



CHILD RIGHTS AS HUMAN RIGHTS

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What is childhood

- Phase in life where special features of a child dominate
- Society can be aware of special features without defining childhood
- Understanding of childhood has changed with development of society and establishment of modern state
- Defined differently
- Psychologists refer to transition from childhood to adulthood and legal definitions are mostly based on their analysis

Concept of Childhood

- Childhood is a social construct and has varied according to historical period and environment
- Associated with culture, tradition and social structure
- According to Philip Aries concept of childhood first appeared in the 17th century. He maintains there was no concept of childhood in the middle ages- ofcourse children were loved and cared for. But concept of childhood according to him is distinct from feelings for children

Changing notion of childhood

- The modern notion of childhood with its own autonomy and goals began to emerge during the [Enlightenment](#) and the [Romantic period](#) that followed it.
- [Jean Jacques Rousseau](#) formulated the romantic attitude towards children in his famous 1762 novel [Emile: or, On Education](#).
- Building on the ideas of [John Locke](#) and other 17th-century thinkers, Rousseau described childhood as a brief period of sanctuary before people encounter the perils and hardships of adulthood. "Why rob these innocents of the joys which pass so quickly," Rousseau pleaded. "Why fill with bitterness the fleeting early days of childhood, days which will no more return for them than for you?"

Children as distinct from Adult

- These new attitudes can be discerned from the dramatic increase in artistic depictions of children at the time. Instead of depicting children as small versions of adults typically engaged in 'adult' tasks, they were increasingly shown as physically and emotionally distinct and were often used as an allegory for [innocence](#)
- Education and schooling played an important role in this construction of childhood
- Hence social and economic status also determined and till now determines notions of childhood (poor children lose it faster)

Divisions in childhood

Different terms within childhood:

- Infant
- Child
- Minor
- Adolescent
- Juvenile
- Youth or young adult

Defining Child...

The modern attitude to children emerged by the late 19th century; the Victorian middle and upper classes emphasized the role of the family and the sanctity of the child – an attitude that has remained dominant in Western societies ever since.

But the uniformity in defining end of childhood – in defining the child is the result of near universal adoption of the UN Convention on the Rights of the Child – up to 18 years

WHAT ARE RIGHTS?

Your Right is what someone else must **do** for you
Your right is also about what other **must not do** to you (such
as discriminate, use violence)

Rights are entitlements

Needs, Rights, Privileges

- **Needs** are all those tangible and intangible things we wish for to live.
- Some of these are **basic needs**
- Some of these **basic needs** get translated into a legal frame and become a **right**
- A **privilege** is a need that may be legally valid but beyond a basic need or right.

Concept of Rights

- Rights dominate our understandings of what actions are proper and which institutions are just
- Rights structure the forms of our governments, the contents of our laws, and the shape of morality as we perceive it.
- Right holders have corresponding duty bearer. *The citizen is the right holder and the state the duty bearer*
- Governments have the **obligation** to ensure the realisation of rights of citizens

What is the difference between Needs or Welfare-based and Rights-based Approach

Both are based on a desire to help people survive and develop to their full potential

Both seek to identify a range of assistance and actions that are needed to achieve this

But they differ in their underlying assumptions and the implications of these assumptions for programming

Why Rights Based Approach?

Because:

- The Constitution of India resolves to secure to all citizens JUSTICE, LIBERTY, EQUALITY and FRATERNITY
- Injustice, inequality and disparities in opportunities and access to rights can only be addressed when the state fulfils its Constitutional obligations – fundamental rights – citizen's entitlements – as the primary duty bearer

Children and their rights

Children are **right holders**

They are entitled to **support** as right holders

The **State and its government is obligated** to realise the rights of children

All **adults can play a role in achieving children's rights** but state is the primary duty bearer

All rights are common for adults and children

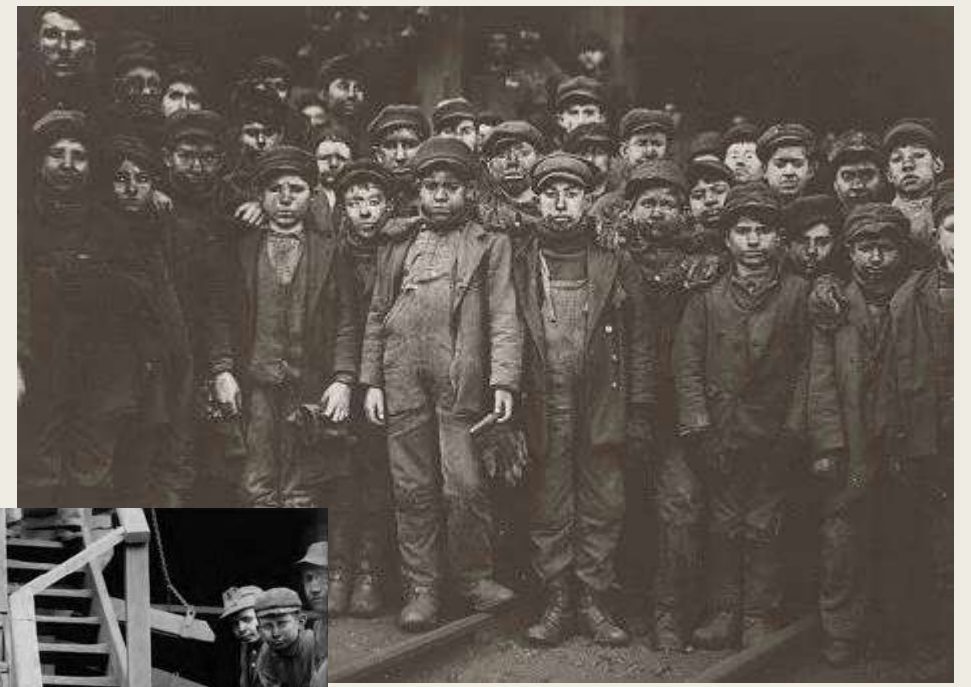
Some rights are **defined specifically for children** (hence UNCRC and also articles in the constitution and special laws)

While all children have all rights, **some children need special attention because of their situation**

History of Child Rights

Recognition violation of children

- It is the onset of industrialisation in England, that brought showed a growing divergence between high-minded romantic ideals of childhood and the reality of the growing magnitude of child exploitation in the workplace, became increasingly apparent.
- Although child labour was common in pre-industrial times, children would generally help their parents with the farming or cottage crafts.
- By the late 18th century, however, children were specially employed at the factories and mines and as chimney sweeps, often working long hours in dangerous jobs for low pay.
- In England and Scotland in 1788, two-thirds of the workers in 143 water-powered cotton mills were described as children
- Children were working in mines in the USA
- In 19th-century Great Britain, one-third of poor families were without a breadwinner as a result of death or abandonment, obliging many children to work from a young age



Children's Issues that resulted in Rights

- History of child rights shows that 1920s onwards, children's issues started receiving systematic attention across the world.
- Alongside, issues such as vagrancy, truancy, begging, orphan and destitute children, street and working children, children in jails, also started receiving attention from the colonial masters, since they affected law and order and general administration.
- The worst forms of the exploitation of children started during the Industrial Revolution.
- Just as the case was in Great Britain, the new industrialists started hiring children who were forced to work in inhuman conditions. Laws against child labour were passed under various Factories Acts 1881 onwards, and laws relating to mines, ports, plantations, motor transport works, shipping, shops and establishments etc.
- Most laws against child labour date to the 19th and early 20th century.

BACKGROUND TO THE RIGHTS OF THE CHILD FROM AN IDEA TO THE CRC

“I believe we should claim certain rights for children and labor for their universal recognition.”

- Eglantyne Jebb, founder of SCF

At the beginning of the 20th century millions died in the First World War and many more were orphaned by the fighting. The League of Nations was formed after the war. As an inter-governmental organisation its aim was to try to protect basic human rights standards.

Around the same time Eglantyne Jebb, a British teacher helped found Save the Children and drafted the ***Declaration on the Rights of the Child which was subsequently adopted by the League of Nations.***

This was designed to put pressure on the post-war governments to protect children's rights.

JEBB'S SEVEN STATEMENTS ON THE RIGHTS OF THE CHILD

- The child must be protected above and beyond all consideration of race, nationality or creed.
- The child must be cared for with due respect for the family as an entity.
- The child must be given the means necessary for its normal development, materially, morally and spiritually.
- The child that is hungry must be fed, the child that is sick must be nursed, the child that is mentally or physically handicapped must be re-educated, the orphan and the waif must be sheltered.
- The child must be the first to receive relief in time of distress.
- The child must enjoy the full benefits provided by social welfare and social security schemes, must receive training which will enable it at the right time to earn a livelihood and must be protected against every form of exploitation.
- The child must be brought up with the understanding that her/his talents needs to be devoted to the service of fellow human beings.

THIS LED TO THE TEN POINTS OF THE DECLARATION

Adopted by League of Nations

1. The child shall be brought up by the parents, persons or family offering love and understanding as a foundation for development in all matters.
2. The child shall receive food at least in accordance with his/her physical needs.
3. The child's health and development shall be promoted.
4. The child shall have proper shelter.
5. The child shall receive at least basic education.
6. The child shall be developed to enjoy life and to preserve national identity and heritage.
7. The child shall receive training and knowledge in preparation for occupation suitable to his/her aptitudes, abilities and interests.
8. The child shall have the opportunity and ability to express his/her opinion.
9. The child shall have access to basic governmental and non-governmental services.
10. The child shall have opportunity to know and protect his/her basic rights and interests.

SOME MILESTONES...

- **Feb 1923:** Eglantyne Jebb, founder of Save the Children, drafts the five points of the first Declaration of the Rights of the Child, which gets adopted by the International Save the Children Union in Geneva
- **Nov 1924:** Jebb's Declaration is adopted by the League of Nations and becomes known as the Declaration of Geneva.
- **Dec 1948:** The UN adopts the Universal Declaration of Human Rights, a document that implicitly includes the rights of children. Many argue that the special needs of children justified an additional separate document.
- **Nov 1959:** UN General Assembly adopted a Second Declaration of Rights of the Child based on the experiences of World War II. The UN Human Rights Commission group started to work on the draft of the CRC.
- **1979:** The International Year of the Child. The ten points of the Declaration were highly publicized....

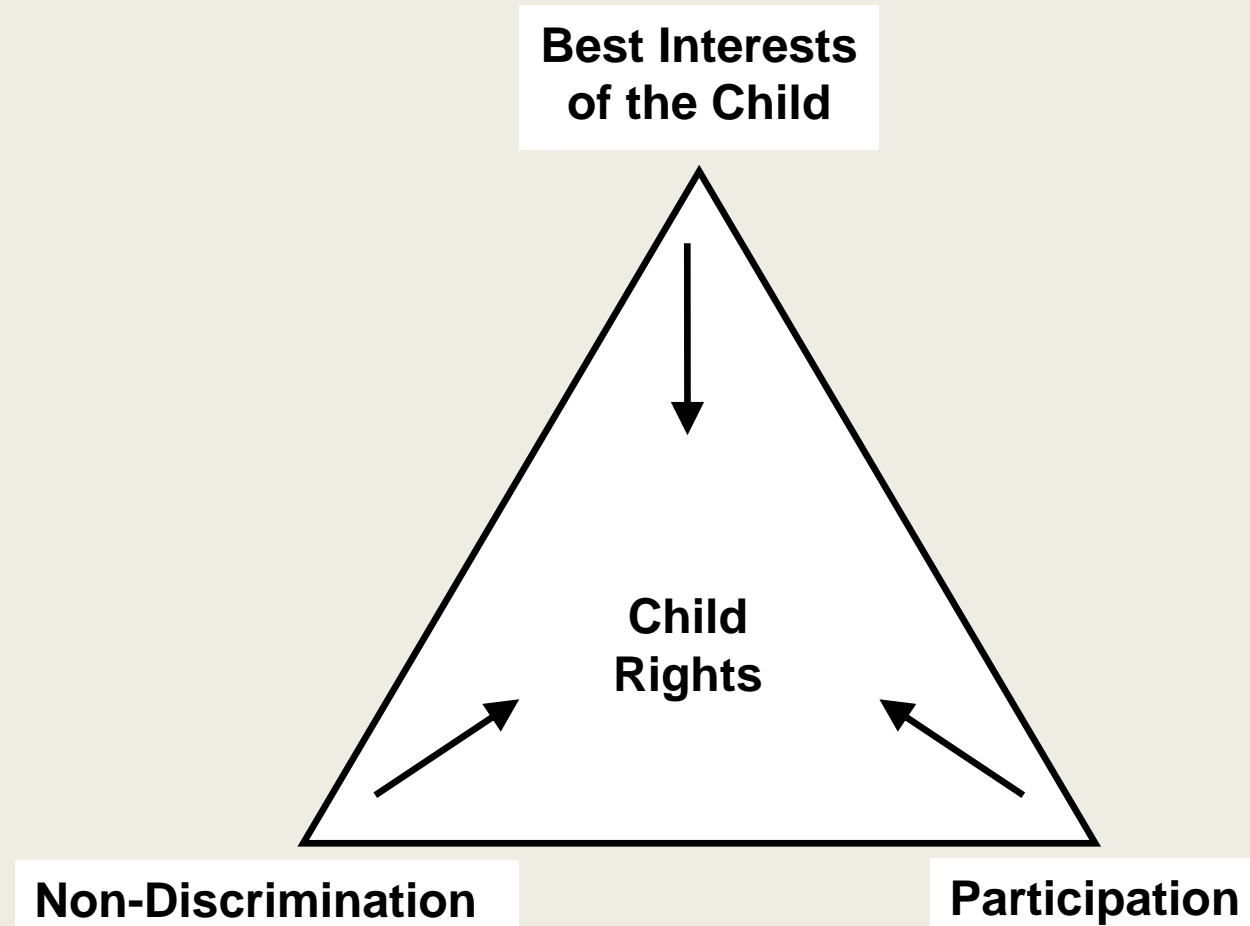
SOME MILESTONES...

- **Nov 1989:** Work on the draft convention on the Rights of the Child was completed. Convention adopted by the UN General Assembly.
- **Sept 1990:** World Summit for Children held at the UN
- **May 2000:** Two Optional Protocols to the CRC were adopted:
 - Optional Protocol on the involvement of Children in Armed Conflict
 - Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography
- **May 2002:** A World Fit for Children is agreed to as a consensus document at the United Nations General Assembly Special Session for Children.
- **Dec 2011:** Optional Protocol to the Convention on the Rights of the Child on Communications Procedure (Communication of Complaint relating to violation of children's rights)

PURPOSE OF UNCRC

- It obligates the state to respect and ensure that children get a fair and equitable deal in society.
- It emphasizes the importance of the family and the need to create an environment that is conducive to the healthy growth and development of children.

CRC GUIDING PRINCIPLES



NON DISCRIMINATION

The UNCRC focuses on the elimination of discrimination in three main areas:

- Against individual children
- Against specific groups of children
- Against the population group as a whole.

Tackling discrimination is not simply about imposing top-down strategies. Instead, programmes should analyze power relationships and discrimination and the impacts these have on the children.

BEST INTEREST PRINCIPLE

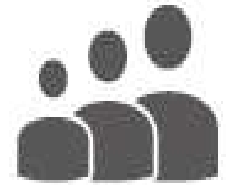
This principle touches on every aspect of a child's life. It means, when adults make decisions, they should think about how their decisions will affect children. This particularly applies to *budget, policy and law makers*.

Whenever decisions are taken that affect children's lives, the *impact of those decisions must be assessed to ensure that the best interests of children are the main consideration*.

The interests of others – such as parents, the community and the civil society – should not be the overriding concern, even though they may influence the final decision.

The Right to Participation includes..

- Respect for the views of the child
- Freedom of expression
- Access to appropriate information
- Freedom of thought, conscience and religion.



The primary concern must be to ensure that in all initiatives which involve children their participation is genuine not tokenistic and adult driven. Neither should young adults masquerade as older adolescents.

In India....

In India....

Pre-independence social and legal reform have significantly contributed to the present day policy and legal framework. These were related to issues like:

- Child marriage and widow remarriage
- Prohibition of Sati
- Education of women and girls
- Immoral trafficking in women and girls
- Personal laws relating to marriage, succession, guardianship and custody of minors such as Guardians and Wards Act, 1890, The Shariat Act of 1937, Indian Succession Act, Indian Divorce Act etc.
- Laws like the Apprenticeship Act catering to the need for skill development of young people and Labour Laws dealing with employment of children in factories, shipping etc.
- Laws relating to reform, rehabilitation and detention of children in conflict with the law such as the Reformatory Schools Act, 1897, the contribution of the 1919-1920 Report of the Jail Committee seeking separation of children in conflict with the law from adult prisoners, and formulation of various Children's Acts in different states

- In India, the seeds were laid with the social reform movement in the 19th century during the colonial rule.
 - *The Brahmo Sabha founded in 1828 by Raja Ram Mohan Roy was the first of its kind to raise a voice against the polygamy, sati and child marriage. As a result, the then Governor General Lord William Bentinck by a legislation in 1829 abolished "Sati.*
 - *The Brahmo Samaj also worked equally hard for the less privileged ones by setting up orphanages.*
 - *The Prarthana Samaj came into existence in 1867, under the guidance of Keshab Chandra Sen, whose efforts led to abolishing early marriage of girls and polygamy and recognition of widow remarriage and inter-caste marriage through the passing of the Government Act III.*
 - *Social reformers like Raja Ram Mohun Roy, Ishwar Chandra Vidyasagar, Dayanand Saraswati, etc. have thus played a crucial role in drawing attention to issues such as child marriage, widow remarriage, infanticide, abolition of Sati, devadasi tradition, dowry, women's property rights, the purdah system and education of girls.*

International Commitments

Reinforcing Commitment through International Law

The drafters of Indian Constitution had undertaken a careful comparison of the Constitution of the United States, Ireland and the Universal Declaration on Human Rights (UDHR) and ingrained their principles that had stood the test of time.

Over the years India has reinforced its commitment to its citizens, including children through ratification of several international human rights instruments.

UDHR (Article Number)	Indian Constitution
1. All people are entitled to rights without distinction based on race, color, sex, language, religion, opinion, origin, property, birth or residency.	Art. 14 (equality before the law and equal protection of the laws), as limited by Art. 31C. Art. 16 (1) (equality of public employment), as limited by Art 16(3)-16(5).
2. All Human beings are free and equal in dignity and rights	Art. 15 (on the basis of religion, race, caste, sex, or place of birth), except under Arts. 15(3) and 15(4) (special provisions for women and children, and affirmative action). Art. 15 applies to all state action, and to private action restricting access to public places and facilities. Art. 17 (abolition of untouchability); and Art. 16(2) (employment discrimination on the basis of religion, race, caste, sex, descent, place of birth, and residence), as limited by Art 16(3)-16(5).
3. Right to life, liberty and security of person.	Art. 21 (Right to life with dignity, no extrajudicial executions). Art. 23 (prohibition of traffic in human beings and forced labor); Art. 24 (prohibition of hazardous labor by children under age 14); Art. 17, Abolition of Untouchability
4. Freedom from slavery	Art 17 and Art 23, 24. Specific Act of Parliament exists for abolition of Bonded labour.
5. Freedom from torture	Art 20, 21, 22
6. Right to be treated equally by the law	Art 14
7. Right to equal protection by the law	Art 14, Art 39A
8. Right for all to effective remedy by competent tribunal	Art 14, 20, 21,22
9. Freedom from arbitrary arrest.	Art 22

UDHR (Article Number)	Indian Constitution
10. Right to a fair public hearing by independent tribunal	Art 20, 21, 22, 39A
11. Right to presumption of innocence until proven guilty at public trial with all guarantees necessary for defense	Art 20, 21,22, 39A
12. Right to privacy in home, family and correspondence	Though not specific, Art 21 is invoked
13. Freedom of movement in your own country and the right to leave and return to any countries	Though not covered specifically, Art 21 is invoked. Menaka Gnadhi v. UOI is a classical case.
14. Right to political asylum in other countries	N/A
15. Right to nationality	Art. 19(1)(d) as to movement, and (e) at to residence, as limited by Art. 19(5) (reasonable restrictions in the interests of the public or of a "scheduled tribe").
16. Right to marriage and family and to equal rights of men and women during and after Marriage	Covered by separate Acts, specific to cultures and religions.
17. Right to own property	Art 31
18. Freedom of thought and conscience and religion	Art 19, 25, 26, 27, 28
19. Freedom of opinion and expression and to seek, receive and impart information	Art. 25 (freedom of religion and of conscience, "subject to public order, morality and health"), though under Art. 25(2) any level of government may restrict <i>economic</i> activities related to religion. Special mention is made of the religious practices of the Sikh religion. Under Art. 26, all religious orders have limited powers to establish places of worship and teaching, while Art. 28 ensures the separation of religious and state education. In addition, The Right To Information Act 2005

UDHR (Article Number)	Indian Constitution
20. Freedom of Association and assembly	Art. 19(1) (b) (freedom of peaceful assembly), as limited by Art. 19(3) (reasonable restrictions to advance national security).
21. Right to take part in and select government	There are numerous provisions, throughout the text of the Constitution, including those relating to election of the President, local village committees (Panchayats), and detailed rules for elections, eligibility for public service, etc.
22. Right to social security and realization of economic, social and cultural rights	Art 29, 30, 43
23. Right to work, to equal pay for equal work and to form and join trade unions	Art 19, 39, 42
24. Right to reasonable hours of work and paid holidays	Art 42, 43
25. Right to adequate living standard for self and family, including food, housing, clothing, medical care and social security	Art 47, and other Provisions of Part IV of Constitution
26. Right to education	Art 45
27. Right to participate in cultural life and to protect intellectual property rights	Art 29, 30
28. Right to social and international order permitting these freedoms to be realized	Art 38
29. Each person has responsibilities to the community and others as essential for a democratic society	Art 48A, Art 51A
30. Repression in the name of rights is unacceptable.	Art 32, 32 A, 33-35, Art 226

INTERNATIONAL INSTRUMENTS APPLICABLE TO CHILDREN THAT INDIA HAS RATIFIED

- Convention on Persons with Disability, 2008 (Ratified)
- Convention on the Rights of the Child, 1989 (Ratified)
- International Covenant on Civil and Political Rights, 1966 (Ratified)
- International Covenant on Economic, Social and Cultural Rights, 1966
- Convention on the Rights of the Child, 1989 (Ratified with a declaration)
- Convention on the Political Rights of Women, 1953 (Ratified)
- Convention on the Elimination of All Forms of Discriminations Against Women (CEDAW), 1979 (Ratified by India in 1993 with a reservation)
- Convention on the Rights of Persons with Disabilities, 2006 (Ratified)
- International Convention on the Elimination of All Forms of Racial Discrimination (CERD), 1965 (Ratified)
- International Convention for the Suppression of the Traffic of the Women and Children, 1921 (Ratified)
- Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, 1951 (Ratified)
- Convention on the Prevention and Punishment of the Crime of Genocide, 1948 (Ratified)

Applicability of International Law

- International law does not become automatically applicable in India. It needs to be translated into national law. But they can be cited as additional documents. Supreme Court has used it to make judgments, which have now become case law.

INCORPORATION OF CRC IN DOMESTIC LEGISLATIONS AND POLICIES (SELECT LIST)

- Juvenile Justice (Care and Protection of Children) Act 2000 and 2016
- The Protection of Children from Sexual Offences Act, 2012
- National Plans of Action for Children in 1992 and 2005
- National Policy for Children, 2013
- Five year Plan documents

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CRC has been used both by the litigants in framing their arguments as well as by the Courts in their judicial pronouncements at all levels- Supreme Court, High Courts and even sometimes the lower Courts including the Juvenile Justice Boards in their rulings regarding children in conflict with law.

SDG and children



1.2.2 Proportion of men, women and children of all ages living in poverty in all its dimensions according to national definitions

1.3.1 Proportion of population covered by social protection floors/systems, by sex, and distinguishing children, unemployed persons, older persons, persons with disabilities, pregnant women, newborns, work injury victims, and the poor and the vulnerable



2.2.1 Prevalence of stunting (height for age <-2 standard deviation from the median of the World Health Organization (WHO) Child Growth Standards) among children under 5 years of age

2.2.2 Prevalence of malnutrition (weight for height $>+2$ or <-2 standard deviation from the median of the WHO Child Growth Standards) among children under 5 years of age, by type (wasting and overweight)



3.2.1 Under-5 mortality rate

3.2.2 Neonatal mortality rate

3.3.1 Number of new HIV infections per 1,000 uninfected population, by sex, age and key populations

3.7.1 Proportion of women of reproductive age (aged 15–49 years) who have their need for family planning satisfied with modern methods

4 QUALITY EDUCATION



4.1.1 Proportion of children and young people: (a) in grades 2/3; (b) at the end of primary; and (c) at the end of lower secondary achieving at least a minimum proficiency level in (i) reading and (ii) mathematics, by sex

4.2.1 Proportion of children under 5 years of age who are developmentally on track in health, learning and psychosocial well-being, by sex

4.2.2 Participation rate in organized learning (one year before the official primary entry age), by sex

4.5.1 Parity indices (female/male, rural/urban, bottom/top wealth quintile and others such as disability status, indigenous peoples and conflict-affected as data become available)

4.6.1 Percentage of population in a given age group achieving at least a fixed level of proficiency in functional (a) literacy and (b) numeracy skills, by sex

5 GENDER EQUALITY



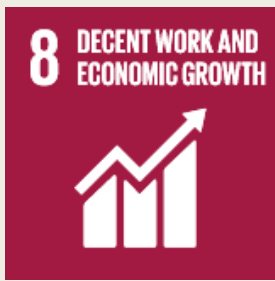
5.2.1 Proportion of ever-partnered women and girls aged 15 years and older subjected to physical, sexual or psychological violence by a current or former intimate partner

5.2.2 Proportion of women and girls aged 15 years and older subjected to sexual violence by persons other than an intimate partner, in the previous 12 months, by age and place of occurrence; 5.3.1 Proportion of women aged 20–24 years who were married or in a union before age 15 and before age 18

5.3.2 Proportion of girls and women aged 15–49 years who have undergone female genital mutilation/cutting, by age

5.4.1 Proportion of time spent on unpaid domestic and care work, by sex, age and location

5.6.1 Proportion of women aged 15–49 years who make their own informed decisions regarding sexual relations, contraceptive use and reproductive health care



8.7.1 Proportion and number of children aged 5–17 years engaged in child labour, by sex and age



6.1.1 Number of victims of intentional homicide per 100,000 population, by sex and age
16.1.2 Conflict-related deaths per 100,000 population, by sex, age and cause
16.2.1 Proportion of children aged 1–17 years who experienced any physical punishment and/or psychological aggression by caregivers in the past month
16.2.3 Proportion of young women and men aged 18–29 years who experienced sexual violence by age 18

Critique

- Though the goals focus on sustainable development, they are inextricably linked to human rights generally, and the rights of children specifically.
- Children are affected by all of the SDGs,
- Despite this apparent focus on children's interests, the SDGs fail to explicitly recognise children's rights. Where human rights are mentioned, they appear to be deployed as a rhetorical flourish rather than presented as legally-binding commitments and standards.
- In neglecting a rights-based framework, the overall narrative of the SDGs is one in which children will continue to be seen as objects of charity rather than as holders of human rights.

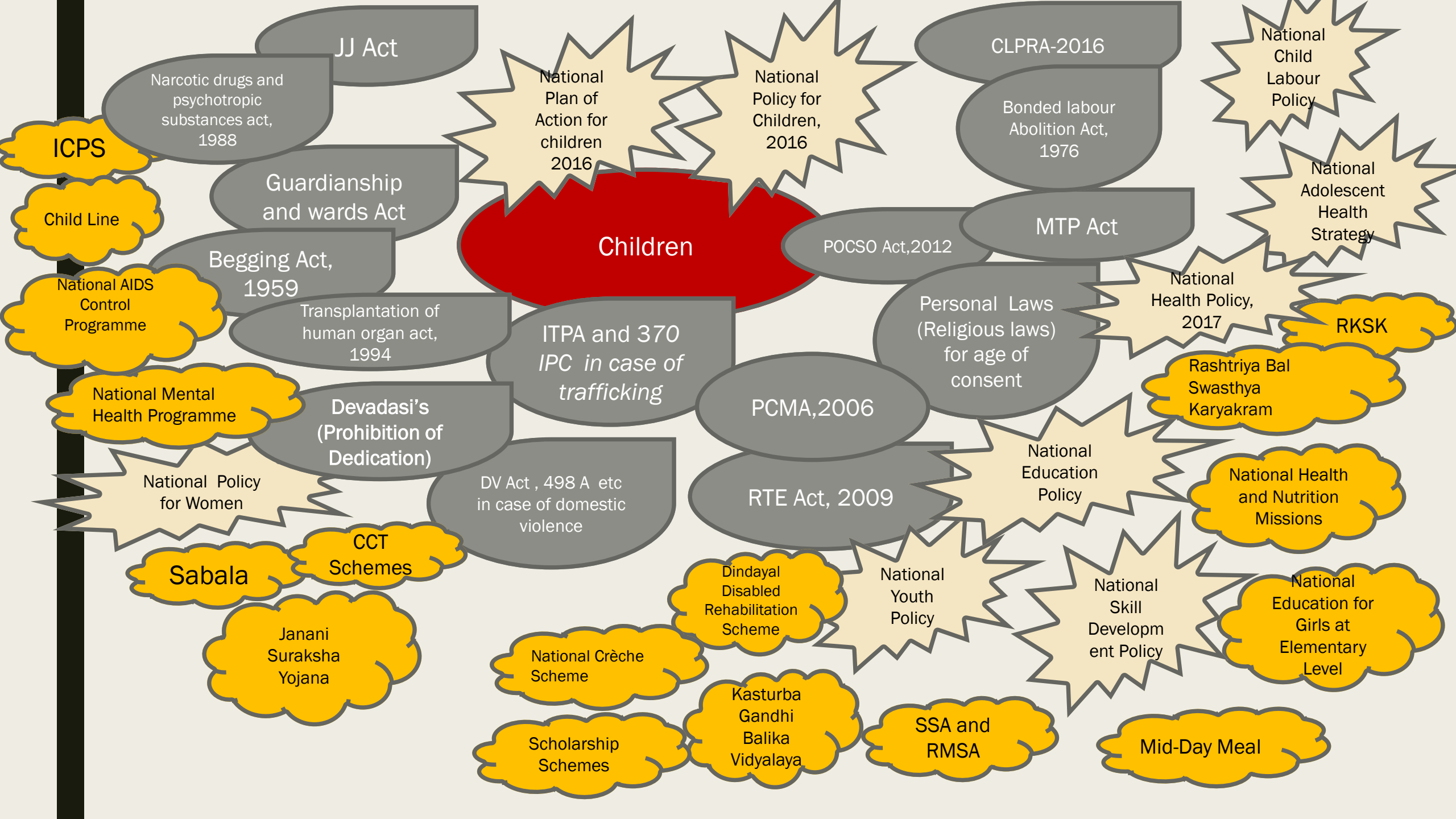
National Laws

A Firm National Commitment to address Children's Human Rights in India is reinforced through:

- The Constitution of India
- A plethora of laws
- National Policy for Children, 1974 and 2013
- National Plans of Action, 1979, 1992, 2005
- Setting up of a Separate Ministry for Women and Child Development in 2006
- Recognition of children's issues in the Five Year Plans since the 3rd Five Year Plan and inclusion of a distinct section on child rights in the Chapter entitled 'Women's Agency and Child Rights' since the 11th Five Year Plan
- Establishment of the National Commission for Protection of Child Rights (NCPCR) in 2007 and State Commissions thereafter
- Defining the child as a person below the age of 18 years in the national policy framework and different laws

Definitions

Law/ Policy	Age
PCMA (child/ minor)	18 for girls and 21 for boys
Indian Majority Act	18 years
JJ Act (child)	Upto 18 years
RTE (child)	Upto 14 years
CLPRA (Child Labour)	Child- > 14 years (Prohibition) Introduced -Adolescents - <14-18 years (regulation)
POCSO (child)	Upto 18 years
IPC- Criminal Law Amendment	Marital Rape not an offence if the wife is 15 years and above.
Under ICDS Programme (Adolescent Girls)	11-18 years
RCH programme (Adolescents)	10-19 years
Youth Policy (Adolescents)	13-19 years
INTERNATIONAL Child Adolescents	Upto 18 years 10-19 years



Children

ICPS

Child Line

National AIDS Control Programme

National Mental Health Programme

National Policy for Women

Sabala

Janani Suraksha Yojana

CCT Schemes

National Crèche Scheme

Scholarship Schemes

Dindoyal Disabled Rehabilitation Scheme

Kasturba Gandhi Balika Vidyalaya

SSA and RMSA

Mid-Day Meal

JJ Act

Narcotic drugs and psychotropic substances act, 1988

Guardianship and wards Act

Begging Act, 1959

Transplantation of human organ act, 1994

Devadasi's (Prohibition of Dedication)

DV Act, 498 A etc in case of domestic violence

ITPA and 370 IPC in case of trafficking

PCMA, 2006

RTE Act, 2009

POCSO Act, 2012

Personal Laws (Religious laws) for age of consent

CLPRA-2016

Bonded labour Abolition Act, 1976

MTP Act

National Plan of Action for children 2016

National Policy for Children, 2016

CLPRA-2016

Bonded labour Abolition Act, 1976

National Child Labour Policy

National Adolescent Health Strategy

National Health Policy, 2017

Rashtriya Bal Swasthya Karyakram

National Health and Nutrition Missions

National Education for Girls at Elementary Level

National Education Policy

National Youth Policy

National Skill Development Policy

RKSK

Which Children?

- Are there some children who need more attention?
- Who are they?
- Why?
- Can we list them and the special needs they have

Child Population

In the 2001 census, children up to the age of 18 years made up 40 per cent of the population. In the 2011 census, they formed 37 per cent. In the 2001 census, children up to the age of 18 years made up 40 per cent of the population. In the 2011 census, they formed 37 per cent



This is where India stands in the Save the Children's Global Childhood Report 2019

- **India ranks 113 of 176 countries**
- **Child mortality rate reduced by 55** per cent in the last two decades in India. It was 88 deaths per 1,000 live births in year 2000 now it was recorded 39 deaths per 1,000 live births in 2017.
- **India's performance is better than Pakistan (74.9)**. Sri Lanka (8.8), China (9.3), Bhutan (30.8), Nepal (33.7) and Bangladesh (32.4) have all outperformed India.
- **Low height for age, among children below age five, fell 25** per cent **globally** from 198 million children to 149 million between 2000 and 2019.
- **In India about 38** per cent **of children under five were stunted**, the second-worst performance compared to its neighbours after Pakistan (40.8 per cent). China (6 per cent) had the lowest rate in the region, followed by Nepal (13.8 per cent), Sri Lanka (17.3 per cent), Bangladesh (17.4 per cent) and Bhutan (19.1 per cent).
- Despite efforts at giving free universal education about **20** per cent **of them (aged 8-16) were still out of school as of 2018**.
- **India halved its number of child marriages in 18 years to 2018**, while marriage rates for the poorest girls fell at least as much as for everyone else.

Source: <https://www.jagranjosh.com/current-affairs/end-of-childhood-index-india-ranks-113-of-176-countries-1560235076-1>

Sex Ratio

Sex Ratio in 5-year Age Group (2011)

Age group	Total	Rural	Urban
00-04	924	928	912
05-09	914	921	895
10-14	912	917	897
15-19	884	882	887

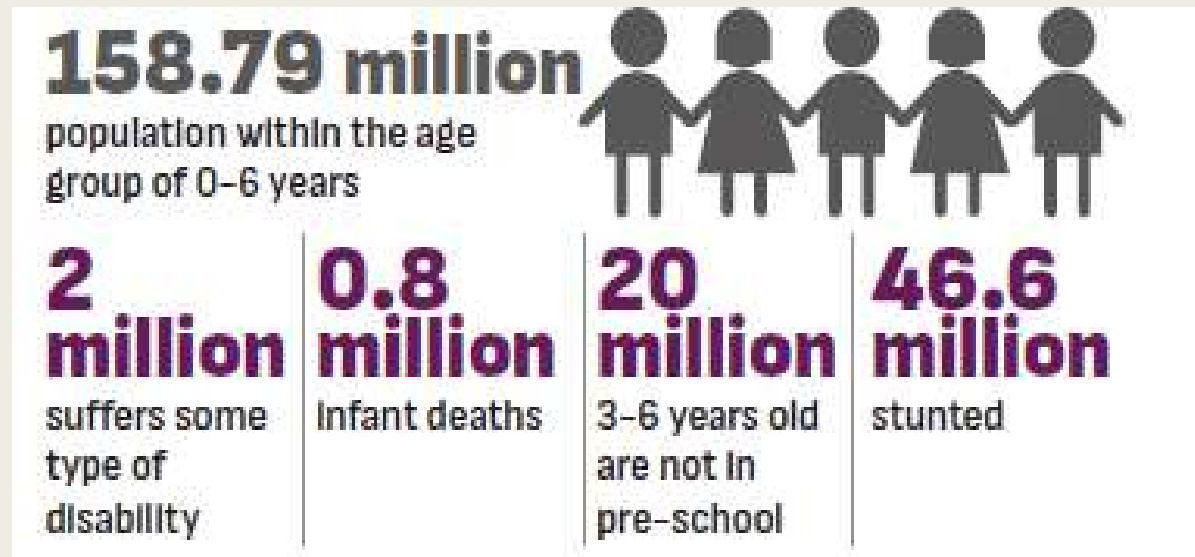
Source: <http://statisticstimes.com/demographics/sex-ratio-of-india.php>



While the lower sex ratio in the first 6 years has drawn attention, and has led to monitoring and penal action on sex selective abortion—the falling sex ratio in the adolescent age group should force us to ask...

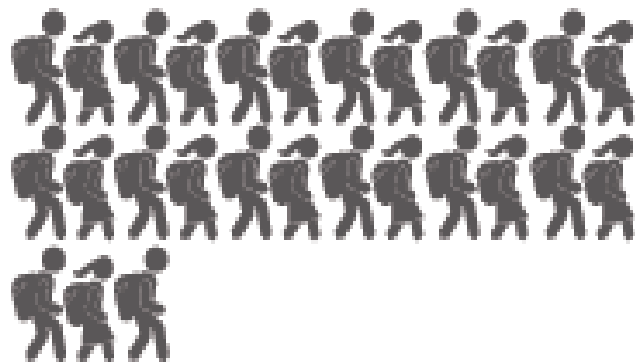
Where are the adolescent girls disappearing?

The Young Child



THE CHALLENGE OF EDUCATION FOR CHILDREN TODAY

- Vast numbers of children at well below their age-appropriate learning levels
- Systems struggling with institutional and personnel issues
- An inability to make a pedagogical transition
- Persisting discrimination that prevents children from gaining in proportion to the time they spend in school



27 million

enrolled in Class 1 in 2015-16



12 million

reached Class 12



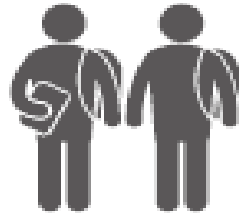
Children are now referred to as being 'out-of-school', 'dropouts', 'truant', 'never-enrolled' or 'school-going', as if that is the only aspect of their lives. Those who are the first in their family to attend school are unfortunately referred to as 'first generation learners' as if no previous generation ever learnt anything! In fact, they are merely first-generation school goers.

Education

TABLE 4: AVERAGE ANNUAL DROP-OUT RATE IN SCHOOL EDUCATION: 2014-15 (IN %)

Level	All			SC			ST		
	Boys	Girls	Total	Boys	Girls	Total	Boys	Girls	Total
Primary	4.36	3.88	4.13	4.71	4.20	4.46	7.02	6.84	6.93
Upper Primary	3.49	4.60	4.03	5.00	6.03	5.51	8.48	8.71	8.59
Secondary	17.21	16.88	17.06	19.64	19.05	19.36	24.94	24.40	24.68
Senior Secondary	0.25	NA	NA	3.34	3.09	3.22	NA	NA	NA

Data Source: National Institute of Educational Planning & Administration, New Delhi. Figures are provisional. NA- Not Available



Those out of school disproportionately include girls, children living in rural areas, those from migrant and minority communities (including linguistic minorities), street and homeless children, those living in slums, working children and children with disabilities.



Several barriers confront children in Secondary Education. The presence of more private and aided secondary schools than government ones at this level affects access because education at this level is no longer free.

Health



India's per capita expenditure on healthcare among lowest in the world; govt spends as little as ₹3 per day on each citizen.



In the 25 years between 1990 and 2015 the annual rate of decline of Under-5 mortality in India was 3.9%, while in Nepal and Bangladesh it was 5.5%



Under-one Mortality

1950 **30** out of every 200
 Now **30** out of every 1000



Under-five Mortality

1950 **250** for every 1000
 Now **4** for every 100



There is a serious threat posed by substance abuse among children and adolescents. This uniquely associated with an increased risk of psychiatric disorders, e.g. depressive disorders, anxiety disorders, attention deficit hyperactivity disorder and conduct disorder. Further, behavioural addictions, e.g. internet gaming disorder, are also increasing in this age group.

MENTAL HEALTH PROBLEMS AMONG ADOLESCENTS AND PARENTAL ENGAGEMENT

Perceived parental engagement

Parents understood their problems and worries (most of times or always)



Boys: 00% Girls: 04%

Parents really knew what they were doing with their free time (most of times or always)



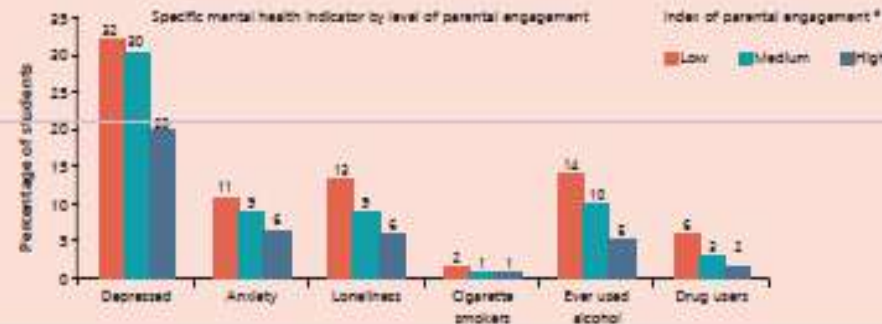
Boys: 54% Girls: 01%

Parents checked if their homework was done (most of times or always)



Boys: 47% Girls: 47%

Parental engagement as a predictor of mental health problems and substance use



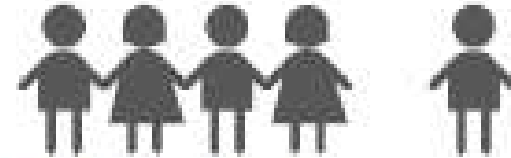
Source: WHO. 2017. Mental health status of adolescents in South-East Asia; Evidence for Action. page 22

Children with Disability



There are
78,64,636
children

with disability in India. They constitute 17 per cent of the total persons with disability. 1.7 per cent of the children in India are disabled.



As a result of discrimination the disabled children face chronic ill health, socio-economic burden and destitution.

National Crime Records Bureau, the government's source for data on crime, does not provide disaggregated data for persons with disability. Hence, it is not possible to provide exact data in the context of India.

A life not chosen

Women with first marriage before age 18	Age group			Women with first child before age 18
	18-22	23-30	31-40	
40%	17.8%	28.5%	31.6%	
51.5%	28.5%	31.6%	28.4%	
58.6%	31-40	31.6%		
58.2%	41-49	28.4%		

Source: EICM GLOBAL SYNTHESIS REPORT 2017/ DATA FOR INDIA

Child marriage in India

Married by 15

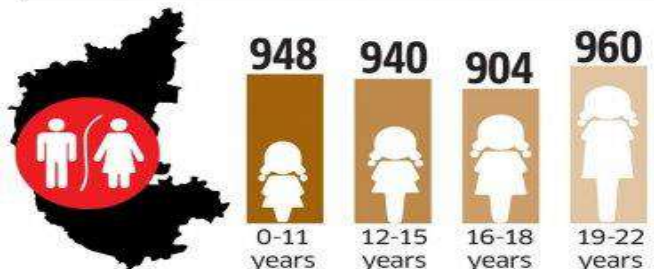


Married by 18



*UNICEF 2017

In Karnataka, the sex ratio drops sharply in the age group of 16-18 yrs



Source: Census 2011

Women aged 20-22 years who are married before the age of 18 years



ChildLine number

1098

Source: NATIONAL FAMILY HEALTH SURVEY 2016

When the mother is a child

One out of every six marriages in the state is child marriage. An early marriage results in teenage pregnancy robbing child brides of education, health and future prospects.

Teenage pregnancy, motherhood



To address the issue

- Government should admit that child marriage persists
- Frame rules to implement The Prohibition of Child Marriage (Karnataka Amendment) Act 2016 effectively
- Do a survey of early married girls, plan programmes for them
- Provide primary school students with information
- Ensure strict law enforcement
- Sensitise authorities
- Ensure proper coordination between departments
- Make education till PUC compulsory and provide skill training
- Ensure easy access to schools
- Enable people to specify the right age on records
- Display ChildLine 1098 prominently in schools, hostels and in all public places.
- Mandate marriage registration
- Make State Child Marriage Prevention Cell available 24x7 like ChildLines
- Mandatory reporting on all marriages

Invest in education

- Every additional year of schooling reduces the risk of marriage before age 18 by 6%.
- Girls with secondary or higher education are 3 times less likely to marry as children compared to girls with no education.



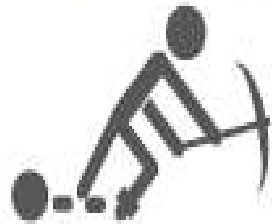
Karnataka is the first state to declare child marriage as 'void ab-initio'

Bagalkot is among the 100 districts in the country with a high incidence of child marriage and teenage pregnancy

DH GRAPHICS/ RAMU M

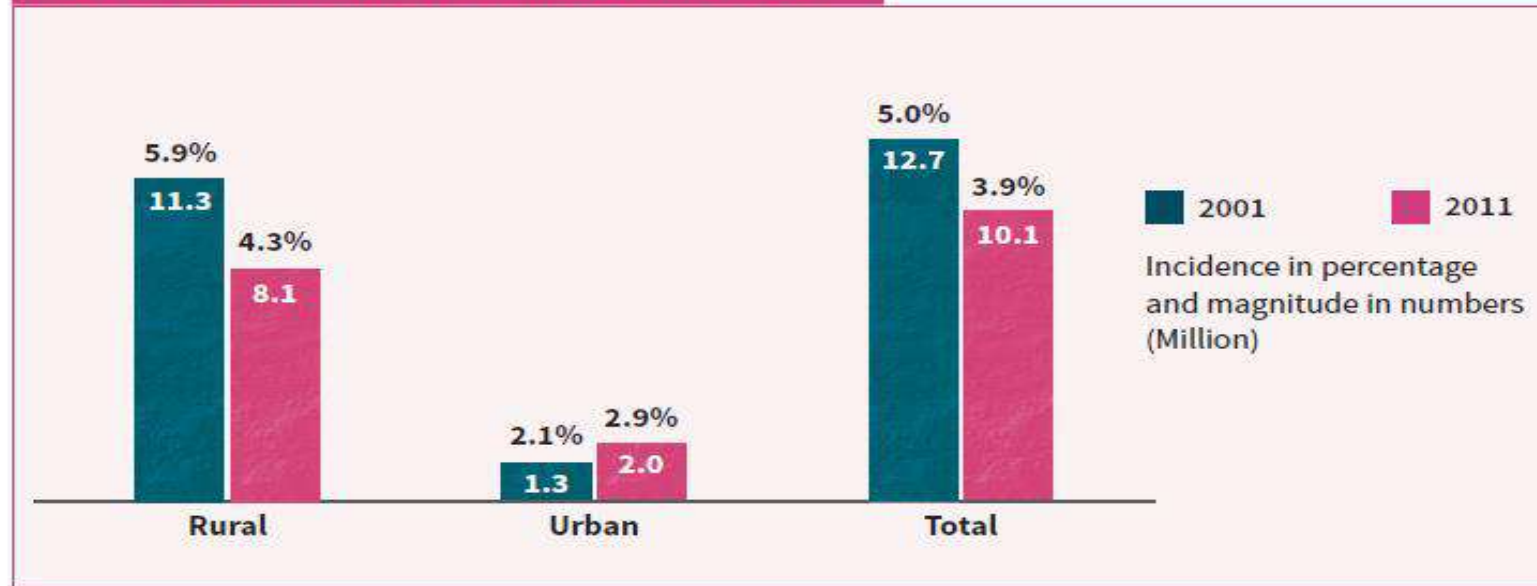
Child labour

Children were routinely expected to



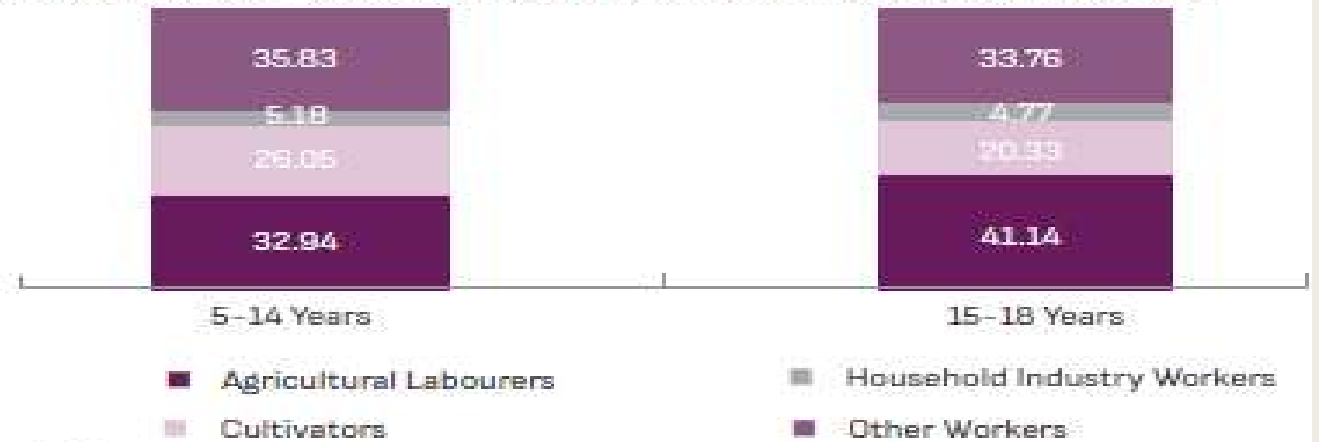
India accounts for the highest number of child-labour force in the world, ranking **116** among **172** countries across the globe.

Figure 3.1 : Child Workers in India, 2001-2011



Source: Census 2001 and 2011

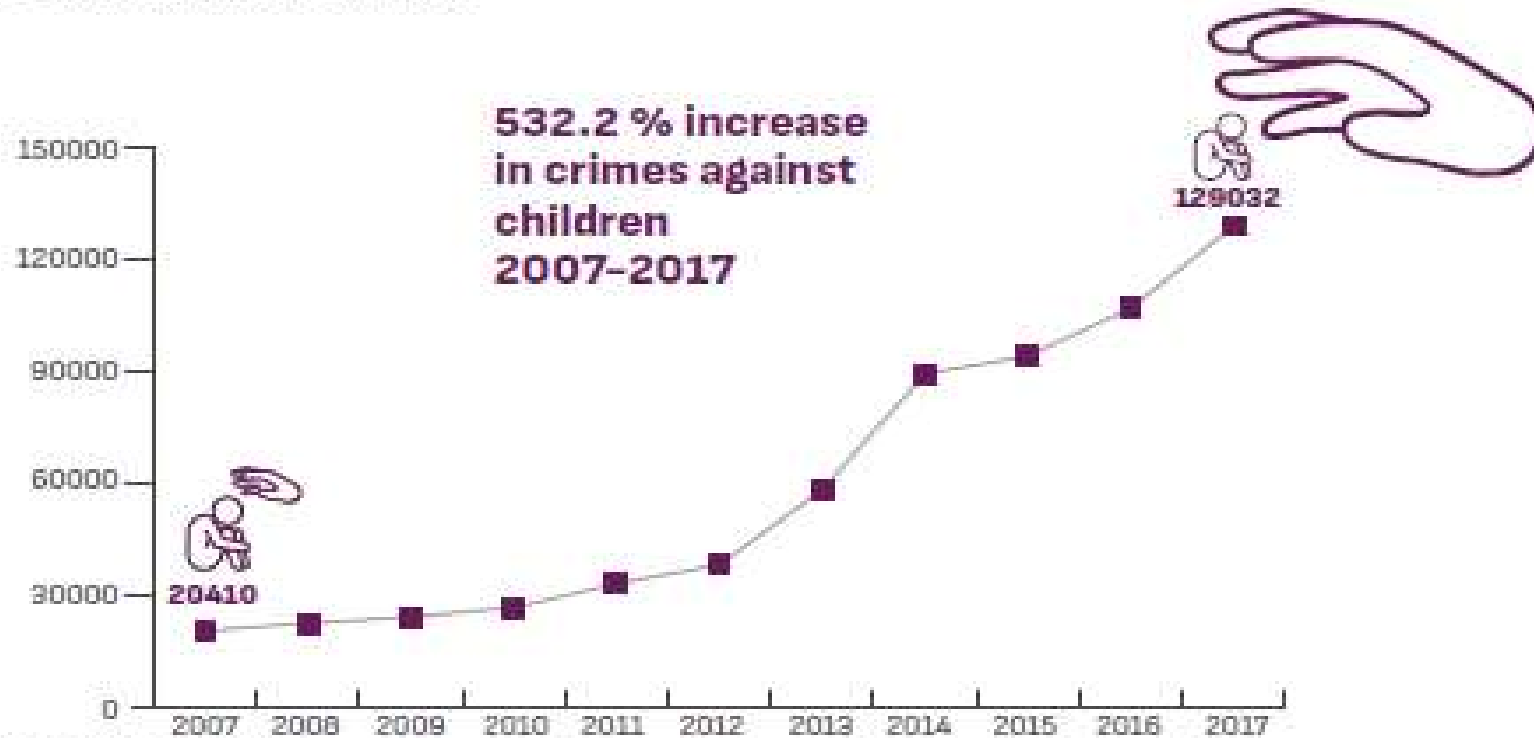
FIGURE 5 DISTRIBUTION OF WORKING CHILDREN BY SECTOR (BY AGE GROUP IN PER CENT)



Source: Census 2011

Crimes against children

FIGURE 1 CRIMES AGAINST CHILDREN



Source: NCRB, Crimes in India

Crimes by Children

FIGURE 1 RATE OF JUVENILE CRIME TO TOTAL CRIME

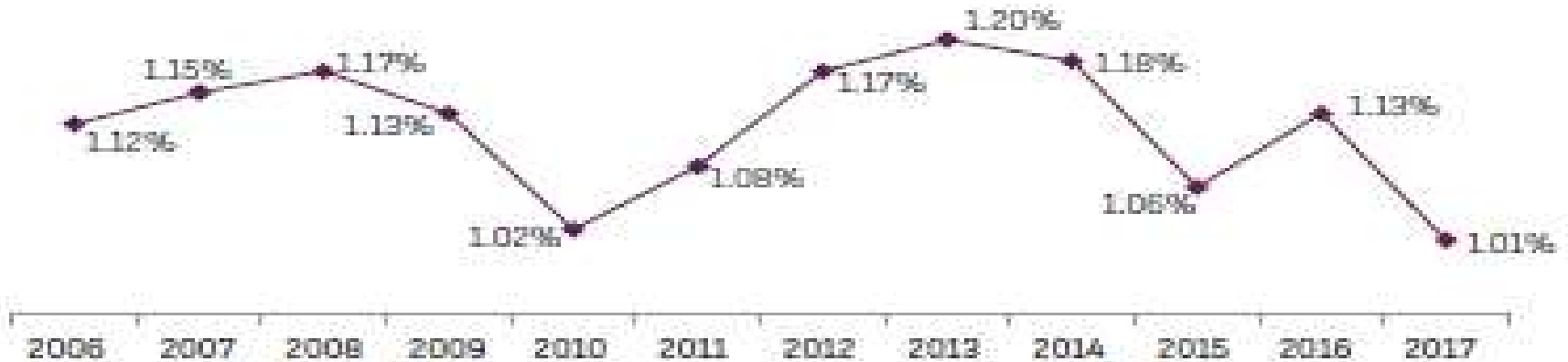


FIGURE 3 RECIDIVISM RATES AMONGST CHILDREN APPREHENDED AND TOTAL RECIDIVISM RATES

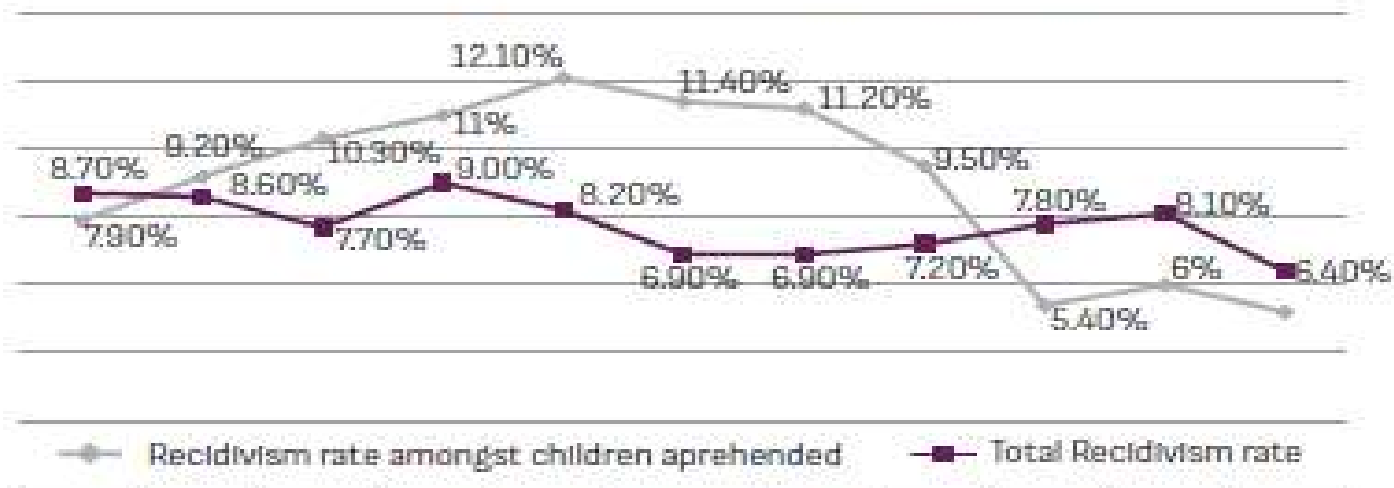


FIGURE 9 DISTRIBUTION OF JUVENILE DELINQUENCY (AGEWISE)

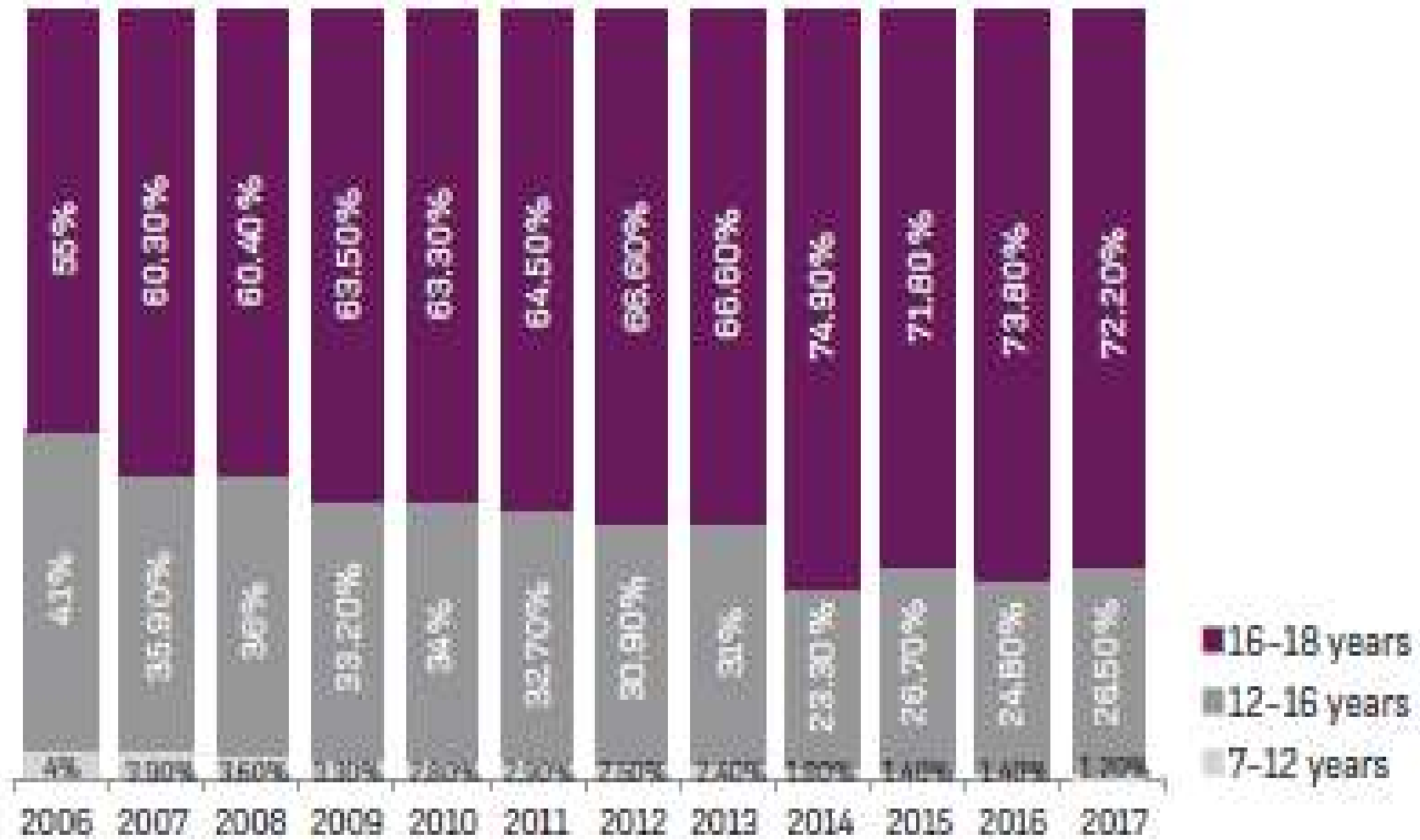
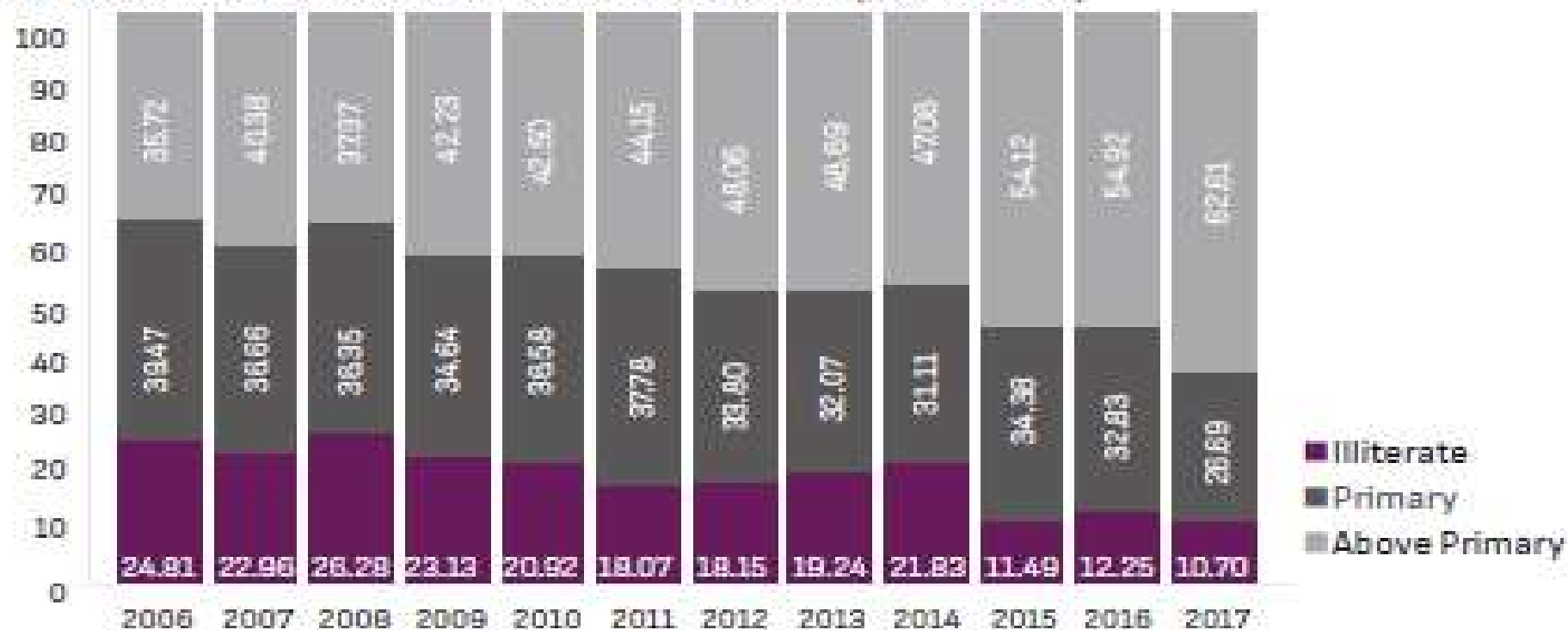


FIGURE 10 LITERACY AMONGST CHILDREN APPREHENDED (IN PER CENT)



Source: NCRB, Crime in India Report, 2006–2017.



3.2%
of the share of
the Union
Budget



3-4%
of the questions
asked in
Parliament are
about children



3.6%
of the news
time of the
total 720 news
hours
monitored

Challenges



While there has been considerable progress in a range of government actions in the interests of the child, through law and policy, these commitments are not sufficiently translated into the systems, processes and outcomes for children due largely to the insufficient analysis and absence of a strategic focus to guide efforts



Strategies, approaches and plans should ideally respond to children's circumstances and issues at a particular point in time. However, decision-making in India has for long been constrained by non-availability or inadequacy of such data.



The targets and goalposts keep shifting- but the basis for these shifts is not clear or shared. This inconsistency in articulating the vision and goals for children in successive plans, shifting focus on priority actions gives confusing signals to implementing machinery as well as the public and demonstrates a certain lack of continuity in implementation of priorities towards the goals for children



Coordination and convergence remains the biggest impediment to realisation of rights of children. Efforts by the Government of India to initiate mechanisms for strengthening horizontal and vertical coordination with other sectoral ministries and departments in the interest of children have not yielded optimal results.

Inadequate Funding

Weak Redress in Case of Rights Violations

Capacity Deficit

Lack of Accountability

Some issues up for debate

- Death Penalty in cases of rape of children
- Age of Consent
- Mandatory reporting
- Transfer of 16-18 year olds into adult system in case of serious crime
- Family based occupations in Child labour law
- RTE up to 14 years
- Should child marriage be declared void abinitio