

Child Rights Perspectives & Child Protection Policy

*The Flutes and Lute are Sweet they say
Deaf to Baby's Babble's Lay
-Thiruvalluvar*



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Preamble

Children are the inheritance of the nature in the human genesis and development. Apart from the biological difference between the male and female, they are constructed by the social values. These values are distinguished between societies to society. The Children are discriminated in many countries based on the socio, economic, political, cultural milieu and denied their fundamental rights. In India the Dalit Children become the victims of discrimination and human rights violations with the effects of caste system. In addition the protection and the services at the time of Childhood are not completely achieved and still in progressive situation. Thus the policy is unswerving to reconstruct the social milieu with equality, Children basic needs, protection and promotion of the Child Rights.

SASY is a registered NGO under the Societies Act of India – Reg. No: 7/1983, Date of Registration: 25.02.1983

1. Introduction

SASY is a human rights and social development non-governmental organization working to ensure that Dalit, Adivasis, women and Children have access to justice, basic social services, protection, and full recognition in development partnership. Moreover, SASY was found on the principle of working with Dalits, underserved, marginalized and deprived women and Children.

2. The Context

SASY works for the social liberation of Dalits. Dalits live around 240 million in Asia and 160 million in India. They are considered to be Untouchables, un-seeable and inhuman in the Hindu society of India. The Indian History and the literatures are explained about the caste system in thousands years ago. The Hindu Dharma has divided the human race into four categories based on their birth, assigned duties and denied certain

Organizational Vision:

A just society is where the human dignity, human rights of the Dalit and Adivasis are respected

rights. The people who opposed this Hindu system are isolated from the society and separated. They were oppressed by all sections of the society and treated as Untouchables. In addition they were imposed various social values i.e., upper Caste, Lower Caste, Purity, Impurity, Polluted and made them to believe all these as their fate. And also the Dait are compelled to do all stigmatized jobs.

SASY's Mission:
Facilitating efforts towards establishing a just society replete with human dignity by protecting and promoting the human rights of Dalit and Adivasis and fostering empowerment process for the Dalit liberation

Similarly the women are considered to be Untouchables, inhuman, forbidden to touch any utensils at home during their menstrual period also their self-determination and fundamental rights were denied. The Hindu Dharma prohibited inter-caste marriages. An odious custom was “A widow should entrust to die voluntary or by coercion during the entombment of her husband called “Sati”. It was a massive persecution custom against human beings.

The Indian Constitution Article 17, abolished Untouchability intending to protect the rights of Dalits. But it is unlawfully rampant against Dalits in many forms. The discrimination against Dalit by non Dalits, the gender inequality of male and female and the discrimination against Dalit women by the non Dalit women are still existing. The Dalit Children also become the victims of these caste atrocities and discriminations are awesome truth. The Dalit Children are in backward conditions since the Dalit community was denied education, employment and social justice for thousands of years. Hence the Indian Government is implementing the reservation policy in education and employment to affirm the social justice of Dalits, Adivasi Children. However the Indian society has to go a long way to implement the social justice principles by encountering several hurdles and challenges.

3. The Children status in India

The Child trafficking, rape and murder are increasing for the last few years in India. On the year 2010 the Central Government of India has published that around 10670 Children are trafficked, 5484 Children were sexually harassed & raped and 1408 Children were murdered. Lakhs of Children

Girl Child murdered by Sexual Assault
Mr.Monindar Singh and Mr.Surendragoli have raped and murdered 19 school going Children and 1 adolescent girl at Noida near by the Indian Capital city New Delhi during 2005-2006. It shook the country when excavating bones from the drainage behind to Mr.Monindar's home

around the world are engaged in Fire Match industries, Fire works (Crackers), Motorbike workshops, Mine filed, Weaving industry, Restaurants, Brick line Units and begging.

National Data

- 44% are the Children below 18 years in the total population of India
- 36% are Children below 15 years
- 35 % Child births only registered
- 19 Children among 100 are not enrolled in the Schools
- 70 Children among 100 are dropped out before reaching high school
- 66 are girls among 100 Children who have dropout from school education
- 80 lakhs Children are below 14 years
- 1 Child die before reaching 1 year Among 16 Children
- 11 Children die before reaching 5 years
- 50% of the infants are dead with in 28 days of their birth
- 30 % of the infants are dead within 7 days of their birth
- 43% of the Children are underweight (Up to 5 Years)
- 1057 infants are born dead
- 1,00,301 mothers are dead during labour pain
- 40% of Children are malnutrition
- 32 million of Children between the age 0-6 are denied medical care and support
- On 1988-99 National family health and welfare department has published that 74.3% of the Children aged between 0- 2 are affected by anemia

There were 2000 questions raised at both the two Parliament Houses on 2003-2004. Among these 834 questions were related to Children and on that 57% questions were related to education. It has exposed that there was no preference given to the Child welfare.

4. Position of Children in Tamil Nadu

4.1: The Crime against Children in Tamil Nadu

Tamil state consists of 88, 44,000 male and 81, 82,000 female Children who are between 1 to 4 years. Discrimination against female Children, abortion of female infants, female infanticide, trafficking, sexual abuse, murder, suicide and Child labour are some crimes against Children occurring in Tamil Nadu. Also the alcoholic de addiction of parent's, affairs victimized the Children and they became abandoned.

On last year 2010 around 810 cases have been registered related to Child trafficking and rape in Tamil Nadu. In the last 5 years crimes are increasing

Heartbroken catastrophe

The Tamil Nadu state was traumatized on 16th of July 2004. Due to negligence of a private school management, resulted 94 Children burnt to death and became into ash while screaming.

every year. 1120 Children are missing from the year 2004 to 1st of July 2011. Among that 625 are female Children. The crime against Children occurred in the last year about 203 incidents where majority of 22 cases have been registered at Chennai.

4.2. Child Marriage

According to the UNICEF report published on 2011 (Jul), in the total marriages held in Krishnagiri District 42% are Child marriages and it effects nearly 60% of women to suffer through anemic diseases. In addition the pregnant women died during labour pain, complicated Child deliverance, disable infant, weakness in the uterus and mother & Child death is also increased.

4.3. Child Labours

The Non Governmental organizations and the people's Movements have been campaigning to abolish Child labour system in India for the last 20 years. Many changes have taken place in the trade sectors when the purchasers boycotted the India goods manufactured by Child labors. According to 2001 survey it has been identified that there are 4.19 lakhs Child labourers. On 2003 survey it has been relatively controlled and declined to 70,344 through various efforts of Non Governmental Organizations, Institutions, and the Social welfare department. On 2009 it has declined to 28410. On last financial year the Child labour preventive squads have conducted an inspection at 1.84 lakhs industries where they rescued 14,464 Child labourers and all of them were admitted in the 334 special schools. However the year 2005-2006 survey has identified that 1, 11, 989 Children are not going to school and they will become Child labourers. Also the Children are engaged as Child labour in the Fire Match industries, Fire works (Crackers), Motor bike workshops, Mine filed, Weaving industry, Restaurants, Brick line Units, Agricultural allied jobs and Begging. There is no comprehensive report available in this regard.

4.4. The Dalit and Adivasi Children

According to 2005 survey denotes Tamil Nadu state has 23, 84,513 Children aged 6-14 are belonging to the Dalit community among 11, 63,909 are female Children. The same year survey has identified 1, 83,285 Children are belonging to the Adivasi community among 85,823 are female Children.

In Tamil Nadu state literacy among Dalits are 63.2% and Adivasi are 41.5%. The Indian government has given special privileges to the Dalit and Adivasi students in the education and employment through reservation policy. However the Dalits and Adivasi are economically backward since they are landless and daily labourers. In addition they are also backward in education since they are marginalized, oppressed and denial of education for many centuries through unequal caste system. Thus it was reasons of 87% the Dalit Children

unable to complete their school education. It affects the Dalit Children who are engaged as Child labourers in the restaurants, hotels, brick line units, rice mills, gardening work and etc.

A society is considered to be great when the Children who are born in the earth are equally respected and promoted. Caste identity is determined to every Child at the time of birth

in India. Hence untouchability and discrimination is inflicted against Children who are born in the Dalit community. In last 5 years SASY has conducted 325 fact-finding missions towards the incidents of caste atrocities, discrimination and did legal intervention too among 60 incidents of caste discrimination and atrocity occurred against Children. Likewise the Dalit Children are targeted for these violations everyday in Tamil Nadu. The Dalit Children are also discriminated in the schools by the teachers and coerced them to clean the toilets and engaged them for their own service.

Incurable scar of Tsunami

2, 26,000 human lives were vanished during Tsunami hit at Asian Countries on 26th of December 2004. 45,752 were missing, 10.69 lakhs have lost their habitation, belongings and displaced. In addition lakhs of people have lost their livelihood among that the Children and Women are majority victims.

5. The Indian Constitution and Children

The Indian Constitution has understood the Children are the weaker sections of the society and unable to resist the crimes committed against them. Hence it ensures the rights of protection of the Children in several chapters. The fundamental rights and directive principles ensure the rights of Children and legally guaranteed. The Indian Constitution Article 14, 15, 15 (3), 19(A), 21, 21(A), 23, 24, 39 (E) ensures right to equality, right to life, protection, welfare of the citizens by upholding the state accountability.

5.1. National Child Policy

The national Child policy was evolved on 1974 intended to Child welfare followed by the national policy for Child labour abolition on 1987, National Child charter and the year 2004 a national action plan for Child was evolved and published. All these are emphasizing to register Child birth, Child mortality, Child care, education and employment.

The Child Rights Protection laws:

- **The Guardians and Wards Act, 1890**
- **Industrial Research and Standards (Amendment) Act, 1954**
- **The Orphanages and Other Charitable Homes (Supervision and Control) Act, 1960**
- **The Bonded Labour System (Abolition) Act, 1976**
- **The Immoral Traffic (Prevention) Act, 1986**
- **The Child Labour (Prohibition and Regulation) Act, 1986**
- **The Pre-Conception & Pre-Natal Diagnostic Techniques Act, 1994**
- **The Protection of the rights of person with disabilities Act ,2000**
- **The Juvenile Justice (Care and Protection of Children) Act, 2000**
- **The Commission for Protection of Child Rights Act, 2005**
- **The Prohibition of Child Marriage Act, 2006**

5.2. The Child Rights Protection Commissions Act 2005

This law has been enacted to ensure speed investigation of the crimes committed against Children, to inquire about Child Rights violations and related issues. It can also direct to establish Children court, to constitute state and national commissions of Child Rights protection.

Key functions:

- To conduct research of the existing laws for protecting Child Rights and make recommendations for effective functions.
- Submitting report to the Central Government
- To make recommendations to ensure effective measures to protect the Child Rights by a rigorous study of the issue which affects the Child Rights and welfare from the issue of Terrorism, Communalism, Natural Disaster, Domestic violence, HIV/AIDS, Child Trafficking, Child ill-treatment, Torture & Exploitation, Obscene, Sexual violence and Child prostitution. It recommends affirmative action, protection of the Children who are at risk, marginalized, destitute and prisoner's Children.

6. Child Help line 1098

The Child help line 1098 program is evolved and implementing under the central ministry of women and Child protection to resolve the Child related issues. The victim Children or any one who know the facts can contact Child help line number and provide the details. The office of the superintendent of police and office of the family welfare receives the complaints. And they contact the non governmental organization who works in these areas

to render immediate assistance to the Children who are in risk. The immediate interventions like ensure protection to the Child, first aid, consoling and then providing legal assistance.

7. Child protection vigilance committee at Panacahayat level

The Child protection vigilance committee would be constituted in every Panchayats. The committee headed by Panchayat president, the village administrative officer is an organizer, the members consists of a high school head master, a police station officer with in the jurisdiction, a representative of voluntary organization and a member from self help group. This committee should send report every 3 months to the district collector about measures taken to prevent Child trafficking, sexual abuse, rescue and protection given. The Child protection vigilance committee has been constituted at state level headed by the chief secretary and district level committee is headed by district collector.

8. The right to Free and compulsory education Act 2009

The law has been enacted to ensure free and compulsory education to all the Children aged 6-14. The Act has guaranteed rights below:

- Free education to all the Children aged 6-14
- No fees either directly or indirectly
- The special Children (disabled) are eligible to get free education
- The school dropout Children or non going school Children aged up to 6 can be admitted at the appropriate class standard
- The rights ensured to complete primary education even after the age of 14

9. Conventions on the Rights of the Child

The Child right has been recognized as human rights followed by the universal declaration of human rights, convention against elimination of all forms of racial discrimination, convention against torture and a convention on the rights of the Child was brought on 1989 and majority of the 192 states have been ratified. India has also ratified in this convention on 1992. It includes 54 articles which is ensuring the rights of Children through various plans and directs to all the state. The objectives of the convention are a) Right to Life B) Right to Development C) Right to Protection D) Right to Participation are defined.

The International Labour Organization and the UN Children Fund are collaborating with non governmental organization across the globe and takes measures to ensure the Child welfare.

10. The Child Protection Policy of SASY

10.1. Objectives:

SASY has been working to protect and promote the rights of the Children of Dalits, Adivasi and other marginalized community. It also works to ensure right to education, hygiene, health, basic needs and development of the Children. Hence it is a very significant to clearly define the Child Rights policy, directives and implement in the organization activities. The prime objectives are ...

- To reconstruct equitable society without caste based discrimination, to protect and promote the rights of Children basic needs and human rights.
- To eliminate all forms of discrimination against Children and the crimes.
- To ensure Child centered approaches and their full participation in all the developmental activities of the organization.
- To evolve affirmative actions, include them in the project activities and ensure the rights of protection of the special Children such as, Children with disability, HIV affected Children, prisoners Children, Children of the victims of caste atrocity, victims Children of natural disaster, destitute Children, abandoned Children of the parents, victim Children of displacement, victim Children of war crimes and victim Children of migration.
- To ensure the rights, development and participation of the Children in the Community Based Organizational activities promoted by the Primary Organization.
- To direct and evolve staff code of conduct that would be followed by the staff in the organization and to take appropriate actions against the staff who have breached.
- To advance the policy directives regarding to form joint actions to protect the Child Rights, to become member in the federations, receive donations and Aid.

SASY's Thrust areas...

- *Protection and promotion of the human rights of Dalits, Adivasis, Women and Children.*
 - *Abolition of untouchability*
 - *Prevention of atrocities*
 - *Enforcement of the SC/ST (prevention of atrocities) act 1989.*
- *Gender equity & Women's rights and Empowerment*
- *Organizational Developmental services to CBOs*
- *Dalits and local self government*
- *Land and Shelter for Dalits*
- *Child Focused community Development*
- *Promotion of Livelihood for Economic sustainability*
- *Acceleration of comprehensive Natural Resource Management systems*
- *Building awareness on prevention of HIV/AIDS.*

10.2. Child Rights violations to be addressed by SASY

- Discrimination , atrocity against Children based on caste, religion, race and gender
- Inflicting physical and psychological trauma (Punishment with intention, hurt, knocking, hit, beating, bite, torch, tremble, thrashing, isolated, inflict torture that would affect their natural mind and feelings, stirred to mental disorder, behaving with sexual intention, touching with sexual intention or expression).
- The care takers of the Children are not adequately attentive to their responsibilities (stubbornly or forcefully neglect the Child, neglect to protect from the opportunity of hazardous situations and deliberately denied the Child Rights)
- Not involving the rescue activities even by knowing the facts of Child Rights violations took place.

11. Code of Conduct of the Social Awareness Society for Youths (SASY)

11.1. The responsibilities and duties of the staff and Child Activists

- To create safe Child friendly atmosphere
- The staff and others do not bound to any compromises which affects the protection of the Child Rights
- To specify the responsibility and duties of the adults regarding Child protection
- To apply productive approaches in Child care and friendly move.
- The Children problems, their feelings and their expressions should be listened carefully with respect.
- The Child should be treated with dignity in all the sphere based on the rights to a human being is also inherited to the Child
- To respect their right to privacy when approaching them
- To encourage the Child openly to protest against the immoral behaviors and attitude
- To understand the difficult situation and beware in specific to handle the persons known to be mischief to the Children.
- To keep in mind the safety of Child life and their rights while planning travel, camps, trainings, celebrations and other events. And also get prior permissions from the Child and parent in writing on this regard.
- The staff and Child accommodation details, destination and staying place must be transparent to the organization and others.
- The staff and the Child activists are solely and explicitly to ensure to not do any harm to the Children at any circumstances including physical, psychological, sexual isolation, intending to commit crime, intention and attempt to any other act.
- The SASY's staff and the volunteers should be duly signed on the Child Policy and follow them accordingly.

11.2. Don'ts of the staff, Child Rights activists and the Children of Child Resource Centre with the other Children who are participating in the other projects

- Do not discriminate based on caste, religion, race and sex
- Do not harm, beat and attack
- Do not engage or involve the activities which are affecting their feelings, insulting, marginalizing and humiliate
- Do not eulogize and felicitate the Children that are extraneous to the culture and incompetent way.
- Do not inflict any sexual relations on Children at any circumstances
- Do not offer gifts to the Child and parents with out appropriate reasons
- Do not use absurd, victimized and hurtful words or do not consult and advice for those activities.
- The staffs do not stay without appropriate supervision with the Children who are under their care, Children's home, their own house or out side during night.
- Any one should not spend more time with the Children under lonely circumstances or when no one was present.
- The staffs do not take the Child to their homes or other places when they are alone with them.
- Do not interfere on the works of the Child can do by themselves.
- Do not involve the Child into unlawful activities, say not wrong doing such things which may harm to them or apologized or involve them on it, cooperate to such activities or justify them under any circumstances.
- Do not discriminate, special heed, isolate and such activities
- Do not involve such activities which leads to affect the Child physic, psychic and sexuality while introducing them, felicitation, controlling their emotions, psycho counseling and consoled

12. SASY's Child Rights Protection Committee

The committee should be constituted consisting of ten members to protect the Child Rights, implement the above mentioned code of conduct and to monitor them. The committee consists of minimum 1/3 of women representation.

- The SASY Director will be the Chairman of the Committee
- 1 executive board member of SASY organization
- 2 from the Women and Men federations of the self help group
- 2 Staffs
- 3 Children
- 1 from the other organization who works for the Child Rights(CCRD-Chennai)

12.1. Functions of the Committee

- The entire work of the organization should be reviewed once in a year with the perspective of the Child Rights policy. It should review the implementation level of the Child Rights policy and make recommendations in writing.
- To conduct vigorous trainings on Child Rights policy in every year or in demand based on these recommendations.
- To render protection to the victim Child within 24 hours of the complaint received regarding.
- To conduct inquiry and take appropriate short-term or permanent action will be taken against the staff.
- To provide legal support in terms of the cases along with the evidences and witnesses.
- To conduct meetings at once in every 3 months to understand the Child problems, challenges and resolving mechanisms.

12.2. The Child complaint procedures

- The coordinator of human rights monitoring unit will serve as the monitor of Child Rights protection. She/He will register the complaint in the complaint register notebook, take appropriate steps and submit the enquiry reports to the Child Rights protection committee.
- To enable 24 hours telephone service to lodge complaints.
- The complaints can be lodged by the Children, staffs, parents; federation members through telephone, writing and oral form.
- If the staff or the beneficiaries committed crimes against Children and if it is noticed by the director or the coordinator of human rights monitoring unit will take sue motto action and register complaint.

13. The rights of the Staff

- To receive directions, consultations from the organization regarding to resolve the practical difficulties and challenges met during the implementation of this policy.
- To demand, receive training to develop the behaviors and psyche to work with the Children based on the need.
- To get an opportunity for self explanation against the charges and the committee's report
- The convicted staff of the disciplinary action regard to the Child Rights violations can file appeal in writing to the executive board of organization and the executive board decision is final.

14. Networking

SASY is strongly believed in joint action towards human rights of Child Rights protection. Besides, SASY is remarkably contributed to bring change in the Child Rights policy, law amendments, advocated for the enactment of new laws and campaigned in the past years. Moreover, in future SASY will continuously contribute to ensure the Child Rights and impact at the State, National and International levels through networking. In specific, SASY will collaborate with the Organizations aided by KNH, Organizations who works for the Child Rights with Dalit perspectives, CACL, ILO and statutory Human Rights Commissions. SASY will never collaborate with the organizations run for their own benefits and profits.

15. Principles regard to Funding and donations

SASY can receive fund and donations for the Child Rights projects from National and International Donor agencies / Individual Donors who are engaging with the Child Rights endeavors. Also, it was solidly decided that, SASY will not receive any cash, kind and any assistance from the Companies / Organization / Institutions / Individuals who are violating the Child Rights, engage Child labour in their Trade Centers, distilleries and narcotic articles producing Industries etc.,

ORGANIZATIONAL VALUES

Equity: *Being sensitive and committed to reduce all forms of discrimination against women particularly Dalit and Adivasis women, girl Children and other vulnerable groups.*

Participatory processes: *Having faith in peoples capacities and their institutions*

Accountability: *Accountability with transparency*

Collaboration: *Developing synergies through networking and advocacy*

Team work: *Striving for quality, innovation and diversity*
