

# **A Childhood to Every Child**



**Child's Right to  
Protection**

# Child's Right to Protection

## **D**o You Know that...

- There are 15 million children in bonded labour, in India
- There are twice as many girls than boys engaged in child labour
- There are at least 18 million children living on the streets in India
- There are 5,00,000 children in commercial sex work, in India
- In the year 2000, 6562 cases of kidnapping and abduction of children for purposes that qualify as forms of trafficking were reported to the police
- Of these, 37 cases were of kidnapping for adoption, 15 for begging, 4 for camel racing, 1092 for illicit intercourse, 4871 for marriage, 190 for prostitution, 16 for sale, 1 for selling body parts, 63 for slavery and 273 for unlawful activity

Source : Crimes in India 2000 and

[www.indiangos.com/issue/child/abuse/statistics/htm](http://www.indiangos.com/issue/child/abuse/statistics/htm).

All children have the right to be protected wherever they are- at home, in school, on the streets, and at all times-peace, conflict or calamity. Their right to protection is as intrinsic to their well-being, as is the right to survival, development and participation.

*Source: Status of Children in India Inc. HAQ: Centre for Child Rights. 2005.*

All living beings and non-living objects need protection in order to survive but children being vulnerable, ignorant about facts of life, innocent and dependent on adults, need it much more.

## **W**hat is Right to Protection?

Every child needs a safe and secure environment to grow and develop to her/his fullest capacity. This need of children to a safe and protected environment has been recognised as their '**right to protection.**'

Safe Environment, Key to Protection



Child's Right to Protection implies that all children are safe guarded against all forms of abuse, exploitation, inhuman or degrading treatment and neglect. Protection rights include special protection in situations of emergency and armed conflict.

## **W**hat are Child Protection Issues?

Child Protection is a wide subject and covers many issues.

Specific issues covered by Protection Rights are:

**Child labour** - protection from work that threatens a child's health, education or development.

**Street Children** - protecting children from neglect, torture and exploitation such as forced beggary.

**Violence against children** - all forms of maltreatment perpetrated by parents or other adults.

**Sexual exploitation and abuse** - including forced sex work by children and involvement in pornography.

**Sale, trafficking and abduction of children for child marriage** - using children in sex trade, camel racing, organ trading, for other superstitious reasons i.e. sacrificing children to appease Gods/Goddesses and many such reasons.

**Drug abuse** - protection from narcotic and psychotropic drugs and from being involved in their production or distribution.

***Torture and deprivation of liberty -***

protection from torture, cruel treatment or punishment, unlawful arrest.

***Armed conflict*** - no child below 15 years of age can be recruited into the armed forces.

Providing care and protection to children who are affected by armed conflict.

***Protection from interference with privacy -*** family, home and correspondence.

***Protection from discrimination of any kind*** - based on the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

To the above list as covered under the Convention on the Rights of the Child, we can add simple things as protection from the extreme climatic conditions, protection from unsafe equipment, furniture and objects too.



## **W**ho needs Protection?

All children irrespective of where they live or what their socio-economic status is, need and have a right to protection. But some groups of children are more vulnerable than others because of their situation. They include:

Children within the Juvenile Justice System<sup>1</sup>

Children on the street and street children<sup>2</sup>

Child labour

Children with disability

Children who are trafficked for sexual and other purposes

## **F**actors that Necessitate Protection of Children

### **Social Factors**

- Parents/ guardians think that they know what is 'best' for their child and end up committing grave errors i.e. denying certain foods to girl children, branding the child to cure a disease, selling the child, pressurising the child to get high marks in exams etc.

Every Child needs Protection

- Domestic Violence against children in the home and family setting, which are difficult to detect or report.  
Neighbours, family members and community do not readily come forward as witnesses or informants in cases of domestic violence.
- Children are too scared, traumatised/ashamed or ignorant to report the crime against adults.
- Attitude of small entrepreneurs to make maximum profit by putting in minimum investment.
- Myths such as sacrificing a child would appease the Gods/Goddesses or having a son is essential even if it means going for pre-birth elimination of female foetus in order to continue the family lineage or for the soul to go to heaven, early marriage in order to avoid community ostracism.
- Discrimination against girl child.
- Male dominated culture.
- Religious practices such as Devdasi system or Bal Diksha..
- Migration of male members to urban areas leaving women and children vulnerable to trafficking.

## **Economic Factors**

- Abject poverty leading to kidnapping, selling and buying children especially girls, trading in human organs, adoption, raping minor girls, child labour, child beggars
- Availability of children as cheap labour.

## **Political /Legal Factors**

- Loopholes in the existing laws.
- Lack of accountability on the part of law enforcement machinery and personnel of Juvenile Justice Homes.
- Lack of proper monitoring system to ensure strict implementation of laws.
- Inability to fulfil constitutional directives.
- Schemes on paper but no systematic implementation.

## **Why do Girls Need More Protection?**

In India, discrimination against the girl child exists across economic class and caste. In a patriarchal society, girls face discrimination even before birth. If born, they face discrimination and deprivation right from birth, which results in higher number of girls working as agriculture labourers, domestic

Boys and Girls have Equal Rights

servants, child prostitutes etc. Being docile and obedient, girls are more prone to victimisation, violence and exploitation and hence need special provisions from the Government, Legislature, Judiciary and NGOs. The following illustration depicts various ways in which a girl child is discriminated against a boy child.

## *A* life time of discrimination and neglect

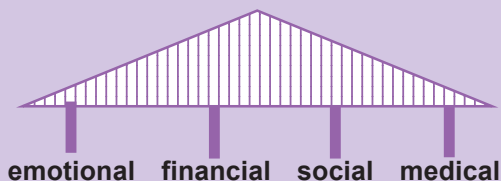
**Prenatal:** sex selection, female foeticide

**Infancy:** infanticide, malnutrition

**Childhood:** health and healthcare, attention, love, care, education, sexual abuse, physical violence, mental and emotional abuse

**Adolescence:** early or forced marriage, denial of education, forced sibling care, sexual abuse, early pregnancy, sexual violence, domestic violence, dowry harassment, harassment as a result of infertility or failure to produce a son, desertion, witch hunting, medical violence (needless hysterectomy, forced abortions)

### Neglect



Source: *Skirting the Issue: The Girl Child* by Dr. Mira Shiva in *Seen, but Not Heard*, VHAI, 2002.

The following case describes the case of sexual abuse of a girl and its severe impact on a minor girl.

### **'Forgetting' the Ordeal**

The sexual abuse of some children can be so brutal, as to induce temporary amnesia. Nine year old Priya was brought to Jagruti (an NGO working on this issue) by the police. She knew nothing about herself, her parents, or her past, apart from her name. She had cigarette burns all over her body. She had *forgotten* how to perform basic everyday functions, such as brushing her teeth, going to the toilet and wearing clothes. She would continue eating and drinking until told to stop. She didn't know the difference between rice and curry. Priya would, however, discard her underwear every ten or 15 minutes and then come and stand in front of the people in the room to indicate that she was ready for sex. It is anybody's guess how much this child was abused at an age when children are supposed to dream and be carefree.

*Source: Sudha, P.; 'Like a Rainbow....' Deccan Herald; 29 October, 1999.*

Child abuse and exploitation has adverse effect on the physical, mental and socio-emotional health of a child. Let us see in details the health hazards faced by the neglected children

## ***H*Health Concerns and Occupational Hazards of Street /Neglected Children**

Street children suffer from the worst kind of deprivation and denial of basic necessities such as education, health care, nutrition, shelter, physical protection, security and recreation.

- They are susceptible to drug / alcoholic addiction
- They inhale dangerous materials such as cobbler's glue, correction fluid, gold/silver spray paint, nail polish, rubber, cement, gasoline etc., which give an escape from reality and hunger.
- Their deprivation as described above result in serious physical and psychological problems.
- In order to obtain their regular dose of drugs / alcohol and inhalants, they resort to pick pocketing, petty thefts or serious crimes.
- Some of them turn into hardened criminals
- Girl children are susceptible to Reproductive Tract Infections (RTIs) as they are invariably abused and exploited sexually.
- Due to lack of personal and menstrual hygiene, girl children are more prone to skin and other infections.

One more case shows how children get into criminal acts or in conflict with law:

### **Ensnared Young**

School dropouts and runaway children on the streets are soft targets for adult criminals on the look out for new recruits to their gangs. When Jeetu and Dinesh, two nine-year olds, were arrested by the Government Railway Police and booked for pick-pocketing at the Patna Junction, their insistent plea was that they were not thieves, but were forced into crime by a local goon, Raju Sharma. According to Dinesh, Raju caught hold of him one evening and took him forcibly to his hideout. Here, Raju threatened him with dire consequences if he defied his orders to pick the pockets of railway passengers. This marked the beginning of Dinesh's nightmarish journey. In a few days, Dinesh roped in his cousin, Jeetu. Both came from poor slum families. Taking advantage of the confusion at the entry points to compartments, the boys would steal passengers' wallets when they were alighting or boarding trains. Once, Raju even threatened to throw Jeetu off a running train, when he failed to pick a single pocket on a particular day. According to the police, Raju had several young recruits like Jeetu and Dinesh working for him.

*Source: 'Innocence behind the bars'; The Hindustan Times; Patna; October 5, 1999; reproduced in My Name is Today; Vol. VII, No. 3 & 4, Butterflies. New Delhi; pp. 73-74.*

In India, there are Constitutional and legal provisions to protect children. However, for various reasons these provisions have not become effective. Let us have a look at the provisions.

## **C**onstitutional Provisions



The Constitution of India, which became operational in the year 1950, has provisions for the protection of children, which are summarised below:

Article 24 deals with Prohibition of Employment of children below 14 years in factories.

Article 23 of Part III of the Indian Constitution relates to Fundamental Rights and under the caption “Right Against Exploitation” prohibits the trafficking of human beings.

Article 45 deals with provision for free and compulsory education for children.

Article 51 (c) deals with refugee related issues.



## **L**egal Provisions on Child Labour

The Government of India adopted a National Child Labour Policy in 1987. The policy consists of three complementary measures.

1. Legal action plan: Strict enforcement of the provisions of the Child Labour (Prohibition and Regulation) Act, 1986 and other child-related legislation.

2. Focus on general development programmes benefiting children, wherever possible.
3. Area specific projects.



## **P**olicies related to Children

### ***National Charter for Children 2003***

The Charter reiterates the commitment of the Government of India to the cause of children in order to see that no child remains hungry, illiterate or sick. Underlying this Charter is the intent to secure for every child its inherent right to be a child and enjoy healthy and happy childhood, and to awaken the conscience of the community in the wider societal context to protect children from all forms of abuse, while strengthening the family, society and the nation.

### ***National Plan of Action for Children***

The Government of India released the National Plan of Action for Children 2005 on 20 August, 2005. The Plan has cited the UN Convention as the guiding instrument for implementing all rights for all children upto the age of 18 years. It also states, "The rights of the child as articulated in the Constitution of India and the UN - CRC should work in synchrony to ensure all rights to all children."

### ***National Commission for the Protection of Child Rights***

The National Commission for the Protection of Child Rights Bill was approved by the Cabinet on 24 March, 2005. On coming into force, the Commission shall have the powers

to uphold child rights and to take suo moto cognizance of child rights violations.

### ***Judicial Interventions***

The Supreme Court of India has passed some significant judgements to combat child labour. In its judgement on December 10, 1996 in a writ petition [ (civil) No. 465/1986] has given certain directions regarding the manner in which children working in hazardous occupations are to be withdrawn and rehabilitated as also the manner in which the working conditions and occupations are to be regulated and improved upon.

### ***P*rogramme Interventions**

There are programme interventions by the Government and the NGOs to eradicate child labour.

### ***Juvenile Justice***

Street children or other children who are victims of violence may secure fair treatment and rehabilitation under Juvenile Justice System.

Juvenile Justice is commonly understood as a notion of fairness and justice and also an alternative system of dealing with children through laws.

The Ministry of Social Justice and Empowerment has been responsible for the implementation and administration of the Juvenile Justice Act, 1986, which has been replaced by the Juvenile Justice (Care and Protection of Children) Act, 2001 that has come into force from 1, April 2001.

The new act defines “Juvenile” or “Child” as a person who has not completed eighteen years of age. This Act has a child - friendly approach and provides for proper care, protection and treatment and also for ultimate rehabilitation of children in need of care and protection.

### ***Child Line India Foundation***

Child Line India Foundation has been established as an umbrella organisation to identify, provide support services and to monitor efficient service delivery of the centres spread all over India.

The aim of Child Line is to ensure that “a childhood to every child” is just a call away. Help can be sought by any child on the street or a victim of child abuse on telephone number 1098 through the day and night or 24 hours child line service. Help arrives from the police and support from identified NGOs.

The Ministry of Social Justice and Empowerment has sought police participation and support from the allied system, consisting of the police, health care and welfare, judiciary, education, transport labour, media and corporate sector.

## ***R*ole of Various Stake holders in Protecting Children**



### **As Government**

- To work out a clear definition of ‘child’ in the statutes of law. At present different laws refer to different age groups when they describe a child.

- To ensure that all the laws pertaining to children are strictly implemented and the guilty are punished.
- Law enforcement machinery and judiciary should be made child friendly.

### **As Academic Institution**



- Sensitise the teachers and students to the issues related to child protection and familiarise them to the remedial measures.
- Campaign in your school / college against child trafficking, violence against children.
- Provide special sanitation facilities in schools for girl children.
- Educate parents on parenting and caring for children.



### **As NGOs<sup>1</sup>, CBOs<sup>2</sup>, VOs<sup>3</sup>**

- Report the crime against children immediately to the police, child line, and media.
- Work on prevention of crimes against children and rehabilitation of the victims.
- Give extra attention to provide special protection to girls.

### **As Civil Society**



- Boycott goods made by child labourers.
- Boycott restaurants, hotels and tea stalls which employ and exploit children.
- Report any case of child abuse or exploitation in your neighbourhood to police or Child Line.
- Write and send articles to media based on real cases of child abuse.

- Set positive examples by helping a needy child or by enabling the community to rehabilitate the abused/ exploited/ trafficked children.



### **As Media**

- Publish real cases of child abuse/ exploitation/ labour/ trafficking in order to motivate the people to do something to ease the situation.
- Publish/ broadcast/ telecast the programmes that have successfully helped children in difficult circumstances.
- Publish/ broadcast/ telecast the positive anecdotes/cases to emphasise the role of education, counseling, rehabilitation, mentoring and empathy in transforming a delinquent child to a humane child.

### **(Footnotes)**

<sup>1</sup> *Non Government Organisations*

<sup>2</sup> *Community Based Organisations*

<sup>3</sup> *Voluntary Organisations*



Let us make the World Fit for Children

## About CHETNA

CHETNA<sup>1</sup>, meaning “awareness” in several Indian languages and an acronym for Centre for Health Education, Training and Nutrition Awareness is a non-government support organisation based in Ahmedabad, Gujarat. CHETNA’s mission is to contribute to the empowerment of disadvantaged children, adolescents and women to gain control over their own, their families’ and communities’ health. Beginning its activities in 1980, CHETNA has broadened its activities in the field of nutrition, health, education and development from a “Rights” perspective.

CHETNA builds the management capacities of education/health practitioners/supervisors/managers with a view to enable them to implement their field programmes from a holistic and gender perspective and advocate for people centered policies.

CHETNA develops need-based training and education materials, which are widely disseminated at the state, national and international levels.

An Information and Documentation Centre (IDC) addresses the information needs of individuals, organisations, academicians, reserachers and students working on health, education and development concerns.

CHETNA has been identified as a Regional Resource Centre (RRC) for Gujarat State and the Union Territories of Daman, Diu and Dadra Nagar Haveli to provide technical assistance to NGOs to improve RCH, facilitate GO-NGO partnership, document and disseminate successful approaches and provide inputs to GOI to ensure effective implementation of policies.



For Children Young People Women

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