

CHILDREN IN DIFFICULT CIRCUMSTANCES*

11. CHILDREN IN DIFFICULT CIRCUMSTANCES

11.1 Goals

- 11.1.1 To ensure that the best interest of the child is upheld in all policies, plans, programmes, interventions and in the strategies for children in difficult circumstances.
- 11.1.2 To create and uphold a safe, supportive and protective environment for all children within and outside the home.

11.2 Objectives

- 11.2.1 The above goals will be achieved through the following objectives:
- To protect all children against neglect, maltreatment, injury, trafficking, sexual and physical abuse of all kinds, pornography, corporal punishment, torture, exploitation, violence, and degrading treatment.
 - To address the survival, development, protection and participation rights of children in difficult circumstances, such as orphans, street children, beggar children, migrant children, children affected by man made and natural disasters, drug addicts, children of nomads, refugee children, slum and migrant children, children of commercial sex workers, children of prisoners, children affected by/in armed conflict, displaced children, evicted children, young children in charge of siblings, children born as eunuchs or brought up by eunuchs, and all other children in need of care and protection.
 - To meet the special needs of children in difficult circumstances and those in situations of particular vulnerability by ensuring equal applicability of all laws.
 - To create an effective support system for all children in all kinds of difficult circumstances and vulnerable situations through creation of an appropriate authority for child protection.
 - To give priority for non-institutional services for the rehabilitation of

* Strategies for child protection as given in the National Plan of Action for Children—2005

children by restoring them to their families and ensuring their reintegration into the home and community, or through foster care, sponsorship, adoption, giving primary consideration to the best interest of the child.

- To prevent children from falling into distress and vulnerability by developing strategies for food and livelihood, security for families and provision of basic minimum services, ensuring special attention to the most vulnerable.
- To provide a home for every orphan or destitute child through creation of a mechanism of foster care or adoption within the framework of the norms and principles laid down by the Supreme Court of India [Guidelines for Adoption of India Children (1995)].
- To promote in-country adoption of all children with special emphasis on the girl child.
- To create a system for foster care for children in need of care and protection, or in especially difficult circumstances, ensuring the best interest of the child.
- To develop appropriate strategies for prevention and rehabilitation of child substance abuse, and envisage an integrated approach to supply and demand reduction for curbing the growing problems of alcoholism and drug abuse in the country.
- To generate awareness through preventive education, mass media, special campaigns and sensitisation programmes to make the younger generation conscious of the ill effects of alcohol/drug addiction, tobacco products.
- To encourage greater participation of voluntary organisations to extend welfare-cum- rehabilitation services for children in difficult circumstances, and non-institutional care, with minimum standards of service.
- To address the needs of shelter, education, health, rehabilitation and prevention from exploitation of children affected by disasters (natural or man-made) and displaced children.
- To address needs of education, shelter and reintegration of children in need of care and protection and children of migrant and nomadic parents and refugee children.
- To develop special interventions for children of commercial sex workers and children of prisoners.

- To develop a system of constant and authentic data collection about the extent, magnitude and nature of children in especially difficult circumstances and vulnerable children, and also put in place a system of tracking and monitoring of all interventions made for the benefit of such children.
- To promote inter-sectoral coordination and convergence of all services for the holistic development of children.

11.3 Strategies

The above objectives will be achieved by the following strategies:

- Develop a system of identification, investigation, reporting, follow-up and referral of children at risk within and outside homes/institutional care.
- Prevent destitution and exploitation of children by ensuring the outreach of all care, protection and developmental programmes for all children.
- Focus and initiate special programmes for withdrawal of child beggars from the streets and their reintegration into the educational/vocational mainstream.
- Mobilise families, civil society and community to respond to the needs of children in difficult circumstances and help them access protective and developmental services for children.
- Facilitate convergence with related Ministries/Departments at Central and State levels, and sensitise allied systems such as the police, hospitals, Municipal Corporations and the railways/roadways towards the problems of children in difficult circumstances, so as to increase the effectiveness and outreach of programmes.
- Respond to children in emergency situations by expanding child help-lines and providing necessary support service infrastructure for referral.
- Rehabilitate all children in need of care and protection and in vulnerable situations, through collaboration and convergence of all government and non-government services.
- Provide temporary shelters and in some cases institutional care for street and other children in exploitative circumstances, in partnership with NGOs and community-based organisations.
- Develop and provide professional counselling services for children affected by psychosocial trauma due to any of the above given situations.
- Support creation of accredited training courses/ institutions for counselling services which meet international standards.

- Facilitate early repatriation of children in institutions to families thereby promoting/encouraging de-institutionalisation of children.
- Ensure that all institutions, housing or care facilities and protective services where children live, meet established standards, and upgrade and expand existing services.
- Ensure that children affected by disasters (natural or man-made) receive timely and effective humanitarian assistance through a commitment to improved contingency planning and emergency preparedness, and that they are given all possible assistance and protection to help them resume a normal life as soon as possible.
- Provide infrastructure facilities and support non-governmental organisations for maintaining destitute and orphan children with a view to rehabilitating them through in-country adoptions, thereby providing the child with a family environment.
- Enhance awareness regarding adoption, foster-care and sponsorship, and putting systems, including programmes and schemes in place to facilitate these.
- Provide effective mechanisms for full coverage of services including holistic treatment and rehabilitation of child substance-abusers through counselling and awareness centres, treatment-cum-rehabilitation centres, de-addiction camps and awareness programmes.
- Combat and prevent the use of children, including adolescents, in the illicit production and trafficking of narcotic drugs and psychotropic substances.
- Arrange for Raen Baseras, drop in centres, temporary shelters and night shelters for safety of the children, in order to ensure adequate and secure shelter and prevention from forced evictions and displacements.
- Ensure access to all developmental and protective services to children of sex workers and prisoners. Sensitise and train all functionaries and service providers dealing with such children.
- Strengthen protective and developmental services to children affected by armed conflict or civil disorder.
- Ensure that children are not used in armed conflict. Also ensure that children affected by armed conflict or civil disorder receive timely and effective humanitarian assistance through a commitment to improved contingency planning and emergency preparedness, and that they are given all possible assistance and protection to help them resume a normal life as soon as possible.

12. CHILDREN IN CONFLICT WITH LAW

12.1 Goals

12.1.1 To prevent children from getting into conflict with law.

12.1.2 To recognise, promote and protect the rights of children in conflict with law through preventive, protective, reformatory and rehabilitative policies, laws, plans, strategies, programmes and interventions.

12.2 Objectives

The above goals will be achieved through the following objectives:-

- To develop appropriate strategies to prevent crimes by children.
- To recognise the separate set of needs for children in conflict with law, and develop measures for their effective care, treatment and rehabilitation.
- To create child-friendly judicial and administrative procedures dealing with children in conflict with law.
- To train and sensitise all personnel dealing with children in conflict with law.
- To ensure expeditious disposal of all child-related cases and provide appropriate support services throughout the legal process to children in conflict with law.

12.3 Strategies

The above objectives will be achieved by the following strategies:-

- Compile, comprehend and address factors leading to crimes by children.
- Educate parents, communities and schools to create a healthy environment for the growth and development of children.
- Establish and implement suitable guidelines for media, IT centres and cyber cafes to reduce their harmful impact on children.
- Ensure convergence of services and programmes to deal with children in conflict with law and their circumstances effectively.
- No child, under any circumstance, should be lodged in prison.
- Implement the JJ Act to ensure that all institutions under it are put in place and adhere to international standards of care and protection. To rehabilitate juvenile offenders in a child-friendly environment, by utilising the network of institutional and non-institutional facilities.
- Set up Juvenile Police Units in every district and sensitise the enforcement machinery to extend humane treatment of children in conflict with law.
- Upgrade basic infrastructure such as water and sanitation, recreational and sports facilities to provide protective and developmental services to children in all Juvenile Justice Institutions.

- Ensure quality institutional and alternative care to promote protection and development of children in conflict with law.
- Identify and set up Model Rehabilitation Centres in each State/UT for children in conflict with law.
- Build partnership with allied services to ensure holistic social re-integration of such children.
- Ensure access to free legal aid and advice. Ensure that children are heard in all legal proceedings against them by involving them, taking into account their dignity and best interest.
- Training and sensitisation of judiciary about child rights and the international and national legal framework for child protection.
- Ensure that any restriction on liberty of any child is registered and reported and that the situation and treatment of such children is regularly reviewed by the appropriate national or state authority.

13. SEXUAL EXPLOITATION AND CHILD PORNOGRAPHY

13.1 Goal

- To protect all children, both girls and boys, from all forms of sexual abuse and exploitation.
- To prevent use of children for all forms of sexual exploitation, including child pornography.
- To develop new and strengthen existing legal instruments to prevent sexual abuse and exploitation of children.

13.2 Objectives

The above goals will be achieved through the following objectives: -

- To identify and address the root causes leading to sexual abuse and exploitation of children, both girls and boys, and implement preventive and rehabilitative strategies against sexual abuse and exploitation of children.
- To ensure the safety, protection and security of victims of sexual exploitation, and provide assistance and services to facilitate their recovery and social reintegration.
- To criminalise, prosecute and penalise effectively, all forms of sexual exploitation and sexual abuse of children and child pornography.
- To ensure that in the treatment by the criminal justice system of children who are victims, the best interests of the child are a primary consideration.
- To undertake legislative reform to place burden of proof on exploiters and enhance punishment.

- To enlist the support of the private sector, including the media, in programmes to prevent and combat sexual exploitation of children.
- To eradicate harmful, traditional or customary practices that sexually exploit women and children.
- To take necessary measures to combat the criminal use of information technologies, including the Internet, for purposes of sale of children, for child prostitution, child pornography, child sex tourism, paedophilia, and other forms of violence and abuse against children and adolescents.
- To recognise that children are sexually abused within homes by members of the family and those in positions of trust, and to mobilise community to report such incidents to authorities with the view to penalise the abusers.
- To recognise that children are also at risk of being sexually abused in institutions and services and to take corrective and punitive action.

13.3 Strategies

The above objectives will be achieved by the following strategies: -

- Undertake research to identify the nature and magnitude of all forms of child sexual abuse and exploitation, with a view to improve policy and interventions for the safety and protection of children.
- Set up Crisis Intervention Services and Centres with adequately trained personnel to deal with child victims of abuse.
- Review, revise and enact laws for prohibition and prevention of child abuse and punishment of offenders.
- Sensitise police, judiciary and medical authorities towards victims of sexual abuse and exploitation, especially during the investigation process and trial of victims of rape, incest and sexual abuse.
- Sensitise media to accept social responsibility in reporting cases of child sexual abuse and to respect the dignity and privacy of the child.
- Establish sound information systems regarding trafficking routes, networking of NGOs and other agencies engaged in prevention, rescue and rehabilitation of victims of sexual exploitation.
- Create quality foster care and other alternative services for care and protection of victims who need to be removed from the home/ institutions where they are being abused.
- Protect the identity and respect the privacy of child victims, and take measures to prevent publicising information that could lead to their identification.
- Ensure assistance to child victims for their full physical and psychological recovery, development and social reintegration.

- Promote public awareness of the dangers and harmful effects of such offences with the view to sensitise parents, caregivers and the community.

13.3.1 Build public, private and NGO partnership to address this social challenge.

14. CHILD TRAFFICKING

14.1 Goal

14.1.1 To stop sale of children and all forms of child trafficking, including for sexual purposes, marriage, labour, adoption, sports and entertainment, and illegal activities, like organ trade, begging and drug peddling.

14.2 Objectives

The above goal will be achieved through the following objectives: -

- To identify and address the root causes leading to trafficking of children.
- To implement preventive, protective and rehabilitative strategies for trafficked children and those at risk.
- To ensure the safety, protection, and security of victims of trafficking, and provide assistance and services to facilitate their recovery and social reintegration.
- To criminalise, prosecute and penalise effectively, all forms of sale and trafficking of children including for sexual purposes, marriage, labour, adoption, sports and entertainment and illegal activities, like organ trade, begging and drug peddling.
- To ensure that the best interests of the child shall be a primary consideration in the criminal justice system dealing with child victims.
- To undertake legislative reform to place burden of proof on traffickers and enhance punishment.
- To enlist the support of the private sector, including the tourism industry and the media, in programmes to prevent and combat trafficking of children.
- To eradicate harmful, traditional or customary practices that lead to trafficking of women and children for sexual exploitation.
- To take necessary measures to combat the abuse of information technologies, including the Internet, for trafficking of children for the purposes of sale, prostitution, pornography, sex tourism, paedophilia and other forms of violence and abuse against children.

14.3 Strategies

The above objectives will be achieved by the following strategies: -

- Implement the Plan of Action to Combat Trafficking and Commercial Sexual Exploitation, 1998.
- Address the root causes of vulnerability arising out of poverty, especially in chronic supply areas, through female literacy, school attendance,

improved economic conditions of women through formation of Self Help Groups (SHGs), skill development, economic enterprise and better livelihood options for adults to prevent women and children from becoming victims of trafficking.

- Establish facilities for shelter, food, clothing, health care, counselling, education, training, skill development, so as to facilitate social and economic rehabilitation of rescued victims.
- Provide assistance to voluntary organisations to organise temporary shelters for the victims, to facilitate repatriation to their homes, provide assistance during trial, and for rehabilitation of the victims.
- Sensitise police, judiciary, media and medical authorities towards trafficked victims, especially during the investigation process and trial of victims of trafficking, and improve quality of services.
- Establish sound information systems regarding trafficking routes and networking of NGOs and other agencies engaged in prevention, rescue and rehabilitation of victims.
- Establish communication with neighbouring countries and NGOs to prevent cross-border trafficking of children and facilitate repatriation and rehabilitation of victims.
- Create regional mechanisms to prevent cross-border trafficking and for promotion of rescue and rehabilitation.
- Prevent trafficking of boys, and extend care and protection services to the victims.
- Capacity building of State Governments and NGOs to facilitate better coordination in prevention, rescue and rehabilitation.
- Create Central and State Nodal Authorities to exclusively deal with the problem of trafficking.
- Ratify UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children by 2007.

15. COMBATING CHILD LABOUR

15.1 Goals

- To eliminate child labour from hazardous occupations by 2007, and progressively move towards complete eradication of all forms of child labour.
- To protect children from all kinds of economic exploitation.

15.2 Objectives

The above goals will be achieved through the following objectives: -

- To ensure regular and systematic enumeration of all child labour.

- Institute a rights-based uniform definition of child labour and bonded child labour in existing labour laws.
- To rescue and remove children below ten years of age from the workforce by 2010.
- To expand the list of hazardous occupations to facilitate progressive elimination of all forms of child labour.
- To universalise and accelerate school enrolment, attendance and retention so that children are prevented from being employed as labourers.
- To intensify and implement strategies to protect children from economic exploitation.
- To take immediate and effective measures to prohibit and eliminate the worst forms of child labour and to provide for the rehabilitation and social integration of the rescued children.
- To prevent and prohibit trafficking of children for the purpose of labour including domestic service and other informal sectors.
- To create programmes and preventive interventions specially targeted towards the high supply areas, linking these with anti-poverty and developmental measures.
- To recover and rehabilitate children from socially stigmatised occupations like manual scavenging, rag picking etc.

15.3 Strategies

The above objectives will be achieved by the following strategies: -

- Request the Census of India 2011 to enumerate the number, gender, caste, religion, occupation and ages of children engaged in all kinds of child labour.
- Country-wide survey to ascertain the existence, prevalence and nature of child labour below ten years of age in both the organised and unorganised sectors.
- Encourage surveys and researches to gather data on working children including informal sector and children working in domestic service.
- Effectively enforce child labour regulatory legislation and rehabilitation of working children through enrolment in schools, bridge courses of education/life skills training/counselling/recreational facilities and advocacy.
- Link the child labour elimination efforts with education measures with an attempt to ensure that all children in the age group of five to eight years get directly linked to school and the older children are mainstreamed to the formal education system through the rehabilitation centers by 2012.

- Strengthen the formal school mechanism in the endemic child labour areas in the country both in terms of quality and access, so as to motivate parents and children to regard school as beneficial and worthwhile.
- Ensure convergence of national poverty eradication and developmental programmes aiming at prevention and progressive elimination of all forms of child labour.
- Educate society not to employ children or economically exploit them.
- Safeguard the health, safety and developmental rights of working children with interim protective measures.
- Ensure involvement of committed voluntary organisations at the district level to assist in the running of the National Child Labour Project schools.
- Introduce bridge schools for all working children after which they have to be enrolled in the formal schools.
- Develop mechanisms to ensure that children, presently working in the informal sector including domestic service, have access to basic nutrition, clothing, education and protection from all forms of abuse and neglect.
- Ensure prevention of trafficking of children for domestic work and their sexual exploitation, and physical and mental abuse, and neglect. Establish a system for reporting of such incidents.
- Encourage PRIs to maintain records of migration and make the information available to the appropriate authority.
- Licence and regulate placement services to ensure that children are not offered for employment.
- Ensure implementation of Inter State Migrant Workman's Act.
- Strengthen and enforce the Child Labour (Prohibition and Regulation) Act, and the Bonded Labour System (Abolition) Act to ensure prosecution of offenders.

16. CHILDREN AFFECTED by HIV/AIDS

16.1 Goals

- To stop the growth of HIV/AIDS and sexually transmitted infections by 2010.

16.1.1 To reduce the proportion of infants infected with HIV by 20 per cent by 2007 and by 50 per cent of all such children by 2010.

16.2 Objectives

The above goals will be achieved through the following objectives:

- To undertake a country-wide assessment of children infected and affected by HIV/AIDS to ascertain the spread, reasons and nature of disease among

children and facilitate child specific HIV/AIDS policy development and interventions.

- To ensure a supportive and enabling environment for care, treatment, protection and rehabilitation of children infected and affected by HIV/AIDS.
- To ensure access and availability of quality health services, including health education, to reduce the risk of HIV/AIDS, and to treat and support those infected.
- To scale up prevention of mother-to-child transmission at all levels, i.e., during pregnancy, child birth (ensuring correct birthing practices as per global guidelines and administering Nevirapine) and breast-feeding.
- To ensure availability of treatment including Anti-Retroviral Therapy, free of cost, to all children living with HIV/AIDS from initial stages of infection and to also ensure availability of medicines in paediatric dosages and regimes for such treatment.
- To implement policies and legislations to promote inclusive community-based approaches at national and state level with the aim to reduce vulnerability of children infected and affected by HIV/AIDS, and their improved access to health, education and other support services without any biases or discriminatory practices.
- To provide psychological, educational, and health services to children affected or vulnerable to HIV/AIDS.
- To promote community-based approaches and build capacity of families to deal with HIV/AIDS.

16.3 Strategies

The above objectives will be achieved by the following strategies:

- Ensure non-discrimination through the promotion of an active and visible policy of de-stigmatisation of children infected, orphaned and made vulnerable by HIV/AIDS.
- Ensure easy accessibility, adequate supplies of safe and quality blood and blood components for all, irrespective of economic or social status.
- Raise awareness, improve knowledge and understanding among the general population about AIDS infection and STD routes of transmission and methods of prevention.
- Ensure effective education to children and community on reproductive health, responsible sexual behaviour, blood safety, safe clinical practices, protective hygiene and prevention of substance abuse.
- Include information on sexual and reproductive health, including HIV/AIDS, in school curricula.

- Develop appropriate counselling services in schools.
- Ensure ongoing training of health workers (doctors, nurses, counsellors and other paramedical professionals) in communication and coping strategies for strengthening technical and managerial capabilities.
- Create awareness among students through Universities Talk AIDS (UTA) programme and other programmes.
- Enable children affected by HIV/AIDS to attend schools without discrimination.
- Provide special packages for children abandoned on account of HIV/AIDS, provide extended care and protection, especially for disadvantaged and stigmatised children.
- Ensure availability of “Prevention of Mother to Child Transmission Services” in all Ante natal care clinics as close to the home of mothers as possible. Availability of Nevirapine and maternal care to ensure safe birth to HIV positive mothers.
- Strengthen linkages with other agencies (Government and NGOs) working towards the prevention of HIV/AIDS. Link programmes for prevention of trafficking for commercial sexual exploitation with HIV/AIDS prevention.
- Create linkages between TB control programme and HIV/AIDS programmes.
- Create a legal provision to ensure that an HIV positive child is not deprived of his dignity, liberty and rights, including Right to Property.
- Ensure access to medical health services without discrimination faced because of HIV/AIDS.
- Support and promote community-based care for children affected by HIV/AIDS, and ensure their access to shelter and services on an equal basis with other children.
- Provide services for youth-specific HIV education to develop life skills to reduce risks of HIV infection through peer education and partnership with parents, families, educators and health-care providers.
- Provide for effective supply and service system referral mechanism and quality psycho-socio care to all affected children.
- Promote community-based approaches at National and State level to enable non-relation adoption/fostering of children (without separation of siblings) orphaned by HIV/AIDS within the community itself wherever possible.
- Develop/promote community-based institutions that protect and promote the rights of all children including those affected and infected by AIDS.