

CONSOLIDATED REPLY

Query: **The Right to Education for Migrant Children: Policy Recommendations and Best Practices**

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Responses were received, with thanks, from:

1. Asheem Srivastav, Member-Secretary, National Commission for Protection of Child Rights (NCPCR), Government of India
2. Shubhangi Sharma, Education Specialist, India
3. Nirantar Resource Centre, New Delhi
4. Leena Mehta, University of Baroda, Gujarat
5. Shashi Mendiratta, Independent Education Consultant
6. Sanjiv Rai, Save the Children, Gurgaon, Haryana
7. P Lakshapathi, Association for Promoting Social Action (APSA), Bangalore, Karnataka
8. Mona Sedwal, National University of Educational Planning and Administration (NEUPA), New Delhi
9. P Sivakumar, Rajiv Gandhi National Institute of Youth Development (RGNIYD), Tamil Nadu

Additionally, Interviews conducted by GYM Team with:

10. Shigeru Aoyagi, Director and UNESCO Representative to India, Bhutan, Maldives and Sri Lanka
 11. A V Swamy, Social Activist and Rajya Sabha Member
 12. Harsh Mander, Social Worker and Writer
 13. N Ramakrishnan, Ideosync Media Combine, Faridabad, Haryana
 14. Also, from *Video Clippings* of Proceedings of the National Consultation on Children and Internal Migration, co-organized by UNESCO and Aide-et-Action, 22-23 September 2015
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Summary

The e-query on 'The Right to Education for Migrant Children: Policy Recommendations and Best Practices' has highlighted the need to urgently mainstream migrants' children right to education - through formal or non-formal educational systems. It reiterated that in countries like India, where (seasonal) labour migration from rural to urban or from backward to developed region is

a household livelihood strategy, the children of the migrants are the worst affected. Whether the children accompany their parents or are left behind in their homes/villages, many remain out of school; many are forced to drop out and some become vulnerable to work as child labour. Thus, mainstreaming these children in development process i.e. attaining the goal of universal primary education and inclusive growth - is a big challenge.

A number of recommendations have been put forth that can help address the consistent exclusion of migrant children from accessing just and equitable education in spite of legal tools such as the Right to Education (RtE) Act 2009. Some of the key recommendations include: a) special education for migrating children including teaching them in their mother tongue; b) a better system for tracking migrant families including issuance of an identity card in the nature of AADHAR (unique identification); c) ensure full citizenship rights to migrant in urban and metro cities; d) improve delivery of welfare programmes for migrating population and ensure their children's access to nutrition, basic services, education, and protection; and e) create mechanism for interstate coordination on migrant children to ensure RtE.

The primary goal is to ensure continuation of education of migrant children and encourage them to go to age-appropriate classes and gain confidence, while also countering child labour in the process. The policy makers therefore need to consider recommendations proposed keeping in mind the temporary nature of residence status of migrant children; their probability of working alongside their parents/caregivers; girls vulnerability to sexual exploitation, early marriage and childbearing; and not being in one location long enough to get basic academic qualifications to entitle them to access vocational training, and thus livelihoods for better life.

Introduction

In countries like India, where (seasonal) labour migration from rural to urban or from backward to developed region is a household livelihood strategy (to cope with poverty), the children of the migrants are the worst affected. Whether the children accompany their parents or are left behind in their homes/villages, many remain out of school; many are forced to drop out and some become vulnerable to work as child labour. Thus, mainstreaming these children in development process i.e. attaining the goal of universal primary education and inclusive growth - is a big challenge.

With rapid urbanization, more people are likely to migrate to semi urban or urban locations. It however remains difficult to keep track of migrant children and therefore ensure that they remain in/go to school. In other words, it remains difficult to ensure that they receive their "right to an education".

The passage of the Right to Education (RtE) Act, 2009 in India provides a platform to ensure every child's right to quality elementary education and to reach the unreached child, with specific provisions for those who have a disadvantage owing to social, cultural, economical, geographical, linguistic, gender or such other factors. The actual realization of this fundamental RtE, especially by children of powerless and marginalized communities, remains limited and problematic and special provisions are required for vulnerable and migrant children.

Migration may open new economic possibilities for families; it also comes with high risks. These risks are disproportionately felt by the children of migrants who are left alone due to migration of parents or often are compelled to travel to worksites with their parents. Children brought to worksites face the risk of injury, illness, and exploitation, while missing out on educational opportunities that might have helped them escape the cycle of poverty. Worksites cannot be easily made into education-friendly environments.

Various studies, though limited in number, show that migrant children often end up in manual occupations such as brick kilns, stone quarrying, construction, cotton and sugarcane harvesting etc. The number of migrating children whose schooling is interrupted or do not attend school is estimated to be six million in India (Priya Deshingkar and Shaheen Akter, 2009). Millions more are said to be impacted indirectly, forced to take on most of the household responsibilities in their parent's absence.

The Government of India, through its Sarva Shiksha Abhiyan (SSA) and other initiatives, has aimed to expand, with due support from State Governments, the availability of primary schooling closer to most children in the country. However, an expanded network of schools is unlikely to bring a number of "excluded children" into school, without very special efforts. These are children who survive in most difficult circumstances, and face formidable barriers in accessing schooling- barriers and challenges that derive from the specific nature of their vulnerability, exclusion, social and economic conditions. Such barriers compel the child to stay away from school, or drop out of school, with an inability to continue education.

Challenges Pertaining to Education of Migrant Children

A number of challenges have been identified which lead to discontinuation of schooling among migrant children. These include:

- Discontinuation of education due to parents/seasonal migration
- Lack of alternative education (e.g. lack of academic support for compensating lost school days)
- Difficulty in securing admission due to non-availability of documents; undesirable attitude of local authorities to the migrant children
- Lack of schools near the worksite.
- When parents move/migrate from their state or territory of usual residence to another state (inter-state migration), children tend to be kept out of the school system. As, they may need to learn the local language if they join government schools, and English if it is private schools - both of which are unaffordable for many.
- Migrant families living in temporary settlements constantly face the threat of eviction affecting the schooling of their children. Also, among migrant children, girls in particular are kept back at home for household duties and care of younger siblings.
- Many migrant families are illiterate and are in search of a livelihood. Therefore, even if educational opportunities are available, they give it little importance and are more likely to put their children to work rather than send them to school.
- Migrant children are often in poor health due to malnutrition, unhealthy living conditions and lack of access to quality healthcare services. This also affects their drop-out rate from schools.

- Lack of birth registration or identity cards; also, where such identity proof exists, it may not be recognized by local authorities at the destination. This makes it difficult for migrants to access government welfare and benefits such as nutrition supplements for children and adolescent girls, midday meals, scholarships, etc. It may also mean that children have no access to enrolment in government-run *anganwadis* (crèches) which offer midday meals, nutrition supplements for malnourished children, immunization programs, additional nutrition for pregnant and lactating mothers, and benefits for young girls.

Need for a Viable Policy Response

The design and function of state institutions, policies and legal frameworks mirrors the consistent exclusion of migrant children from accessing just and equitable education in spite of legal tools like the Right to Education (RtE).

The impact of migration on children of migrated families is a serious policy concern. Though migration is viewed as one of the effective strategy to enhance livelihood options, the policy framework on migration and development continues to be weak, also less attention is given for proper policy formulation (Kathleen Newland, 2013).

The Indian State does not have a policy for migrant population such as campaign for enrolment, teaching migrant children in their mother tongue, 'tent schools', etc. Growing urbanization and inflow of migrant population calls for migrant specific policies that covers not only different categories of migrants but also different issues (e.g. wages, basic services, social security, migrants' children). Currently, the Inter-State Migrant Workmen Act, 1979 focusing on inter-state migrants does not cover all the workers (e.g. those engaged in brick kiln and small construction sites). The Act primarily deals with employment, wages, allowances and disputes. Such acts must also ensure strict enforcement by different stakeholders (including employers/contractors).

Seasonal and temporary migration of adults results in the children also getting displaced from a regular education and a right to safety and security. In addition, many get enlisted as labourers very early on in life, making them - especially girls - vulnerable to hazards through labour and sexual exploitation. They are, needless to say, deprived of opportunities to basic awareness of child rights and citizenship rights.

The status of migrant children requires more attention of both researchers and policy planners.

Recommendations

To mainstream education for migrant children, and thus realizing the attainment of the goal of universal primary education and inclusive growth, a number of recommendations have been put forth. These include:

Some Key Recommendations

- Mapping of Migrant Children: Address the data gaps; there is lack of reliable empirical data. Provide a unique identity to all children and develop a child tracking online system

across the country. The development of a Management Information System (MIS) for all children helps in tracing not only the migrant children but also those dropping out of schools.

- Set up a mechanism for inter-state coordination on migrant children to ensure RtE
- Special school-cum-day boarding with attached crèche facility in neighborhoods /pockets largely inhabited by migrants/labour class.
- A Rolling Curriculum Plan: Devise a curriculum flexible enough to allow the child to learn at her/his own pace and place. The curriculum to have more or less uniform contents across the country consisting of essential subjects offered in the child's native tongue - that helps children to learn, communicate, participate in governance, and know more about the world they live in.
- Portability of Rights and Entitlements for Migrant Workers: On a priority basis, provide identification documents such as Aadhaar Number to migrant families. Identity proof at the native place must be considered for providing services at the destination. This will help families to avail government-sponsored welfare schemes/benefits such as school enrolment, subsidized food grains from PDS shops, among others at destination. In addition, there is a need to provide migrants with an opportunity to exercise their right to political franchise in destination communities.
- Prohibition and Elimination of Child Labour: This continues to be a daunting task for Government as it involves economic, social and cultural issues.

Other Recommendations

- Compensating Education of Migrant Children: The education of migrant children is affected in multiple ways i.e. migration of adult members affects the educational outcomes of children left behind; so does the education of children migrating with parents or adults; or children migrating alone. (Academic) Support is needed to compensate on lost school days.
- Alternative Schooling: Recognize alternative schooling (e.g. Night Shelters for Education; School on Wheels for basic, remedial coaching) for migrant children. In this regard, Government can partner with Civil Society Organisations.
- Residential learning centre (especially for girls): This can provide viable and creative alternative education options to young girls. Girls can continue their education in a safe and stimulating learning environment and also learn beyond the mainstream school curriculum as the space provides an opportunity to engage with many more issues other than subject teaching. Residential schools like Kasturba Gandhi Balika Vidyalaya (KGBV) are full-fledged hostels (not seasonal) for girls which can be accessed by migrant parents to keep their children there and let them continue their studies; establish such schools for boys as well.
- Seasonal hostels supported by Sarva Shiksha Abhiyan (SSA) - to be made functional and run properly;
- At destination, the education department can identify individuals as 'Shiksha Sahayak' to teach the children of migrant population in vernacular/local language and also assist the families in mainstreaming the children in formal schools. Also recommended, one full time professionally trained counsellor who can liaison with the migrant children's guardian/parents and school administration to ensure that children are not compelled to leave schools. Also, provision of multilingual teachers/teacher educators and text books in places of destinations.

- Establish a separate directorate under the Department of Women and Child Welfare or Labour with responsibility for the welfare of migrant communities. Put emphasis on women and children's (in particular girl children) social security. Make simpler and people-friendly the procedures for migrant workers to obtain identity cards and government welfare and entitlements.
- Approve a System of 'anchor institutions' in various districts so that migrant children can sit for exams and gain academic credit (ultimately qualifications). These institutions could be schools or colleges which are also study centres for distance education and the National Institute of Open Schooling (NIOS) or NGOs running educational institutions. Classes for children could be held in the evenings. (Need for a cadre of community teachers to deliver education to migrant children at these centres)
- Need to create awareness among migrants about the provisions of RtE Act. This will empower them to raise voice against any bias, victimization or denial of services, at the school/education department.
- To encourage school enrolment, particularly among the seasonal migrant families, Government must link school enrolment with availing various benefits including subsidized food grains under National Food Security Act. This will also help in improving the nutritional needs of the families.
- For work sites such as construction and brick kilns, start the system of mobile schools and 'seasonal *Anganwadi* Centres- cum-crèche'. SHGs formed under National Rural Livelihood Mission (NRLM) may be involved for running these centres. Also, frontline health functionaries (ANM/ASHA/AWW) can frequently visit construction and brick kiln sites to generate awareness among the migrant families on health and nutritional issues and motivate them about the benefits of sending the children to Anganwadi Centres.

Lessons to Learn - Some Best Practices

There have been a number of initiatives aimed at improving the quality for migrant children. There are lessons to draw from such initiatives. These are indicative that efforts - if channelized in a meaningful manner - can yield desired results. Such initiatives, highlighted during the e-query discussion, are mentioned below.

Jeevan Nirvah Niketan (JNN) - A successful intervention carried out in the 1990s in Mumbai through an open school model of *Jeevan Nirvah Niketan* with street children, rescued child prostitutes, and child workers in Mahakali Caves area, Andheri West. The Maharashtra State government has replicated this model in educationally deprived areas of the State. Similar experiments have been carried out at Sai Shiksha Sansthan in Noida, Uttar Pradesh.

Taleemshala - Ibtada, a NGO based in Alwar, Rajasthan started a learning centre for the adolescent girls called *Taleemshala*. During the teaching and learning process at the centre, one of the serious challenge faced by the teachers was seasonal migration of the girls along with their families. Many of the migrated families returned to their village after a gap of 3-4 months. During this period, *Taleemshala* kept record of all the girls who had migrated and kept tracking with their families about their return. Once the girls came back, teachers persuaded them to continue their education. However, most of the time girls had forgotten what they had learnt or had difficulty in keeping pace with other children who came on regular basis. To help migrants girl children, teachers conducted baseline assessment to assess their retention as well as level

at which they needed to start with the learning process. Classroom activities were organised based on the need and learning level of the learners. Curriculum was very flexible and included themes related to their life struggles. This was quite appreciated by the community. Later as they acquired skills, girls were encouraged to appear in class 5th or 8th examination from the mainstream schools.

Bodhshala - Bodhshala was started by Bodh Shiksha Samiti, a NGO in Jaipur, Rajasthan in a few *Nat* communities (nomadic communities) to promote education among their children. All the family members of these communities were involved in their traditional work of dance and art performances. It was challenging to work with children from such communities because all of them migrate to cities like Delhi for livelihood. Both parents and children work near the red lights of Delhi to show live performance to the people and return to their villages after long gap. Even if children used to return to the schools, they forgot most of what was taught. Teachers held meetings with parents about the learning progress of their children. Challenges related to the learning gaps were discussed. Parents shared that they take their children along because they also provide financial support to the parents. It was also revealed that many of them had no one at home to take care of the children. After discussing about different alternatives, parents and teachers had a brief meeting with grandparents of the children. It was decided that grandparents will take care of the community children and children will have the opportunity to continue their classes in *Bodhshala*. Significant number of children thus stayed back in the village and continued their classes.

Janishala (a residential learning centre) - Nirantar, a Delhi based NGO has been running a residential school 'Janishala' for adolescent girls since 2008. Nirantar believes that residential educational centres have tremendous possibilities for providing quality education to a deprived target group like adolescent girls from migrating and marginalized communities. Learners are free from the daily burden of survival tasks, and able to absorb education in a focused, intensive manner. A residential facility quickens the pace of learning. However, in order for the centre to have a sustained impact, the curriculum must be flexible and need-based, and attention has to be paid to the issue of 'quality' and levels of achievement. A residential centre along similar lines was started in the Lalitpur district of Uttar Pradesh in 2008 to provide educational opportunities to never enrolled and drop out girls. It offered two types of courses viz. a short term course for girls who have either dropped out of the school or are on the verge of dropping out of school due to the poor quality of education. These girls are offered a bridging course and brought back into mainstream schools by admitting them in appropriate classes under the RtE Act. The other course is a longer one for girls who dropped out a long time ago and hence are virtually non literate, or older girls who have never been to school. They are provided a comprehensive learning experience and can also appear for the 5th to 8th standard exams. These kinds of institutional spaces can be very crucial in not only providing bridging courses but also to help girls continue their education despite their families migrating. If parents and communities perceive these institutional spaces as safe and trustworthy, it works for them to leave their girls behind both economically and socially. On the other hand, it gives organisations a great opportunity to do intensive work with these girls and experiment with new ways of teaching as well as curriculum (learning). For example, *Janishala* covers an elaborate module on body and health that involves talking about issues of gender and sexuality that is usually not possible in a mainstream school.

Aman Biradari (A people's campaign for a secular, peaceful, just and humane world) pioneered the notion of opening up space in public schools to house homeless children including migrant children living on the streets. It is in partnership with the Government Department of Education and the Sarva Shiksha Abhiyan (SSA) where the department of education provides living space in existing, underutilised government schools to marginalised, vulnerable children. There are such homes functioning in seven major cities in the country at present reaching about four thousand children. In terms of potential to reach out to children in need, this approach is probably one that can go to scale and reach each child.

Bhonga Shala (Schools for Migrant Children) are a response to the large number of children leaving school each year when their families travel for seasonal jobs at brick kilns. These children leave school mid-year and return six months later, only to be held back from entering the next grade. Worse, they often must work in the hazardous conditions of the brick kilns to supplement their families' income. Vidhayak Sansad, a NGO based in Thane, Maharashtra opened schools, housed in small huts at the site of the brick kilns, to close the education gap and allow these migrant children to study. The schools cater to children aged 5-10 and the teachers are hired from the same economic backgrounds as the students. Every teacher goes through a one-month training program before beginning at a site. Students from the Bhonga Shala schools who have later appeared for state exams have had over a 90% pass rate. Many of them are admitted back to their original village schools after returning from the seasonal migration. The Bhonga Shala school program has benefited more than 30,000 children in Thane District from 1995-2008. The National Child Labor Project, Sarva Shiksha Abhiyan, and the Maharashtra Government have recognized the programme.

Conclusion

Providing migrant children equitable access to education requires a developmental process that engages multiple stakeholders, rather than a series of disconnected policy interventions.

Migration has brought to the fore the issue of portability of rights and entitlements. The most tangible example of this problem is lack of access to subsidized food rations, and other poverty alleviation schemes that require documentation of permanent residence.

Migrants face many constraints at the destination such as the lack of identity proof, insufficient political representation, inadequate housing, inaccessible health facilities, and unhygienic living conditions. For migrants, accessing food and other basic necessities is difficult and often acts as a push towards debt bringing on further hardship. They feel excluded from state provided services such as health and education. They also feel discriminated against based on ethnic, religious, caste, class and gender. They face difficulty in claiming social protection and entitlement in the absence of proofs or lack of recognition to their proofs of identity and residence. Their children face disruption of regular schooling, which adversely affects the formation of human capital, contributing to the intergenerational transmission of poverty.

Further, lack of information or data on migrant families and their children makes the inclusion of migrant children into any social safety net a challenge. The problem of seeking coordination and interaction among various departments and ministries at the centre and state levels is also a big challenge. Furthermore, there remains a lack of coordination between the education and the

labour department to enumerate children who are staying with their parents at the worksites so that necessary action plans can be formulated.

Policy makers therefore need to consider the recommendations proposed keeping in mind the temporary nature of residence status of migrant children; their probability to be working alongside the parents/caregivers; girls vulnerability to sexual exploitation, early marriage and childbearing; and not being in one location long enough to get basic academic qualifications to entitle them to access vocational training, and thus livelihoods for a better life.

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NGO Initiatives. Visit http://www.doccentre.net/docsweb/Education/urbanpoor_NGO.html. The page highlights various educational initiatives by NGOs/CSOs.

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