

Frequently Asked Questions On Child Rights

Surbhi Yadav
Ramkhiladi Poswal
Shailendra Pandya
Deen Dayal Singh



Developed By:
Resource Group on Child Rights in Rajasthan
(An Initiative of Save the Children and UNICEF)
2013



'A Compendium of FAQs on Child Protection' written by:

<i>Preetesh Kumar Tiwari</i>	<i>Sandeep Choudhary</i>	<i>Kriti Bharti</i>	<i>Pukhraj Mali</i>
<i>Shailendra Pandya</i>	<i>Manish Prasad</i>	<i>Sundar Singh</i>	<i>Vandana Dubey</i>
<i>Mukesh Kaushik</i>	<i>Deen Dayal Singh</i>	<i>Rohit Bjalwan</i>	<i>Surbhi Yadav</i>
<i>Nivedita Singh</i>	<i>Richa Sharma</i>	<i>Dipika Kulhari</i>	<i>Usha Sharma</i>
<i>Gajendra Gohil</i>	<i>Madan Giri Goswami</i>	<i>Sitaram Sharma</i>	<i>Swati Sharma</i>
<i>Ramkhiladi Poswal</i>	<i>Kamlesh Garg</i>		

(Members of Resource Group on Child Rights in Rajasthan)

Guidance :

Prabhat Kumar
State Programme Manager,
Save the Children, Rajasthan.

Technical Support, Guidance and Editing:

Ramakanta Satapathy
Programme Coordinator (Child Protection),
Save the Children, Rajasthan.
and
Mentor, RG-CRiR.

Published in: December 2013

Published by:



Save the Children®

Rajasthan State Programme Office,
42, Vrindavan Vihar,
Kings Road, Jaipur-302 021
Rajasthan, India.
www.savethechildren.in

Printed at : Abhinav Printers

Cover design : Abhinav Printers, Jaipur

Disclaimer: Although the writers and publisher have made every effort to ensure that the information in this book was correct at press time, the writers and publisher do not assume and hereby disclaim any liability to any party for any loss, damage, or disruption caused by errors or omissions, whether such errors or omissions resulted from negligence, accident, or any other cause. This book is presented solely for educational purpose. The information contained in this book should not be used as any tool or evidence for any legal suits. Any views or opinions or facts presented in this book are solely those of the writers and do not necessarily represent those of the publisher.

Numbers of Copies :

Supported by Official Development Aid from the Ministry for Foreign Affairs of Finland

Frequently Asked Questions On Child Rights

Surbhi Yadav
Ramkhiladi Poswal
Shailendra Pandya
Deen Dayal Singh



Preface

Kofi A. Annan, former Secretary General of UN observed that there is no trust more sacred than the one the world holds with children, there is no duty more important than ensuring their rights are respected and their welfare is protected. These lines underline the whole purpose of developing this Frequently Asked Questions on Child Right, though in a very small way.

Children, by reason of their physical and mental immaturity need special care and safeguards including appropriate legal protection. Of late the world has started deliberating on child rights more frequently than ever and has given children's rights special and independent status freeing it from larger human right treaties. Thanks to Eglantyne Jebb (Founder of Save the Children) for her breakthrough move of drafting Children's Charter and lobbying for it with international community in 1923 (just 5 years before she died) which was widely discussed and later on adopted by League of Nations as 'Declaration on Rights of the Child' in 1924 (also known as Geneva Declaration of the Rights of the Child). This historic document was further expanded and adopted by United Nations in 1959, which further became one of the inspirations and reference documents for drafting the much celebrated international law on child right i.e., United Nations Convention on Rights of the Child (UNCRC), 1989. India has ratified this Convention in December 1992 and since then it has further strengthened its efforts around child right legislative framework and their implementation in the country.

Rajasthan is one of the most pro-active states in India which has taken so many encouraging and innovative initiatives around child rights recently. Be it innovative 'Palanhar' scheme, or pro-child initiative taken to raise the age bracket for child labour to 18 for purposes of their rescue and rehabilitation, Rajasthan has set examples on many fronts. But the irony is that issues like high incidences of child

labour, child marriage, skewed sex ratio, malnutrition, etc, continue to tarnish the state's image.

Child right is such a subject that the more you know, the more you feel ignorant about it. However, everybody as a citizen or a parent or a care taker, or a policy maker or an administrator or a student or social worker need to know the fundamentals of child right, as the onus is on us to build a World fit for Children. This Frequently Asked Questions on Child Rights is an attempt to inform the readers about various key aspects, philosophy, thoughts, principles, scope and legal provisions on child rights along with major developments made around it recently. Laws, statistics and schemes or programmes are changeable in nature, therefore readers are advised to refer to the current or updated status on the matters mentioned in this book.

Our labour would be justified if the readers find it informative, educative and stimulating for further studies as well. Any suggestion or feedback to improve the FAQ will be appreciated.

SurbhiYadav

Ramkhiladi Poswal

Shailendra Pandya

Deen Dayal Singh

Abbreviations

CL (P&R) Act:	Child Labour (Prohibition and Regulation) Act, 1986
FAQ:	Frequently Asked Questions
Gol:	Government of India
ICPS:	Integrated Child Protection Scheme
IEC:	Information Education and Communication
ILO:	International Labour Organisation
INGO:	International Non Government Organisation
JJ Act:	Juvenile Justice (Care and Protection of Children) Act, 2000
NGO:	Non Government Organisation
N.S.S.O:	National Sample Survey Organization
POCSO:	Protection of Children from Sexual Offences Act, 2012
RG-CRiR:	Resource Group on Child Rights in Rajasthan
RSCPCR:	Rajasthan State Commission for Protection of Child Rights
UN:	United Nations
UNCRC:	United Nations Convention on the Rights of the Child
UNCRC:	United Nations Committee on the Rights of the Child
UNHCR:	United Nations High Commissioner for Refugees
UNICEF:	The United Nations Children's Fund
WCD:	Department of Women and Child Development

Contents

Questions	Pages
1. Who is a Child?	7
2. What is 'Right'?	8
3. What is child right?	8
4. Should children have special rights?	8
5. What are the sources or foundation of child rights?	8
6. What are constitutional provisions on rights of the child?	9
7. What are major laws concerning the children in India?	10
8. What are major policies and schemes concerning the children in India and Rajasthan?	10
9. What are major international laws or conventions on children?	11
10. What are the international human rights instruments which India has signed and/or ratified?	13
11. What is the UN Convention on the Rights of the Child?	13
12. Who monitors whether countries are meeting the standards set by the UNCRC?	14
13. What are the major rights defined in the UNCRC?	14
14. What does "Right to Survival" include?	15
15. What does "Right to Development" include?	16
16. What does "Right to Protection" include?	16
17. What is "Right to Participation"?	16
18. Which right is the most important right for children?	17
19. What are the guiding principles of UNCRC?	17
20. What is "best interest of the child"?	18

21. Does children's right to participation mean that children can tell their parents what to do?	18
22. Who are most vulnerable children?	19
23. What are the institutional mechanisms or authorities available for monitoring and protecting rights of the children?	19
24. What is National Commission for Protection of Child Rights (NCPCR)?	21
25. What is Rajasthan State Commission for Protection of Child Rights (RSCPCR)?	21
26. What is Childline (1098)?	22
27. How can I help a child in need or distress?	22
28. What is Child Sensitive Social Protection?	23
29. What is Child Safeguarding Policy?	23
30. Where can I get more online information on child rights?	24

Frequently Asked Questions on Child Rights

I. Who is a Child?

'Who is a Child? When does childhood cease or begin? These simple questions have complex answers. The age at which a person ceases to be a child varies under different laws in India. Under the CL (P&R) Act, 1986, a child is a person who has not completed 14 years of age. The Constitution of India protects children below the age of 14 from working in factories and hazardous jobs. Fundamental Right to Education (21-A) is applicable for children below 14 years of age. But for the purposes of criminal responsibility, the age limit is 7 and 12 under the Indian Penal Code, 1860. For purposes of protection against kidnapping, abduction and related offences, it's 16 years for boys and 18 years for girls. For special treatment under the Juvenile Justice (Care and Protection of Children) Act 2000, the age is 18 for both boys and girls². For child marriage the age limit for a girl is 18 whereas for a boy, it is 21. The latest child right legislation i.e., Protection of Children from Sexual Offences Act, 2012 (POCSO Act) defines a 'child' as a person who has not completed eighteenth year of age. The National Policy for Children, 2013 considers a person below 18 years as child. These definitions are in conformity with the definition provided in the international human right law on children viz. United Nations Convention on Rights of the Child (UNCRC), 1989, which says 'a child means every human being below the age of 18 years, under the law applicable to the child, majority is attained earlier'³. This definition thus grants individual countries the discretion to determine by law whether childhood ceases at 10, 12, 14, 16 or whatever age is found appropriate. However, as per Indian Majority Act, majority is attained on completing the age of 18 years.

Thus child is a person below 18 years of age unless a specific law applicable for the child in question defines otherwise.

2 Who is a Child by Dr.Asha Bajpai (published in InfoChange News & Features, June 2007)

3 Article 1 of UNCRC.

2.What is 'Right'?

Right is a special need codified or recognised as such in a law or legal instrument including constitution, national or international law, court judgements, etc. Unlike 'needs', 'rights' are enforceable in the court of law and the state is obliged to fulfil the rights of a person. Rights are inalienable.

3.What is Child Right?

All human rights of a person below the age of 18 years are known as Child Rights.

4.Should children have special rights?

Of course yes! In addition to special rights, children as human being and citizens are entitled to normal human rights because childhood is a special and very critical phase of life. This is the time where the foundation of a person's life and perspective is laid which has far-reaching impact on the later part of life. Children due to their tender age, immaturity and dependability are vulnerable to a wide range of human right violations. So children need special focus, safeguards and treatment. The state cannot take a relaxed approach; it has to take immediate and pro-active efforts. As Gabriel Mistral of Chile, a great poet and a Nobel Laureate once said "We are guilty of many errors and faults, but our worst crime is abandoning the children, neglecting the foundation of life. Many of the things we need can wait. The child cannot; right now is the time his bones are being formed, his blood is being made and his senses are being developed. To him we cannot answer 'tomorrow'. His name is 'today'."

5.What are the sources or foundation of child rights?

Child Rights are mentioned in the Constitution of India, various domestic laws and judicial pronouncements. There are a number of international laws on child rights too which India has signed and/or ratified therefore it is under international obligations to follow them.

6. What are constitutional provisions on rights of the child?

Constitutional provisions that are meant specifically for the children in India include:

- The state can make special provision for the children (Article 15-3).
- Right to free and compulsory elementary education for all the children in the 6-14 year age group (Article 21 A).
- Right to be protected from any hazardous employment till the age of 14 years (Article 24).
- Right to be protected from being abused and forced by economic necessity to enter occupations unsuited to their (children) age or strength (Article 39(e)).
- Right to equal opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and guaranteed protection of childhood and youth against exploitation and against moral and material abandonment (Article 39 (f)).
- Right to early childhood care and education to all children until they complete the age of six years (Article 45).

Besides, children also have rights as citizens of India, just as any other adult male or female:

- Right to equality (Article 14).
- Right against discrimination (Article 15).
- Right to personal liberty and due process of law (Article 21).
- Right to be protected from being trafficked and forced into bonded labour (Article 23).
- Right of minorities for protection of their interests (Article 29).
- Right of weaker sections of the people to be protected from social injustice and all forms of exploitation (Article 46).
- Right to nutrition and standard of living and improved public health (Article 47).

7. What are major laws concerning the children in India?

Apart from Indian Penal Code 1860 and Code of Criminal Procedure 1973 which are applicable for children and adult alike, there are a number of central and state legislations concerning children. The major laws relating to children include:

- The Protection of Children from Sexual Offences Act, 2012 (POCSO Act).
- The Right of Children to Free and Compulsory Education Act, 2009 (RtE Act).
- The Prohibition of Child Marriage Act, 2006 (PCMA).
- The Commissions for Protection of Child Rights Act, 2005.
- The Juvenile Justice (Care and Protection of Children) Act, 2000- JJ Act (Amended in 2006 and 2011).
- Pre-Conception and Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) (PCPNDT) Act, 2004.
- The Infant Milk Substitutes, Feeding Bottles and Infant Foods (Regulation of Production, Supply and Distribution) Act 1992 (Amended in 2003) (IMS Act).
- The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (PWD Act).
- The Immoral Traffic (Prevention) Act, 1956 (ITPA).
- The Guardian and Wards Act, 1890.

8. What are major policies and schemes concerning children in India and Rajasthan?

Major policies concerning children include:

- National Policy for Children, 2013.
- Rajasthan State Policy for the Girl Child, 2013.
- Rajasthan Child Policy, 2008.

- Policy Framework for Children and AIDS in India, 2007.
- National Policy for Persons with Disabilities, 2006.
- National Plan of Action for Children, 2005.
- National Charter for Children, 2003.
- National Health Policy, 2002.
- National Nutrition Policy, 1993.
- National Child Labour Policy, 1987.
- National Policy on Education, 1986.

Major schemes relating to children include:

- The Integrated Child Protection Scheme.
- The Integrated Child Development Services.
- The National Child Labour Project (Special School).
- Childline 1098 (emergency outreach programme for children in distress).
- Palanhar (by Government of Rajasthan).
- Mukhya Mantri Hunar Vikas Yojana (by Government of Rajasthan).
- Apki Beti (by Government of Rajasthan).
- Sahyog Yojana (by Government of Rajasthan).
- Disability Pension.
- National Skill Building Mission under Ministry of Labour and Employment.
- Pre Matric, Post Matric Scholarship and other scholarship schemes for different children.

9. What are major International laws or conventions on the children?

- I. Declaration on Rights of the Child, 1924 (by League of Nations) and 1959 (UN).
- II. The ILO Convention No. 138 (Minimum age for admission to employment), 1973.
- III. UN Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules), 1985.

- IV. United Nations Convention on Rights of the Child, 1989.
- V. UN Rules for the Protection of Juveniles Deprived of their Liberty, 1990.
- VI. The United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines), 1990.
- VII. World Declaration on the Survival, Protection and Development of Children, 1990
- VIII. The ILO Convention No 182 (Prohibition of worst forms of child labour), 1999.
- IX. Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, 2000.⁴
- X. Optional Protocol on the Involvement of Children in Armed Conflict, 2000.⁵
- XI. AWorld Fit for Children, 2002.
- XII. South Asian Association for Regional Cooperation (SAARC) Convention on Prevention and Combating Trafficking of Women and Children for Prostitution, 2002.⁶
- XIII. UN Convention on the Rights of Persons with Disabilities (UNCRPD), 2006.⁷

Apart from the above, there have been many other international laws, instruments and optional protocols which have partial bearing on children like Universal Declaration on Human Rights, 1948, International Convention on the Elimination of All Forms of Racial Discrimination, 1966, International Covenant on Civil and Political Rights, 1966, International Covenant on Economic, Social and Cultural Rights, 1966, Convention on the Elimination of All Forms of Discrimination against Women, 1979, etc.

4 India ratified it on 16 September 2005. (3rd and 4th India CRC Country Report-2011)

5 India ratified it on 30 December 2005. (3rd and 4th India CRC Country Report-2011)

6 India signed it on 5 January 2002. (3rd and 4th India CRC Country Report-2011)

7 India ratified it on 2 October 2007. (3rd and 4th India CRC Country Report-2011)

10. What are the international human rights instruments which India has signed and/or ratified?

'India is party to the six core human rights covenants or conventions, namely, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child (and its two Optional Protocols) and the Convention on the Rights of Persons with Disabilities. In 2007, India became one of the earliest countries to ratify the UN Convention on the Rights of Persons with Disabilities. In 2011, India ratified the UN Convention against Transnational Organized Crime and its three Protocols and the United Nations Convention against Corruption⁸.

11. What is the UN Convention on the Rights of the Child?

The United Nations Convention on the Rights of the Child, adopted by the United Nations on 20th November 1989⁹, contains specialised set of socio-cultural and educational rights to which children everywhere are entitled to. It is the most comprehensive and exclusive international law on child rights. UNCRC prescribes the universal benchmark or standards of child rights and expect every country to strengthen their domestic legal and administrative provisions in conformity with the Convention. It is the first legally binding international convention on rights of the child. It has 54 Articles out of which Article 1-41 contains substantive rights of children. The UNCRC was inspired by the Geneva Declaration on Rights of the Child drafted initially by Eglantyne Jebb (the founder of Save the Children) which was first adopted by League of Nations in 1924 and later on by the United Nations on 10 December 1959.

8 <http://www.un.int/india/>

9 The UNCRC entered into force on 2 September 1990.

India has also ratified two Optional Protocols of UNCRC, namely the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, and the Optional Protocol on the Involvement of Children in Armed Conflict, on September 16, 2005 and December 30, 2005 respectively.

12. Who monitors whether countries are meeting the standards set by the UNCRC?

Governments that ratify the UNCRC must report to the United Nations Committee on the Rights of the Child. Reports on the situation of children's rights are to be made by each country within two years of ratification of the Convention, and every five years thereafter. The Committee is made up of 10 members from different countries and legal systems who are of "high moral standing" and experts in the field of children's rights. They are nominated and elected by the governments that have ratified the Convention but act in a personal capacity, not as representatives of their countries.

India submitted its First Report on the implementation of the CRC in 1997. This was reviewed by the UN Committee on the Rights of the Child (UNCRC) in January 2000. The Second Periodic Report on CRC was submitted by India in 2001, which was reviewed by UNCRC in February 2004. The Committee recommended India to submit the next report as a combined third and fourth periodic report in July 2008.¹⁰ India submitted the Third and Fourth combined periodic report in 2011 which took into consideration the period between 2001 and 2008.

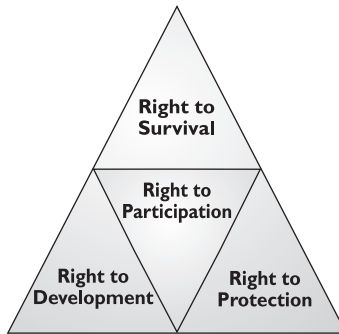
13. What are the major rights defined in the UNCRC?

The Convention contains 54 articles out of which Article 1-41 contain substantive rights covering every aspects of child's life and living like right to born free, right to a name,

¹⁰ India: Third and Fourth Combined Periodic Report on the Convention on Rights of the Child 2011.

nationality and parentage, right to proper and adequate care, right against discrimination, right to religion, right to growth and development, right to education, right against exploitation, right to be protected from neglect, violence and abuse, right to highest standards of health and nutrition, freedom of association and speech, leisure, participation, etc. These rights are classified into four and popularly known as:

- Right to Survival
- Right to Development
- Right to Protection
- Right to Participation



As the above diagram suggests Right to Participation is a cross-cutting thematic right that requires the parents or guardian, the state and the government and the society as a whole to respect the views of the children and consider their opinion and suggestions in all the decision that affects their life, be it their survival right, or development right or protection right!

14.What does “Right to Survival” include?

Right to survival includes those basic or fundamental rights which are essential to survive. 'A child's right to survival begins before a child is born. According to Government of India, a child's life begins after twenty weeks of conception. Hence the right to survival is inclusive of the child rights to be born, right to minimum standards of food, shelter and

clothing, and the right to live with dignity¹¹. It also includes right against sex selective abortion or infanticide or foeticide, timely immunisation, breast feeding, right to a good health, healthy environment, etc.

15. What does "Right to Development" include?

Children have the right to all forms of development: Emotional, Mental and Physical. Emotional development is fulfilled by proper care and love of a support system, mental development through education and learning and physical development through recreation, play and nutrition¹².

16. What does "Right to Protection" include?

Right to protection emphasises on children's right to be prevented and protected from violence, exploitation, abuse, neglect and any type of ill treatment at home or elsewhere. It covers issues of child labour, child marriage, child trafficking, street children, juvenile delinquency, children in contact with law, child sexual abuse, child pornography, children acting in television and films, forced migration, bonded labour, children in armed conflict, begging, genital mutilation, drug abuse, drug peddling, child soldiers, discrimination, destitution or abandonment, etc.

17. What is "Right to Participation"?

Right to participation talks about children's right to speak, express and participate in all the decisions and proceedings (including judicial proceedings) that affect their lives directly or indirectly. There can be varying degrees of participation as per the age and maturity of the child (as per their evolving capacity). The children need to be heard and given opportunity and platform to express their views, concerns, observations and suggestion. Like adult, children have the 'Right to be heard'. Forming children's group in villages or habitations, mandating representation in the management of school or child care institutions and government created community based child protection mechanisms are some of the ways to promote

¹¹ <http://www.childlineindia.org.in/child-protection-child-rights-india.htm>

¹² Ibid

children's right to participation. Children should not be pressured, constrained or influenced in ways that might prevent them from freely expressing their opinions or leave them feeling manipulated. Participation is one of the guiding principles of the UNCRC conversely it is the least recognized or respected right in the world.

18. Which right is the most important right for children?

In fact every right of children are equally important and mutually reinforcing. The UN finds rights of children as interdependent and indivisible which means that a right cannot be fulfilled at the expense of another right.

19. What are the guiding principles of UNCRC?

'The guiding principles are crucial to understanding how to fully implement the UNCRC. They provide the means by which the substantive articles are interpreted and achieved. In keeping with the indivisibility principle of human rights each of the guiding principles must be considered alongside each article. They are often described as instrumental rights - rights of good process that children should enjoy. It has been said that through adopting this approach the Convention becomes more than a mere list of obligations and instead acquires a soul!

The guiding principles of the Convention on the Rights of the Child are to be found in Articles 2, 3, 6 and 12.

- a. Non-discrimination (Article 2): All rights apply to all children without exception. It is the State's obligation to protect children from any form of discrimination and to take positive action to promote their rights.
- b. Best interests of the child (Article 3): All actions concerning the child shall take full account of his or her best interests. The State shall provide the child with adequate care when parents, or others charged with that responsibility, fail to do so.

- c. Survival and development (Article 6): Every child has the inherent right to life, and the State has an obligation to ensure the child's survival and development.
- d. The child's opinion/views (Article 12): The child has the right to express his or her opinion freely and to have that opinion taken into account in any matter or procedure affecting the child'.¹³

20. What is “best interest of the child”?

It is one of the guiding principles of the UNCRC. However, the UNCRC did not define 'best interest of the child' as such, but makes it clear in Article 3 (3.1) that 'in all action concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, *the best interests of the child* shall be a primary consideration'.

The UNHCR Guideline on Determining the Best Interests of the Child 2008 offers some clues and criterion to aid Best Interest Determination (BID). While defining key terms in the document, it says a “best interest determination” (BID) describes the formal process with strict procedural safeguards designed to determine the child's best interests for particularly important decisions affecting the child. It should facilitate adequate child participation without discrimination, involve decision-makers with relevant areas of expertise, and balance all relevant factors in order to assess the best option.

As per Rajasthan Juvenile Justice (Care and Protection of Children) Rules, 2011 'best interest of the child' means a decision taken to ensure the physical, emotional, intellectual, social and moral development of juvenile or child'.

21. Does children's right to participation mean that children can tell their parents what to do?

No, the soul of this principle is to encourage adults to listen to the opinions of children and involve them in decision-

¹³ <http://www.childrensrightswales.org.uk/uncrc-principles.aspx>

making, not to give children authority over adults. Article 12 of UNCRC does not interfere with parents' right and responsibility to express their views on matters affecting their children. Further children's right to participate or share their views and opinion affecting their own lives should be ensured in the manner appropriate to their age and maturity.

22. Who are most vulnerable children?

Childhood and children are vulnerable. Every child irrespective of race, sex, caste, class, religion, geography is vulnerable. Yes, some children are more vulnerable and the degree of their vulnerability may vary according to their geographic location, socio-economic status, physical and mental ability, family support system, etc. However a close observation of the trends in our country and the state suggests that every child no matter where she or he belongs to is vulnerable to a wide spectrum of human rights violations like corporal punishment, abuse, sexual exploitation, bullying, murder, etc.

23. What are the institutional mechanisms or authorities available for monitoring and protecting rights of children?

Though Human Rights Commission, Women Commission and other statutory Commissions established for different classified persons or community at national and state level can look into rights of children falling within their jurisdiction, yet realising the enormity of the child right violation incidences and significant population of children in the country, the Government of India mandated constitution of Commission for Protection of Child Rights at national (NCPCR) and state (SCPCR) level under Commission for Protection of Child Rights Act, 2005. Various other laws and programmes like the JJ Act and the ICPS have envisaged statutory mechanisms at different level to facilitate, monitor, promote and protect child rights. The major government structures applicable and available for

children in India with special reference to Rajasthan are mentioned below:

National level:

- National Commission for Protection of Child Rights (set up under the CPCRA Act, 2005).
- Central Adoption Resource Authority (functions under WCD, GoI).

State level:

- Rajasthan State Commission for Protection of Child Rights (set up under the CPCRA Act, 2005).
- Rajasthan State Child Protection Society (constituted under ICPS).
- State Adoption Resource Agency (as required by CARA).
- Adoption Recommendation Committee (as required by CARA).

District level:

- District Child Protection Unit (constituted under ICPS).
- Child Welfare Committee (constituted under the JJ Act, 2000).
- Juvenile Justice Board (constituted under the JJ Act, 2000).
- Special Juvenile Police Unit (constituted under the JJ Act, 2000).
- Specialised Adoption Agency (constituted as required by CARA/the JJ Act, 2000).
- Child Labour Task Force.
- Anti-Human Trafficking Unit (set up in selected police districts in Rajasthan).
- Childline 1098 (at city level).

Block/Gram Panchayat level:

- Block Child Protection Committee (constituted under ICPS).

- Gram Panchayat Child Protection Committee (constituted under ICPS).
- School Management Committee (at school level. Constituted under SSA/the RtEAct, 2009).

24. What is National Commission for Protection of Child Rights (NCPCR)?

The National Commission for Protection of Child Rights (NCPCR) was set up in March 2007 under the Commission for Protection of Child Rights Act, 2005 (December 2005). The Commission's Mandate is to ensure that all Laws, Policies, Programmes, and Administrative Mechanisms are in consonance with the child rights perspective as enshrined in the Constitution of India and the UN Convention on the Rights of the Child. It was set up to protect, promote and defend child rights in the country. The Commission, while enquiring into any matter, has all powers of the Civil Court trying a suit under the Code of Civil Procedures, 1908.

25. What is Rajasthan State Commission for Protection of Child Rights (RSCPCR)?

The Rajasthan State Commission for Protection of Child Right (RSCPCR) is an independent state level statutory body which was set up in February 2010 by Government of Rajasthan by virtue of power given to it U/S 17 of the Commissions of Protection of Child Rights Act (CPCRA Act), 2005 (Amended in 2006). RSCPCR works in close coordination with the National Commission for Protection of Child Rights (NCPCR) and other State Commissions to: recognise, promote and protect all rights of all children in the state of Rajasthan. The role, power, function and other modalities of the RSCPCR is enshrined in the Rajasthan State Commission for Protection of Child Rights Rules, 2010 which was notified in April 2010. The Department of Women and Child Development, Government of Rajasthan is the nodal department for the Commission in Rajasthan.

The Roles of the Commission can broadly be divided into

five:

- **Public Awareness:** *Creating greater public awareness on rights of the children and the role of duty bearers in the society.*
- **Monitoring:** *Monitoring implementation of all laws, policies, programmes and activities and functioning of institutional mechanisms relating to children in the state.*
- **Recommendations:** *Recommending appropriate authorities to address gaps in legal and policy framework as well as their implementation ensuring right-based approach:*
- **Grievance Redressal:** *Receive complaints on child right violations and ensuring justice for the victims. and*
- **Research:** *Undertake research and documentation on various aspects of Child Rights.*

26. What is Childline (1098)?

CHILDLINE is a 24/7 emergency phone outreach service for children in need of care and protection linking them to emergency and short term as well as long- term care and rehabilitation services. The service can be accessed by a child in difficulty or an adult on his behalf by dialling a toll-free phone number 1098. Established by the Government of India in 1999, it is presently operational in 255 cities across the country. In order to create a protective environment for children in all parts of the country, ICPS is expanding the CHILDLINE service to all districts and cities.

27. How can I help a child in need or distress?

If you see a child in danger or being abused or neglected, you can call at 1098 and talk to the Childline volunteer for emergency help and support to the child. You can also inform or go to the nearest police station and talk to the Juvenile/Child Welfare Officer over there. You have the option to contact any member of the Child Welfare Committee (constituted in all district) or contact the officials of District Child Protection Unit. Please refer to the

question (No. 23) *what are the institutional mechanisms or authorities available for monitoring and protecting rights of children* above to know the appropriate authorities nearest you. Any social worker can also be contacted at anytime.

28. What is Child Sensitive Social Protection?

Child Sensitive Social Protection (CSSP) is a cross-cutting thematic area that largely focuses on the economic and related social causes of child poverty and aims to achieve comprehensive improvements in children's lives. In essence, CSSP means that social protection measures should be designed in such a way that they result in positive development outcomes for poor and vulnerable children. In short it can be defined as a subset of public actions that help address risk, vulnerability and chronic poverty.

Based on the above thought, Save the Children has launched the CSSP initiative in South Asia (covering Bangladesh, Nepal and India-Rajasthan and Bihar) in 2010.¹⁴

29. What is Child Safeguarding Policy?

Child Safeguarding Policy is a set of guidelines with appropriate in-built mechanisms to safeguard children from any kind of abuse or neglect by the person who works for or on behalf of children. This is not a government policy or initiative, rather a voluntary initiative by the civil society sector (NGOs, Humanitarian Agency, Charitable Organisations, Donor Agency, INGO, Child Care Institutions, Media, Schools, etc) to protect children from being abused, humiliated or neglected by its own staff or employees. This is purely an internal policy for the concerned organisation and there is no uniformity in its content, procedure and applicability. However the Policy usually contains components relating to awareness, prevention, reporting and responding. The policy contains DOs and DONOTs with regard to the conduct of the staff with children. The Policy can also be applicable for part-time

¹⁴ Child Sensitive Social Protection: A key strategy to combat child poverty- by Save the Children.

workers, consultants, volunteers, interns, visitors, vendors, etc for a concerned organisation. The basic thought behind it is that these persons working for children are trusted by children and their parents or guardians and allowed to talk to or spend time with children. The chances of children being abused by the organisation's staff or volunteer or representatives cannot be overruled. Thus it's a noble and pro-active step by voluntary sector to adopt and follow such a Policy. Now a days it has become a mandatory document to receive funds from many donor agencies. To develop such a policy for your organisation or for more information please contact any INGOs like Save the Children, Plan India, Unicef or visit www.keepchildrensafe.org.

30. Where can I get more online information on child rights?

There are many, some of the frequently visited websites are mentioned below.

www.wcd.nic.in

www.ncpcr.gov.in

www.un.org

www.unicef.in or www.unicef.org

www.sje.rajasthan.gov.in

www.wcd.rajasthan.gov.in

www.savethechildren.in

www.childlineindia.org.in

www.planindia.org

www.crin.org

www.cry.org

www.childrensrightsindia.org

www.jjindia.net

www.nlrd.org

www.keepchildrensafe.org

