

Aurangabad Childline for Child Rights



Child Rights :

- A **“Rights”** approach is an acceptance of the legal and moral obligation of the state and its institution to fulfill its duties and responsibilities towards children. Children, in the past, were not regarded as holders of Rights – they were seen as possessions of adults who were the rights holders.
 - Family
 - School
 - Community
 - Allied System

1.1 Family

- There is a need to integrate various policies to strengthen the family as a unit, enhance child development in the family and prevent child destitution.
- Families need to promote democratic values, irrespective of age and gender.
- There is need for equitable distribution of resources within the family.
- There is a need for protection of Child's Rights within the family.
- Safeguards are needed for marginalized families and families in crisis.

1.2. School:

- Universal enrolment, retention and minimum levels of learning.
- Provide for and ensure free and compulsory universal elementary education for all children until the age of 14years.
- The system of education must focus on the development and empowerment of people and aim towards achieving equity and social justice.

1.2(1) School

- Strengthen the school system, Non Formal Education System, National Open School System and establish its links with the community.
- Making curricula relevant, meaningful, interesting and linked to life skills and grassroot realities.
- Special emphasis on the Girl Child and other vulnerable groups.

1.3 Community:

- **Empowering children to demand fulfillment of their rights is a major role of the NGO's working in the field of children.**
- Awareness
- Advocacy
- Social Marketing
- Social Mobilization
- Networking
- Lobbying
- Policy Development
- Campaigning
- Training
- Documentation and Research
- Monitoring

The Health Care System

-> The health care system is important to children to need of protection because:

- Health care is a survival right of every child.
- Children in need of protection are often vulnerable to disease.
- Children in need of protection are often frightened of the health care system and hesitate to approach it.

A PARADIGM SHIFT IN APPROACH TO CHILD PROTECTION

FROM

- A NEED BASED APPROACH
- INSTITUTIONAL & RESIDENTIAL CARE FOR CHILDREN
- CUSTODIAL CARE IN INSTITUTIONS

TO

- A RIGHTS BASED APPROACH
- NON-INSTITUTIONAL & FAMILY BASED ALTERNATIVE PROGRAMS
- HOLISTIC DEVELOPMENT THROUGH QUALITY CHILD CARE IN INSTITUTIONS

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A PARADIGM SHIFT IN APPROACH TO CHILD PROTECTION

FROM

- SEGRATION & ISOLATION FROM SOCIETY
- THE CHILD BEING A BENEFICIARY & RECIPIENT OF SERVICES

TO

- INCLUSION & MAINSTREAMING IN SOCIETY
- THE CHILD BEING A PARTICIPANT & PARTNER IN HIS / HER OWN DEVELOPMENT & DECISIONS THAT AFFECT HIS / HER LIFE

Critical concern

- Every fifth child in the world lives in
- Every third malnourished child in the world lives in India
- Every second Indian child is underweight
- Three out of four children in India are anaemic
- Every second new born has reduced learning capacity due to iodine deficiency.

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Critical concern

- Decline in female / male ratio is maximum in 0-6yrs:927 females per 1000 males.
- Birth registration is just 62% (Register General of India (RGI)-2004)
- Retention rate at primary level is 71.01% (Elementary Education in India Progress towards Universalization Elementary Education statistics District Information System for Education 2005-2006)

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Critical concern

- Girl's enrolment in schools at primary level is 47.79% (Elementary Education in India Progress towards Universalization Elementary Education NUEPA Flash Statistics DISE 2005-06)
- 1104 lakh child labour in the country (SRO 2000)
- IMR is as high as 50% per 1000 live births (SRS,2001-03)
- MMR is equally high at 301 per 100,000 live birth (SRS,2001-03)
- Children born with low birth weight are 79% (NFHS-III)

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Critical concern

- Children under 3 with anemia are 79% (NFHS-III)
- Immunization coverage is very low (polio-78.2%, measles 58.8%, DPT-55.3%, BCG,78%(NFHS-III)

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Child Rights and Constitution of India

- **Article 14:** The state shall not deny to any person equality before the law or the equal protection of the laws within the territory of India
- **Article 15:** The state shall not discriminate against any citizen on ground only of religion, race, caste, sex, place of birth or any of them
- **Article 15(3):** Nothing in this article shall prevent the state from making any special provision for women and children.

Child Rights and Constitution of India

- **Article 19(1)(a):** All citizens shall have the rights (a) to freedom of speech and expression
- **Article 21:** Protection of life and personal liberty- No person shall be deprived of his life or personal liberty except according to procedure established by law:
- **Article 21 A:** Free and compulsory education for all children of the age of 6 to 14 years.
- **Article 23:** Prohibition of traffic in human beings and forced labour-(1) Traffic in human beings and beggars and other similar forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law.

Child Rights and Constitution of India

- **Article 24:** Prohibition of employment of children in factories, etc.,- No child below the age of 14 years shall be employed to work in any factory or mine or engaged in any other hazardous employment.
- **Article 39:** The state shall, in particular, direct its policy towards securing:
 - (e)that the health and strength of worker, men and women, and the tender age of children are not abused and the citizens are not forced by economic necessity to enter vocations unsuited to their age or strength'

Child Rights and Constitution of India

- (f) that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment.
- **Article 45:** Requires the state to endeavour to provide , within a period of 10 yrs. from the commencement of the Constitution, for free and compulsory education for all citizens until they complete the age of 14 years.

National Policies and Legislations Addressing Child Rights

- The Fundamental Rights and Directive Principles of the Indian Constitution provide the frame work for child rights. Several laws and national policies have been framed to implement the commitment to child rights.
- **National policies:**
- National Policy for Children, 1974
- National Policy on Education 1986

National Policies and Legislations Addressing Child Rights

- National Policy on Child Labour 1987
- National Nutrition Policy, 1993
- Report of the Committee on Prostitution, Child Prostitutes and Children of Prostitution and Plan of Action to Combat Trafficking and Commercial Sexual Exploitation of Women and Children, 1998.
- National Health Policy, 2002
- National Charter for Children, 2004
- National plan of Action for Children, 2005

International Conventions and Declarations:

- Three important International instruments for the protection of Child Rights that India is signatory to, are:
- **Convention of the Rights of the Child (CRC)**: adopted by the UN General Assembly in 1989, is the widely accepted UN instrument ratified by most of the developed as well as developing countries, including India. The Convention prescribes standards to be adhered to by all state parties in securing the best interest of the child and outlines the fundamental rights of children, including the right to be protected from economic exploitation and harmful work from all form of sexual exploitation and abuse and from physical or mental violence, as well as ensuring that children will not be separated from the families against their will.

International Conventions and Declarations:

- **Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)** : is also applicable to girls under 18years of age. Article 16.2 of the Convention lays special emphasis on the prevention of child marriages and states that the betrothal and marriage of a child shall be taken by states to specify a minimum age for marriage.
- **SAARC Convention on Prevention and Combating Trafficking in Women and Children** for Prostitution emphasizes that the evil of trafficking in women and children for the purpose of prostitution is incompatible with the dignity and honour of human beings and is a violation basic human rights of women and children.

National legislations for protection of child rights in the country are:

- Guardian and Wards Act, 1980
- Factories Act, 1954
- Hindu Adoption and Maintenance Act, 1956
- Probation of Offenders Act, 1958
- Bombay Prevention of Begging Act, 1959
- Orphanages and other Charitable Homes (Supervision and Control) Act, 1960

National legislations for protection of child rights in the country are:

- Bonded Labour System (Abolition) Act, 1976
- Child Labour (Prohibition and Regulation) Act, 1986
- Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances act, 1987
- [The Juvenile Justice \(Care and Protection of Children\) Amendment Act 2006](#)
- [The Juvenile Justice \(Care and Protection of Children\) Act 2000 & 2006.](#)
- The Juvenile Justice (Care and Protection of Children) Rules
- [The Commissions for Protection of Child Rights Act, 2005](#)
- National Commission for protection of Child Rights Rules, 2006,
- [The Commissions For Protection of Child Rights \(Amendment\) Act, 2006](#)

National legislations for protection of child rights in the country are:

- [The Child Marriage Restraint Act, 1929](#)
- [The Prohibition of Child Marriage Act, 2006](#)
- [The infant Milk Substitutes Act, 1992](#)
- [The infant Milk Substitute Act, 2003](#)
- [The infant Milk Substitutes, Feeding Bottles and infant Foods \(regulation of Production, Supply and Distribution\) Act, 1992](#)
- [The Infant Milk Substitutes, Feeding Bottles and Infant Foods \(Regulation of Production, Supply and Distribution\) Amendment Act, 2003](#)

National legislations for protection of child rights in the country are:

- [Notification on Infant Milk Substitutes](#)
- [National Guidelines on Infant and Young Child Feeding](#)
- [Amendment Proposed in Immoral Traffic \(Prevention\) Act 1956](#)
- [The Immoral Traffic \(Prevention\) Amendment Bill, 2006](#)

Child Rights and The Law

- Who is a child?
- **The Indian Majority Act, 1875:** A person is deemed to have attained majority on completion of 18 years.
- **The Child Marriage Restraint Act, 1929:** “ Child” means a person who, if a male, has not completed twenty- one years of age, and if a female, has not completed eighteen years of age.
- **The Children (pledging of Labour) Act, 1933:** “child” means a person who is under 15 years.

Child Rights and The Law

- **The Factories Act, 1948:** No child who has not completed his fourteenth year shall be required or allowed to work in any factory.
- **The Apprentices Act, 1961:** a person shall not be qualified to be engaged as an apprentice unless he is not less than fourteen years of age.
- **The Women's and Children's Institution (Licensing) Act, 1956:** A "Child" means a boy or a girl who has not completed the age of 18 years.
- **The Mines (Amendment) Act, 1983:** No person below eighteen years of age shall be allowed to work in any mine of part thereof.

Child Rights & Law

- **The Child Labour (Prohibition and Regulation) Act, 1986:** “Child” means a person who has not completed his fourteenth years of age .
- **The Immoral Traffic (Prevention) Act, 1986:** Child means a person who has not completed the age of 16 years but has not completed the age 18 years.
- **The Juvenile Justice Act, 1986:** “Juvenile” is a boy who has not attained the age of sixteen years, and girl who has not attained the age of eighteen years.
- **The Convention on the Rights of the Child** states that a child is every human being below 18 years.

Juvenile Justice (Care & Protection of Children) Act, 2000

- The JJA 2000 was based on the principles of the UN convention on the Rights of the Child, the 'Beijing Rules', the United Rules for the Protection of Juveniles Deprived of their Liberty and all other relevant national and international instruments clearly defining children as persons upto the age of 18years. The Act is based on the provisions of the Indian Constitution and the four broad rights of the UN CRC namely:
 - Right to Survival
 - Right to Protection
 - Right to Development
 - Right to Participation
- Under the act there are two distinct categories of children.
 - **'Juvenile'** for a child in conflict with the law(Section 2(1))
 - **'Child'** for those in need of care and protection (Section 2(d))

Thank You

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