

## **UNIVERSALITY OF CHILD RIGHTS - THE CONTEXT OF DISPLACEMENT AND MIGRATION**

**Address by Ms.Dipa Dixit, Member, the National Commission for Protection of Child Rights at the National Convention on Displaced People, 18<sup>th</sup> October 2008, India Islamic Centre, Lodi Road, New Delhi**

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The National Commission For Protection of Child rights, was set by the Government of India about 18 months ago, to address child rights violations and recommend measures to protect and enforce the rights of children, including policy and legislative outcomes. Part of our work on vulnerable child populations has brought us in contact with children who have been adversely impacted by internal displacement and conflict.

The Commission recently visited relief camps for displaced persons in Assam (Chirang and Bongaigaon districts) and Tripura early last month, with a view to understanding the plight of internally displaced children. The camps we visited in Tripura included Naisingpur, Ashapura, Hamsaparu, and Khashithai. It would be an understatement to say that we were appalled by the sub human conditions under which these people have survived in these camps for so long- a fact which was highlighted by the individual testimonies of the camp population, where they spoke of the enormous tragedies and suffering they face on a daily basis.

What struck us was the basic lack of integrated services and support for these children and their families, in particular, the critical lack of health, sanitation and education facilities. A new generation has taken birth in these camps, yet, it is as if they don't exist! There is no or marginal registration of births and deaths, hardly any immunization, no health facilities or Primary Health Centers, no functional schools, no safe drinking water, poor sanitation, inadequate rations-disease and death shadows these children every day. It is this daily lived experience in encampments, which defines these children's sense of identity, belonging and well-being. To cite the odds against which these people

live and to humanize what children go through here, I thought I should share one-two stories that we heard during the course of our interaction-We met a father whose abject poverty and despair, had driven him to leave his 4 year old daughter to die of blood dysentery in his tent as he does not have access to any doctors, medical aid or health facilities. His resignation to her fate was frightening!! We met a young woman in Ashapara camp, who had lost her husband and 2 children to blood dysentery and malaria. She is left with a four year old child , who looks about 2, due to severe malnutrition. She herself is 5 months pregnant. Her testimony was simple-her family-what is left of it-is starving!!!! The rations provided are inadequate as her husband and children's names were struck off when they passed away, but surprisingly, the surviving child's name was not included in the same list. Her ration is being shared by her mother and sisters. In the month of August alone, there were 31 infant deaths in 2 camps due to malnutrition and disease and 11 maternity deaths in one camp.

A 15 year old boy I met walks about 12 kms a day to get to a private school. His parents are in camp. They starve in order to save money for education of this boy. In their humble way, they are ensuring that the child gets what is due to him. What impressed us was his determination and clear understanding that he needs an education to get out of this miserable situation.

These are just some of the many stories that surfaced. The need to address this emergency situation and to ensure the fundamental human rights of these displaced people and children, which includes access to all their entitlements as citizens of India, is immediate and of paramount concern. They are the voiceless people of India, more so, their children!!

The starting point to any discussion on the rights of Children, displaced or otherwise, is that children are entitled to and should enjoy all rights that other citizens in a country enjoy, irrespective of their statehood (in a federal context) or nationality. Therefore their rights are indivisible. In the context of displaced, migrant, refugee children, the rights would be same as applicable to children, who are so situated. Their entitlements and rights should not be politicized, coloured or denied under any circumstances. This is the position the Commission holds and is based on certain universal and fundamental rights of children, as enunciated

in international treaties and laws, and reflected and reiterated in India's constitution and domestic legislation. All children, irrespective of their caste, creed, region and religion should therefore be entitled to protection, care and development, as provided by the law of the land. When these rights are converted into practical strategies, through any program for services they should be as a matter of right, have easy access to food (including nutrition), clothing, shelter, education and protection from all forms of exploitation. This is the starting point of any dialogue or discourse on children's rights in India. Their region of origin, their domicile, their religion or nationality is secondary and irrelevant in the context. Children's rights, it must be emphasized, are universal and fundamental.

We need to look at things in the present, what state are these children in? In the present scenario, children are actually in a permanently displaced condition. As mentioned earlier, a new generation has taken birth in these camps and they know no other existence apart from what they are exposed to here. Serious thought needs to be given to this **Present**.... What happens to these children, what impact is it having on their present and is there any future? The concern of the Commission is the **Present**, which is so naturally linked to their future as youth. In this temporariness, the one permanence we can bring is access to their basic rights. Some of the paramount rights are: rights to protection, food (including nutrition), health care, shelter, water, clothing, and most importantly, formal education.

The rights of children, as we all know, are protected under the UN Convention on the Rights of the Child (CRC). As per the Indian Constitution, Articles 14, 21 and 21A, the Indian State is obligated to secure basic rights for children as citizens of India, displaced or otherwise. The UN Guiding Principles on Internal Displacement also enumerate specific protection and assistance measures for the largely ignored, marginalized internally displaced populations.

The State and the policy makers need to urgently recognize the despair and struggle that these children confront on daily basis. Exploitation is common, and the environment is such that it encourages illegal practices like child labour, child trafficking, abuse, etc.

As alluded in my introduction, the Commission looks at children rights and deprivation thereof in totality-we look at all children and their rights in the context of the law of the land. In our view, because they are children in such a vulnerable situation, they require and should be given more attention, care and protection. With a view to sensitize the state and community, the Commission has intervened in the case of tribal children affected by conflict and displacement in the Dantewada and Khamman districts in Chattishgarh and Andhra Pradesh. Apart from highlighting the fact that their right to education, nutrition and health care should not suffer because of the conflict situation prevailing in Chattishgarh, we have achieved some degree of success in bringing the two State Governments together to formulate and implement a plan of action which seeks to address the above mentioned issues. This has been a suo motto initiative. Significantly in all of these situations we are concerned with not just addressing the immediate 'emergency' needs of these communities on a humanitarian basis but also in ensuring that to fully realize their rights these communities cannot and must not be excluded from the mainstream institutional facilities for health, education and the registration/certification processes for access and democratic participation.

Similarly, in Assam and Tripura, post our visit, we have already reported to and engaged in a dialogue with the State Governments and the Ministry of Home Affairs, at the Center, suggesting various measures to address the issues of adequate rations, healthcare, sanitation and education in the relief camps. As is our practice, the Commission will follow up with another visit, after three months to see whether and how much progress has been made.

In conclusion, I think it is important to emphasize that the rights of children, with specific reference to basic rights to health, nutrition, education, shelter and protection from exploitation should be enforced most stringently **BECAUSE THEY ARE CHILDREN, irrespective of where they came from and where they have to go. Their entitlements and rights flow from the fact that they are citizens of and in this nation.** The State and we as fellow human beings, have the obligation to fulfill the same.