

Too early in life left to Die or Pushed into crime with No care and Protection

Background and Context

On November 2014 we celebrated **25th anniversary of the Convention of the Rights of the Child. (UNCRC)**. Let us celebrate this 25th year of implementation of UNCRC, by reflecting on the impact it has created in the life of Indian Children and **children across the globe**. It is a positive feeling to know that from declining infant mortality to rising school enrolment, more children are realizing their basic rights. Almost all the nation in the globe has signed the declaration of UNCRC including Somalia and United States of America and significant number of the nation have rectified too, but this historic milestone must also serve as an urgent reminder **that there's still a long road ahead**. Too many children still don't enjoy their full rights. It is in this context the International Convention on the Rights of the Child should be positioned to reflect on four central themes which is forms the core of UNCRC.

1. The Rights of the Child to **Survival**
2. The Rights of the Child to **Development**
3. The Rights of the Child to **Protection**
4. The Rights of the Child **Participation**

The Rights of the Child to Survival

Birth registration

There is low level of birth registration in general as well as disparities in the rates of birth registration across the nations. There is insufficient awareness among the relevant authorities and the population regarding the importance of **universal birth registration**. There is the discordance between the rate of birth registration and the issuance of birth certificates in India.

Discrimination against girl Child

There is still a discrimination against girls and women in the India and in South Asian regions, the persistent patriarchal attitudes and deep-rooted stereotypes and traditions, practices continue to perpetuate discrimination against girls, boy preference and unequal status of girls, sex-selective abortions, female infanticide and abandonment of girls remain widespread, resulting among others in a high male-to-female sex ratio.

Gender based discrimination against female children is pervasive across the world. It is seen in all the strata of society and manifests in various forms As per the literature, female child has been treated inferior to male child and this is deeply engraved in the mind of the female child. This is more predominant in India as well as other lesser developed countries.

Sex selection of the before birth and neglect of the female child after birth, in childhood and, during the teenage years has outnumbered males to females in India and also in countries like Pakistan, Bangladesh and South Korea.

There are 1029 women per 1000 men in North America and 1076 women per 1000 men in Europe, but there are only **927 women per 1000 men in India which went down to 914 females per 1000 males** . These numbers tell us quite a harsh story about neglect and mistreatment of the female child in India. Women have a biological advantage over men for longevity and survival, yet there are more men than women.

The operation of Cradle Baby Reception Centres that allow for the anonymous abandonment of children in India is in violation of, inter alia, **articles 6 to 9 and 19 of the Convention**

Neonatal mortality and maternal mortality rate

Neonatal mortality rate is the number of neonates dying before reaching 28 days of age, per 1,000 live births in a given year. Estimates developed by the UN Inter-agency Group for Child Mortality Estimation (UNICEF, WHO,) In Indian there are 29 neonatal mortality per 1000 births in 2013. In India there is high levels of neonatal mortality and the fact that these deaths represent half of the 1.4 million children under-five years who die annually. There is high rate of maternal mortality despite various initiatives as well as at the fact that 55.3% of women in the range between 15-49 years have anaemia, situation which leads to low birth weight of babies;

Infant mortality

The United Nations Children's Fund (UNICEF) has estimated that 9.2 million children under the age of five die every year, mostly of preventable causes. UNICEF estimates that 4500 children die each day as a consequence of unsafe water and sanitation facilities.

Infant mortality rate: total: 43.19 deaths/1,000 live births, male: 41.9 deaths/1,000 live births and female: 44.63 deaths/1,000 live births (2014 est.)

Malnutrition

148 million children in developing countries under the age of five are underweight due to malnutrition. In India 26% of Children are malnourished and in the state of Bihar it is 50%, which is alarming. There is high levels of chronic malnutrition (stunting), wasting (acute malnutrition) and underweight among children, in particular children under 5 years, which are closely linked to maternal under nutrition and anaemia, and inadequate infant and young child feeding practices. The fact that only 46% of children under six months are exclusively breastfed and that only 24% of children are breastfed within one-hour of their birth has related negative impact on the health status of infants, The low improvement of the immunization rate and the fact that only 21% of children are fully vaccinated, become prone to many diseases.

The prevalence of communicable diseases among children, such as acute respiratory infections, diarrhoea and fever, including fever linked to malaria, all of which are the leading causes of morbidity and mortality of children; and Insufficient access to safe and sanitation and hygiene, in particular in rural areas along with the widespread practices of open defecation and its negative impact in the health of children as around 88% of diarrhoea deaths among children under-five are linked to these factors.

Access to Health

There is still huge disparity in, access to health care, safe water and sanitation and other social services and enjoyment of the rights enshrined in the Convention among different groups of children as well as the persisting discrimination against children from Scheduled Castes and Scheduled Tribes, children with disabilities, children with HIV/AIDS as well as asylum-seeking and refugee children.

Child Health and access to quality health is an area of concern although there are various policies and programmes in place to improve children's health and their access to health services. There is a disparity in quality of and access to health services between urban and rural areas as well as the increasing reliance of the Government on the private sector to provide health services, its high costs for the population and the lack of regulation of the quality services provided.

Adolescent health

India has adopted a strategy on Adolescent Reproductive and Sexual Health (ARSH), however, it is concerned at the scarcity of information with respect to its implementation and impact on the health of adolescents throughout the country. It is seriously concerned at the lack of access to sexual and reproductive information and services, including modern contraception methods, by adolescent girls and the consequent high rate of teenage pregnancies, widespread use of female sterilization and unsafe abortions in the State party.

Standard of living

There is the high percentage of people living below the poverty line despite the GDP growth in India. There is the concern about the prevalence of poverty among children, both in urban and rural areas as well as at the large disparities in the standard of living among children, with children in disadvantaged and marginalized situations being particularly vulnerable.

The Child Rights to Development

Girl Child deprived of Education

101 million children, a majority of whom are girls, are not in primary school. Our country has passed the Right of Children to Free and Compulsory Education (RTE) Act in 2009, and also promotes universal enrolment of children in Grade 1 although there significant improvement in the enrolment rate but at same time there is a high drop-out rates of children, in particular children of Scheduled Castes and Scheduled Tribes, and girls. It is being noticed that the high dropout rates at grade 5, added to that there is low numeracy and literacy skills, low quality of education, as well as shortage of qualified teachers and classrooms.

The children out of school are being pushed into child labour despite efforts made by the government to ban child labour below 14 years of age but there still a large number of children who are victims of economic exploitation, including child labour in hazardous conditions, bonded labour, mining, agriculture and as domestic servants, as well as in the informal sector.

The country has adopted the National Early Childhood Care and Education Policy of 2013, which would enable parents to take better care of young children, but its implementation has not yet started. There is no national strategy and program implementation plans in place to support parents and families to fulfil their child-rearing obligations, and the lack of family counselling and parenting programs, increase the risk of neglect, maltreatment and abuse of children within the family.

Child labour

Child labour is another issue of special concern. The ILO has estimated that 250 million children between the ages of five and fourteen work in developing countries, often supplying an essential income for the survival of their family. The CRC addresses, *inter alia*, child labour that is harmful to a child's development. Aware that the abolition of child labour is a long term, structural issue, organisations such as the ILO and several international NGOs have initiated programmes aimed at the abolition of child labour while simultaneously improving the lives of those children that are forced to work.

The Rights of the Child to Protection

Violence against Children - (arts. 19, 24, para.3, 28, para. 2, 34, 37 (a) and 39)

There is prohibition of corporal punishment by law in all educational and care institutions. However,

- Such prohibition in educational institutions only applies to children between 6 and 14 years;
- Corporal punishment is still lawful in non-institutional care settings;
- Despite the efforts of the government, corporal punishment continues to be widely used within the family, alternative care settings, and the school and within the penal system.

There are reports of widespread violence, abuse, including sexual abuse, and neglect of children in India (CRC/C/15/Add.228 para. 50). This includes family settings, alternative care institutions, schools, and the community.

Human Rights Watch reports that children, in the 'tens of thousands', in approximately 15 countries, are actively participating in armed conflict. Children in conflict zones are not spared we have situation where UN safe place for children fired upon and bombed.

There are also serious issues related to:

- The non-criminalization of sexual abuse if committed to married girls over the age of 15 under the Criminal Law (Amendment) Act (2013) and which is inconsistent with the Protection of Children from Sexual Offences Act (2012);
- Data indicates that one in three rape victims in India is a child and that 50 per cent of the abusers are persons known to the child or in a position of trust and responsibility;
- The fact that most cases of child sexual abuse are not reported due to fear of social stigma as well as at the lack of information available on the rate of prosecutions of the cases reported; and
- The inadequacy of child-sensitive treatment and professional examination services for child victims of sexual abuse.

Sale, trafficking and abduction

There is a high level of internal trafficking of children as well as at the fact that the India is a source, destination and transit of trafficking of children for labour and sexual exploitation, including sex tourism and child pornography. Children are being trafficked in India for begging, marriages and

illegal adoptions. There is a lack of effective measures to address and prevent the sale, trafficking and abduction of children as well as at the lack of data. - 158 million children between the ages of five and fourteen years are forced to work

Administration of juvenile justice

India has made efforts to strengthen the juvenile justice system such as the setting up of Juvenile Justice Boards (JJBs) in 608 out of 660 districts across the Country, as well as the Juvenile Justice Rules of 2007 establishing the minimum age of criminal responsibility at 16 - 18 years. However, it is seriously concerned that in the Penal Code the minimum age of criminal responsibility is still set at 7 years, which precludes the application of the Juvenile Justice Rules. It is also concerned at:

- (a) Indications that the country plans to lower the minimum age of criminal responsibility set in the Juvenile Justice Rules of 2007;
- (b) The very limited knowledge, sensitivity and capacity of the staff working at the JJBs to handle cases involving children in conflict with the law as well as at the lack of adequate oversight of the JJBs;
- (c) The inadequacy of Information Management System to collect data on children in conflict with the law, time taken by pending cases, the general functioning of JJBs including the nature and quality of orders issued by JJBs, as well as the role and functioning of Special Juvenile Police Units; and
- (d) The lack of age-appropriate separation of children in conflict with the law in Observation Homes (meant for temporary reception and upon completion of an inquiry) and Special Homes (for children who have been sentenced), as well as cases of children in conflict with the law being housed together with children in need of protection;

Harmful practices

There is high prevalence of child marriages in India, despite the enactment of the Prohibition of Child Marriage Act (PCMA, 2006). There are also barriers impeding the full implementation of the PCMA, such as the prevalence of social norms and traditions over the legal framework, the existence of different Personal Status Laws establishing their own minimum age of marriage applicable to their respective religious community as well as the lack of awareness about the PCMA by enforcement officers. There is also a serious concern about the prevalence of other harmful practices against girls such as dowry and devadasi.

The Committee is also concerned at:

- (a) The lack of disaggregated data on children in need, on those provided with services and in different forms of alternative care, on support services for parents and kinship caregivers, on abandonment, neglect and abuse of children, and on measures adopted, other than legislation; and
- (b) Adoptions continue to take place informally in the State party and that there is no supervision of adoption procedures;
- (c) Different pieces of legislation are in force with respect to adoption and that there are inconsistencies among them as well as legal loopholes in the Juvenile Justice (Care and Protection of Children) Amendment Act, 2006 with respect to the finalization of an adoption deed;
- (d) Commercial use of surrogacy, which is not properly regulated, is widespread, leading to the sale of children and the violation of children's rights.

Children of incarcerated parents

The children under the age of 6 years can live with their imprisoned mothers, as well as the newly introduced scheme to provide financial help to children of prisoners. However, it is concerned that the best interests of the child are not always taken into account, including when sentencing parents.

Disability, basic health and welfare (arts. 6, 18 (para. 3), 23, 24, 26, 27 (paras. 1-3) and 33)

Children with disabilities

There is high level of abandonment of children with disabilities by their parents. It is further compounded with the lack of coordination in planning and implementing programmes for children with disabilities among relevant ministries, and the fact that the approach to children with disabilities is mostly centred in the context of institutional care and medical treatment. Institutionalization of children is still dominant in the India instead of family-based care.

Child soldiers:

It is estimated that children are being recruited to the armed forces in approximately 17 countries worldwide. Many are recruited by force and threatened with death; others join out of desperation when conflict breaks out leaving them without education, family or any coherent social structure. Child soldiers are commonly abused and when hostilities end many are left mentally and physically scarred, often stigmatised and unable to rejoin society.

The dehumanising reality of child soldiers receives limited attention in some societies, as it is a taboo subject. This prevents the victims from seeking help and being able to re-join society and reunite with their families. More generally, however, lack of awareness regarding what child soldiers are exposed to, such as sexual exploitation, leads to problems in regard to successful disarmament, demobilisation and reintegration of child soldiers

Minimum Age

- The minimum age for recruitment of prospective recruits into Armed Forces of India (Army, Air Force and Navy) is 16 years. The Committee urges the State party to consider withdrawing its declaration and establish the minimum age for recruitment into the armed forces at 18 years.
- No child to recruited into below age of 18

The Rights of the Child to Participation

Respect for the views of the child

There are NGO driven initiatives to increase children's participation such as the Child Reporters Initiative as well as its efforts to increase children's participation in civil proceedings affecting their rights and well-being. Child photographers capturing their life situations and child citizen journalists reporting injustices .But however in India children are generally not perceived as rights holders by society and that their participation in the public sphere and opportunities to have their voices heard in the family, schools, community and central level is insufficient.

Context: The role of 6th International Conference in promoting UNCRC

Addressing the Rights of the Child in national and global context and reporting on the status of its implementation as observed by UNCRC committee is a challenge and it should be central to our work. **6th IJJO International Conference** as a global association is an important platform to bring international, regional and national perspectives to this critical issue. As independent NGO with a broad mandate to promote and protect the child rights **6th IJJO International Conference**, should play a significant and necessary role in promoting and protecting the Child rights with a special focus on girl-children.

In coming years 6th IJJO International Conference be recognised as a major force for promotion and protection of Child rights at the National /domestic level – in many cases helping to lessen the “implementation gap” between international standards and the practice of Child rights on the ground. The core functions of the international conference – such as monitoring the implementation of UNCRC committee report and other actors including business and non-state actors, upholding Child rights; promotion and advocacy, individual and systemic complaints handling, Child rights education, making recommendations on law reform and working with civil society – can all contribute significantly to the elimination of discrimination against Children, the advancement and attainment of their rights and status.

To meet the above ends the objectives of the 6th IJJO International Conferences should spelt out.

1. A Global initiative to bring together change makers from all walks of life to rethink and rework how we can deliver results for the most vulnerable and marginalized children in India and the world.
2. Should **bring together** all the independent organization – National, International, intergovernmental, NGOs, Individual as well as Affiliated Agencies, Industries, Corporate under one platform of 6th IJJO International Conference to advocate, promote, defend and enhance the implementation of UNCRC
3. As a **global organisation** to work for the convergence of Professionals, working nationally, globally, for sharing and exchange of information’s support and collaborate with the governments to implement the recommendation of the UNCRC committee report 2013
4. **6th IJJO International Conference** should pursue the overall aim of exchanging experiences in implementing UNCRC in national strategies and addressing gaps in accountability and responsiveness to safeguard children’s rights and eliminate violence against children.

Conclusion- Ensuring the rights of children to health, nutrition, education, and social, emotional and cognitive development is imperative for every country and entails obligations for every government. Ensuring that children enjoy fundamental rights and freedoms not only advances a more equitable society, but fosters a healthier, more literate and, in due course, a more productive population. **6th IJJO International Conference** should result in - **Giving Children Their Rights**.

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