

Review Article

Human Rights Violations of Migrant Children in Goa: Community Profile and Situation Assessment

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Abstract: Migrant Children of urban and rural areas of Goa, has been taken as a case for study in the present research. The Migrants in Goa were compelled to leave their homeland due to better economic opportunities in Goa. The observations and findings of the survey conducted makes it quite evident that various rights of Migrant Children are not being observed and are being violated.. This research paper tries to give logical and legal strength to the evaluation, the violated articles of the UNDHR, ICCPR, ICESCR and CRC are been analysed.

Keywords: Migrant Children of urban and rural areas of Goa, UNDHR, ICCPR, ICESCR and CRC.

INTRODUCTION

The community of Migrants has been operating in Goa for the last couple of decades. Several thousand families of migrants are involved in some profession or the other in Goa. Majority of them has come from Karnataka. The community has clusters in the city and most of them are living in slums situated at backward areas. The families belonging to this community have more or less the similar conditions, problems and background. They possess almost identical race, culture, language, rituals and approaches. One of the families is selected to make the profile of this community. The features of the family of Ganesham reflect the problems, routines, habits, living and professional conditions of the community. Ganesham brought his family to Goa from Karnataka about 12 years ago. At the time of migration the family comprised five members including his wife and three children. In search of better job prospects he was compelled to leave his native place. Some of his relatives had already migrated to Goa in pursuance of better economic opportunities. However, Ganesham could not get any job because he did not have any skill to be useful in the city. So, it became extremely difficult for him to feed his family and thus took up any job to meet the daily needs of his family. Initially, he kept his family with his relatives. He had a hut. His relatives were also undertaking menial jobs to meet the needs of their living. That's how they started earning some money. There were times when he used to bring some

food for his family which he got from the waste-bins of restaurants and hotels. His family atet that food which had been discarded by the restaurants and thrown away as waste. Thus, the children were involved in some work to make some earning. The family started earning enough money to save them from starvation. He also had to pay rent for his dwelling. His children were involved in different types of work from collecting different types of scrap, empty tins and plastic bottles to selling items on beaches. Their mid-day meal is neither proper nor regular. For that matter, they usually depend on discarded or rotten fruits, vegetables, bread, and other edibles found in the garbage. Most of the edibles found, they eat at the spot without washing or properly cleaning them.

Ganeshams Children work collectively along with other children of the same vicinity they earn three to four hundred rupees daily and give it to their parents.

On the basis of observation and findings of the survey, it has become quite evident that various rights of Migrant Children are not being observed and are being violated.

Right of Life and Security

The principal cause of their migration from their native areas to Goa is that their life and security were under threat. Indeed, right of life and security by all means, are considered the most important rights for a

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human being. Most child Migrants live in jhomparies (huts) which are erected in slums. The living conditions in these slums are extremely poor and no basic facility is available there. They ran away from their native places for the safety of life, but they have been caught in an environment where life and security are consistently in danger. The stated environment and conditions clearly violate Article 6 of the CRC, Article 6 of the International Covenant on Civil and Political Rights (ICCPR) and Article 2 (3) of the UN Charter.

Right to Dignity and Worth

There are certain communities and professions in our society even in the 21st century have been deprived of dignity and worth. Migrant children compose a segment of society whose dignity and worth are at stake.. It was observed during the survey that child Migrants did not hesitate to eat leftover edibles from the garbage, which is unhygienic, rotten and no doubt, harmful for their health. In the professions undertaken by migrant children, there is absence of dignity and worth for children who are involved in it. Different aspects and conditions of child labour confront articles 8, 19, 35, 37 and 38 of the CRC as far as dignity and worth of children are concerned.

Right of Health and Health Care

During the survey, deplorable health and hygienic conditions were noted. The survey revealed that majority of them did not take bath daily. Many ate leftover food items found in garbage, which is dangerous for their health.. Such conditions violate Article 24 of the CRC which puts emphases caring for the health of a child. Moreover, the data gathered in the survey disclosed that they are not provided with a proper diet. Lack of nutrition, unhygienic eating habits and tough work routines hampers their health and physical growth. Such conditions also violate Article 25 of the UNDHR and Article 12 of the ICESCR.

Right of Equality

The children involved in Child labour are an outcome of social, cultural, political and economic inequality. They are regarded as worthless in the eyes of the people. The discriminatory treatment they get from common people is because of the nature of the work that they do and their dirty appearance. The practice of Child labour, where children are the main victims, is against Article 1 (3), Chapter 1 of the Preamble of the UN Charter as well as the Preamble of the UNDHR. It violates Article 2 of the UNDHR, Article 2 of the ICESCR and Article 2 of the ICCPR which emphasizes on the fact that there would be no discrimination.

Right of Education

Education makes a human being more aware, useful and productive. Education is the basic right of every child prescribed by the CRC. The findings of the survey disclosed that all the children were either illiterate, or drop-outs. In fact, when a child works for

the whole day, it becomes impossible for him to attend the school. The findings of the survey also confirm that an overwhelming number of children belong to large families. No education or no schooling violates Article 26 of the UNDHR. It says “elementary education shall be compulsory .

Right of Social Security

According to the findings 90% of the respondents stated that Government Officials approached them and officials from NGOs approached them to know their problems but all in vain. The conditions of the Migrant community reflects that either a social security system is absent or is ineffective. The poor state of social security is against Article 22 of the UNDHR and Article 9 of the ICESCR.

Right to Rest and Leisure

Rest and leisure are natural and basic requirements of a human being. This right is an imperative in the case of a child, because at a young age, the body is in a growing process and, therefore, it requires proper rest, leisure and food. On the other hand, Migrant children labour for the whole day and do not have proper rest and leisure. It contradicts Article 24 of the UNDHR and Article 7 (d) of the ICESCR *Right to Just and Favourable Conditions of Work* .

Right of Freedom from Fear and Want

Freedom from fear and want is only possible when every individual enjoys economic, social, cultural and political rights without any discrimination. Migrant children are deprived of most of the stated rights. They are socially, culturally and politically an isolated community.. Yet this vary right of Migrant children is infringed upon is a clear violation of the UNDHR, ICESCR and ICCPR.

Right of Liberty

Article 3 of the UNDHR gives right of liberty even to children, they must be treated with more care and affection. But confinement of a child or forcing a child to do labour is a basic violation of his rights. During the survey, it was noted that the majority of Migrant children were victims of greed and selfishness of their parents.. These young ones are being exploited by their parents, which is in clear of Article 37 (b) of the CRC.

Right of No Torture

During the survey, a sizeable number (25%) complained that they were treated badly by their employers. People suspect them of wrong doing and do not like to interact with them which amounts to psychological torture, and damages their self-esteem and confidence.. The combination of these conditions amounts to psychological, social and physical torture, which is a violation of Article 5 of the UNDHR, Article 7 of the ICCPR and Article 37 (a) of the CRC.

CONCLUSION

India is a signatory of the UNCHR, ICCPR, ICESCR and the CRC, which are internationally recognized for the rights of individuals. These were made under the auspices of the UN. India is under obligation to follow them in letter and spirit. For that matter, India is supposed to undertake legislative, executive, judicial, social, economic, educational and political measures to provide rights to the children who belong to one of the weakest and most vulnerable segments of society. Keeping in view their various problems and conditions, the Government of Goa has a special Goa Children's act in force.

India has not only ratified the ICCPR, ICESCR and CRC, but also Convention 182 of the ILO. The Convention 182 has stressed on the signatory-states to focus on and redress hazardous kinds of child labour. Goa has to redress these violations, as a big chunk of migrant children will remain unproductive. Consequently, it will not only damage the next generation but also the social, economic and political fabric of the country. The situation assessment exposes that various violations of human rights of Migrant children engaged in various professions. Their life is under a constant threat because of their unhygienic living and poor working conditions. By doing this type of jobs they have compromised their worth and dignity because common people look down upon them. They are not welcomed by common people to have social links with them. Society does not give them respect and treat them like inferior human beings, thus, their social interactions are confined to their community. They become socially excluded community and victims of inferiority complex for whole of their life. Unlike other children they are not given care, affection, and warmth of family which are imperative for their confidence, vocational training and growth of personality. Most of them take bath after many days thus keep themselves and their clothes dirty which again make them prone to various illnesses. By going through their conditions, it can be said that these children are unlikely to become productive and useful individuals. They will have a bleak future. The observations in the survey, and the particular Situation Assessment of Migrant Children have verified that frequent and excessive violations of the human rights of the subjected children take place in various professions undertaken by child labourers

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