

## Promises to Protect Children

Various shortcomings plague the agencies and schemes intended to protect child rights.

**T**he Commissions for the Protection of the Child Rights Act 2005 provides for the constitution of a national commission and state commissions as well as children's courts across the country for providing speedy trial of offences against children or for violation of child rights. The act followed India becoming a signatory in 1992 to the UN's Convention for the Rights of the Child. Earlier this year, soon after the shocking

crimes perpetrated on children at Nithari came to light, the statutory central agency was set up, but state commissions and children's courts are yet to be established.

Notions relating to children's rights have for long been a grey area in India. Juridical accountability and spheres of enforcement have been compounded by the plethora of agencies that exist. The question of children's rights is also notionally bound to

several other concepts, some that have taken on legal recognition – aspects such as definitions of “bonded” and “neglected” – and others that perhaps touch on the private sphere as well, for instance, children as victims of “domestic violence”.

The ministry of women and child development (WCD) that became a full-fledged ministry earlier this year, and now oversees aspects of juvenile justice and adoption, has taken some welcome steps to arouse wider awareness on child protection issues. In a landmark study commissioned earlier this year, the ministry revealed the high levels of physical, sexual and emotional abuse that children in India were subject to; in most cases, people in position of trust and responsibility were behind the crimes. The question of child protection would thus cover an entire gamut, some that have been recognised as problems; for instance, the rehabilitation of street and homeless children, and those exploited as sweatshop bonded labour. But other issues such as those constituting child abuse, the ministry and other nodal agencies only recently have begun to grapple with. At present, the Offences against Children (Prevention) Bill awaits parliamentary debate, but the WCD ministry has a more ambitious scheme on its anvil: The Integrated Child Protection Scheme (ICPS) that is to form part of the Eleventh Five-Year Plan. A recent exercise on child budgeting carried out by the ministry revealed that total expenditure on children in health, education, development and protection in 2005-06 in all amounted to a mere 3.86 per cent of the central government budget, increasing to 4.91 per cent in 2006-07.

The existing schemes, and there are several, for child protection in India primarily flow from the provisions specified by the Juvenile Justice Act, 2000 and National Plan of Action for Children 2005. Child protection, however, has never been a programme of any single ministry/department. For instance, child labour issues continue to be dealt with by the labour ministry, as

seen in the confusion that prevailed during the recent incident that involved the “rescue” and rehabilitation of children employed as labour in a garment outsourcing business in Delhi. Thus, while the need exists for lateral linkages between different ministries and also with other agencies, existing programmes are marked by limitations such as poor coordination, inadequate attention to several issues such as child marriage, female foeticide, etc. There are also no interventions for children affected by HIV/AIDS, militancy and disasters, others who are abused and those from vulnerable groups such as commercial sex workers, prisoners, migrant population, etc. The schemes also suffer from non-existent infrastructure, inadequate human resources and serious service gaps remain, especially as regards after support services.

The ICPS would seek to rely on building up infrastructure, increase knowledgeable manpower at lower levels, and consciously implement on a wider scale systems of care such as fostering, rehabilitation and observation homes. Though laudable, the scheme will in all likelihood continue to suffer from problems that plague the existing system. It raises an entirely new edifice of state child protection units but problems of coordination with other agencies would persist. The need crucially is to raise awareness at the local level, especially among the police and community level workers, who deal with children on an everyday basis and would remain important coordinating points even after the ICPS comes up. The latter has also overlooked the need to work in tandem with international agencies; child abuse and child pornography pose among the most serious threats to children. In recognition of this, the European Commission last March launched a new strategy for the promotion and protection of children’s rights, where it warned of the increasing dangers of child abuse posed by the growing reach of technology, especially the internet and mobile telephony.