

# Our lives, our say:

## Street and working children talk about their rights in Delhi

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### **Abstract**

Recently a “new sociology of childhood” has been proposed arguing that childhood must be seen as a social construct and considered like race, class and gender as an important analytical variable. It is asserted that children and their life worlds are topics worthy of study and that children must be seen as active agents in creating their own social worlds and society at large. The main implication of such a conceptualization is that childhood takes a multiplicity of forms over time and across cultures. Essentially these approaches privilege the perspectives of children and reject the representation of them as passive vessels into which the rules of society are poured as merely adults in training. This paper examines this new discourse by drawing upon the experiences of Butterflies, a non-government organization working for the empowerment of street and working children in Delhi. In particular the paper will explore Butterflies’ rights-based approach to working with street and working children and give space to children’s own experiences and perceptions in regards to this approach. The article focuses on four key areas: the right to participation; the right to freedom of assembly; the right to protection from economic exploitation and the right to work.

Keywords: children, work, rights, poverty, marginalisation, participation

The modern western conception of childhood is as a distinct and separate phase of life, characterized by “innocence and fragility” (Aries, 1962) where children were torn out of the real world of work and protected. However scholars from a range of disciplines in the last forty years have challenged these long held conceptions of childhood. A “new sociology of childhood” (Jenks, 1996; James, Jenks & Prout, 1998) has been proposed

arguing that childhood must be seen as a social construct and considered like race, class and gender as an important analytical variable. In addition, they assert that children and their life worlds are topics worthy of study and that children must be seen as active agents in creating their own social worlds and society at large. The main implication of such a conceptualization is that childhood takes a multiplicity of forms over time and across cultures. Essentially these approaches privilege the perspectives of children and reject the representation of them as passive vessels into which the rules of society are poured as merely adults in training. These theorists (Jenks, 1996; James, Jenks & Prout, 1998) propose that children are perceptive observers of their society at large and capable of strategically acting to pursue their own goals.

It is this last point that this article aims to address. The paper will draw upon the experiences of Butterflies, a non-government organization working for the empowerment of street and working children in Delhi. In particular it will explore Butterflies' rights-based approach to working with street and working children and give space to children's own experiences and perceptions in regards to this approach. The article will focus on four key areas: *the right to participation; the right to freedom of assembly; the right to protection from economic exploitation and the right to work.*

In an attempt to place the discussions within a historical framework and to highlight certain trends and politics, a brief introduction to the context of street and working children and the convention on the rights of the child will be given.

## **Definitions of street and working children**

Street children are seen to lack the primary socialisation and modelling framework of the family that is thought to foster healthy growth and development. As such, they are seen to be developmentally at risk. The most common definition of a street child is "any girl or boy who has not reached adulthood, for whom the street (in the broadest sense of the word, including unoccupied dwellings, wasteland, etc.) has become her or his habitual abode and/or sources of livelihood, and who is inadequately protected, supervised or directed by responsible adults" (Le Roux 1996, p. 966). In this paper the term street children is used to refer to children who work and/or sleep on the streets. Such children may or may not necessarily be adequately supervised or directed by responsible adults and include the two co-existing categories referred to by United Nations Children's Fund (UNICEF) as those "on the street" and those "of the street" (Agnelli, 1986, p. 34; Ennew, 1986; Scharf et al., 1986; Richter, 1988a). Children of the street are homeless children who live and sleep on the streets in urban areas. They are totally on their own, living with other street children or homeless adult street people. On the other hand, children on the street earn their living or beg for money on the street and return home at night. They maintain contact with their families. This distinction is important since children on the street have families and homes to go to at night, whereas children of the street live on the streets and probably lack parental, emotional and psychological support normally found in parenting situations. This study involves interviews with children from both these populations; however the majority are children of the street.

The other participants represented in this article are working children. Borrowing from the work of Boyden, Ling & Myers, (1998) I use the term working children instead

of child labourer. I do this in order to draw a distinction between work that is harmless or beneficial for children as well as work that is detrimental to them. The term child labourer often is confused with a broader notion of child work and has negative connotations even when discussing work that is more likely to be positive rather than dangerous for children. Thus, in this article I refer to working children as those who work in a broad variety of settings (part time, full time, seasonally, in the public and private spheres, sporadically).

India has the largest number of children under the age of 15 in work in the world. Some estimates put the figure at 100 million children. In 2000, the International Labour Organization (ILO) estimates:

246 million child workers aged 5 - 17 were involved in child labor, of which 171 million were involved in work that by its nature is hazardous to their safety, physical or mental health, and moral development. Moreover, some 8.4 million children were engaged in so-called 'unconditional' worst forms of child labor, which include forced and bonded labor, the use of children in armed conflict, trafficking in children and commercial sexual exploitation. (Shafiqul Kalam, 2007, p. 1)

Child labour is often defined in terms such as work carried out to the detriment of the child in violation of international and national law. In broader terms, child labourers can be defined as “children who are denied their childhood and a future, who work long hours for low wages, often under conditions harmful to their health and to their physical and mental development, and who are sometimes separated from their families and frequently deprived of education” (Ali, 2000). Child labour is, generally speaking, work for children that harms them or exploits them in some way (physically, mentally, morally, or by blocking access to education). However it is important to note that there is no universally accepted definition of child labour. Varying definitions of the term are used by international organizations, non-governmental organizations, trade unions and other interest groups.

Some social scientists point out that some kinds of work may be completely unobjectionable - and that there is a need to distinguish between child work and exploitative or intolerable child labour. They argue that child work is not necessarily exploitative; it is sometimes better than irrelevant or inappropriate education. Exploitative child labour, on the other hand, robs children of their childhood, their dignity and their rights. This crucial distinction underpins much of what the children say in this research and on a broader note permits the development of a variety of initiatives specifically aimed at eradicating exploitative child labour, rather than all child work. As UNICEF's (1997) *State of the World's Children Report* puts it:

Children's work needs to be seen as happening along a continuum, with destructive or exploitative work at one end and beneficial work - promoting or enhancing children's development without interfering with their schooling, recreation and rest - at the other. And between these two poles are vast areas of work that need not negatively affect a child's development.

## **Children's Rights and the Convention on the Rights of the Child (CRC)**

The theoretical perspectives discussed above raise substantial doubts about childhood having universal meanings across time and culture. But it is just such meanings as are contained in the CRC that drive the discourse around child work and eradication efforts in India today. Boyden asserts that the CRC and other recent international human rights legislation incorporate from the North “highly selective, stereotyped perceptions of childhood – of innocent child victims on the one hand and young deviants on the other” (Boyden 1997, p. 197). Children's rights have been part of international human rights discourse for more than 70 years. These rights were formally recognized in the *Geneva Declaration of the Rights of the Child* (1924) and later in the *United Nations (UN) Declaration on the Rights of the Child* (1959). With the ratification of the CRC in 1989, published literature on children's rights grew enormously. A significant section of the convention which captured the interest of social scientists is Article 3.1. It states “in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative bodies or legislative bodies, the best interests of the child must be a primary consideration” (UN, 1989). The concept of best interests has sparked intensive discussion that again demonstrates the importance of cultural considerations to human rights protocols. Woodhead's (1993) comments on the inappropriate use of the word “needs” in child welfare discourse is relevant to the discussion of best interests as well: “[W]hile in very general respect ‘needs’ statements may have universal validity, detailed prescriptions of children's needs are normative and depend on a judgment about processes of cultural adaption and social adjustment” (p. 73). Another theoretical attempt to reconcile culture and the best interests mandate posits children's rights as being situated within a centre of vital concentric circles. It envisages “moving outward from a centre of vital inalienable rights to encompass rights increasingly open to flexible interpretation in local culture” (Alston 1994, p. 19).

Social scientists have raised concerns about the CRC as well. Scheper-Hughes and Sargent (1999) note that the wholesale application of universalist human rights for children based on Western values in societies having varied social and economic structures may have unintended consequences.

Against the backdrops of these widely varying views on how best to guarantee children's rights and well-being, Boyden's comments may be viewed as critique and a useful signpost for more constructive approaches:

Undoubtedly countless children in poor countries live extremely precarious lives and are deeply exploited; they deserve all the support and assistance they can get. But the point is that the human rights discourse tends to detract from careful ethnography, as often as not calling forth simplistic explanations and solutions, many of which are inappropriate or ineffectual. (Boyden 1997, p. 20).

## **Methodology**

The research upon which this article is based privileges the voices of the children themselves. The process of arriving at a dialogical, meaningful, critical and experiential method of research and analysis was fraught with contradictions and challenges. For the author, the constant shift between being a researcher, an outsider, and a mother accompanied by her 8 year old son, proved ambiguous, productive and frustrating. Negotiating this status was never easy. I struggled to identify myself as an academic, unsure of how Non-Government Organization (NGO) workers and children would react to being the subjects of my study.

In devising this study, I followed Denzin's recommendation of using multiple methods of investigation (1978), which involved long term participant observation of children, semi-structured interviewing, gathering life histories, fieldwork and an all-day research workshop. I also chose diverse methods because I felt that no "single method [could] fully capture the richness of the children's experience" (Eder & Fingerson 2002, p. 188). I "hung out" at various Butterfly outposts – clinics, night schools and night shelters - attended meetings and after engaging two key young people, recruited more children through snowballing.

I interviewed 20 children and young people between the ages of 9 and 17, 8 girls and 12 boys. All children were from Butterflies and involved in children's collectives. The main objective of the workshop was to provide a setting, and a range of activities within which young people could express and discuss their experiences in their own way, in whatever way was meaningful for them, and as far as possible creating a space where I could avoid influencing children by projecting the particular ways in which adults construe their experiences. Children interviewed were involved in fireworks manufacturing, weaving, rolling incense and bidis, brick chipping, domestic work, market work, street vending, rag picking, shoe shining and agricultural work.

Following the work of Woodhead (1999, p. 176), a Children's Perspective protocol was designed to guide the workshop. I was also mindful of the work of Eder and Fingerson (2002, p. 185) who argue that ethical responsibility towards a vulnerable group such as children needs to go beyond the protection of their rights. They assert it "needs to include a greater emphasis on reciprocity." In this respect I hoped that the participants could gain something from the research experience, and I did this by providing results to Butterflies to use when I had finished. I also compensated children financially for their time. Although this is controversial (Booth 1999, p. 78), I saw it as essential given that some children gave up work to participate and it shows my respect for their participation. Simple and interesting activities explored young people's perspectives on their rights. I made use of drawings, pictures and anything else the children chose to share with me. Active forms of self expression were particularly valuable. Drawing, "mapping" and group discussion, as well as being fun, enabled children to express themselves despite the potential barriers created by illiteracy and anxiety. Children were also given pictures and asked to articulate their views on acceptable and unacceptable work. The visual images acted as equalizers. All children were able to express their opinions about the pictures they saw and their opinions were very rich. They provided them with the freedom to express their opinions in a creative and relaxed way and, by reducing the power

imbalance between an adult and children, this gave young people a greater sense of confidence to express themselves openly.

### ***The Butterflies Program***

Butterflies is a child-centered NGO focused on street and working children; it is based in Delhi and has been in operation since 1989. Butterflies identifies street children as working children but recognises in them the added hardship of lacking direct and indirect support from a family.

Butterflies believes that poverty is the cause of child work, and thus, “without removing poverty, child labour can never end” (Rhada, personal interview 2009). Therefore work remains necessary, but a line is drawn where children and young people work in hazardous or dangerous conditions. Raju (17), a leader of the union defined these conditions as “when he is in danger of hurting himself, or being killed, or losing his liberty and being abused.” In these cases Butterflies takes the stance that the child should be removed from work. If children have to work due to their financial situation, and if no alternatives can be found, then the work has to be regulated. As an adult facilitator remarked:

We believe that for these and other working children, taking into consideration the age and capacity of the child, their work can be made easier, working hours should be reduced, and work should depend on the child’s age and capacity but they should not be denied the right to education, to learn a new skill so that some day he or she can break away from exploitation and poverty.

The organization distinguishes itself from other organizations working with street and working children in the sense that it proclaims a right for children to carry out work that is not harmful to them. Children themselves have a right to make decisions regarding their lives and work. There is a firm belief that children need to be able to take their own decisions and that their decisions need to be respected, even when a child chooses work. As a result, the organisation also supports working children under the age of 14, and stresses the positive aspects that work may bring to children, especially in comparison to other options or the lack thereof.

The Butterflies program comprises several programs, which are participative in character and designed to involve children in an active manner. These include the Bal Sabha and Bal Mazdoor Union, both which will be discussed below. Other projects focus on the provision of essential services, such as a crisis centre, Childline phone service, 4 night shelters, a health cooperative, education program and community kitchen. All programs are based on the belief that street and working children can and should be empowered so they can become self-reliant and able to claim their rights.

The policy makers of Butterflies do not believe in an institutional approach to the problems of street children. So, even though the organization does operate several night shelters, the children are not provided with an all inclusive live-in situation, which is contrary to the other approach of agencies that work with street children. The night shelters are always open to the children; they can come and go as they wish. The children are expected to take responsibility for their own lives, including the kind and amount of

work they undertake, and to what extent they follow educational programs. They are also expected to contribute to expenses. Butterflies believes that institutional care for children has some severe limitations, especially with children who have had negative experiences with institutions, or who have been living on the streets for an extended period of time. Life on the streets, although harsh and often violent, gives children a great amount of freedom that otherwise they would not experience. Pressuring children and exercising authority over them can therefore eventually fail to benefit them. In cases where children voice the need for more services, they are referred to other NGOs that do not offer institutionalized care.

### ***The Bal Sabha***

This children's council takes place at regular intervals at most contact points throughout the city. There are two kinds of Bal Sabha: each contact point organizes its own weekly small Bal Sabha where children come together and discuss issues and problems that relate to them in that area. For the Big Bal Sabha children come together from different contact points. The councils are set up to give children an opportunity to discuss their problems and possible solutions, under the guidance of a street educator. Attendance fluctuates depending on the issue at hand, the season and other factors. Each local group has up to 25 children.

### ***The Bal Mazdoor Union***

The Child Workers Union or Bal Mazdoor Union (BMU) grew out of a program set up by Butterflies. According to the director of Butterflies, Rita Panicker, the term "union" is not to be understood in the most common use of the word, such as when used to indicate an adult trade union, but that it should be interpreted in a much broader sense, along the lines of a collective, and should be seen with reference to Article 15 of the Convention on the Rights of the Child.

The BMU is a children's union that functions independently of adults. The union dates back to a decision made in 1991 during a Bal Sabha, following an incident at a fruit and vegetable market in Delhi. In that particular incident, a boy working in the market as a porter was beaten to death by an adult. The boy was accused of stealing, a charge he denied. After being repeatedly beaten by his adult employer, he eventually hit back. During the children's council following this incident, the children proposed the formation of their own union to protect their rights and interests. The BMU is organized with local chapters around the city and approximately 1000 children involved.

## **A Rights-Based Approach**

Three general approaches to child labour can be distinguished: the *welfare-based* approach which focuses on interventions aimed at helping families and their children, through the provision of services such as healthcare, housing and recreational activities for children. The beneficiaries of such interventions are viewed mainly as recipients. The

*development-oriented* approach is geared towards the development of the future potential of beneficiaries, through financial means and the provision of educational opportunities. Non-formal and formal education, vocational training, alternative employment, credit provision and income generation are examples of this approach. People's own capacities are to be strengthened in order to give them a chance to develop themselves.

Finally, the *rights-based* approach aims at strengthening a group within society and to create more political space for them. The children (and their families/communities) are to be acknowledged as a group that has the right to a better life and therefore, they have to be given a voice and be made visible. A rights-based approach is based on the principle that people can and should demand their due rights as a matter of justice, rather than wait for their needs to be addressed as a matter of charity. People are to be notably involved with initiatives and decisions regarding changes and improvements in their lives.

The next section explores children's understanding of their rights. Not all rights that are directly or indirectly addressed by Butterflies will be addressed here. Presented here instead is a selection of those rights that are either instrumental in the way in which the organisation defines itself and understands their function, or those rights that take a central place within the organisation's programs.

## **Children on their rights**

### ***The Right to Participation***

Even though there is no explicit Right to Participation named in the *United Nations Convention on the Rights of the Child*, a cluster of articles factually outlines this right in its various aspects. The key article is Article 12: "States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child" (UNCRC, Article 12.1). The right to participation is also extended to the work sphere:

In addition to protective legislation and procedures to prevent exploitation of children in employment (Article 32, p. 475), under Article 12, respect is required for the views of the child, and in any judicial or administrative proceedings relating to employment of children, the child has the right to be heard. (*Implementation Handbook for the Convention on the Rights of the Child*, UNICEF, 2002)

As it has become commonplace for NGOs to include participation of beneficiaries into their programs, it is important to have a close look at what participation entails and how it is interpreted in the case of working children's organisations and their members. There has been a wealth of literature on participation as well as several guidelines for practical implementation, but the concept remains elusive and is open to interpretation. The concept is all-encompassing and at the same time indistinct, making it possible to fit different means and ends.

One of the meetings, organised by BMU in Delhi, serves as an excellent example of children's participation and children's views on the concept of a child's rights and the right to participation. The meeting was scheduled as a Children's Development Bank (CDB) meeting, and took place at the crisis centre at the Butterflies office, with 16 boys attending. The lead was taken by Anuj (18)<sup>1</sup>, the former leader of the Union and Raju (17), the current BMU leader. Anuj started by mentioning the right of children to work if they have no other source of income, but how they face continuous harassment by the police when they work on the streets. The other children mentioned the right to security and protection which should be provided for by the police, the society in general and by parents, and the right to participation; they also considered education and having an opinion as fundamental rights for children.

The right to participation proved to be the most elusive right, and the children tried to define it with practical examples, such as "the right to play in the park as the rich children can do, but we must behave in the park and not pick flowers ... ." An adult educator attempted to deepen the discussion on participation "as this is a right that can help to solve problems. It is easy to talk about, but difficult to do. What is the real meaning of participation?" Some older BMU members related participation to issues that are addressed by the BMU and the Children's Development Bank, such as "taking a loan from the bank to start a business." Generally, participation was defined by the children as "having access to" facilities, services and goods, to "having and voicing an opinion" and to "be taken seriously."

### ***The Right to Association and to Freedom of Assembly***

The right to association and to freedom of assembly is a right from which working children's organisations draw their legitimate status. While Article 12 defines children's individual rights as members of society, Article 15 sets out their collective rights. According to Butterflies, the initial drive to set up an organization for working children was the lack of protection in the working environments of the children; as children do not have any legal status as workers, they are extremely vulnerable to exploitation and abuse. Instead of effectively preventing children from working, legislation further weakens the children's already vulnerable position.

Street children invariably encounter violence, primarily from police. Children working and living at Delhi's railway stations, for example, related how they are frequently beaten by policemen and other authorities. In one incident, a boy was so severely beaten that he was later found lying unconscious between the railway tracks. Several boys showed bruises and wounds that had been inflicted by policemen or railway officials. Many of the boys claimed that they have to bribe the police to be left alone. Sometimes, this starts off a vicious cycle: the policeman accuses a child of stealing and demands money, which the child cannot provide. The child either gets beaten or locked up or has to take up stealing in order to keep paying the police increasing levels of bribes.

A group of boys from the New Delhi railway station explained why they were dressed in dirty and tattered clothes, even though Butterflies had provided them with decent clothing: "we would like to dress better, but we cannot have good clothes because

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<sup>1</sup> Names of all participants have been changed.

then the police will say that we want to mingle unnoticed with passengers to steal from them.”

Being a member of a group can enhance self-esteem and confidence. Both qualities are difficult to measure, but these are important aspects of what children’s organisations strive (and often succeed) to achieve. Self-esteem and confidence are not to be seen only in relation to a child’s working background and environment; the general social and economic background of a child, past experiences of deprivation and powerlessness may be far more important. Boys from a Bal Sabha group explained how things have improved for them since they started with the group:

Before, many of the boys here had bad habits and they did not know about their rights. Before, children were easily scared. Now they feel that they get much more respect from their community. In this area, the children feel often intimidated and hassled by young people and adults in their area.

Children related how they have learned to speak to adults and express their problems and concerns, and how they have learned not to accept everything that is asked of them. Girls in particular commented on an increased confidence, also in the presence of boys and men: “before we did not like to speak when there were boys around, now we can give our opinion. We are not afraid anymore.”

### ***The Right to Protection from Economic Exploitation***

Butterflies strives to make a clear distinction between work and labour; between work that is acceptable or even beneficial and activities that are exploitative and harmful: “We are against exploitation at work, but we are for work with dignity with hours adapted so that we have time for education and leisure” (Kundapur Declaration, 1996). This distinction between exploitative and non-exploitative work, as well as the children’s own choice/decision whether to work or not, forms an important aspect of the children’s organisations’ ideology and identity.

When economic exploitation needs to be defined, children draw the line between acceptable and unacceptable work. Many of the BMU children have had first-hand experiences with exploitative working circumstances, either working for an employer outside their family or for a relative. While each story is unique, certain patterns emerge from the children’s accounts of getting into, or escaping from, exploitative and abusive working circumstances. In cases of severe poverty at home, the children are placed with an employer outside the family in order to contribute to the family income. When middle men are involved the children are frequently brought to locations outside their family’s geographical area, and the children often encounter intolerable working conditions in the form of long working hours and abuse. In comparison, many of the boys expressed their preference for working on the streets of Delhi with the relative protection and support of the BMU and Butterflies. While life on the streets can be full of hardship and insecurity, it also offers an otherwise unthinkable freedom. Faisal, aged 13, claimed that his life has improved since he ran away from his former employer and came to Delhi:

Before, I worked in a soap factory for 6 months; my uncle had taken me there. The work was difficult and they never gave me payment, only food. Now I collect plastic bottles and sometimes work at a tea stall at night. I get to keep my money and can buy the food I want and even go to the movies.

Mohammed (15) also explained how his life improved. He originates from a village in Bihar and used to work alongside his father for a local landowner:

The work was hard and never-ending. The landowner used to treat us badly. Then at night, my father often went out to drink. When he came back home, my parents always quarrelled. I never had time for myself and there was nothing in the village. Here I made some friends, have money for myself and I can go to the night classes.

Protection from economic exploitation and improvement of working conditions can also be interpreted as the provision of alternatives. Only with alternatives can children start to bring about change. The children's bank, for example, provides loans to children to start their own small businesses, such as a street-side tea shop or toy vending. This provides a greater profit and also a safer working environment for the children, when compared to rag picking. A street educator commented: "we are not promoting work, but the children that get loans were involved in even more dangerous work to start with," and "child labour will exist for the time being, to abolish child labour is like the demand to abolish poverty. As long as there are no other options, we will support the children. We do not promote child labour, but we stimulate and encourage self-reliance."

Most children who were interviewed during the research had a clear opinion about what is acceptable work for them. According to 18-year-old Shankar, "no construction work should be allowed below the age of 18, because it is too hard and too dangerous. The cement bags are too heavy to lift. But right now many children below the age of 14 do this work. Domestic work should be allowed above the age of 15 or 16." However, Shankar continued by saying: "when a child is aged below 14 and there are too many problems for the child, like poverty, then the child should be able to work for a living - or else starve." His friend added that "factory work should only be allowed from the age of 18 onwards, the work is hard and they always demand long hours." Many children argued that if their families are poor, they may have to help to make some money, but that they should be treated well and not have to work too much. "Well, if you *have* to work, then it should be not too heavy. What makes work really bad is when the boss shouts at you or beats you," said 14-year-old Ravi.

## **A Right to Work?**

Most children interviewed stated that, if given the choice, they would rather not be working. A child's status as worker has often been imposed by necessity or circumstance, and, with a few exceptions, not by choice. Working as such, however, is not always seen as a problem by children: if the work is not too heavy, it is accepted. Children were quite matter-of-fact about having to contribute to their family's income, or having to provide

themselves with an income, as the following comments illustrate: "My family is poor; everybody has to help in one way or another. I don't mind"; "How can I go to school? My parents don't have any money, so it is better if I can help them."

The children who declared that children have a right to work were generally children who cannot conceive an alternative to work in their own lives and therefore chose to defend their right to work, albeit under fair and decent conditions. Perceived options and alternatives are particularly limited for street children. Within their scope of past and present experiences, work may seem to be the best strategy.

As Sateesh, aged 13, explained: "I have no parents to look after me; what can I do? I don't want to stay in a governmental home. If I work, I can look after myself." His parents had migrated from the countryside and his father later died in an accident. Then his mother remarried, and his stepfather wanted him out of the house. "He hit me and told me that I was old enough to look after myself." Sateesh now works at a tea stall for a few hours in the morning and complements his income with occasional rag picking. He had been attending school when his parents moved him to the city, and thus forced him to drop out. For him there isn't really a right to work, just a lack of options: "it would be nice to go to school and have good clothes and all these things, but I cannot. Work is not too bad though, at least I get some money for myself."

Muroz, aged 14, also sees no other alternative than working for a living: "My father is gone, and we all have to help our mother to buy food and pay the rent." He works as a street vendor, but his income is irregular, mainly due to fierce competition and harassment from the police. His younger brother also works, as a rag picker: "If someone says that I am not supposed to do this work, what will they offer me instead? We need the income and my mother hardly earns any money." He argues that every family should have a right to an income, and therefore, "yes, I have a right to have a job and to earn money."

Instead of the right to work, most children associated with the BMU preferred to refer to the right (or the necessity) to "earn an income." According to a Butterflies street educator, the organisation:

... is not promoting child labour. But we will provide loans to children so that they can earn a living. The governmental homes do provide shelter and basic services to children, but what will happen to them when they are 18? We want to make them self-reliant.

The belief is that mere service provision and institutionalised care won't offer long term solutions and will indeed impede the children's future perspectives as it does not prepare for a self-sustained future.

The attitude of 14 year old Rajan is illustrative; Rajan has been a member of the BMU for 3 years. He came to the city by himself after fleeing from an abusive employer in a restaurant where his family had placed him. Through the non-formal education program in one of the night shelters, he has succeeded in joining a governmental school. But work still appears to be important: "even now that I go to school, it is important that I keep working in the afternoon - it would not be good to lose the 'habit of working' because that is what I will have to do in the future."

## Conclusion

The dominant ideology of Butterflies is controversial and has provoked criticism regarding the seemingly supportive attitude towards child labour. However, Butterflies does not define itself as a child labour union in the sense of “trade unions”, but rather as a collective that provides a platform for exchange. The children involved are not necessarily working children; they can also be marginalised children in vulnerable situations. Certain issues central to a trade union, such as working conditions and wages, are still on the agenda, but they are not necessarily a priority. The term working child has in ways become a more positive way of labelling these children in need. “Working” connotes the ability to cope, to take initiative and to be self reliant – as opposed to being passive and victimised. However, since Butterflies presents itself as a working children’s organisation, more attention is drawn to the role they might be able to fulfill in the work domain rather than for issues involving other rights.

Child participation stands central to the organisation and the children’s perspectives of their (working) lives are the foundations for interventions. The extent, however, to which children (are expected to) claim their rights, and the nature and amount of work that is deemed acceptable for children are contentious and worthy of ongoing debate. Butterflies works mainly with street children who have to continuously make decisions with limited or no support from adults. These children have often grown used to a relatively high degree of autonomy and have become distrustful of authority; so they are not “serviced”, but are taught how to take responsibility for their actions, while not becoming dependent on institutional support. This organisation has high expectations with regards to children claiming their rights and taking responsibility for their life and work choices.

While the Bal Mazdoor Union has conducted substantial and important lobby and advocacy work for street children, and has successfully linked up with other organisations at local, regional and international levels, some have suggested that the direct impact, at least in a structural way, on the improvement of living and working conditions of children has remained limited. This research suggests however that children and young people directly involved in the unions’ activities have benefited from their participation, and the Bal Mazdoor Union offers chances that many of their members would not otherwise have, even if only a few children are able to take advantage of these possibilities.

Child labour is still a major problem in India and will continue to be so for some time, as it is difficult to envision any interventions that could eradicate child labour in the short term. The persistent nature of the problem is related to a legal framework that allows for a multitude of loopholes, poor implementation and enforcement of existing laws, and a social and economic system in which a class and caste bias makes it difficult to sanction employers of children, while simultaneously offering few and inadequate options for children from poor or broken families. Organisations such as Butterflies have an important place, and should be given the space to make themselves heard and to serve as a platform from which lobby and advocacy work can be conducted.

In reality, Butterflies is a *child rights* organisation; an important discrepancy herein is that their members are not mainly working children but deprived and vulnerable children. Therefore, the strength of Butterflies lies not primarily with its different

strategies in approaching the problem of child labour, but rather with its child-centered nature and focus on child rights. Working children's organisations should thus not be judged as an alternative to other strategies, but should rather be considered as an additional component in an overall strategy to address child labour, which keeps the best interest of the child in mind.

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### **Biographical Note**

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