and link it to the fundamental right to education.

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