

National Initiative for Child Protection

Who are 'Children in need of care and protection'?

Any child who has been deprived of his or her right to a childhood is a child in need of care and protection. Generally it is the family's responsibility to nurture and protect the child. However when the family itself is in crisis due to circumstances such as poverty or marginalisation, it becomes difficult for them to fulfill this role. This leaves the child vulnerable to exploitation. Almost every child goes through a point in time when she or he is vulnerable. However some children are more open to exploitation.

Children in need of care and protection include:

- Street children (includes abandoned and missing children)
- Child labourers (includes bonded child labour and child domestic workers)
- Children who have been abused (sexually, physically and emotionally either within the family or by others in their environment)
- Child victims of the flesh trade
- Differently abled children
- Child addicts
- Children in conflict with the law
- Children in institutions
- Mentally ill children
- Children affected by HIV/AIDS
- Children affected by conflict or disasters
- Child political refugees
- Children whose families are in crisis (includes children whose parents are infected/affected by HIV; children of commercial sex workers; children of substance abusers; children in families where a member is ill and children whose parents are prisoners, children whose families are forced to migrate).

Obviously, this is not an exhaustive list. Exploitation changes its face all the time and new sections are suddenly made vulnerable due to changed circumstances.

What are their problems?

As citizens, children should have access to all the facilities and services that a civil society offers. These are services that

many of us take for granted such as shelter, health care, education, transport, and justice. Children in need of care and protection are denied such access. These are their rights, constitutionally and legally. In short, you could say they are denied their rights.

What are child's rights?

The UN Convention on the Rights of the Child which India ratified in 1992, lists the following as the Rights of the Child.

The Right to Survival:

According to the Convention, the "Right to Survival includes the right to life, the attainable standard of health, nutrition and an adequate standard of living. It also includes the right to a name and nationality". These rights seek to ensure that children have nutritious food, potable drinking water, a secure home and access to health facilities.

The Right to Protection:

According to the Convention, this right includes freedom from all forms of exploitation, abuse and inhuman or degrading treatment. This includes the right to special protection in situations of emergency and armed conflict. The aim is simple, to protect vulnerable children from those who would take advantage of them and to safeguard their minds and bodies.

The Right to Development:

This right includes the right to be educated, to receive support for development and care during early childhood and to social security. It also includes the right to leisure, to recreation and to cultural activities. This right seeks to ensure that children can study and play with whomever they want, practice their own religion and culture and accept their own uniqueness of other cultures and religion.

The Right to Participation:

According to the Convention, the Right to Participation accords the child access to appropriate information and the freedom of thought and expression, conscience and religion. In addition to this, one ought to respect the views of the child. The aim here is to see that children are able to develop their own set of values and principles and that they have the opportunity to express themselves and their own opinions.

Is there a law that protects children?

The Juvenile Justice Act (Care and Protection of Children) Act, 2000 is designed for the care, protection, development and rehabilitation of juveniles in conflict with the law and children in need of care and protection by adopting a child-friendly approach and keeping in mind the best interests of the child.

The Act covers boys and girls (up to the age of 18 years), and distinguishes between 'juveniles in conflict with the law' and 'children in need of care and protection'. A 'juvenile in conflict with the law' means a juvenile who is alleged to have committed an offence. A 'child in need of care and protection' is one who is homeless, lacks any proper means of subsistence, has parents who are unfit to care for him/her, resides with a person who has the likelihood of injuring the child, is mentally or physically challenged or ill, suffers from terminal/incurable diseases having no one to support, is orphaned or abandoned and whose parents cannot be found, who is a victim of armed conflict, who is found vulnerable and is likely to be inducted into drug abuse or trafficking or is likely to be grossly abused, tortured or exploited for the purpose of sexual abuse or illegal acts.

Child Welfare Committees deal with matters relating to children in need of care and protection whereas Juvenile Justice Boards deal with matters relating to juveniles in conflict with the law.

What should you remember while working with children?

- Nothing is an offence which is done by a child under 7 years.
- Any act done by a child between 7 years and 12 years is not an offence if the child is not sufficiently mature to understand and judge the nature and consequences of the act.
- A police officer should during investigation examine a woman or child under 15 years at place of residence and should not be made to attend the police station for questioning.
- A child can give evidence as witness if such a child is capable of understanding the question and answering the same.
- Every injured child should instantaneously be given medical aid by a medical professional to save his/her life.
- Treatment and/or admission to a public hospital are rights, which cannot be denied.
- The courts should ordinarily release a person under 21 years of age after due admonition or on probation if found to be guilty of an offence punishable with imprisonment, not being life imprisonment.

If I meet a child in need of care and protection, what should I do?

When you meet a child in need of care and protection, try to remember that he/she is vulnerable and a victim of circumstances. Often these children may appear self-sufficient or put on a show of arrogance. Try to understand that this is only a pose and is probably a cover for fear and anxiety.

- If you meet a child on the street who is ill, contact the nearest hospital or night shelter in your city.
- If a child labourer is being abused, call the labour department in your city and work with them for the rescue of the child and to obtain compensation. Remember that there is a Supreme Court judgement against child labour to back you up.
- If you realise that a child is being physically or sexually abused, try your best to intervene. If the family is abusive, then the child should not be in the family. You may need to involve the police or an NGO to rescue the child. Ensure that the child is sent to a child guidance clinic and provided counselling.
- If you encounter a child in the flesh trade, ensure her or his rescue and rehabilitation. You may need to involve an NGO or the police. You could also sponsor her or his rehabilitation.
- While all children must be handled sensitively, the differently-abled child needs an extra measure of sensitivity. You must try to treat them as you would treat any 'normal' child but also remain specially aware of their different strengths and abilities.
- Do not blame child addicts. They are suffering from a disease and need help. Try and get the child and/or his/her family to admit the child to a de-addiction centre.
- If a child commits a crime, do not blame the child. He/She is only a product of the forces of his/her environment and life chances. Try and remove the child from the situation that has caused him/her to commit the crime. Try to get the child into counselling.
- If you realise that a child is mentally ill, try to get her or him into counselling. Mental disease surfaces during adolescence and if detected early, can be treated.
- If you know of a child infected/affected by HIV, try to get

her/him hospitalised.

- If you encounter children who are victims of disaster/ conflicts or political refugees, remember that they are unwitting victims of circumstances. You could try and ensure that they are provided shelter and an education.
- Children whose families are in crisis need help and can be helped by sponsorships.

It is important to reach out to all children in need of care and protection. As a concerned citizen, you need to do your best. If you need more information on how to help a child, call CHILDLINE at 1098.

What is CHILDLINE?

CHILDLINE is a 24 hour free emergency phone service for children in need of care and protection. This service was set up in order to reach out to children who were being denied their rights. Every child/concerned adult can dial 1098 in these cities to access this service.

CHILDLINE, so far has responded to calls for medical assistance, shelter, protection from abuse, repatriation, death related calls, emotional support and guidance, information and referral to services. CHILDLINE is currently operational in 14 cities (Bhubaneswar, Bhopal, Calcutta, Chennai, Coimbatore, Delhi, Goa, Hyderabad, Jaipur, Mumbai, Nagpur, Patna, Trivandrum and Varanasi).

CHILDLINE operates through a network of NGOs in each city which not only responds to the needs of the child but also plays a major role in crisis intervention, long term care and rehabilitation.

What is CHILDLINE India Foundation (CIF)?

CHILDLINE India Foundation anchors the CHILDLINE service. It is a project of the Ministry of Social Justice and Empowerment (Government of India) and works in partnership with NGOs, UNICEF and the corporate sector. CIF is responsible for the establishment of CHILDLINE centres across the country, for ensuring the quality of and monitoring the service throughout the country. CIF also functions as a centre for awareness, advocacy and training on issues related to child protection.

What is National Institute of Social Defence?

National Institute of Social Defence (NISD) is a subordinate office under the administrative control of the Ministry of Social Justice and Empowerment. The objective of the Institute is to strengthen and provide technical inputs to the Social Defence Programmes of the Government of India. The main areas of activities covered by the Institute are statistics, documentation, research and conducting training programmes pertaining to Juvenile Justice administration, adoption, systems involved in Child Protection, drug abuse prevention and concern for senior citizens.

What is the National Initiative for Child Protection?

The National Initiative for Child Protection (NICP) is a campaign initiated by the Ministry of Social Justice and Empowerment through the National Institute of Social Defence (NISD) and CHILDLINE India Foundation (CIF).

NICP aims at building partnerships with the Allied Systems for Child Protection and promotion of Child's Rights.

These Allied Systems are:

- the police
- the health care system
- the judicial system especially
- the education system
- the transport system
- the labour department
- the media
- the department of telecommunication
- the corporate sector
- the elected representatives
- all of us

NICP hopes to achieve this by training people who work within the Allied Systems. As awareness increases in this group, we believe that every child will get her or his rights.

What are the guiding principles of NICP?

NICP is a campaign, not a project.

NICP should not be seen as an isolated endeavour but as an initiative towards placing child's rights on every agenda.

NICP believes in partnership.

It seeks to put everyone, from the street child to the Minister on an equal footing. It seeks a transparent and accountable partnership.

NICP is an integrated initiative.

It will not be lodged within a single department or seen as the responsibility of a single ministry - NICP would involve various departments, ministries and sectors.

NICP believes in democracy and decentralisation.

NICP will be transformed into a series of initiatives that will work on a democratic, non-hierarchical model. No single model can be used effectively across the country and local inputs are necessary.

NICP must translate into action.

How would NICP translate into action?

The first step is to put child's rights on the agenda. A series of dialogues are going to be initiated with the Allied Systems about child's rights. These dialogues will be presided by the Chief Secretary of each respective state.

The second step is to draw up a detailed city/state level plan of action for NICP, which includes training of functionaries of the Allied Systems.

The third step is to identify a core group of trainers from within the Allied Systems. This core group will train other functionaries in the respective Allied System.

The fourth step is to design a curriculum that will be incorporated in to the various training programmes of academic institutions of the Allied Systems.

All of the above would lead to :

- Greater access to services such as health care, education, justice, etc
- Development of specialised services where they are needed
- Allocation of resources including time, attention, money, infrastructure, etc
- An attitudinal change from seeing the child in need of care as a problem to seeing her or him as a failure on the part of the system.

Who are the partners?

No single party can be held responsible for what we believe needs to be done. And we are not talking about addressing specific problems but overhauling our systems and our attitudes. Thus, we need to involve everyone. We see them as partners in this initiative. Our partners include :

- the children
- the government at the central, state and local levels
- the non-government organisations
- academic and training organisations
- bilateral agencies especially UNICEF
- National Commissions including the National Human Rights Commission, the National Commission for Women
- the Allied Systems
- you

What can I do?

You are a member of the Allied Systems. You may be an executive, a nurse, a journalist, a police person, a bureaucrat, a teacher, a businessman, a student, a hotelier. You can help by trying to create a child-friendly society. If you see a child in distress dial 1098 if it's in your city. If not, write to us at:

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