



Protection of **Child Rights** *An unfinished agenda?*

Introduction

Childhood across the world, broadly seen as the 'golden age', is synonymous with innocence, freedom, joy, play and the like. But at the same time, at this age, children are most vulnerable warranting care, attention and protection from everybody around them. The outbreak of COVID-19 disrupted this 'golden age' by an unprecedented disruption to education, isolation and uncertainty or discontinuation of routine immunization, ultimately taking a huge toll on the rights of children across the world. Beyond the pandemic, recent conflicts in countries like Afghanistan, Myanmar and Ukraine unleashed grave violations of children's rights and displaced children and their families, driving record humanitarian needs.

Severe long term impacts of these violations are just beginning to unfold where reports are highlighting behavioural changes, mental health impacts and lost learning among children, which is now being touted as the biggest threat to medium-and long-term recovery from the pandemic.

In order to better understand this grave situation, we need to understand the nuances of Child Rights, what is the significance of upholding the rights of children, how did the provisions related to child rights evolve globally and in India, what are the prominent threats to child rights in India and how do they impact their lives, what are the barriers faced in effective protection of their rights, what are the recent steps that have been taken in India to protect and provide for the rights of children and what more can be done to ensure and create a better, safer and rightful world for children. In this document we shall attempt to provide answers to all these questions.

Who is a child and what are **child rights**?

- United Nations Convention on the Rights of the Child (UNCRC) defines **‘a child as every human being below the age of eighteen years’**. The declaration permits each country to determine the age limit of the child according to their own laws.
- According to the UNCRC, **Child Rights are minimum entitlements and freedoms that should be afforded to all persons below the age of 18** regardless of race, colour, gender, language, religion, opinions, origins, wealth, birth status or ability and therefore apply to all people everywhere.

Who is a Child in India?	
According to-	Age
Census of India	A person below the age of 14.
Indian Penal Code (IPC)	A person below the age of 7 (12, in case of a child with Mental Disability [Sec 83 of IPC]).
Article 21 (a) of the Indian Constitution	A person below the age of 14.
The Child Labour (Prohibition and Regulation) Act	A person below the age of 14.
The Juvenile Justice (Care and Protection of Children) Act	A person below the age of 18.

► These rights are **interdependent and indivisible**, i.e. a right cannot be fulfilled at the expense of another right.

- The UNCRC outlines the fundamental human rights that should be afforded to children in **four broad classifications**:

Right to Survival
<ul style="list-style-type: none">Right to be bornRight to minimum standards of food, shelter and clothingRight to live with dignityRight to health care, to safe drinking water, nutritious food, a clean and safe environment, and information to help them stay healthy

Right to Protection
<ul style="list-style-type: none">Right to be protected from all sorts of violenceRight to be protected from neglectRight to be protected from physical and sexual abuseRight to be protected from dangerous drugs

Right to Participation
<ul style="list-style-type: none">Right to freedom of opinionRight to freedom of expressionRight to freedom of associationRight to informationRight to participate in any decision making that involves him/her directly or indirectly

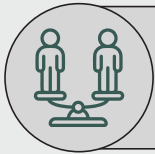
Right to Development
<ul style="list-style-type: none">Right to educationRight to learnRight to relax and playRight to all forms of development – emotional, mental and physical

Essence of UNCRC

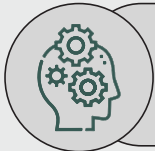
The UNCRC gave legal expression to the notion that children have independent human rights – and that those rights would be at the heart of all civil political, economic and social decision making.

Its 54 articles describe the civil, political, economic, social and cultural rights of the children. It enshrines the general principles of non-discrimination, best interests of the child, right to life, survival and development and respect for the views of child. It then elaborates the specific rights of civil rights and freedoms; family environment and alternative care; basic health and welfare; education, leisure and cultural activities; and special protection measures.

Significance of Protecting **Child Rights**



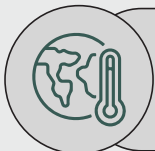
Children are human beings in the first place and are the subject of their own rights that recognize their special needs.



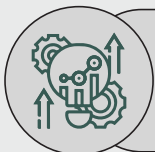
To develop children's capabilities and harness their true potential.



Children start life as totally dependent beings and are unaware of their best interests.



To guard children against the emerging changes in society such as transformation of the family structure, globalization, climate change, digitalization etc.



Healthy development of children is a must for future well-being of the society and the nation.

Child Right and Child Protection. Is it same?

- Child rights are a set of principles or ideals. They are entitlements and some of them are justifiable in a court of law, but they are not tangible. Protection is one of these rights. But **Child Protection is more than a right.**
- Child Protection is a framework or system by which the rights of a child can come to be. The framework consists of various duty bearers such as the departments of the government, police, school, civil society, who all have roles to play to ensure that a child's rights are met, and in the case that a child's rights are violated that the violator be brought to justice and care be provided to the child. Child protection is hence the **means through which all other rights of a child can be upheld.**

How did the provisions related to child rights evolve globally and in India?

The journey of child rights has been long, beginning with the mere recognition of the rights to enactment of various laws to uphold, protect and implement those rights. India has always remained in sync with the global pursuits of child rights.

The **Geneva Declaration** (adopted by the then League of Nations, now UN) is a historic document that recognised and affirmed for the first time in 1924, the existence of rights specific to children and the responsibility of adults towards children.

Following Geneva Declaration, the United Nations continued its efforts for bringing child rights on to the centre stage.

Did you know?

In the earlier times, children did not have any special concern and were treated as an adult.

It was in the 1840s that the idea of special protection to children first emerged in France. Laws were then enacted in France since 1841 to protect children in their workplace and to grant them the right to be educated.

And, it was only after the 1st World War that the world began to recognize the need for special rights to children.

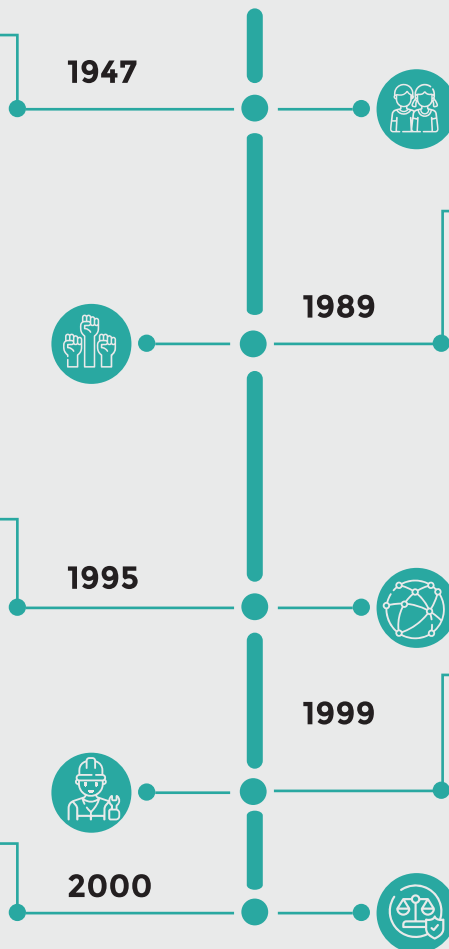


○ The United Nations created a special fund called the **UN Fund for Urgency for the Children** to respond to the millions of displaced and refugee children deprived of shelter, fuel and food in the aftermath of World War II. This later became the UNICEF.

▶ The UNICEF was granted the status of a permanent international organization in 1953. The organisation is now known by the name **United Nations Children's Fund**.

○ The **Child Rights Information Network (CRIN)** was launched by UNICEF, linking UN agencies, academic institutions and NGOs to gather information on child rights activities globally.

○ The **optional protocol** to the International Charter of the Child Rights regarding the participation of children in armed conflicts was ratified. It entered into force in 2002. This text prohibits minors taking part in armed conflicts.



○ The **United Nations Convention on Child Rights (UNCRC)** was unanimously adopted by the UN General Assembly and became the first internationally binding instrument which recognized all the fundamental rights of the child. The rights and duties contained in the Convention is a part of the framework of human rights law of UNICEF.

○ The International Labour Organization (ILO) adopted the **Worst Forms of Child Labour Convention**, calling for the immediate prohibition and elimination of any form of work that is likely to harm the health, safety or morals of children.

Landmark events in India enabling Protection of Child Rights

Progress	Details
<p>The beginning</p>	<ul style="list-style-type: none"> ● First legislation pertaining to children in India- Apprentice Act of 1850: It, however, did not create a separate juvenile justice system but worked within the adult justice system. ● Reformatories Schools Act, 1897 separated, for the first time children from adults in the criminal justice system.
<p>Recognition of special concerns of children</p>	<ul style="list-style-type: none"> ● First five-year plan, 1951 emphasized the welfare of the children by giving special concern to health, nutrition and education of the children. <ul style="list-style-type: none"> ▶ Central Social Welfare Board (SWB) was established for assisting voluntary agencies in undertaking various programmes for children. ▶ Government also established ‘Balwadis’ and ‘Mahila Mandals’ for the welfare of children. ● Series of acts enacted by the government for the improvement of the conditions of children: Suppression of Immoral Traffic in Women and Girls Act (SIIA)-1956, Hindu Adoption and Maintenance Act, Women’s and Children’s Institution (Licensing) Act, Wellbeing of Children’s Act-1960 etc.
<p>Inspiration from UN declaration of child rights</p>	<ul style="list-style-type: none"> ● Department of Social Security, 1964 (now Ministry of Social Justice and Empowerment) was established to give special attention to the various issues of vulnerable sections including children. ● Legislations to save children from social injustice: Child Marriage Restriction Act of 1929, amended in 1975, Bonded Labour (System) Abolition Act, Juvenile Justice Act, 1986, Child Labour (Prohibition & Regulation) Act, 1986, etc. ● National Policy for Children, 1974 to reach the deprived children and Integrated Child Development Scheme (ICDS), 1975 to improve the condition of children. ● Major landmarks for ensuring free and compulsory education for children: National Policy on Education, 1968, 1986 and National Education Policy 2020, District Primary Education Programme (DPEP), Operation Black Board, Universalization of Elementary Education, Sarva Shiksha Abhiyan, National Curriculum Framework (NCF), 2005, Right of Children for Free and Compulsory Education Act, 2009, etc.



What are the prominent threats to **child rights in India** and how do they impact their lives?

Sneak Peek into Reality

- **Child Mortality:** *Infant mortality rate and under-five mortality rate is 35.2 and 41.9 respectively.*
 - ▶ As a result, thousands of children die in India every year before their fifth birthday.
- **Water stress:** *Over 2 crore children in India are facing extremely high water vulnerability.*
 - ▶ As a result, water borne diseases are widely prevalent among children, causing despair and death.
- **Malnourishment:** *India has world's highest number of children with severe acute malnutrition (UNICEF).*
 - ▶ The Global Hunger Index (2021) places India at the 101st spot among 107 countries (down from 94 in 2020).
 - ▶ This increases susceptibility to childhood infections and irreversible physical and mental damage.
- **Child marriage:** *India has 1/3rd of the global child bride. Nearly 16% adolescent girls aged 15-19 are currently married.*
 - ▶ Many harmful consequences include maternal and infant mortality, lower educational achievement for girls, domestic violence, and poverty.
- **Declining Adoption rates:** *The number of adoptions has steadily dipped over the last decade.*
 - ▶ As a result, children remain devoid of parental care, love and protection.
- **Child Abuse:** *33 different forms of physical and verbal abuse against children reported by parents of children aged 0-6 years as part of disciplining efforts (UNICEF).*
 - ▶ This can impair children's brain development, lead to higher rates of anxiety, depression, and can even create self-harm tendencies.
- **Trafficking:** *40,000 children are abducted or trafficked each year, leaving 11,000 untraced (NHRC).*
 - ▶ Victims of child trafficking experience inhumane living conditions, inadequate diet and hygiene, beatings and abuse, neglect, and denial of health care and protection, resulting in lasting physical and psychological health problems.



- **Exclusion in decision making:** *Children are not considered capable enough for their inclusion in decision-making at the family, school or community level.*
 - ▶ This limits opportunities and the capacity of children to participate even in decisions that affect their own lives.
- **Child labour:** *There are 10.1 million working children between age of 5-14 years in India (Census, 2011)*
 - ▶ Child labour can result in extreme bodily and mental harm, slavery, sexual or economic exploitation and even death.
- **COVID-19 pandemic exacerbated violations of child rights** in the form of negative impact on mental health, learning losses, loss of guardians, online sexual exploitation among others.



What are the general barriers in protection of **child rights in India?**

India is a country of diverse religions, communities, customs, norms, beliefs, cuisines, costumes, etc. Family and community structures also differ in different parts of the country. Caste, class and religion form the backdrop of the entire landscape of Indian society. These factors influence and often pose barriers in safeguarding rights of children.

● **Socio-Cultural Factors**

- ▶ **Patrilineal and patrilocal nature of society** devalues girl child.
- ▶ **Laws to protect the rights generally do not have social acceptance.** Due to this, cases relating to child marriage and pre-natal sex determination often go unreported.

- For instance, child marriages are more prevalent among rural and poorer sections of the population continuing as part of culture and traditions.

- ▶ **Violence against children is often not reported as these incidents are linked with the pride of the family,** resulting in the increase of such incidents and lower prosecution and conviction rates. Additionally, the parents do not find the use of physical violence/corporal punishment problematic.

● **Political and Systemic Factors**

- ▶ **Good intentions but poor implementation:** The positive intentions of the government towards ensuring the children's rights are evident from the steps taken through designing of appropriate laws, policies, programmes and guidelines. However, implementation of these remains a challenge.



- For example, lack of data in case of landmark laws such as the PCPNDT; national level evaluations have not been carried out for certain schemes like the ICDS and the Sarva Shiksha Abhiyan (Universal Education Programme) to assess their effectiveness; lack of effective utilisation of specific funds such as Nirbhaya Fund; insufficient budgetary provisions among others.
- ▶ **Delays in ensuring justice:** In addition to lack of reporting, long drawn and delayed legal processes, huge pendency in courts, low priority given by investigating agencies, lack of victim witness protection, and survivors compromising with perpetrators are some of the important reasons leading to low conviction rates.
 - Judicial reforms (e.g. in-camera trials, fast track courts and special courts for children) have been under discussion for quite a long while, but are yet to be institutionalised.
- ▶ **Non-uniformity in definition of child:** India continues to struggle with defining the legal age of the child and there is still a debate between the ideal being 14 or 18 years.

🕒 Economic Factors

- ▶ **Low conviction among parents of the usefulness of education in ensuring a decent job.** As a result they prefer their children to work rather than spend time and resources in attending schools.
- ▶ **Wealth plays an important role in the increase in the incidence of childbearing among women aged 15-19 years,** which decreases with the increase in the level of wealth (NFHS-4).

🕒 Other Factors

- ▶ **Lost identity of children with specific vulnerability:** Marginalised group of children such as children on the streets, children of sex workers, children of convicts or those born in prison, orphans, trafficked children, children with disabilities, children in conflicts and disasters, and children belonging to the third gender often lack identification documents. Lack of identity proof denies them the access to various government services.
- ▶ **Influence of Technology:** Easy access to technology, particularly the internet influences children significantly. But their low awareness of basic safeguards and firewalls, exposes them to a digital world of crime and subsequent violation of their rights.

Is the emerging digital age safeguarding or violating child rights?

Internet brings multiple benefits for children: access to information, opportunities for self-expression, wider horizons of awareness, and an extended scope for social interaction. But it also exposes children to new risks, including exploitation and abuse by adult users, cyber-bullying by peers, and over-use.

On the other hand, the steps intended to protect children from online abuse and over-use, often overstep and cut children off from the benefits of the digital age, to which they have an equal right alongside adults. It creates a vicious circle which leads to violation of children's rights in several ways. For example:

🕒 Violation of Right to Education and Access to information

- ▶ **Inaccessibility of internet for children from poorer families** that have the most to gain from internet access, and also the most to lose from remaining cut off from it.

- ▶ **Over restriction:** While it is necessary to block children's access to child inappropriate content to safeguard their rights. Overdoing such restriction may prevent a child from seeking awareness regarding development and well-being, and also violate his/her right to free expression that requires ability to seek out information and ideas of all kinds.

⦿ **Violation of Right to Privacy**

- ▶ **Lack of awareness in children about their legal right to privacy:** Revealing personal information on online services such as games allows service providers to track online activity in detail and may entice children to divulge further personal data.
- ▶ **Monitoring of online activity by guardians:** While monitoring is by nature intrusive and not subject to the consent of children, it can also be counter-productive. When children are aware that they are being watched, they are likely to adapt their behaviour and self-censor their communications, leading to erosion of trust in the guardians.

⦿ **Violation of right to be safeguarded from exploitation and abuse**

- ▶ **Online abuse can lead magnification of risks in offline world:** When children are bullied online such as on their physical appearance, this directly affects their interactions with the peer group and enhances chances of psychological disorders.
- ▶ **Online grooming and consequential sexual abuse.**

- ⦿ **Violation of freedom of expression and the right to be heard:** With the freedom to project their voices into the world with unprecedented reach, become politically active and mobilise for social and ecological causes, children have been exposed to the same repression of free expression that affects adults. Children are therefore ingeniously preserving their freedom of action by circumventing surveillance using alternate channels such as dark web.

Need of the hour

Countries and states have a legal duty to safeguard children against harmful content and abuse, but to do so it is neither necessary nor effective to curtail their digital rights. Strategic approach in this sphere should rest on four important pillars:

- ⦿ **A Rights First Approach:** Maximise children's enjoyment of all of their rights online equitably, including children who currently have little or no access to the internet.
- ⦿ **Digital Literacy:** From an early stage and throughout their development, ensuring continuously that children are aware of digital rights and risks, and what to do about them.
- ⦿ **Consent:** Empower children to decide for themselves how others collect and use their information by requiring their consent. One way is to establish a minimum age of digital consent, as is now the case in the European Union and United States.
- ⦿ **Access to Justice:** Ensure that children have avenues for formal (including legal) complaint in cases where their rights have been breached and the support to make effective use of these complaints procedures.

In Conversation!

Children's access to environmental justice



Mrs. Mehra: Hello Mrs. Verma. Good to see you after so long. How is Vini's exam preparations going on?

Mrs. Verma: Good to see you too Mrs. Mehra. Preparations are going well but I am little worried this year for her.

Mrs. Mehra: Why are you saying so? Vini has always been a topper in her class!

Mrs. Verma: But this year, she bunked a lot of classes to participate in some demonstrations against environmental degradation and climate change.

Mrs. Mehra: That's indeed a very good cause. Vinay also took active part in those strikes for children's right to environmental justice.

Mrs. Verma: What do you mean by environmental justice?

Mrs. Mehra: It is children's right to seek protection from environmental health risks. You must have heard about Greta Thunberg, the 16-year-old Swedish girl, who raised voice against the government's inaction on climate change and supported Extinction Rebellion.

Mrs. Verma: I understand, it's a good cause. But I think children should focus on their studies and career at this age. Environmental degradation is a never ending process and children hardly get affected by it.

Mrs. Mehra: No, that's not entirely true. You know, according to WHO, 1.7 million children under the age of 5 died in 2012 because they lived in an unhealthy environment. Take an example of air and water pollution. Hazardous pollutants such as arsenic disproportionately affect children causing irreversible long-term damage, disability, or even death.

Mrs. Verma: You're right! Children also suffer more during droughts and floods whose impacts are aggravated due to climate crisis .

Mrs. Mehra: Also, most children are often unaware about their rights and hence are conveniently excluded from national level decision-making processes. Which further compounds the issue.

Mrs. Verma: I believe laws, policies, and actions on child rights and children's health should explicitly include protection from environmental harm.

Mrs. Mehra: Definitely, and for this very reason, children should be encouraged to stand up for the things that matter to them, without fear of being punished so as to shape the future they want to live in.

Mrs. Verma: Rightly said Mrs. Mehra. Thanks for enlightening me.



What are the recent steps that have been taken in India to protect and provide for the **Rights of children?**

● **National Policy for Children, 2013** recognises every person below the age of eighteen years as a child and identified four key priority areas: survival, health and nutrition; education and development; protection; and participation, for focused attention.

● **Protection of Children from Sexual Offences Act 2012 (POCSO Act)** aims to strengthen the legal provisions for the protection of children under the age of 18 years from sexual abuse and exploitation.

● **Child Labour:** There are two Core Conventions directly related to child labour - International Labour Organization's Conventions 138 regarding admission of age to employment and Convention 182 regarding worst forms of Child Labour. **India has ratified both the Conventions.**

● **Commissions for Protection of Child Rights:** Based on the draft report by Justice V R Krishna Iyer committee, the Government enacted the Commissions for Protection of Child Rights Act, 2005. Under the act, **National Commission for Protection of Child Rights (NCPCR)** has been constituted and State Commissions for Protection of Child Rights have been set up in many states.

▶ The Commissions are authorized to initiate suo motu steps to ensure child protection and child rights.

● **Strengthening of the existing acts :**

▶ **Juvenile Justice Amendment Act 2021** incorporated provisions related to children in conflict with law and children in need of care and protection.

▶ **Child Labour (Prohibition and Regulation) Amendment Act, 2016** completely prohibits the employment of children below 14 years and prohibits employment of adolescents (14 to 18 years) in hazardous occupations.

▶ **Prohibition of Child Marriages Act, 2006** amended the 1929 act to raise the minimum age of marriage to 18 years for girls and 21 years for boys. **Recent proposals in the act are to bring uniformity in the marriageable age of men and women.**



What does the Indian Constitution provide for protecting Child Rights?

Part III and Part IV of the Indian Constitution pertaining to Fundamental Rights and Directive Principles of State Policy includes provisions for survival, development and protection of children. It is either in the Concurrent List or in the State List. But in the real sense, various welfare schemes of the central government are carried out by the State Governments only.

After the 73rd and 74th amendments of the Constitution, the Panchayat Raj institutions have got administrative and financial powers to undertake various activities for the well-being of the children.

Constitutional Provisions for Child Upliftment

🕒 **Article 21 A: Right to Education**

- ▶ The State shall provide free and compulsory education to all children of the age of 6 to 14 years in such manner as the State, by law, may determine.

🕒 **Article 24: Prohibition of employment of children in factories, etc.**

- ▶ No child below the age fourteen years shall be employed in work in any factory or mine or engaged in any other hazardous employment.

🕒 **Article 39(e): The State shall, in particular, direct its policy towards securing that the tender age of children is not abused and that they are not forced by economic necessity to enter avocations unsuited to their age or strength.**

What more needs to be done to protect **children and their rights?**

Collaborative action from all key developments actors, including the State, civil society organisations, children, communities, media and private sector is required to prioritise child rights. This entails the following:

Leadership Role by the Government

- 🕒 **Ensure that no child is left behind:** Recognise adverse socio-economic and cultural norms and track status of social economic development in different groups to ensure the rights of all children with special focus on and inclusion of children with specific vulnerabilities.
- 🕒 **Generation of credible data:** Collect data on every child, to track their progress against relevant SDGs targets and develop standardised measures/tools for multi-site research and evaluations to document diverse contexts and solutions.
- 🕒 **Platforms for child participation:** Create exclusive platforms for children's participation within schools and communities such as Children Parliaments and Children and Adolescent Groups.
- 🕒 **Ensure sustainable nutrition security,** through measures like-
 - ▶ Early identification and referral of Severe Acute Malnutrition (SAM),
 - ▶ Real-time monitoring of the programmes like Public Distribution System (PDS), Poshan Abhiyan and the Pradhan Mantri Garib Kalyan Anna Yojana with the help of the community, and

► Inter-sectoral convergence of nutrition-specific and nutrition-sensitive departments at district and sub-district levels.

① **Education, Play and Recreation for All:**

Improve quality of education by maintaining the mandated teacher to pupil and pupil to classroom ratio, safe and secure environment, adequate quality physical infrastructure, mandatory life-skills education, ECCE etc., as per RTE and NEP 2020 norms.

② **Prevention of Violence Against Children at all Levels:**

Apart from strengthening the existing laws such as PCPNDT and Juvenile Justice, there is a need to strengthen the reporting mechanism on violence against children by making it more accessible to children.

③ **Increased and Equitable Investment in Children:**

Increase the budget allocation for children related schemes and programmes and ensure that resources are aligned with need by embedding equity-based allocation criteria in budget processes.

④ **Systemic Strengthening:**

- **Ensure the availability of qualified and trained, professional human resource** for the implementation of schemes and provisioning of services.
 - There is a need to focus specifically on frontline service providers like the ASHAs, Aanganwadi Workers, primary school teachers, etc., to build their capacities.
- **Ensuring resilience for future disruptions such as during pandemic:** School systems should encourage students, families and teachers to reengage with learning in effective learning environments and a system needs to be evolved to support students as they recover from the academic and social emotional impacts of the pandemic, starting with an understanding of each student's needs.

Supporting Role by CSOs

- ① **Sensitisation:** Proactively engage with children and communities in sensitising them about child rights and empowering them to raise their voice and demand entitlements.
- ② **Social Audits:** Engage more in monitoring mechanisms at the state and district level for child rights violations; and inform the government through evidence-based research and evaluations of the programmes for children.

Positive interventions by Judiciary

Public Interest Litigation in SC and HCs has been effectively used to seek government's accountability on implementation of the laws and policies and plugging the gaps in their implementation. There are examples of landmark judgments and Suo moto cognisance of issues:

① **Seema v. Ashwani Kumar & others Case (2006): Major step forward to prevent child marriage**

- SC observed that marriages of all citizens of India, irrespective of their religion, have to be compulsorily registered in the state where the marriage was solemnised. It makes it mandatory to declare and prove age at the time of marriage.

② **Independent Thought vs Union Of India case (2017): Major step forward to prevent sexual abuse**

- Supreme Court criminalised sex with a minor wife removing the anomalies between the Indian Penal Code and laws enacted to protect children.

③ **Sampurna Behrua vs Union of India & Others : Major step forward to strengthen juvenile justice laws**

- The Supreme Court delivered a judgement listing numerous suggestions for state and central governments and other relevant players to improve the condition of juvenile justice in the country.

④ **The Supreme Court also directed both the Ministries of, Women and Child Development, and the Railways to form guidelines to make railway stations child friendly.**

- **Nutrition awareness and practices:** Promote maternal, infant, young child and nutritional practices (MIYCN), develop targeted behaviour-change communication material for promoting nutritious food for infants.
- **Engagement with parents, service providers and communities:** Engage with parents and communities for **responsible childcare devoid of violence and use of corporal punishment** at home and institutional as well as non-institutional care setting; sensitise them for early identification and management of children facing abuse and violence and on gender issues.
- **Alternative Care for Children without Parental care:** Build a momentum to promote non-institutional models of care such as family-like and family-based care for children without families.



Private Sector Involvement

- **Integrate Child Rights Business Principles (CRBP):** CRBP to be integrated in their functioning so that they avoid any form of child rights violation in their supply chain and promote child friendly child rights based business practices.
- **Prioritise child rights beyond education and health** through its Corporate Social Responsibility (CSR) programme and invest more in community participation approaches that create a sustainable impact.
- **Effectively engage civil society organisations** in designing and implementing effective programmes.

Effective and Proactive Presence of Media

- **Building awareness about child rights:** Make efforts at sensitive and sustained reportage of child rights violations, as well as good practices on coverage and facilitation of child rights.
- **Instead of sensationalising issues, it can be more sensitive to the cause** and steer the deliberations towards creating a more positive impact.

Conclusion

Despite introduction of the concept of child rights in the world since the 1840s, absolute achievement of these rights is yet a dream for most children. India is a home to more than 400 million children who are below the age of 18 years. The development of this human resource should be considered as a key national concern not only by the Government but also by all stakeholders. The country has demonstrated its political commitment to ensuring child rights as per UNCRC and SDGs by making appropriate changes in the existing laws and initiating path-breaking policies and programmes. But there is still a long way to go.

Upholding the Child Rights is the collective responsibility of all concerned and a coordinated and synergised effort is required at all levels and by all stakeholders to create a world suitable for children.

TOPIC AT A GLANCE

According to United Nations Convention on the Rights of the Child (UNCRC),

- **Child is defined as every human being below the age of 18 years.**
- **Child Rights are minimum entitlements and freedoms** that should be afforded to all persons below the age of 18 years.
- **Child rights are classified in four broad categories:** Right to Survival, Right to Protection, Right to Participation and Right to Development.

In India, definition of a child varies in different laws. For example, below 18 years in Juvenile Justice Act and below 14 years in Child Labour Act.

Evolution of Child Rights

Global

- **Geneva Declaration (1924):** Recognised children specific rights for the first time.
- **UN Fund for Urgency for the Children (1947):** Created for displaced and refugee children after World War II. This later became the UNICEF, now known as United Nations Children's Fund.
- **United Nations Convention on Child Rights (UNCRC) (1989):** First internationally binding instrument.
- **Child Rights Information Network (CRIN) (1995):** to gather information on global child rights activities.
- **International Labour Organization (ILO) adopted the Worst Forms of Child Labour Convention (1999).**
- **Optional protocol to the International Charter of the Child Rights (2000)** which prohibits participation of minors in armed conflicts.

In India

- **Apprentice Act of 1850, Reformatory Schools Act, 1897.**
- **First five-year plan, 1951** established Central Social Welfare Board (SWB) Balwadis' and 'Mahila Mandals' for the welfare of children.
- **Suppression of Immoral Traffic in Women and Girls Act 1956, Hindu Adoption and Maintenance Act, etc. for improving condition of children.**
- **Department of Social Security, 1964** (now Ministry of Social Justice and Empowerment), **Child Marriage Restriction Act of 1929**, amended in 1975, **Bonded Labour (System) Abolition Act, Juvenile Justice Act, 1986 to save children from social injustice.**
- **National Policy for Children, 1974** Integrated Child Development Scheme (ICDS), 1975.
- **National Policies on Education, District Primary Education Programme (DPEP), Operation Black Board, Sarva Shiksha Abhiyan etc. for ensuring free and compulsory education for children.**

Facets of Child Rights Violations in India

- High Infant and Under-five Mortality Rate
- Extremely high water vulnerability
- Severe acute malnutrition
- Child Marriage
- Physical and Verbal abuse
- Child Trafficking
- Child Labour
- COVID 19 related challenges such as negative impact on mental health, learning losses and loss of guardians.

Barriers in protection of child rights in India

- **Socio-Cultural Factors** such as patrilineal and patrilocal nature of society, lack of social acceptance for child protection laws, non reporting of violence cases etc.
- **Political and Systemic Factors** such as poor implementation of laws, delayed justice, and non-uniformity in definition of child.
- **Economic Factors** such as unemployment and poverty.
- **Other Factors** such as lost identity of children with specific vulnerability and influence of Technology.

Steps taken to protect and provide for the rights of children

- **National Policy for Children, 2013** identified four key priority areas for focused attention.
- **Protection of Children from Sexual Offences Act 2012 (POCSO Act).**
- **Ratification of ILO Convention 138 and 182** related to Child Labour.
- **Establishment of National and State Commission for Protection of Child Rights.**
- **Strengthening of the existing acts** such as Juvenile Justice Amendment Act, Child Labour (Prohibition and Regulation) Amendment Act, Prohibition of Child Marriages Act etc.
- **Constitutional Provisions for Child Upliftment** such as Article 21 A, Article 24 and Article 39(e).

Way Ahead to protect children and their rights

Leadership Role by the Government	Supporting Role by CSOs	Private Sector Involvement	Effective and Proactive Media
Ensuring that no child is left behind; Generation of credible data; Creation of platforms for child participation; Ensure sustainable nutrition security; Improving quality of education; Prevention of violence against children; Increased and equitable Investments; and Systemic strengthening.	Sensitisation; Social Audit; Nutrition awareness; Engagement with parents, service providers and communities; and Promoting Alternative Care for Children without Parental care.	Integrate Child Rights Business Principles in functioning; Prioritise child rights through Corporate Social Responsibility programme; and Effectively engaging civil society organisations in implementation.	Building awareness by sensitive and sustained reportage of child rights violations as well as good practices on facilitation of child rights.