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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by the UDISHA, a non- governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[13 April 2017]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Human rights in India: Protection of child rights and prevention of abuse

Introduction:

Human rights apply to all age groups and children have the same general human rights as adults. In 1989, however, world leaders decided that children needed a special convention just for them because people under the age of 18 years often need special care and protection that adults do not. The leaders also wanted to make sure that the world recognized that children have human rights too. The Convention on the Rights of the Child (CRC) is the first legally binding international instrument to incorporate the full range of human rights—including civil, cultural, economic, political and social rights.

Children's rights in the human rights framework:

The Convention on the Rights of the Child sets out the rights that must be realized for children to develop their full potential, free from hunger and want, neglect and abuse. Children are neither the property of their parents nor are they helpless objects of charity. They are human beings and are the subject of their own rights. The Convention offers a vision of the child as an individual and as a member of a family and community, with rights and responsibilities appropriate to his or her age and stage of development. By recognizing children's rights in this way, the Convention firmly sets the focus on the whole child.

The Convention and its acceptance by so many countries have heightened recognition of the fundamental human dignity of all children and the urgency of ensuring their well-being and development. The Convention makes clear the idea that a basic quality of life should be the right of all children, rather than a privilege enjoyed by a few.

Article 19 of the Convention On The Rights Of The Child provides that the children should be protected from all forms of violence and kept safe from harm. Children have the right to be protected from being hurt and mistreated, physically or mentally. Governments should ensure that children are properly cared for and protect them from violence, abuse and neglect by their parents, or anyone else who looks after them.

Article 34 provides that the Governments should protect children from all forms of sexual exploitation and abuse. This provision in the Convention is augmented by the Optional Protocol on the sale of children, child prostitution and child pornography.

Objectives and Purpose:

The objective and purpose of this statement is to assess the measures, like enactment of new legislations and their enforcement, taken by the Government of India to ensure the protection of child rights, as enshrined in the Child Rights Convention, with particular reference to menace of child abuse in all its forms.

Steps taken by the Government to ratify the CRC:

The Government of India has assigned focal responsibility for child rights and child development to the Ministry of Women and Child Development (MWCD). Due to management of different sectoral schemes by this and other central ministries/ departments, it has not been possible to give children the convergent attention they deserve. Health care services, child development, youth services affecting older children, education, services for children with disability having special needs and projects for children rescued from labour etc are being looked after by different departments and Ministries.

A Government of India, Ministry of Women & Child Development (2007) survey showed that the prevalence of all forms of child abuse is extremely high (physical abuse (66%), sexual abuse (50%) and emotional abuse (50%). It is harsh reality that cases of child sexual abuse, which are clear violation of child rights, have been rising in India and have reached at alarming proportion. Another study conducted by the Government of India in 17,220 children and adolescents to estimate the extent of sexual abuse revealed shocking result. This study also showed that every second child (i.e. 50% children) in the country was sexually abused.

The Government of India had accepted the obligations of the UN Convention on the Rights of the Child (CRC). The National Commission for Protection of Child Rights (NCPCR) was established in 2007 with a mandate of enquire, investigate and make recommendations on complaints of child rights violation but it lacks autonomy and any authority to act. The same limitation holds true for State-level Commissions.

The Protection of Children from Sexual Offences (POCSO) Act, 2012 was formulated to effectively address the heinous crimes of sexual abuse and sexual exploitation of children. Legal provisions were made through implementation of the Criminal Law (amendment) Act, 2013 the Code of Criminal Procedure, 1973, The Indian Evidence Act, 1972, and the Protection of Children from Sexual Offences Act, 2012. This Criminal Law (Amendment) Act 2013 also dictates punishment on stalking, voyeurism, disrobing, trafficking and acid attack.

The POCSO Act defines a child as any person below eighteen years of age, and regards the best interests and well-being of the child as being of paramount importance at every stage, to ensure the healthy physical, emotional, intellectual and social development of the child. It defines different forms of sexual abuse, including penetrative and non-penetrative assault, as well as sexual harassment and pornography, and deems a sexual assault to be “aggravated” under certain circumstances, such as when the abused child is mentally ill or when the abuse is committed by a person in a position of trust or authority vis-à-vis the child, like a family member, police officer, teacher, or doctor. The act of trafficking of children for sexual purposes is also punishable under the provisions relating to abetment in the Act. The Act prescribes stringent punishment graded as per the gravity of the offence, with a maximum term of rigorous imprisonment for life, and fine.

Though the POCSO Act, 2012 is an excellent piece of legislation and it recognizes almost every known form of sexual abuse against children as punishable offence, a few challenges remain to be answered. There is a wide gap between (i) policy and implementation and between (ii) practice and outcome, and millions of children fall through the gaps. Government should assign adequate child protection budgets and its officials should also ensure that Governmental funds are properly utilised. The “child’s voice” must be heard by the policymakers! The problem of child sexual abuse needs to be addressed through less ambiguous and more stringent punishment.

A multi-dimensional, multi-agency team and multi-tier approach including access to psychosocial support is to be made available to deliver holistic comprehensive care under one roof for victims of child sexual. Different Sectoral schemes pertaining to child development, child welfare and protection of child rights and curbing the crimes against children and the implementing agencies should be under one Ministry.

Role of Non Government Organisations (NGOs):

A large number of NGOs are working in the field of child welfare and child protection, and many have created valuable models of prevention, intervention and rehabilitation. However, because of the huge numbers of children requiring protection, their efforts can make only a marginal impact. The larger and central responsibility falls on the State. It is for the State, as well, to bring together different professions and disciplines to make common cause in defense of children’s safety and security. Professional bodies can highlight this potential by taking the initiative to make connections and to converge efforts.

Contribution of the Organization:

Udisha, established in 1997, has been conferred with 2011 International Prize for Innovative Prevention of Abuse and Violence against Children and Youth” by Women’s World Summit Foundation (WWSF)/ Geneva, also a NGO in special consultative status with ECOSOC in recognition of work done for prevention of child Abuse during last ten years. We recognise the need for efforts to arouse awareness against social crimes like child abuse, child labour, eve teasing and rape etc. and to sensitize and train children and youth for self-defence and in this way contribute our bit to make this world a better place for children to live, learn and grow.

Udisha has outreached to thousands of children, parents, teachers and public at large in Delhi, the capital city and other states for arousing awareness about prevention of child abuse through debates, walkathon, self defense camps, counselling sessions and poster painting competition. This way, we have tried to supplement the efforts of the

Government through our humble contribution to protect the child rights and prevent child abuse with the ultimate aim to make this world a safe and better place to live.

We believe that extracurricular activities are essential for all round development of children. Udisha is a national branch of Caretakers of Environment International; a Netherlands based NGO working for environmental education in Secondary Schools. The students and teachers have participated in Global Environmental Youth Conventions held in Lund, Sweden, Torino, Italy and UAE, Dubai. Many seminars, poster painting competitions, debates and walks have been organized for protection of our environment and conservation of energy sources in Delhi, the capital city and adjoining states for the last 16 years.
