UNIVERSAL PERIODIC REVIEW OF INDIA

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A submission of, for and by children of India with Edmund Rice International and PRATYEK

Submitted By



Edmund Rice International



Edmund Rice International (ERI) is an international non-governmental organisation, founded in 2005 and with Special Consultative Status with ECOSOC since 2012. ERI is supported by two Catholic Religious Congregations, the Christian Brothers and the Presentation Brothers. It works with networks of like-minded organisations and in the countries where the two Congregations are present. ERI has a special interest in the rights of the child, the right to education (RTE) and in eco-justice.

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PRATYeK is a child and earth rights organisation based in India with a presence across all states and union territories of India through a vibrant and engaged network of schools and civil society organisations. It seeks to promote child-led advocacy as a fundamental medium to promote Child rights and Earth rights. PRATYeK received its special consultative status with The Economic and Social Council (ECOSOC) in the year 2020. PRATYeK engages with children from across the country towards the creation of a just, equitable, inclusive and sustainable world through its national child-led advocacy initiative called **NINEISMINE**.

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While most submissions made to this UPR process will be made by adults (and some on behalf of us children) this is probably the only one composed and submitted by us children, ourselves. We the children of India represent over one third of our Indian population and are part of 30% of the world population. 'We may not be voters but we believe that the voices of children can be stronger than the votes of adults and that it is necessary for us to speak up now to secure our future.' **NINEISMINE** Declaration

- 2. We thank the world leaders for putting in place this wonderful model of accountability which we seek to use in our own neighbourhood, state and national level children's parliaments. We believe that this model resembles our regular school exams and feel that it is only right that our governments who are meant to serve the people should be evaluated regularly by their peers (and its children) on every international convention and declaration even if countries have not signed up to it. We believe standards are standards whether a country accepts it or not.
- 3. This submission was composed by over 3500 children under the **NINEISMINE** campaign an advocacy initiative of, for and by children of India to keep governments accountable to their promises to fulfil the SDGs.
- 4. It is important to recall that over 120,000 of us child-citizens of the **NINEISMINE** participated in the consultation processes that preceded the adoption of the Agenda 2030. We have since used every global, national and neighbourhood occasion, mechanisms and democratic processes to track and press for the fulfilment of the SDGs to end poverty, to reverse inequity and to reverse climate change and to ultimately create a world fit for all children if not all members of the earth community.
- 5. We thank PRATYeK and Edmund Rice International for making this joint submission on behalf of us young **NINEISMINE** advocates. Both these organisations have Special Consultative Status with the ECOSOC since 2012 and 2020 respectively. We also thank all their partners for their help in coordinating this massive exercise of harnessing the experiences and recommendations of children across India.
- 6. We invite all duty bearers to consider this UPR submission to be our mandate of the children's parliament for the next few years. We seek the help of all our adult leaders to use your good offices and more than just good will to make real these rights of ours. We promise you that you will see us knocking on the doors of our government, your embassies, the UN agencies and various schools, non-profits, companies, celebrities, our own peers and everyone to assist us in keeping our promise even as we ensure that you keep yours! In service of the last child of India.

Tejaswini Mili (14) Ruksar Rehman (14)

Prime Minister President

India

Section One: Development for All

Water and Sanitation (SDG 6)

7. We children have a right to a decent standard of living. (CRC - Article 27)...

- 8. We thank India for supporting the recommendations of Singapore (161.170) and Bulgaria (161.168) on safe water and sanitation which the WGHR rates as being 'partially implemented'.
- 9. But India still has 60.4% people living without access to a toilet.¹
- 10. We therefore recommend that India,
 - Improves the quality, the maintenance and availability of good functioning toilets.
 - Spreading mass awareness to ensure hand washing, the use of toilets and other hygiene practices.²
 - Ensure that all public toilets are children friendly.

Education (SDG 4)

- 11. Children have a right to education (CRC Articles 28 and 29)
- 12. We children have a right to education (CRC Articles 28 and 29)
- 13. We thank India for supporting the recommendations of Lao PDR (161.182), Myanmar (161.183), Qatar (161.184), Holy See (161.189), Brunei Darussalam (161.186), Kyrgyzstan (161.188), Australia (161.244) and Iraq (161.181), Mexico (161.187), Czechia (161.101), Vietnam (161.185), and on education which the WGHR rates as being 'partially implemented' to 'not implemented'.
- 14. However, the dropout rate at the secondary school (IX-XII) level in India is over 17%, while the dropout rate in upper-primary (VI-VIII) and primary level (I-V) is 1.8% and 1.5% respectively.³
- 15. We recommend that India,
 - Extends the rights to education of children from age 3 through to 17 years while ensuring that every neighbourhood government school functions like a standard *Kendriya Vidyalaya*.⁴
 - Embeds the education of each of the Global Goals into the entire school curriculum.

Health and Well-being (SDG 3)

- 16. We children have a right to health and health services (CRC Article 24).
- 17. We thank India government for supporting the recommendations of Lao PDR (161.178), Norway (161.87), Zimbabwe (161.77), Colombia (161.176), Oman (161.240/161.246) and Kazakhstan (161.175) and on health which the WGHR rates as being 'partially implemented' to 'not implemented'.
- 18. However, India reported the most deaths of children below five years in 2018, with 8,82,000 deaths.⁵
- 19. We therefore recommend that India.
- Introduces a complete change in the education system to make it more joyful and stress free.
- Makes mental health and well-being education and counsellors mandatory in all schools.
- Promotes a strong national level awareness campaign on varied aspects of well-being and mental health.

Hunger and Malnutrition (SDG 2)

20. We children have a right to life and maximum survival and development (CRC - Article 6).

¹ It's no joke – State of the World's Toilets Report, WaterAid 2017

² Improves the accessibility to central funding, the durability and quality of construction, the maintenance of and availability of water in toilets built under the Swatch Bharat Mission while introducing a robust mass awareness and behavioural change campaign to ensure the sustained use of toilets and hygiene practices

³ Unified District Information System for Education (DISE)Plus Report, 2020

⁴ Extends the right to education from age 3 through to 17 years while ensuring that every neighbourhood government school in enhanced to at least a Kendriya Vidyalaya (central government school) in terms of financing, quality, pedagogy, facilities, salaries and qualification of staff and curricular options.

⁵ State of the World's Children – UNICEF 2019.

- 21. We thank India for supporting the recommendations of Libya (161.153), Sri Lanka (161.154) and Bulgaria (161.168) on food security which the WGHR rates as being 'partially implemented'.
- 22. But, 35% of children under the age of 5 years in the country are still stunted, while 17% are wasted and 33% are underweight.⁶
- 23. We recommend that India,
- Extends the mid-day meals to students of class 9-12 and should be given even on school holidays
- Includes nutritious breakfasts to the scheme for all children including those under the anganwadi scheme.

Innovations and Technology (SDG 9)

- 24. We children have a right to access information. (CRC Article 17
- 25. We thank India for noting the recommendations of Germany (161.135), Lithuania (161.134) and Switzerland (161.140) on the freedom of expression which the WGHR rates as being 'not implemented'.
- 26. Only 23.8% of households had access to the Internet. Of the 70% of rural population, only 14.9% have Internet access compared to 42% of urban households.⁸
- 27. We recommend that India,
- Provides digital devices to all children particularly the most vulnerable with adequate resources and facilities to access the internet.
- Ensures proper safeguarding training and structures in place.

End Poverty (SDG 1)

- 28. We children have a right to stay with their families. (CRC Article 9).
- 29. We thank India for supporting the recommendations of South Africa (161.156), Algeria (161.157) and Germany (161.155) on housing for all which the WGHR rates as being 'not implemented' to 'partially implemented'.
- 30. It is estimated that 18 million children live on streets in India⁹.
- 31. We recommend that India,
 - Declares housing as a right for all its citizens. 10

Budget for children

- 32. We children have the right to social and economic help. (CRC Article 26).
- 33. We thank India for noting and supporting the recommendations of Mexico (161.187) and Kazakhstan (161.175) on budgetary allocation which the WGHR rates as being 'partially implemented' to 'not implemented'.
- 34. However, the share of budget for children is a meagre 2.35% of the total Union Budget 2022-23 (BE), a reduction of 0.11 percentage points from the last year (and a 2.17% reduction since the current government came into power in 2014)¹¹

⁶ A nutrition survey by the Ministry of Health and Family Welfare, 2019-21

⁷ India ranks 102nd rank in the "serious" category in the Global Hunger Index 2019

⁸ Digital divide in India contributes to gender inequality, socio-economic inequity (nationalheraldindia.com)

⁹ International Day for Street Children | Estimated 18 million children live on streets in India, home to one of the largest child populations on Earth | India News (timesnownews.com)

¹⁰ Declares adequate, affordable, safe, secure, housing which is free from discrimination and which is protected from arbitrary eviction with access to basic services as a fundamental right for all.

¹¹ Pushed and Juggled beyond the margins – Budget for children 2022-23 – HAQ: Centre for child rights

35. We recommend that India,

- Fulfils its promise of providing 6% of the GDP (public spending) by the time of the announcement of the National budget 2023 as stated in the National Education Policy, 2020.
- Devotes at least 2.5% of the GDP public spending on Health.
- Ensures that all states governments announce their child-budgets in keeping with the statement 12 of the Union budget
- Increases the union budgetary allocation to the environment sector from the current 0.08% at least 5% 12 13 14

Section Two: Inclusion of All

Decent Work (SDG 8)

- 36. We children have a right to be protected from child labour (CRC Article 32
- 37. We thank India for noting/supporting the recommendations of Slovenia (161.38), Uruguay (161.40), Ireland (161.14), the United Kingdom (161.37), Spain (161.227), Brazil (161.229), Chile (161.231) and Slovakia (161.228), France (161.236) and Thailand (161.237) on child labour which the WGHR¹⁵ rates as being 'implemented', 'partially implemented' and 'not implemented'. However, the number of working children in India in the age group 5-14 years is still 10.1 million (3.9% of the total child population), of which 5.6 million are boys and 4.5 million are girls. ¹⁶
- 38. We therefore recommend that India,
 - Removes the clause in the current law permitting children below the age of 14 to be engaged in family run establishments.
 - Prohibits all forms of child labour right up to the age of 18.

Equality (SDG 10)

- 39. We children have the right to be protected from discrimination (CRC Article 2).
- 40. We thank India for noting/supporting the recommendations of Holy See (161.189), Germany (161.155), Mexico (161.187), USA (161.72), Chile (161.231), and Thailand (161.237), France (161.236) on rights of *Dalits, Adivasis*, religious and sexual minorities which the WGHR rates as being 'partially implemented' and 'not implemented'. Yet 72% of children with disabilities between the age group of 0-5 years never got early childhood education, while just 61% of such children between the age of 5 and 19 attended any educational institution.¹⁷

41. We therefore recommend that India:

• Ensures inclusion and non-discrimination practiced in schools and everywhere.

¹² 4% of the budget should be allocated to environment sector, including much higher allocations to reduce and eliminate pollution of various kinds, support to communities for conserving ecosystems and biodiversity around them, incentives for decentralised and clean energy sources, strengthening of regulatory and monitoring institutions at all levels, and replacing wasteful and toxic products with ecologically sensitive ones.

¹³At least 1% of the budget to support rural and urban communities to take steps for climate mitigation and adaptation, including building or sustaining climate-resilient livelihoods, settlements and living conditions, reducing risks, disaster preparedness.

¹⁴ Environment and 2022 budget: AMRIT KAAL aur VISH KAAL? | Heinrich Böll Stiftung | India Office (boell.org)

¹⁵ Universal Periodic Review (UPR): Mid-term Report 2020, Assessing India's Implementation of UPR-III, Recommendations – Working Group on Human Rights in India and the UN Pg 23-25

¹⁶ UNICEF Child Labour Census, 2011

¹⁷ UNESCO Report 2019, "State of the Education Report for India 2019: Children with Disabilities"

• Upgrades its public services (toilets, schools, health and education) to a standard that eliminates private players in these areas as seen in the case of world-class government run institutions like the IIT, IIMs, IIITs etc of India.¹⁸

Gender Equality (SDG 5)

- 42. We children have a right to be protected from abduction, sale and trafficking (CRC Article 35).
- 43. We thank India for supporting the recommendations of Liechtenstein (161.119), Holy See (161.120), Philippines (161.122), Senegal (161.123), Maldives (161.124), Ukraine (161.125) and Belarus (161.117), Cuba (161.118), Lebanon (161.121) on trafficking which the WGHR rates as being 'partially implemented' to 'not implemented'. Still, 51% of all victims of trafficking are children, of which more than 80% were girls.¹⁹
- 44. We therefore recommend that India:
 - Provides safe and speedy justice to victims of child-trafficking and domestic violence.²⁰
 - Mandates the adoption of clear safeguarding processes in all organisations interacting with children.

Peace and Justice (SDG 16)

- 45. We children have the right to be protected from violence (CRC Article 19).
- 46. We thank India for supporting the recommendations of Liechtenstein (161.233 and 161.234) and Zambia (161.235) on Corporal Punishment. We also thank Kyrgyzstan (161.201), Vietnam (161.202), Liechtenstein (161.213), and Timor Leste (161. 214), Kenya (161.216), Portugal (161.230) and Chile (161.231) Slovakia (161.232) for their recommendations on child sexual abuse. Iceland (161.217),Czechia (161.197), Israel (161.218), Sierra Leone (161.219), Honduras (161.220), Gabon (161.221), and Peru (161.60) for their recommendations on child marriage. WGHR rates these as being 'implemented', 'partially implemented' to 'not implemented'. India has ranked 79 out of 139 countries and jurisdictions in the Rule of Law Index 2021²¹
- 47. We therefore recommend that India,
 - Prevents all forms of violence against children.
 - Promotes a culture of peace, dialogue and mindfulness.
 - Ensure child friendly environments and standards in all police stations.
 - Ends the death penalty immediately.²²

Rights of our Progeny (SDG 18)²³

²² That India immediately signs the Optional Protocol to the ICCPR aiming to abolish death penalty

¹⁸ In the light of the government's shift towards private-public partnership, it is recommended that the government continues public provision of basic services, especially sanitation, health, education and transport while ensuring that these are adequately accessible to children with disabilities or varied sexual orientations or those of vulnerable communities like Dalits, Adivasis and minorities.

¹⁹ National Crime Records Bureau, 2018 as recorded on https://www.cry.org/blog/child-trafficking-abuse-must-be-addressed-in-india/

²⁰ Increases the genuine and safe participation of survivors of all forms of trafficking and gender based violence to participate and influence policy decisions while improving the access to justice in terms of compensation and speedy, effective and safe trials.

²¹ World Justice Project's (WJP) Rule of Law Index 2021

²³ This is a goal (All rights for all children) designed by the children of the NINEISMINE campaign to underline the need to have a rights based approach in the fulfilment of the Global Goals. In fact the children of the campaign advocated for a separate goal for children in the pre Agenda 2030 dialogue.

- 48. We children have the right to a protection of their privacy (CRC Article 16).
- 49. We thank the Indian government for supporting the recommendations of (Bulgaria 161.168), France (161.236) on a child-rights which the WGHR rates as being 'partially implemented 'to 'not implemented'. Alarmingly, India ranks 119 out of 165 countries in the Human Freedom Index report.
- 50. We therefore recommend that our Government of India:
 - Enact laws to protect defenders of earth/human/child rights particularly those below the age of 18.²⁴

Sustainability (SDG 11)

- 51. Our governments need to be kept accountable to committees to realise child rights. (CRC Article 3).
- 52. We thank India for supporting the recommendations of Brunei Darussalam (161.94), Uganda (161.90), Palestine (161.91) and UAE (161.92 and 161.93), on the environment and climate change which the WGHR rates as being 'partially implemented', 'not implemented' to 'faultily implemented'.
- 53. Due to a shortage of human resources in the National Commission for the Protection of Child Rights (NCPCR), 50,857 complaints were received but only 23,861 could be disposed of in the last five years. ²⁵
- 54. We therefore recommend that India
 - Enforces the UN business principles on all profit making companies
 - Empowers independent bodies to monitor the practice of child-rights, human-rights and earth-rights standards by all particularly businesses and the government itself.²⁶

Child Participation

- 55. We Children have a right to speak and to be genuinely heard (CRC Article 12) and to form groups (CRC Article 15).
- 56. We thank the Indian government for supporting the recommendations of Bulgaria (161.168), France (161.236) on a child-rights which the WGHR rates as being 'partially implemented' to 'not implemented'. Yet India ranks 113 in the Global Child Rights Index 2020.²⁷-
- 57. We therefore recommend that India:
 - Makes sure that all ward and village panchayats adopt the child friendly guidelines and genuinely engage with their young citizens.²⁸
 - Sets up authentic inclusive neighbourhood children's parliaments across the country while federating them at every level.
 - Organises annual Children's parliament interactions with elected representatives annually at all levels including State Assemblies and National Parliament.

Section Three: Earth for All

No Wastage, Wise Consumption (SDG 12)

²⁴ Enacts laws to protect defenders of rights to address the increasing attacks on the of human/child/earth defenders while promoting a rights based approach to governance by ensuring the access to information, the promotion of the freedom of speech, expression and dissent.

²⁵ Impact-of-COVID-19-on-Child-Protection-in-India-and-Its-Budgetary-Implications-1.pdf
²⁶ Ensures that all businesses, industries and development projects follow the UN Business Principles and do not override the rights of children, their families and Mother Earth while reinstating and empowering fully functional, independent and adequately financed commissions.

 ²⁷ Global Child Rights Index, 2020
 28 Set up ward sabhas (under the 74th Amendment Act) that are missing mostly in several states and ensure that these along with gram panchayats both have adequate, regular and genuine child friendly spaces for child-citizens to engage meaningfully.

- 58. We children have a right to the best laws possible (CRC Article 41).
- 59. We thank India for supporting the recommendations of Brunei Darussalam (161.94), Uganda (161.90), Palestine (161.91) and UAE (161.92 and 161.93), on the environment and climate change which the WGHR rates as being 'partially implemented', 'not implemented' to 'faulty implementation'
- 60. Remember that India produces 62 million tonnes of waste (mixed waste containing both recyclable and non-recyclable waste) every year, with an average annual growth rate of 4%.²⁹
- 61. We therefore recommend that India:
 - Rewards simple vegan diets, green and minimalistic lifestyles
 - Penalises extravagant standards of living and taxes both producers and consumers for the same.

Energy for All (SDG 7)

- 62. We children have a right to play, rest, culture and arts (CRC Article 31).
- 63. We thank India for supporting the recommendations of Brunei Darussalam (161.94), Uganda (161.90), Palestine (161.91) and UAE (161.92 and 161.93), on the environment and climate change which the WGHR rates as being 'partially implemented', 'not implemented' to 'faulty implementation'.
- 64. Remember that 54% of Indian households still use firewood or cow dung as cooking fuel.³⁰
- 65. We therefore recommend that India:
 - Provides affordable and green electricity and cooking gas to all.
 - Encourages walking and cycling.
 - Invests in good, green and affordable public transport systems.³¹

Climate Action (SDG 13)

- 66. We children have a right to express their views (CRC Article 12).
- 67. We thank India for supporting the recommendations of Brunei Darussalam (161.94), Uganda (161.90), Palestine (161.91) and UAE (161.92 and 161.93), on the environment and climate change which the WGHR rates as being 'partially implemented', 'not implemented' to 'faulty implementation'.
- 68. Not surprisingly though India ranks 168 in the environmental performance Index with a score of 27.6 among 180 countries.³²
- 69. We therefore recommend that India:
 - Restarts the process of consulting with people and children affected by new laws and developmental projects.
 - Provides data of all children below 18 years in the upcoming census report.³³
 - Declares a climate emergency.

Life in the Oceans (SDG-14)

70. We children have a right to their best interests being honoured (CRC – Article 3).

 $^{{\}it ^{29} Press Information Bureau~2016~as~reported~on~https://www.epw.in/engage/article/institutional-framework-implementing-solid-waste-management-india-macro-analysis#:~:text=India%20generates%2062%20million%20_tonnes%20of%20waste%20every,revised%20the%20Solid%20Waste%20Management%20after%2016%20years}$

³⁰ Council on Energy, Environment and Water (CEEW) 2021

³¹ Encourages children and adults to cycle and walk and to shift to sustainable, upgraded, subsidised, efficient, reliable, safe and well-networked public transportation based on sustainable renewable energy.

³² Environmental Performance Index, 2020

³³ Currently the practice is to provide data of children only upto the age of 14

- 71. We thank India for supporting the recommendations of Brunei Darussalam (161.94), Uganda (161.90), Palestine (161.91) and UAE (161.92 and 161.93), on the environment and climate change which the WGHR rates as being 'partially implemented', 'not implemented' to 'faulty implementation'.
- 72. Up to 12 million metric tonnes of plastic leak into our oceans each year.³⁴ Under business-as-usual (BAU), there could be more plastic than fish in the ocean by 2050.³⁵
- 73. We therefore recommend that India:
 - Bans 'use and throw' plastic.
 - Promotes a vibrant segregation, collection and recycling system of waste plastic and other packaging.³⁶

Life on Planet (SDG 15)

- 74. Our governments have responsibilities to realise the rights of children. (CRC Article 3).
- 75. We thank India for supporting the recommendations of Brunei Darussalam (161.94), Uganda (161.90), Palestine (161. 91) and UAE (161.92 and 161.93), on the environment and climate change which the WGHR rates as being 'partially implemented', 'not implemented' to 'faultily implemented'.
- 76. The average carbon footprint of every Indian was estimated at 0.56 tonne per year with only 0.19 tonne per capita among the poor but 1.32 tonne among the rich.³⁷
- 77. We therefore recommend that India:
 - Reverses the weakening of laws, practices and institutions that protect the environment³⁸ and democracy itself.
 - Includes earth rights into the Indian Constitutions.

Global Partnerships (SDG 17)

- 78. We children have a right that the convention be widely known (CRC Article 42).
- 79. We thank India for supporting the recommendations of Latvia (161.45), Côte d'Ivoire (161.47), Madagascar (161.41), and The United Kingdom (161.44) on human rights mechanisms which the WGHR rates as being 'partially implemented' to 'not implemented'. India currently has 19 requests for visits pending with the Special Procedures including 14 reminders.
- 80. We therefore recommend that India
 - Signs all human rights treaties and their optional protocols particularly Optional Protocol 3 to the Convention on the Rights of the Child.³⁹
 - Responds positively to all requests for visits by special rapporteurs.

Ecological rights of children

³⁴ J. R. Jambeck et al., Plastic Waste Inputs from Land into the Ocean (Science, 13 February 2015)

³⁵ Ellen Macarthur Foundation, The New Plastics Economy: Rethinking the Future of Plastics (2015), p. 16

³⁶ Introduces a comprehensive and time bound plan of action to reduce the use of plastics, and enforce a vibrant collection and recycling system of all packaging while holding producers majorly responsible for the same.

³⁷ Research Institute for Humanity and Nature, 2021

³⁸ Reverses the dilution of and amendments to the existing Draft EIA 2006, forest conservation act, mines and minerals act, the forest rights act, PESA, the CRZ and CZMP plans, etc and halt all attempts to centralise and amalgamate all environment laws.

³⁹ India has failed to ratify 1- The Convention Against Torture and other cruel, inhuman or degrading treatment or punishment (UNCAT), 2- The International Convention for the Protection of all Persons from Enforced Disappearance (ICPPED), 3- The International Convention on the Protection of the Rights of Migrant Workers and Members of their Families (ICRMW) 4- Optional protocols on ICCPR, CRC, CEDAW and ICESCR

- 81. Our governments need to submit reports on the realisation of rights. (CRC Article 44). Please read the introductory story of Aarna Shrivastav (9) from New Delhi on ecological rights of the child. *Appendix 3*
- 82. We thank India for supporting the recommendations of Brunei Darussalam (161.94), Uganda (161.90), Palestine (161.91) and UAE (161.92 and 161.93), on the environment and climate change which the WGHR rates as being 'partially implemented', 'not implemented' to 'faulty implementation'.
- 83. India remains one of the worst affected nations with 101,788 Indian children less than five years being killed annually.⁴⁰
- 84. We therefore recommend that India:
 - Engages children in reviewing the National Policy for Children, 2013 while including their environmental rights in the same.
 - Doesn't delay further and submits its reports regularly to the UN Committee on the Rights of the Child.
 - Adopts the declaration on Children, Youth and Climate action

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⁴⁰ According to WHO, Prescribing clean air report 2018