

THE RIGHTS OF THE GIRL CHILD IN INDIA

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Background

For those of us who have been engaged with the Human Rights Movement – a movement which tries to both understand what rights are, as well as how to affirm them, – figuring out the kind of spaces, laws, and social contexts that make the journey of those who wish to affirm their rights effective, new issues and problems are arising. This is a natural concomitant of any forward movement in areas of thought and action. We learn as we move along – whether it is about conceptualization or institutions or what can be called challenges.

In no area is this more evident than in the attempt to bring children's rights into the overall human rights rubric. One of the most classical expositions of some of the historical as well as contextual questions that arise in dealing with this issue both in thought and action is the essay by Dr. Emma Rothschild entitled "An Infinity of Girls."¹

In this essay Rothschild writes about how during the French Revolution, men regarded

women as incapable of serious political talk, of exercising their political rights. She quotes no less a person than Robespierre who referred to women's opinions as the babble of women and clubbed women and children together, as persons who would not have the judgment, the mental capacity to participate in political debates and therefore should not be given equal rights or rights of equal citizenship with men. These demeaning attitudes towards women's rights are not a surprise to women's rights activists. It has been a phenomenon that persists in many parts of global society.

Emma Rothschild in her story of the issues involved in understanding and affirming the rights of children, points to these corners which cloud clarity in any massive campaign to affirm children's rights in the same way as one might affirm the rights of adults. One important consideration that she calls our attention to is, that when the child's rights are being affirmed, it is not by the child herself, but it is through the proxy of an adult. In that sense, an

autonomous, self-generated affirmation of her right by a child in ways in which adults affirm rights, cannot be seen on equal terms.

The rights of the child are always mediated by the adults, either those who are working for child rights or others. However, invoking the rather mean perception of the question whether women should have rights, prevalent during the French Revolution, Emma Rothschild also leaves the space open for an evolution of thought, understanding and negotiating instruments for making a more genuine articulation of children's rights, as if it came from the minds and voices of children themselves.

At a roundtable on "Building bridges for equality – mobilizing actions" for the human rights of children and women held in partnership with UNIFEM by the Society for International Development² in New York, June, 2001, I invoked an experience which I was privileged to have, in Petermarysburg in South Africa in 1998. A meeting had been called to address the gigantic problems being faced in South Africa by the "emergence" of thousands of orphans due to the HIV-AIDS epidemic. Caregivers, such as nurses, health workers, local bureaucrats and politicians were gathered to figure out how to deal with this problem. The problem was exacerbated due to the fact that, in traditional South African society, families took in any member of the family who was dispossessed. But the intensity of motherless/fatherless children had increased so much that the elder woman who usually was the provider, could not absorb any more of the orphaned children.

The situation arose whether children could be housed in orphanages. Whether there were enough adults then to look after those orphanages was a new question which led the assembly to suggest that the children might themselves

manage the orphanages as communal management. This again would require for them to earn their livelihood as children, to be able to manage their own affairs, which brought up the question which is now currently being addressed in India, namely do children have the right to want to earn their own livelihood and be independent of the state and their parents?

A further question that came up in Petermarysburg was: How could one discuss children's rights without weaving them in with women's rights? The idea of discussing children without mother's rights showed the deeply embedded nature of children's rights in relation to mothers, and their ability to affirm their rights. Graca Machel, who chaired the Eminent Persons Group³ which was dealing with children in armed conflict and I, as a member of the Eminent Persons Group set up for that study, came out with a sense that children's rights have often to be seen in contextual ways and cannot be made into a separate rubric, as can be done with the overall discourse on human rights.

It was also pointed out loudly and clearly in Petermarysburg that if women had more power to affirm their will, if the importance of women's rights to affirm their individual rights had been more clearly articulated and put on the ground, the HIV-AIDS epidemic would not have been so virulent. It was their inability to say no to sexual demands that had added to the virulence of the spread of HIV-AIDS in South Africa – and has then lead to numerous deaths of women in turn to a flood of orphans.

All these questions, answers and concerns are relevant to the situation in India today. India has been given a high rank in the list of countries that are facing a massive spread of the HIV-AIDS epidemic. Simultaneously, India is also ranked as one of those countries in the

world where child malnutrition is widely prevalent. Another well recognized phenomenon recognized is the elimination of children of female sex from the womb.⁴

Finally, currently a very hot debate on India's recent legislation making the use of child labour a criminal offence. Little girls are often used as domestic labour, apart from working in factories, which make matches or fire crackers. By making it a criminal offence, India hopes to remove this blot from her social landscape. However, in a situation of acute poverty and hunger, anyone who can bring in income – infant, child, women, old has become crucial. When children are moved back from earning a wage, it is often suggested that they then will be sold into prostitution in explicit and subtle ways or killed in order not to have to feed another mouth.

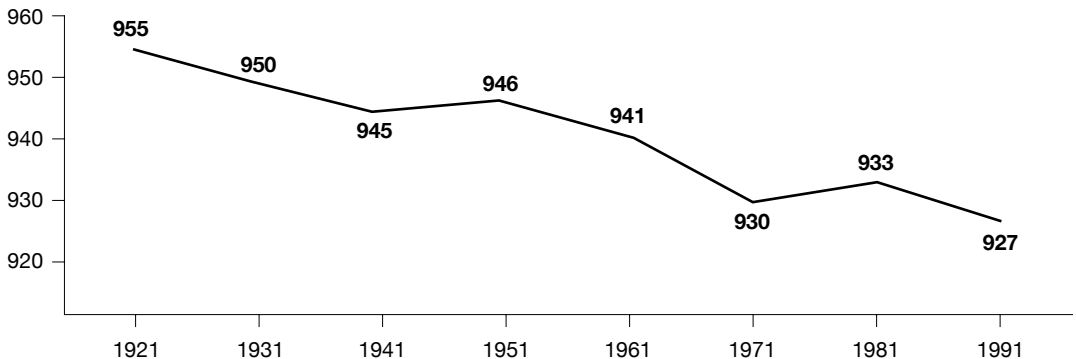
It is important when looking at the bigger picture of the struggle for human rights, to be aware of these layers of concern and consequence in looking at the girl child.

Coming nearer home

In some sense, South Asia can be proud of having drawn attention to the girl child as far back as the 80s. It could be argued that the calling attention was in response to the extremely unjust and harsh situation of girl children in South Asia. While discrimination against the female of the species is worldwide; and while sex-selective abortion, or feticide as it is sometimes called, is prevalent not only particularly in India, but also in Korea and China, as has been pointed out by Nobel Laureate Amartya Sen, the overall statistics on the condition of women with special reference to the young, has been extremely pernicious.

It should also be mentioned that it was the women's movement, both in India and in the sub-continent, networking and communicating over decades, often enabled by the spaces offered by the U.N. agencies, who came together to suggest to the first conference of the SAARC Region, namely the South Asian Association for

Females per 1000 males



Regional Cooperation, that one of their themes should be the girl child.

Secondly, over the decades, India has had many programs addressed specifically to the girl child, almost doing what is called positive discrimination in her favour. In the last decade, there have been programmes in the different States of India, which for example, would open a bank account for the girl child of a poor family and not a boy child. Forms of encouraging parents to cherish the girl child, even if the incentive was as crude as a monetary incentive.

But statistics on the situation of the girl child in India do not make for comfort.

Given the enormous progress India has made in health care and nutrition for its women and children, one would expect a steady increase in the number of women in the population. It is shocking that the reverse has happened. The female to male ratio has become worse, not better, in the last 70 years.⁵

Deficits in nutrition and health-care also overwhelmingly target female children. Karlekar⁶ cites research, indicating a definite bias in feeding boys milk and milk products and eggs. In Rajasthan and Uttar Pradesh [States in India], it is usual for girls and women to eat less than men and boys and to have their meal after the men and boys have finished eating. Greater mobility outside the home provides boys with the opportunity to eat sweets and fruit from saved-up pocket money or from money given to buy articles for food consumption. In case of illness, it is usually boys who have preference in health care. More is spent on clothing for boys than for girls. All of which also affects morbidity.

Status of children in India – some facts⁷

1. 2.5 million Children die in India every year, accounting for one in five deaths in the world, with girls being 50% more likely to die.
2. The National Aids Control Organisation has estimated 55,000 HIV infected children (0–14 years) in the Country in 2003, according to UN-AIDS, it is 0.16 million children.
3. The very existence of the girl child is under threat. Defying the normal male-female balance, and the higher survival capacity of girl babies and greater life expectancy of women to men prevalent in human populations, the female to male balance in India has been adverse to females for at least the past 100 years. The 1901 National Census recorded a female to male ratio of 972 to 1000, for all ages. Virtually every subsequent census showed a worsening decline.
4. The Government of India in its report to the UN Committee on the Rights of the Child said, “Every year” 12 million girls are born – three million of whom do not survive to see their 15th birthday. About one-third of these deaths occur in the first year of life and it is estimated that every sixth female death is directly due to gender discrimination.
5. Almost all government’s health policies seem to have an underlying family planning agenda. Health activists have analyzed that with its emphasis on population control; the rural health mission is no different. Over the years it has become quite clear that if people are forced to limit the size of the families, they shall do so at the cost of the girl baby, even if it means that they have to “import” brides from outside their states or their communities.

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Devaki Jain has lectured in economics at Delhi University and was a founding member of the Indian Association of Women's Studies. She advised the National Commission on Women of the Government of India and was a member of Julius Ny-



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