

National Consultation On Non-National Children in India: Rights, Responses and Challenges



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Organised Jointly By
Development and Justice Initiative
And
HAQ: Centre for Child Rights

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Contents

Session	Page #
Welcome and introduction to the theme of the Consultation	4
Inaugural Session	4 – 5
Refugee and Stateless children: Survival, Protection and Education	6 – 7
Trans-national Migrant children: Survival, Protection and Education	8 – 11
Legal, policy and procedural framework for non-national children	11 – 12
Legal, policy and procedural framework for Identification, Rescue, Repatriation, Rehabilitation and Reintegration of Victims of Cross Border Trafficking	12 – 13
Concluding Session	13 – 15
Recommendations	16
List of Participants	17 – 20

Welcome and introduction to the theme of the Consultation

Mr. Ravi Hemadri while welcoming all the participants to the Consultation said that though India is increasingly hosting more and more refugees and migrants from its neighborhood, it has no law to deal specifically with these categories of residents. On the protection side they are viewed from the lenses of the laws related to foreigners. We are not a signatory to the refugee convention and have no domestic law; the UNHCR is allowed by the government to determine the status of asylum seekers of certain nationalities of refugees. In the case of cross-border migrants, Nepalis are tolerated while Bangladeshis are hounded and thrown out of the country. There are serious questions with regard to the human rights of all these categories of residents. Children are even more vulnerable to abuses in such a situation.

Ravi said that Development and Justice Initiative has partnered with HAQ: Centre for Child Rights to highlight the concerns of children of refugees and migrants and hoped that Indian policy makers and civil society will take notice of the issues discussed in the consultation.

Ms. Enakshi Ganguly Thukral welcomed the chair, speakers of the inaugural session and participants. She said that a child rights group like HAQ, though was concerned with non-national children, not much could be done to advocate for clear legal and policy measures in this regard. Therefore when a proposal was made for holding such a consultation, her organization readily accepted to partner in this initiative. She hoped that this consultation will begin the process of addressing the concerns around non-national children.

INAUGURAL SESSION

Dr. Shanta Sinha spoke about the concept of citizenship and a human person in the Constitution of India. She said that non-citizens are given certain constitutional guarantees as laid down in Article 21, 14 and 19 that ensure a Right to life, right to equality before law and right to free speech. She referred to the 1996 NHRC case against the state of Arunachal Pradesh in the matter of refugees settled in the state. She said the Supreme Court clearly has laid down refugees' right to life in the particular case. No person can be deprived of his or her life or personal liberty except according to the procedure established by law. She said that right to life also meant right to food, safe environment and shelter.

The chairperson highlighted the issue of identity and lack of identity. She said, in India we should be sensitive to the issue of refugees since we ourselves have been witnesses to large migration of people across the borders at the time of Partition. People who move beyond borders lack identities and inter-generational lack of identity is a bad situation a human person can be in. Dr. Sinha regretted that the NCPCR has not been very active on issues relation to cross-border migrants and refugees, but looked forward to this consultation to gain an understanding and begin a process of engagement with the issues.

Mr. Hans Schodder shared the initiatives of UNHCR for the protection of refugees. 20,000 refugees are registered with the India Office, of which 7,400 are children. The largest number of refugee children to India come from Afghanistan and Myanmar, apart from the Sri Lankan refugees who have been living in the camps as well as outside in the state of Tamil Nadu. He said, during participatory assessments the UNHCR has done with refugee communities, schooling has emerged as a major issue. The electronically readable cards that are issued to the

refugees and their children, about 12 years of age, should be used to access the services provided by the government.

The UNHCR will roll out a child-focused protection regime from next year onwards. Despite the fact that UNHCR cards give an identity to the refugees, they do not solve the problem of lawful stay. He said the government recently announced that it will give work rights to the refugees. Recently UNHCR has started a programme to support school education for refugee children where school reforms and textbooks are being provided. Higher education is a problem area. Institutions of higher learning often charge refugees same fees as foreigners. The UNHCR now gives twenty scholarships under the Einstein Refugee Initiative in India.

Mr. Tapan Bose began his speech with reference to the Universal Declaration of Human Rights. According to UDHR, every person has the right to citizenship and nationality. As per Article 14, every person has a right to seek safety in another country, if he or she has been forced to flee from his country on account of human rights abuse and persecution. Article 15 gives the right to be treated as a citizen of the country one fled from. No one can take away one's citizenship or prevent someone from changing one's country if one has the reasons as laid down in the Declaration.

Talking about the Burmese refugees in India, he said the Chin and Kachin refugees have a country to go back to. However, the Rohingya refugees have no place to return because they have been deprived of their citizenship by the existing laws in that country.

Statelessness is a large problem. A large section of people of Bhutan, for instance, was rendered stateless and were forced to flee to Nepal. They have lived in Nepal for thirty years now. Recently the USA took 80,000 of them for re-settlement. The kind of violence that has taken place against the Rohingyas in Myanmar is unbelievable. Many were forced to flee through the sea route, while Bangladesh refused them entry into its territory. Many drowned in the sea.

Citizenship laws are crucial to end statelessness. Usually governments don't admit to stateless people within their territory; however the citizenship laws create statelessness. Right of citizenship to women has been a crucial issue. Nepal, for instance, denies full citizenship to women. As soon as a Nepali woman marries a foreigner, she is deprived of Nepali citizenship. In India, the 2003 Citizenship Act requires at least one parent to be of Indian origin. We have the problem of stigmatizing many people as illegal migrants and depriving them of their voting rights by identifying them as "D" (doubtful) category voters – particularly in the state of Assam. Since the onus of proving that one is a citizen of India lies on the individual, which is a difficult task for the poor, their children and grandchildren also continue to remain persons of doubtful nationality.

Open discussion

The chairperson thanked the organizers of the consultation and said it was an opportunity to learn about the stateless, refugee and migrant people and their children. She said the National Commission for Child Rights would welcome any suggestion on how the Commission should take up these issues.

Session II Refugee and Stateless children: Survival, Protection and Education

Chair: Ms. Pamela Philipose

Ms. Philipose remarked that since the three speakers will present the case of three different refugee groups in India, it would be interesting to make a comparison. She said the case of Sri Lankan Tamil refugees is interesting in the sense that they have been well received by the host community as well as the state. Are they doing better in terms of livelihoods than the local people?

Speaker: Mr. Van Hmun Lian, Chin Human Rights Organisation, New Delhi

Chin people have been fleeing Burma since the early nineties due to religious and political persecution. The trend continues to this day despite some sense of relief among our people; there are nearly 10000 refugees from Burma in Delhi at present and 90% of them are Chin. There are 3000 children who are in need of health care and education. Don Bosco School provides education to some of them but others are left to their families to take care. The community through the church runs some schools for small children and additional classes in the evening for those who are attending other schools. The church also has a day care school where children of mothers who go out to work are taken care of.

The speaker said language is a big problem for his people. We don't want to send our children to government schools where the teaching medium is Hindi. Parents want their children to get educated in English.

Children who don't go to school are forced to work in restaurants and other places. Some go out to collect vegetables for the families. We need to think of ways how education can be facilitated.

Speaker: Ms. Florina Benoit, Chennai

The speaker asked participants to imagine a pregnant woman going to a hospital to deliver and coming back with her baby in good health to herself and the baby. She said that is how it is with the Sri Lankan refugees living in the camps in India. All facilities have been created for them by the government and an agency of their own.

The first lot of refugees came to India in 1983 followed by another wave in 1987 when the Indian Peace Keeping Force started operations in Sri Lanka and then in the 1990s when the conflict worsened. Even while the flow kept up, the hopes of refugees wanting to go back were also alive. However, the refugees continue to remain in India even to this day because of the situation in their home land. It is now for the government of Sri Lanka to create conditions where the refugees can feel confident enough to go back.

Of the Sri Lankan refugees in India, 28,000 were born here. These persons and others lack a birth certificate. Till recently the government insisted in Sri Lankan birth certificates to allow them to return. This passes on the stigma of statelessness down generations.

Even though the refugees get free housing and food rations at prices cheaper than what is available to the members of the host community, livelihood is a problem for them. It is not easy to get a job for the refugees. Most work as painters in the state of Tamil Nadu.

Conditions for going back are improving. People are overcoming their fear of going back; UNHCR is listening to the refugees. But the main onus to ensure return of the refugees lies on the government of Sri Lanka and India.

Speaker: Mr Abdul Khuddus, representatives of Rohingya refugee community, Jammu

The speaker said the Rohingya people have realized what freedom is only after coming to India. They were rendered stateless with few rights in Myanmar and faces scorn from other people as well in the Arakan Province. That was the situation ever since Burmese independence in 1947. The citizenship laws of 1948 and 1962 were made stringent to effectively block the rights of Rohingyas. Other people in my country as me: ‘who are you? Where have you come from?’.

Many of us did not have a childhood; we could study only upto class 10th. After that one needed to have a Burmese name in order to get admission into any institution of higher learning.

We had our houses and land but we could not start a business. We needed to carry our permit called *tokhenza* wherever we went. One needed to get permission from the authorities to get married and have children. The military forced us to do labor for them.

Crossing into India has not been easy. Many were lost en route – particularly if it happened to be the sea route. In India we have temporary identity cards from the UNHCR but earning a livelihood and getting health care and education for children is not easy. Despite the good support we have got from the local people, we struggling to make ends meet.

Open Discussion:

It was pointed out that most of the Rohingya refugee families are living in the North Indian city of Jammu. Since India does not have its own refugee determination process, the local police are merely tolerating the refugees; this is also due to the fact that number of refugees is small compared to national migrants. Ideally the refugees should keep a low profile for the authorities to continue the same approach.

Session III (11.45 – 01.30pm)

Trans-national Migrant children: Survival, Protection and Education

Chair: Sumit Chakravarty

Speaker: Mr. Tikaram Pokrel, Nepali Migrant Association, New Delhi

There are two kinds of Nepali migrants in India. One, the ones who have all the facilities and two, they who come to India and it is not even known when and how they come to India.

Challenges faced by the Nepali refugees residing in India:

- That there is no official record of the number of Nepali migrants living in India as the two countries have an open border. Neither passport, nor visa is needed to gain entry. So there is no way to track how many people have come in to India from Nepal.
- These migrants mostly work as domestic labour/ security guards or in factories. The employers are usually not aware that Nepalis are allowed to work in India; awareness among the migrants themselves is also shallow. There are many cases where no wages are given saying that they have no right to be working here in the first place.
- Migrants have no access to financial services as they are not allowed to open bank accounts
- They face exploitation and there is existence of child labour and trafficking.
- Nepali migrants face problems related to education and housing.
- They have no identity: Children come to India with relatives to find work, and then are denied their basic rights such as education and health care.

The speaker appealed to the organizers of the consultation and other organizations to support migrants gain access to various services.

Speaker: Mr. Roop Sen, Sanjog, Kolkata

Mr Sen discussed migration from Bangladesh and talked about mobility and trafficking. Migration and trafficking are rampant across the border; often it is difficult to distinguish one from another. A lot of boys cross borders due to both economic and social reasons. They migrate for work as well as to see festival celebrations on the Indian side; for reasons associated with extortion of money from them at the border, they are apprehended when they return with money. Touts want to get them caught so they can divide this money amongst themselves.

Many of the trafficked children and women do not get any state protection even when they are rescued. For those who get protection, repatriation is an equally painful procedure; they have no choice of custody. The police put them in a shelter homes and since there is a general notion that girls must belong to somebody, they cannot exercise their choice to get out of state protective custody. Only a small percentage of children are in state protective custody and an even smaller percentage don't belong anywhere as their parents aren't traceable and the host country doesn't take responsibility.

A study conducted in 2011 on mobility of boys between Bangladesh and India showed these children are denied rights. Even though India has signed the UNCRC which is for all nationalities, there is a racial prejudice noticed against Bangladeshi children that is not evident

against the Nepalese children. Even NGOs are divided. National sentiments come in the way and disrupt ethical responsibility of NGOs who are responsible to protect child rights

Some of the basic issues are:

- That there is no geographical border between the two nations
- That there is no way we can stop people from coming.
- Financial responsibility for repatriation is taken neither by the Indian government nor the Bangladesh government.

SAARC agreement has still a long way to go. Under such circumstance, it is important to push the case of non-national children to come under the purview of the JJ Act.

Speaker: Mr. Rajendra Ghimire, Forum for People's Rights, Kathmandu, Nepal

Nepal economy is heavily based on migration and remittance. 20% of the GDP (about 4 million Nepali rupees) is generated by the migrants. Migration from Nepal is both internal and international. Official records show 3 million migrants but there is no official record of how many are in India. The question that faces us in Nepal is how do we make migration safe?

Women workers constitute about 30% of the Nepali migrants and that the influx is because of poverty, unemployment etc. Sometimes children are certified as adults, thanks to bribery, so they can work as domestic servants.

Statistics and observations of a study conducted in 2005 by the Nepal Central Child Welfare Board:

- 17,853 children coming to India and 8,000 going back to Nepal from India.
- Reason for outmigration is work mostly. Cases are very few when they come pertaining to other reasons - for education, health etc. This is mainly because of poverty and the ongoing armed conflict.
- That 30% of them are Dalits, majority of them are boys and that they are poorly educated and they usually do not possess any documents and because of which, it is very difficult for them to avail their legal rights that they are entitled to.

Impact:

1. No child rights
2. Education is affected
3. Health is affected: HIV and other sexually transmitted diseases and diseases caused due to hazardous employment
4. Chronic poverty

Some change has come since the armed conflict ended and now there is more work being done by the civil society on safe migration.

Open Discussion

The chairperson remarked that the conditions in which the Nepali migrants worked in India remained pathetic. They are exploited but not given their due.

As far as border conditions are concerned the case of Nepal and Bangladesh present a contrast. While the first speaker held that open border between Nepal and India was the cause of much of the trouble migrants face, the second speaker opined that the closed border between India and Bangladesh was behind the problem of trafficking. He further said that the two people of the two countries share so much in common that such a hard border is meaningless and unfeasible.

The session ended with the chair thanking the speakers and inviting next round of speakers for the session with the same title.

Speaker: Mr. Dharmendra Yadav, All-India Kachra Shramik Mahasangh, New Delhi (tbc)

Mr. Yadav talked about the work happening in Rohini and Bhawana, Delhi, on the people who migrated from Yamuna Pustha slum that was demolished earlier. Many children engaged in rag picking in these areas and elsewhere in the city come from the Bengali-speaking Muslim community. They are often harassed by the local police alleging them to be illegal migrants. His organization has to often intervene in such cases and get children released from police custody. Sometimes such crackdowns get intense. It appears that some police stations have fixed 'targets' to arrest and deport Bangladeshi migrants across the border. He also talked about how Bangladeshi migrants in India are discriminated against since they are Muslims. They do not have APL and BPL ration cards.

Speaker: Dr. Navneet Kaur, CARE EMPHASIS, New Delhi

CARE works in Nepal, Bangladesh, and India. In Nepal the work is at source points while in Bangladesh at source and transit points; in India at destination points.

- Migrants have no identity cards and therefore they are not entitled to many services.
- They cannot have bank accounts, and not having a bank account has issues related to savings and remittances. They are forced to keep their savings in cash with them which leads to unnecessary expenditures. Alcoholism is high among men.
- Nepali and Bangladeshi migrants are often blamed and harassed for all petty crimes that occur in their vicinity.
- There is a lack of hygiene and sanitation in the areas where they live. Women prefer giving birth at home instead of hospitals and this poses health problems. It also leads to lack of birth certificates.
- They face discrimination, stigma and stereotyping by security agencies at the border.
- Trafficked children/ children of those trafficked have no access to schooling because of hurdles such as language, money and lack of proof of identification.
- Nepali migrants are concentrated in Delhi, Ghaziabad, Mumbai and that Bangladeshis are concentrated usually in Kolkata, Delhi and Mumbai.

CARE works through drop in centres that address the problems of Nepali and Bangla speaking populations to promote safe migration.

Speaker: Ms. Deep Ranjini Rai, Dehra Dun

Ms. Rai discussed how migration from Nepal increased during the years of armed conflict. Young men and women under 40 years and below fled Nepal due to fear of being picked up by Maoists or Security forces. Though the trend has allowed down, it continues. The slowdown is

also due to recent efforts by the government, international agencies and the civil society in Nepal to address the issues of migration.

The migrants are employed mostly in the informal sector, such as momo shops, restaurants in the city and in the apple orchards in Himalayan states. Girls who cross the border effectively disappear. Young children have nowhere to go for security.

In a place like Delhi 3-4 persons live comprising of both children and old people in one small room. Children have no access to education or even basic medical facilities such as immunization against polio. Even where there is access, there is no ability to avail.

Nepali migrants are often called by derogatory names; men are called Bahadur or Gorkha; and women – Kanchi.

Session IV- (02.30 – 03.15)

Legal Policy and Procedural Framework for Non-National Children

Chair - Mr. Sudhir Yadav

Mr. Yadav began the Session on Legal Policy and Procedural Framework for Non- National children by highlighting that refugees require sensitive handling. He also shared that the attitude of Police in India is one of the responsible factors for the plight of refugees. This is primarily because of the lack of knowledge and sensitivity among the policemen.

Talking about non-national children Mr. Yadav emphasized that the Juvenile Justice (Care and Protection) Act, 2000 is applicable to all categories of children without any discrimination. Herein, he mentioned that 40% of the births in the country go unregistered. This is one of the biggest problems in South Asian countries as a result of which children become victims of statelessness.

Speaker: Ms. Sahana Basavapatna, Independent researcher, New Delhi

Ms. Sahana Basavapatna began by highlighting the plight of the Rohingyas in put up in Jammu. Since all of them have not accessed an identity card from the UNHCR, some get arrested and taken into police custody. They lack access to water, livelihood and education. While the United Nations High Commission for Refugees does what it can, the Government of India needs to change its policies and make it more accommodating to provide protection and services to the Refugees. Asylum card issued by UNHCR provides legal protection; if the Refugees are given the Aadhaar card, their access to services is facilitated in a better way. Citing an example the speaker mentioned that the Tibetans residing in India have access to Aadhaar card. It is also important to engage the National Population Register to collect data on non-national citizens in the country, she said. The Ministry of Home Affairs now promises to provide a long-term visa to refugees, which will allow them to legally stay and work for 3 years.

Speaker: Anant Asthana, Advocate, New Delhi

The speaker highlighted how though the refugees have the internationally recognized right to be treated fairly, India has no particular law to deal with them. However, the judiciary has been passing various judgments on 'Right to Life' which also addresses the issues concerning refugees. He also pointed out that, till now, the Government and Civil Society Organizations (CSOs) have not engaged with each other on these issues and a strong need of active engagement is realized in today's context as India is home to several thousands of non-national children from various parts of world.

While talking about a comprehensive law at present, Mr. Asthana mentioned Juvenile Justice (Care and Protection of Children) Act (JJ Act) as the only law covering non-national children. Rule 79 (4) of Juvenile Justice (Care and Protection) lays down provision of repatriation of migrant children to their country of origin and the process of repatriation becomes very difficult due to complex procedures involved. Also, the Juvenile Justice Board (JJB) often overlooks the requirements, conditions and the reasons of the child becoming an 'illegal foreigner'. Thus, even JJ Act fails to protect and conserve the rights of refugee children with holistic approach towards the issue. He concluded his session by emphasizing on the need of setting up Fast Track Courts in the matters related to refugees, so that their rights can be protected without any delay.

Session V (03:30 – 4:30)

Legal, policy and procedural framework for Identification, Rescue, Repatriation, Rehabilitation and Reintegration of Victims of Cross Border Trafficking

In chair: : Dr. PM Nair, Director General, National Disaster Response Force & Civil Defense, Ministry of Home Affairs, Government of India

The chairperson shared from his own experience in dealing with repatriation of foreign children rescued from child labor and sexual exploitation rackets. He admitted that the government has not been able to work out a satisfactory procedure with the neighboring countries for the return of such children.

Speaker: Neera Malik

She shared her experience as as a member of the CWC since 1987. Mentioning a case where 67 girls were rescued from commercial sexual exploitation out of which 40 were from Nepal. Since there was no official process of repatriation the victims were sent back after identifying their families through NGOs. The Migrant Nepali Association in Delhi also helped in identifying the families and sending them back.

She deplored that the process of repatriation still remained without any official arrangement. Even now it takes one to two years to get a rescued Nepali child repatriated.

Speaker: Suresh Kumar

It is true that the concerned countries have failed over the years to evolve an agreed process for repatriation. However, now there are serious attempts to work out procedures on the same lines as extradition treaties between the countries.

Concluding Session (04.30 – 05.15)

Chair: Mr. Miloon Kothari, Housing and Land Rights Network, New Delhi

Mr. Kothari said that one major issue that remains is achieving the practical enjoyment of all rights with respect to children from the different backgrounds. Children should not be deprived of rights whatever may be their legal status vis-à-vis nationality laws. We need to understand conditions related to housing, sanitation, water etc where refugees and migrant live.

‘Inclusion of non-national children in basic services’

Speaker: Mr. Aniruddha Kulkarni, UNICEF

Issues related to children are common to all, irrespective of them being nationals or non-nationals. And what, therefore, we must try and do is include non-nationals into the basic services.

Our guiding principles should be:

1. Element of best interest of child is essential.
2. Do no further harm.

Refugee children may need special services in addition to basic services. There is poor coordination between the Ministry of Home Affairs and The Ministry of Women and Child Development (MWCD). The latter ministry will have to play a significant role in issuing appropriate guidelines to protect the rights of non-citizen children. CWCs beyond urban areas are also not functioning efficiently and are apparently not able to fulfill their duties.

The SOPs being worked out by the MHA for repatriation of rescued non-national children are not satisfactory. The upcoming amendment of the Juvenile Justice Act must bring the non-national children into picture and further develop mechanisms necessary for inclusion.

This consultation has been able to place non-national children's rights on the table. There are basic rights that are common to all children. How do we ensure that non-national children are included in this bracket?

He stressed that we must not let technical terms such as SOP etc override our compassion. Another way forward is to look at everyone having the same rights, for ex all children in a city will have access to the same rights irrespective of race , nationality etc.

A question was put forward by a participant- There are various policies for children seeking asylum. Is there any national legislation to strengthen the same?

‘Access to basic services: - from non-citizen to resident’

Speaker: Mr. Indu Prakash Singh, Ashray Adhikaar Abhiyan

Mr. Indu Prakash mainly spoke on the homeless children in Delhi and that many Bengali speaking Muslim migrants belong to this category. Some change has come about in the way the authorities perceive people living on the streets. Now the term ‘homeless residents’ has been accepted in place of the term ‘houseless’; the latter is a faceless term.

State responsibility for the present condition of the street children is quite clear and some policy changes are taking place to address the problems; these policies need to apply with graver intensity to non-nationals.

The problem is more acute in the area of policing. The police are the biggest violators of human rights of the homeless and people living on streets. Irrespective nationality status people who live here are residents of our country and that we must look at them and treat them from a human rights point of view. We need to keep in mind the concept of compassion and to remember that the world is one large family. The CRC should protect the rights of every child in each and every country.

‘Lessons Learnt and Way Forward’

Speaker: Mr. Ravi Hemadri

The presentation and discussions have been extremely fruitful and useful in understanding the plight of non-national children and advocating for the protection of their rights. Ravi agreed that as far as cross-border migrants are concerned the way forward is to advocate for their recognition and rights as ‘residents’. He said that India has been managing the migration of workers from beyond its borders by either ignoring them as in the case of Nepalis or has been harshly cracking down and deporting in the case of Bangladeshis. Neither has proved effective in regulating the migrant flows. Worst sufferers of this legal mess are children and women. Ravi hoped the civil society will come together to advocate for the rights of non-national children in the larger context of the protection of all non-national populations. As far as treatment of refugees is concerned India should sign the refugee convention or come up with a national legislation in a time bound manner.

Rohingya refugees being the refugees who have most recently entered into India need special attention. Their case is also complicated due the apprehension the government may have. Therefore the Indian civil society needs to pro-actively address the protection and basic needs related problems of this community.

Speaker: Ms. Enakshi Ganguly Thukral

Enakshi said that the consultation was packed with issues and aimed at achieving multiple objectives. The issues related to children in migration and trafficking, though by themselves large areas for debate and discussion were taken up in the one-day consultation because these issues have never been discussed. There has been very little focus on the non-national in the campaigns for child rights. This consultation is a first step in addressing the issues related to non-national children.

The CRC clearly mandates non-discrimination on the basis of nationality. The JJ Act also has a provision to treat non-national children in the same way as Indian national children. What is needed is action to advocate with the law enforcement agencies to honor its international obligations of India and constitutional guarantees.

Chairperson remarks and conclusion

The chairperson of the session thanked the organizers to have brought up such an important issue at a crucial time when India is receiving more and more migrants and refugees. He said India should bring in appropriate legislation and policies to regulate the flow, provide legal protection and guarantee basic needs of all non-national children and their families.

He hoped the civil society will take care to address the issues of non-national children as a special category.

Organizers thanked all the chairs, speakers, participants and the UNHCR, India Office, for supporting the initiative.

Recommendations

As has emerged from the Consultation, refugees, migrants and victims of trafficking face great challenges to their liberty, protection and survival. Following recommendations are made in view of the constitutional and international obligations of India:

- Children of all non-citizens entering into or living in the country should not be criminalized under the laws pertaining to foreigners. All such pending cases and who have served sentences should be withdrawn forthwith and they be unconditionally released.
- India should evolve an agreement with Bangladesh and Nepal for the safe return and reintegration of migrant children and survivors of trafficking from these countries.
- India should sign the Refugee Convention and its protocol for the treatment all refugees in a just manner.
- The JJ Act should be amended to better protect the non-national children and ensure safe repatriation.
- Laws and practices for the prevention, protection, prosecution, rehabilitation relating to trafficking should be strengthened.
- All children born in the country should be compulsorily provided with birth certificates. However, production of birth certificates should not be mandatory for admission to schools for any child, including the non-citizen child
- Refugee and cross-border migrant localities should be provided with Anganwadi centres for child nutrition and care

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