



# Parliamentarians' Group for Children Newsletter

Issue No. 1.

Winter Session Issue

December 2013-February 2014

Dear friends,

On behalf of the Parliamentarians' Group for Children (PGC), it is my pleasure to present the first PGC Newsletter. The PGC was launched on 23<sup>rd</sup> August 2013, with the aim of bringing the experiences, issues and concerns of children into policy and laws. We as Members of Parliament, and representatives of the people, have the responsibility to ensure effective reforms, and initiate innovative practices and interventions to address issues of children. And it is to fulfil this objective, about 33 parliamentarians across parties, have collectively committed to work for children's rights in India through the PGC.

The year 2014 marks the 25<sup>th</sup> year of adoption of the UN Convention on the Rights of the Child (CRC). The CRC globally has played a major role in influencing and shaping the child rights agenda. India has time and again re-iterated its commitment to securing the rights of the child by ratifying various international treaties and conventions. A number of landmark legislations have also been enacted providing the legislative and institutional framework for different areas and issues that impact children. While we acknowledge and appreciate the government(s) commitments and efforts to addressing children's issues, yet there remain issues that are unsettled and/or unaddressed.

We seek to work closely with the government, civil society groups, and other experts to deepen the knowledge and morale to influence policies, laws and programmes. Hence, we look forward to your cooperation and participation to carry forward our collective responsibilities.

Vandana Chavan, MP  
Convenor, PGC

**At a glance:**

- Recent debates on Juvenile Justice Act, 2000 – lowering of age
- Violence Against Children in school and homes
- Infant mortality rate and child survival
- Gender based discrimination – preference to male children
- PGC meetings - Odisha Legislators' Round table meeting on MDGs & Post-MDG
- PGC Delegation to UNICEF
- Call for Action

## Juvenile Justice: debates on lowering the age

The Juvenile Justice (Care and Protection of Children) Act, 2000, states its object as, '*providing for proper care, protection and treatment by catering to their development needs, and by adopting a child-friendly approach in the adjudication and disposition of matters in the best interest of children and for their ultimate rehabilitation*' and '*re-socialization*'.

The credibility of the Juvenile Justice (Care and Protection of Children) Act (JJ Act) came into question in the recent *Nirbhaya case*, where a juvenile convicted was sentenced for a tenure in a correctional home, which saw major outcry from various quarters. The interpretation of the term 'juvenile' - that a person below 18 is a minor came into question vis-à-vis the intensity of the 'heinous' crime committed by the juvenile. While this barbaric act deserved condemnation, keeping the safety and vulnerability of women a non-negotiable, the

vigorous demand from various quarters for reducing the age of a juvenile was not acceptable. The JJ Act derives its philosophy from the UN CRC, the guiding principles for the protection and enactment of the rights of children. This piece of legislation focuses on safeguarding the best interests of children who are in conflict/contact with the law as well as those in need of care and protection. And it is important to remember that the Act does not only apply to boys, but equally to girls as well. Instead, we need to ask ourselves more intrinsic questions like:

- a. Are children born criminals – or do social, economic, civic and sometimes political factors play a role?
- b. What happens when a child is sent to a correctional home? What is the procedure followed?
- c. Has the Act been implemented holistically in all States and districts?
- d. Is institutional care effective in India?
- e. What is the quality of care in these institutions?
- f. Do Child Welfare Committees and JJ Boards exist in all districts? In our constituencies?
- g. Does the staff have the capacity to deal with child protection and rehabilitation issues?
- h. Are the budgets being utilized for requisite infrastructure and per child amenities?

These are a few thoughts that come to mind when several studies (2013) like the Asia Human Rights Centre and Human Rights Watch reveal that children are prone to physical, emotional and sexual abuse and neglect in JJ homes like observations homes, special homes, shelters etc in India. This could mean condemning a child into becoming a hardcore criminal in his/her adult life. According to UN estimates there are around 8 million children globally in institutional care<sup>1</sup>, while Indian institutions host about 40,000 children in conflict with the law. And studies also indicate that the JJ Act is not adequately functional in conflict districts, and the absence of observation homes has led to detention of the juveniles in jails, military camps etc.

The response to juvenile crime has to be fair, age-appropriate and in keeping with developmental psychology. Any amendment to existing law requires in-depth understanding of the jurisprudence, philosophy and impact of the current law. It needs to be facilitated through intense and participatory consultative processes that first build consensus on the key policy questions, something that ironically never really happened in the formulation of the reform of the JJ Act in India. Amending the law as a reaction to the countrywide outrage against one juvenile will set a dangerous trend and may affect hundreds of adolescents who are currently entitled to the juvenile focused reform and rehabilitative services envisioned in the law, currently in force.

Vandana Chavan, MP

#### Key features of the JJ Act

- Two target groups of children: a) Children in conflict with law, and b) children in need for Care and Protection.
- This legislation is meant to cater to the protection, care and further development of offenders under the act.
- Under this law, there is no 'trial', but rather an inquiry. In other words, after the arrest of the juvenile, s/he has to be produced before a Juvenile Justice Board (appointed by the State Government), where bail is granted to him/her with or without surety.
- An important component is that family is responsible for providing care and protection of children, and that institutionalization of a child should come as a last resort
- If a Juvenile criminal is convicted, at maximum he gets three years in a reform facility. Thereafter he must be released on probation.
- Cases involving juveniles are tried by Juvenile Justice Board and not by regular courts.
- Special Juvenile Police Units need to be set up in every police station. And a child welfare committee has to be established by the State government to implement the provisions of this Act in each district.
- There is an absolute prohibition on awarding life imprisonment, death sentence or a jail term to a minor under this Act.
- Observation homes, special homes and shelters are to be set up by the State Government and voluntary organizations for children in need of care and protection during the period of inquiry and, subsequently, for their rehabilitation.

<sup>1</sup>World Report on Violence against Children, UNICEF, 2006

### Recommendations

- Appoint regular inspection committee to monitor conditions of various JJ homes.
- Guarantee mandatory registration of childcare institutions like observations homes, special homes and shelters run by privately owned NGOs, etc.
- Construct Juvenile Justice homes in the conflict districts.
- Establish 'balika sanghas' that will provide peer support for adolescent girls attending schools.
- Create a specialized cadre within each of the professions involved in and for the protection of street children.
- Enact a comprehensive law, banning corporal punishment in homes, work and other places.
- Sensitize the teachers, parents and other stakeholders towards the detrimental physical, emotional and psychological consequences of corporal punishment.
- Enact a comprehensive law on child trafficking with a broad definition of trafficking.
- Public information campaigns on physical, sexual and mental abuse and street children should be incorporated in the laws, policies and programmes at various levels.



UNICEF India /Halle'n



UNICEF India/PVishwanathan

### Supreme Court of India Judgment on July 17, 2013:

Writing the judgment, the Hon'ble Chief Justice said: "There is little doubt that the incident (the Delhi gang rape) which occurred on the night of December 16, 2012, was not only gruesome, but almost maniacal in its content, wherein one juvenile, whose role is yet to be established, was involved. But such an incident, in comparison to the vast number of crimes occurring in India, makes it an aberration rather than the rule.

"The JJ Act is in tune with the provisions of the Constitution and the various Declarations and Conventions adopted by the world community represented by the United Nations. The age limit, which was raised from 16 to 18 years in the JJ Act, is a decision which was taken by the Government, which is strongly in favour of retaining Sections 2(k) and 2(l) in the manner in which it exists in the statute book. The age of 18 has been fixed on account of the understanding of experts in child psychology and behavioural patterns that till such an age the children in conflict with law could still be redeemed and restored to mainstream society, instead of becoming hardened criminals in future."

Source: Salil Bali vs. Union of India



## End Violence against Children: A Better Society for All

Girls and women in India start at a disadvantage. Gender-based discrimination manifests itself in the preference of sons to daughters, limited opportunities in education and work for girls and women, and outright physical and sexual violence. Society's treatment of girls stems from a low value assigned to girls who are often perceived to be a liability, and hence given a lower status. They are perceived as the "weaker sex" or in a subordinate position, and children also tend to be a very easy target. Although most of the cases go unreported, research shows that violence against children in all its forms is widespread across India: corporal punishment at school and at home, sexual abuse behind hidden doors, neglect and exploitation, in residential facilities, and work settings. In the context of gender discrimination, girls become particularly vulnerable to violence. Globally, 18 per cent of girls and eight per cent of boys have suffered sexual abuse, and nearly 50 per cent of all female sexual assaults occur against children.

UNICEF India launched 'Time to Sound the Red Siren' campaign – 19 August 2013

This social media campaign is an effort to break the silence around sexual abuse and violence against children, girls in particular. Bollywood legend and UNICEF Goodwill Ambassador Amitabh Bachchan came out strongly in support of the Red Siren campaign and pointed out that "just because you can't see violence against children doesn't mean it isn't there". He appealed to citizens to "make the invisible visible". On Twitter, netizens are using the campaign hashtag #ENDviolence to tweet, retweet and speak up against child abuse.

The picture is grim; however, we can talk about solutions. Shattering the silence that surrounds violence against women and children is one of the first steps to address the issue. The horrific event of 16 December 2012 has made everyone in the country sit up and pay attention. The entire nation has been demanding safety and protection of women and girls, and for a shift in societal norms that perpetuate violence and discrimination.

- Bringing the issue to the centre of the public debate and influencing the policy and legal agenda is the need of the hour. Engaging media to talk about violence, its causes and consequences; running awareness raising programmes for parents and teachers on how to identify risks and act on violence and building knowledge and skills of children are just some of the strategies that can contribute to shaping attitudes and practices and prevent violence.

### UNICEF India launched 'Time to Sound the Red Siren' campaign – 19 August 2013

This social media campaign is an effort to break the silence around sexual abuse and violence against children, girls in particular. Bollywood legend and UNICEF Goodwill Ambassador Amitabh Bachchan came out strongly in support of the Red Siren campaign and pointed out that "just because you can't see violence against children doesn't mean it isn't there". He appealed to citizens to "make the invisible visible". On Twitter, netizens are using the campaign hashtag #ENDviolence to tweet, retweet and speak up against child abuse.

- Changes in mindsets need to go along with the consolidation of a legal framework that promotes equality and protection. The rights of women and girls need to be brought to the forefront in all laws.
- Furthermore, there is a need to make use of the opportunities that specific laws offer, such as the Protection of Children from Sexual Offences Act (POCSO), 2012, which criminalizes all forms of sexual abuse and makes reporting compulsory; the Juvenile Justice Act 2000, which integrates a number of protection standards in the best interests of children; the Domestic Violence Act, 2005 which includes protective measures for women victims of domestic violence and the Criminal Law (Amendment) Act, 2013 which has given a broader definition of rape as sexual assault.
- To ensure the law is enforced, we need to have an effective and comprehensive child protection

system in place which can guarantee early detection of children at risk and provide an adequate response to children who have been exposed to violence and abuse. The Integrated Child Protection Scheme aims at strengthening the implementation of the Juvenile Justice Act through structures, staffing, and establishment of child-friendly, multi-sectoral and coordinated mechanisms.

What needs to be done is establishing child friendly and responsive stations, one-stop crisis centres that offer legal and counselling support, specialized medical care, as well as safe places for shelter and care. Equipping these structures with trained staff is essential to ensure effective solutions to violence.

Violence undermines not only women and children, but society as a whole. The largest democracy of the world cannot afford any longer that more than half its citizens are not treated with equality and dignity. Human rights are indivisible and should be upheld as part of a nation's growth. Hopefully, time is ripe to push for the enforcement of the laws and for institutional and mindset changes that will represent an historical moment for India to achieve its dream of a just society for all.

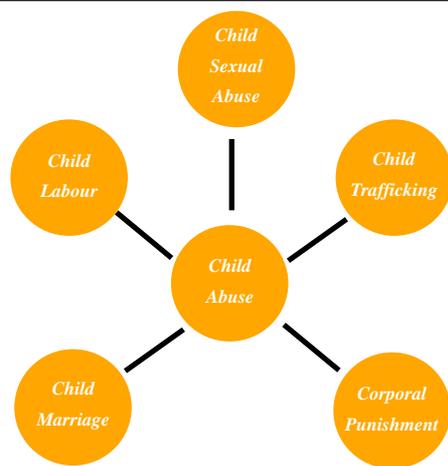
Louis-Georges Arsenault  
Country Representative, UNICEF, India



UNICEF/Pirozzi

#### What it means to be a girl child in India?

- Complex and multifaceted deprivation rooted in institutions preferring a boy child.
- Despite various policies, child sex ratio is declining slowly (from 971 in 1981 to 914 in 2011).
- With respect to the PCPNDT Act, implementation and monitoring issues hamper effectiveness.
- Need to focus on schemes that provide adequate nourishment to the girl child.
- In 2013 India did not co-sponsor a global resolution for elimination of forced child marriages.
- 60% of children in India who are out of school are girls; dropout rates are higher among them.
- Child marriage, inadequate transport and sanitation, and labour impede pursuit of education.



#### Crime against Children Incident rate:

2011: 33,098 2011: 2.7; 2012: 38,172 2012: 8.9

- ❑ An increase of 15.3% crimes reported against children in 2012 over 2011.
- ❑ Average charge-sheet rate for all crimes against children (IPC & SLL) was 84.7% in 2012. Highest charge-sheet rate was observed in cases under Buying of Girls for Prostitution (100%), followed by Rape (97.6%) in comparison to the prevailing national level charge-sheet rate of 78.8% for IPC and 93.4% for SLL crimes.
- ❑ 'Crime against Children' during 2012 included Kidnapping & Abduction (47.9%), Rape (22.4%), and Murder (other than infanticide) (4.2%), Procurement of Minor Girls (2.2%).

Source: NCRB Website

## Infant Mortality and Child Survival

Survival of infants and children is one of the most important issues in the developing world. Since 1990 the annual number of child deaths around the world has seen a 47 percent reduction, while India saw a reduction of 56 percent. As per MDGs there is a need to reduce the number of under-five child deaths by two-thirds by 2015. As per Census 2011, the child population aged less than 6 years comprises 14% of the total Indian population of 1.21 billion. India's child mortality burden is: Under 5 Mortality Rate - 22%, Infant Mortality Rate - 24% and Neo-natal Mortality Rate - 28%. In terms of numbers, India contributes the largest number of child deaths (approximately 1.4 million) under the age of five years in any country.

Based on the lessons of the past decades, experts in maternal, newborn and child health are increasingly coalescing around a set of strategic principles for child health and survival. They include recognizing the need for community partnerships to support families in improving their care practices for children, especially in countries with weak health systems; providing a continuum of care for mothers, newborns and children by packaging interventions for delivery at key points in the life cycle; strengthening health systems; enhancing ways of working at the national and international levels with a strong focus on coordination, harmonization and results. Finally it has come to be accepted that no single approach is applicable in all circumstances.

**Continuum of Care Approach:** It connects essential maternal, newborn and child health packages through pregnancy, childbirth, postnatal and newborn periods, and into childhood and adolescence. The advantage of such a continuum is that each stage builds on the success of the previous stage. For example, providing integrated services to adolescent girls means fewer unintended or poorly timed pregnancies. Visits to a healthcare practitioner can prevent problems during pregnancy and make it more likely that mothers will get the appropriate care at birth. Skilled care before, during and immediately after birth reduces the risk of death or disability for both the mother and the baby.

UNICEF has identified some major threats to child survival such as under nutrition; pneumonia, malaria, HIV and AIDS, diarrhea; poor healthcare of pregnant and nursing mothers which translates to poor health for her baby. Most of these factors are easily preventable with adequate intervention by governmental and non-governmental organizations.

Three commitments must be pursued urgently and unremittingly.

- First, the health of children and mothers must be reinstated as an important focus of organizational agendas. The underlying causes of disease must also be monitored. Under-nutrition, for example, is estimated to account for 45 per cent of the child deaths annually, and improved nutrition must be an integral part of child and maternal health programmes.
- Second, scaling up delivery of effective interventions and achieving and maintaining high coverage rates, especially among vulnerable populations. The efficiency of integrated health systems, based on the foundation of strong primary healthcare, needs to be increased to provide preventive and curative services of adequate quality to a greater number of children.
- Third, and most important in the long-term, is a commitment to building capacity for public-health programmes at the district level. Achieving the Millennium Development Goal for child survival demands focused and coordinated action to improve nutrition, strengthen health systems, and reduce inequalities in access to and use of effective interventions to prevent and treat pneumonia, diarrhea, malaria, and the causes of neonatal deaths.

Diksha Mishra



Reuters/D Boylan

**News Box: Regional Meeting on engagement of Legislators in MDG & Post-MDG Agenda, Odisha**

The PGC, in collaboration with the Centre for Legislative Research and Advocacy (CLRA), New Delhi, Wada Na Todo Abhiyan (WNTA), United Nations Millennium Campaign (UNMC) and Centre for Youth and Social Development (CYSD), Bhubaneswar, organized a half-day consultation on the Millennium Development Goals (MDGs): to be achieved by 2015, and the Post-MDG Agenda. The meet brought together Members of Parliament (MPs), Members of the Odisha Legislative Assembly (MLAs), members of UNICEF India and INGOs/CSOs. They focused on a wide range of subjects ranging from poverty, malnutrition and sanitation to environmental protection, dwelling on both successes and failures.



Odisha Legislators' Round table meeting on MDGs & Post-MDG

Hon'ble Speaker of Odisha Legislative Assembly, Shri Pradip Kumar Amat, delivered the keynote address and expressed his concern with regard to our inability to achieve all the MDGs and urged the participants to develop "an effective action plan to achieve the MDGs and be an integral part in the Post-MDG process".

Hon'ble Minister of Health and Family Welfare, Shri Damodar Rout, discussed a wide range of issues, both from national and local perspectives. The consultation was presided over by Shri A.V. Swamy, Hon'be MP. In concluding the roundtable meeting, a Legislators Group for Children (LGC) was also proposed to be constituted and Hon'ble MLA, Shri Rama Chandra Hansdah was designated as the Convenor of the proposed LGC.



Reuters

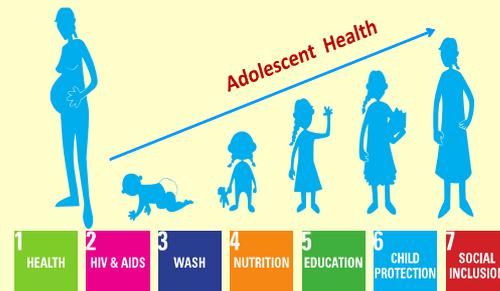
**News Box: PGC Delegation visit to UNICEF India Office**

Parliamentarians' Group for Children (PGC) took a Delegation of MPs to UNICEF India Office for an interaction with senior officials of UNICEF, including Mr. Louis-Georges Arsenault, Country Representative. Smt Vandana Chavan, Smt Jaya Bachchan, Smt. Ratna Bai, Smt. Rajani Patil, Shri E.T. Mohamad Basheer, Shri A.V. Swamy, Dr. Anup Kumar Saha were part of the delegation. Smt. Kushal Singh, Chairperson of NCPDR was also present in the interactive meeting.

The highlight of the meeting was the power point presentation by UNICEF, entitled 'Accelerating Maternal & Child Survival in India'. The meeting was concluded over the discussion on the action plan and the roadmap for the PGC in 2014.

Realizing the rights of every child, especially the most disadvantaged

**SURVIVE FROM ARRIVAL** **TO THRIVE INTO ADULTHOOD**



### Call for Action: checklist for parliamentarians

- ❑ Make policy interventions: As policy makers, it is imperative for our legislators to highlight various issues concerning the child at all legislative and administrative spaces.
- ❑ Raising Issues related children in the parliament through various measures such as Question Hour, Calling Attention, Urgent Motions, etc.
- ❑ Awareness generation: As leaders of their constituencies, MPs/MLAs can generate awareness among various sections of the society regarding the disastrous consequences of violation of child rights in different forms such as child marriage, child trafficking, sexual crimes committed against children.
- ❑ Social Media: Encourage and establish greater access to social media and public forums for educating the people in your constituency regarding child issues. Creating internet portal for the same.
- ❑ Budget Monitoring: As overseers of public accounts, you should verify and scrutinize to ascertain that the budgetary allocations are in line with approved government figures and commitments made to the people.
- ❑ Seeking Higher Budget Allocation: You can use your influence as members of the Parliament to seek an increased budget for meeting the needs of child protection, childcare, etc.
- ❑ Grievance Redressal: The Parliamentarians can act as effective conduits between the people and the government institutions for redressing grievances. They can also encourage the setting up of strong grievance redressal mechanisms as well as 'one stop centres' where various rehabilitative facilities can be provided to victims of child abuse. They can also ensure that the observation and special homes within the constituency function effectively keeping in view the best interest of the child.
- ❑ Engaging With Civil Society: A meaningful interface between people and the government can be ensured by the legislators. To this end, they can reach out to the members of civil society and NGOs and facilitate the conduct of studies and surveys on topics which concern the child.
- ❑ Legislation: The MPs must work towards bringing about the much needed changes in various laws such as those relating to child labour, trafficking, and protection of the girl child and overall child welfare. They can use their influence to seek increase budget allocations for meeting diverse needs relating to children.
- ❑ Allocation of MPLAD funds: Our legislators can creatively use the MPLAD/MLA funds so that priority is given to making resources available for construction and maintenance of child related institutions.

### News Box: Poo-Loo Campaign



UNICEF 2013

#### 'Take the Poo to Loo' - UNICEF campaign

In an effort to raise awareness against open defecation and related health issues, UNICEF has launched a nationwide social media campaign. The UNICEF campaign called 'Take the Poo to Loo', seeks to create an active front of advocacy to spread awareness about the need to stop open defecation and improve sanitation for children and other communities. Crafted in quirky language, it has different tools such as games, mobile applications and ringtones. In addition, to amplify the impact of the campaign a series of videos and a song has been launched. The campaign protagonist - Poo - has visited a number of public places, colleges, schools and other places in the cities during the three-month long campaign.

#### Selected references:

1. Stoltenborgh M et al. A global perspective on child sexual abuse: meta-analysis of prevalence around the world. Child Maltreatment 2011
2. Child sexual abuse, WHO, 2004
2. NCRB (National Crime Records Bureau) Website [www.ncrb.nic.in](http://www.ncrb.nic.in)
3. UNICEF Website [www.unicef.org/india](http://www.unicef.org/india)
4. The Planning Commission, Government of India, "Report of the working group on Child Rights for the 12<sup>th</sup> Five Year Plan"
5. Ministry of Woman and Child Development, Government of India, 'Study of Child Abuse in India 2007'
6. Asia Centre for Human Rights, "Nobody's Children", 2013
8. <http://www.parliamentofindia.nic.in>

#### For Private circulation only

For more information, contact: PGC Secretariat, C/o Centre for Legislative Research and Advocacy (CLRA), F-29, B.K. Dutt Colony, Jor Bagh, New Delhi-110003, Tel: 91-11-24640756, E-mail: [pgcindiamail@gmail.com](mailto:pgcindiamail@gmail.com)

Patron: Dr. Najma Heptulla MP, Convenor: Smt. Vandana Chavan MP

Editorial Board: Smt. Jaya Bachchan MP, Dr. T.N. Seema MP, Smt. Rajani Patil MP

Published by: CLRA for PGC, New Delhi with technical support of UNICEF India

Disclaimer: The opinions expressed herein are entirely those of the author(s). This Newsletter may be reproduced or redistributed for non-commercial purpose in part or in full with due acknowledgement.