

# Child Vulnerability and Mechanism for Child Protection in India: A Review

## Abstract

India is home of 400 million child population which is largest in the world. Despite of increasing economic growth, the results relevant to reducing child vulnerability has not been achieved yet. India is also a country having largest population of vulnerable children for instance orphan children count 31 million in the South Asia. The other vulnerable category includes children victim of sexual abuse, exploitation, trafficking, and violence. Government of India has taken several steps to reduce child vulnerability and the most significant intervention was introduction of Integrated Child Protection Scheme and Juvenile Justice (Care and Protection of Children) Act 2015 which emphasized on rehabilitation and social reintegration of children who are in need of care and protection and those in conflict with law. However, the present study, based on secondary review, shows that rehabilitation and social reintegration has not been effective in India due to ineffective functioning of childcare institutions and lack of infrastructural facilities and child friendly systems in place.

**Keywords:** Child Vulnerability, Protection, Violence, Abuse, Child Neglect.

## Introduction

The most vulnerable categories of children are those who are abused, neglected, abandoned and sexually abused. Child Labor and street children suffer largely due to deep rooted social and economic situations or poverty. Evidences have shown that programmes and policies on child protection turned out to be a big failure as they were not focusing on the children's rights, needs of the children and their freedom of choice and most of them merely addressed the symptoms rather than the actual causal factors. The children living in street face verbal, physical and sexual exploitation by people including police. Despite, they do not want to leave street due to extreme poverty, hunger and other factors<sup>1</sup>.

Recent analysis shows that almost 170 million children universally are indulged in Child Labor accounting around 11% of the child population<sup>2</sup>. All these children have been working in harmful situations /hazardous work that directly or indirectly endangers their development, health and safety. Asia and the Pacific regions are found to be the highest number of the child labour however, the Sub-Saharan Africa continues to be the region with the highest percentage of child labour with more than one in every 5 children engaged in child labour. In this hazardous activity the number of boys when compared to girls are larger between the age of 5-17 years of age. The girls may also be present in more numbers, but they are less visible and therefore it is not in records. Largely the girls are engaged in domestic work in private households. There is another category of sexual abuse done with children victim. This need immediate protection and care. It is demonstrated by the relationship among the children and adults who exercise power and force the children to get their need fulfilled<sup>3</sup>. The report on crimes done in India shows that more than one lakh incidences of crimes against children were recorded in the year 2016 and out of these cases, around 36000 cases were recorded under protection of children from sexual offences<sup>4</sup>.

In one of the UNICEF report, there are about 140 million children globally who have lost their parents in 2015. India is also a country having largest population of orphan children i.e 31 million in the South Asia. These children are the most vulnerable and are at the extreme risk of exploitation, child labor, trafficking, prostitution, abduction, discrimination and sexual abuse.

A study done on psychological wellbeing of orphanage children conducted in New Delhi shows that majority of the children are craved for parents and have strong desire for love, care and affection. One of the

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studies also tells that the orphanages should not be just focused on the materialistic or logistic requirements while the emphasis should be on psycho-social needs of the children living in the orphanages apart from low self-esteem, confidence, lack of purpose in life and long-term bereavement had resulted in depression, loneliness, anxiety, and helplessness among orphan children. Some new interventions should be implemented specifically targeting all these needs<sup>5</sup>.

#### **Objectives of the Study**

The specific research objective is to understand child vulnerability and existing mechanism for child protection in India. Secondly, to identify challenges in addressing child protection issues in India.

#### **Programmes and Mechanism for Child Protection in India**

It is understood that the term Child Protection simply means the protection of children from all the activities such as violence, exploitation and abuse. It is also strongly recommended that this should also include the protection of children from disease, malnutrition, illiteracy, in addition to abuse and exploitation. There are several programmes being implemented by Government of India to protect rights of children. The intend for child rights and protection are also reflected the fundamental rights and directive principles of state policies of constitution of India. There are several provisions in constitution, laws, policies and programmes to enforce child rights and protection in the country. These child protection related programmes are integrated into various development agenda of Ministry of child and women development, which have been executing various intervention to reach out to different group of vulnerable children having diverse developmental and protection needs. As mandated in several policies that it is a responsibility of the state to ensure all the children have equal access to the basic rights such as education, health, nutrition and protection. The core principle behind the intervention is to protect children and breakdown the cycle of inter-generational poverty & exploitation. After looking at all the factors of recommendations on the effectiveness and gaps in the existing child protection programs, it has been decided to combine the existing child protection schemes under one roof and integrated scheme called ICPS i.e Integrated Child Protection Scheme. The ICPS scheme aims to provide full care and protection of all the children in conflict with law and children in need of care and protection. It involved many provisions and interventions to strengthen families and prevent their breakdown so that no child become homeless and without care and protection. There is also a need to provide support right from emergency outreach services to the children who are destitute, vulnerable, and neglected etc. to final rehabilitation and reintegration with their families and society. The commission for protection of child rights called NCPCR was also established in February 2007 for enforcement of children's rights and effective implementation of laws and programmes relating to children in the country.

The Integrated Child Protection Scheme also has provision for preventive, statutory support, care and rehabilitation services to these children including, but not limited, to the children belong to the potentially vulnerable families or families at risk, children who belong to the socially excluded groups like families living in extreme poverty, migrant families, SC, ST and other backward classes, sexually exploited etc.

This Scheme clearly defined establishment, structure and functions of child protection units in districts and the state. Its unique approach of the scheme is to provide care and protection to the children by facilitating child friendly and nondiscriminatory environment and support. Integrated Child Protection Scheme's major thrust is on strengthening capabilities of families to care for and protect the child. It has laid down special provisions for rehabilitation of children counselling, education, vocational training and life skills development. The Integrated Child Protection Scheme says that the rehabilitation and social reintegration of a child is to be carried at the earliest based on individual background, problems and social history of a child. This entire programme focus of the scheme is on reintegrating the children with their biological parents and family through counseling and other supportive services such as adoption placement of children so that child grow in family-based environment, foster care where necessary, the sponsorship support to the children, and placing the juvenile child in an after-care organization. There is emphasis on family-based care mechanism/non-institutional care for the children as per the intent of the central model rules and State Rules under Juvenile Justice Act 2000. However, state government is responsible for providing protection to the vulnerable children but the role of families, community, NGOs is equally important. In India, several voluntary organizations or civil society organizations and volunteer groups have been working on the issue<sup>6</sup>.

#### **Rehabilitation Strategies of Children in Difficult Circumstances**

According to the world Report on the Disability and Rehabilitation, rehabilitation is as "a set of measures that assist individuals who experience or are likely to experience disability to achieve and maintain optimal functioning in interaction with their environments"<sup>7</sup>. Though, the concept of the rehabilitation is comprehensive, it does not necessarily include everything relevant to the disability. The process of improving the rehabilitation indicators and targets in a specific functioning such as improving the individual's ability to think, understand or response properly/normally. In case of child rehabilitation under institutional care, the rehabilitation focuses on developing enabling environment for the children to develop and integrate with society in an effective manner. Planned and effective rehabilitation strategies help children in difficult situation to recover quickly. Generally, rehabilitation strategies followed for a specific period of time, however, it can be required for longer time period and special intervention or combination of efforts.

The basic step for rehabilitation includes identifying the child's problem and the development needs, establish relation between the problem identified and the factors of his/her background/environment, identify the gaps and define the rehabilitation areas, prepare comprehensive and integrated plan for rehabilitation and measures, implement the plan effectively and assess the impact of the same. For example, the education of the children with disabilities is essential and must be focus on developing knowledge and skills among children so that they could take care of themselves and take decision related to their wellbeing. There evidences which show that the children and their parents experienced better health and social functioning when they actively participated in well planned rehabilitation processes<sup>8</sup>.

As per the study conducted by NIPCCD on child care institutions in Karnataka, with objective to understand in detail the structure and functioning of the child care institutions especially in terms of infrastructure facilities available with the child care institutions and its utilization in the interest of the children, procedures followed in admission and deinstitutionalization of the children. The study results shown that despite of having common regulation and standards, the institutions differed with one another in terms of infrastructure facilities and utilization. The major gap identified between government run institutions and the private run institutions. The private run institutions had relatively better infrastructure such as building, cleanliness and sanitation as compared to the government run institutions. While the government run homes were found with better hostel facilities.

The provision for vocational training facilities for the children were lacking in majority of the institutions. The institutions were also varied from one another in terms of types of registers and records and record maintenance systems. The effective counselling and therapeutic services to the children were found lacking in the institutions. In this regards, the private run institutions observed better relatively. Looking to the recreational facilities for the children, television was the only source of recreation available in the institutions. Also, the training of staff on issues concerned and their roles in dealing with children and rehabilitating was not the priority agenda. The common issue identified was dissatisfaction among the staff on account of less salary and perks in the private run institutions<sup>9</sup>.

One of the studies was also conducted by the Association for Development highlighted the day to day problems of street children and their story of exploitation and abuse by various authorities and common people. The study was conducted with 100 street children of the age 4-17 years in New Delhi. The study findings shown that the almost 47 % of the street children have experienced abuse by their own parents as a result, they left their home. An important point observed under the study that children once left their home did not want to go back as majority of the street children (almost 65%) when asked responded that they wish to remain on the street and do not want to go back. Higher percentage of children said that

they enjoy freedom on the street and also get work to earn income. They also shown disinterest to go to the institutional care settings. Thus, the children pointed out abuse in homes and lack of facilities as some of the reasons for not choosing homes as an option<sup>10</sup>.

The study conducted by the Delhi Child Rights Club in 2004 to understand the opinion of street children about safety of children in Delhi. It was emerged out of the study that majority of the children did not get medical facilities when required, they were living in poor sanitation with no availability of safe drinking water. The study also revealed that majority of children confronted exploitation, physical and sexual harassment along with the mental torture<sup>11</sup>.

The National Institute of Public Cooperation and Child Development (NIPCCD) has also done an evaluation of an Integrated Program for Street Children. The study conducted with an aim to find out implementation of the program by the voluntary organizations receiving funds for the scheme implementation. It was found under the study that around 90% of the organization were not getting funds timely. It was reported also that the children who have faced injuries or disease or disabilities were not receiving proper care. The counselling services were also not focusing on the street children trauma and impacts on their lives<sup>12</sup>.

The significant issues emerged out of the study conducted in 2007 by Ministry of Women and Child Development on the Child Abuse in India. The study aimed at development comprehensive understanding on child abuse issues in India to arrive at formulating need based and specific programs and policies to curb the problem of child abuse in the country. The results of the study indicated various forms of abuse faced by the children. It was surprising to note that majority of the children who are at the risk of abuse and exploitation belong to the age group 5 to 12 years. Another important issue emerged out that large number of children in this age group have faced physical abuse mainly by their own family members including parents. The state like Andhra Pradesh, Delhi and Bihar have reported higher number rates of abuse in all forms as compared to the other states. The overall findings depict that the children living on the street, working children and children living in the institutional care reported the highest incidences of sexual assault<sup>13</sup>.

In 2007, NIPCCD had conducted a research on Juvenile Justice Institutions in India with an aim to assess the status of implementation of the JJ Act in the country and adequacy of the infrastructural facilities and prescribed standards as mentioned in the Act and the rules. The major finding of the study indicated that the larger number of institutions/children homes have established infrastructure like dormitories, classrooms, recreational rooms, dinning space etc as per the standards laid down. The issue observed was availability of enough space for children in *Shishu Greh* which were found overcrowded in terms of space in dormitories, number of toilets, recreation room, bathroom, and classroom. In case of availability of space for the training, it was found that the children were provided with trainings in 14

different trades but the space for the training and required equipment were lacking<sup>14</sup>.

#### **Conclusion**

All the above studies and report were reviewed for understanding perspective issues of child protection and degree of measures taken by various institutions to protect child rights in the country. The studies highlighted that the poor socio-economic reason made the children vulnerable to the exploitation, abuse and neglect. The children in India face multiple vulnerabilities in a form of child labor, orphan children, neglected, abused and exploited children. The government has undertaken various measures to protect children including Integrated Child Protection Scheme, CHILDLINE, JJ Act and established machineries at the level of state and the district ie the State Child Protection Unit as per the mandate of JJ Act under overall supervision of Ministry of Women and Child Development to safeguard at every level and protect the children in the country. The children in need of care and protection also face several problems and challenges of rehabilitation and reintegration even in the children homes as indicated by number of studies. Some studies have also shown that the institutions responsible to provide care and protection are also agonized with deficiency of required infrastructure, lack of basic health care facilities, human resources, recreational facilities, counselling support, and overcrowded situation in children homes. The evidences represent that there is strong need to understand and analyze various interventions, approaches and strategies followed by different organizations across states of India rehabilitation, and reintegration of the vulnerable child/children in Need of Care and Protection as per the mandate of JJ Act.

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