Executive Summary

Background

The Constitution of India recognizes the children of India as citizens and rights holders. However, because of the fact that they are children and therefore reasonably assumed to be in the process of developing intellectual, physical, emotional and social maturity and independence, they do not have access to certain rights that adult citizens do. This makes the protection of children and their rights an urgent imperative.

Child protection is about protecting children from or against any perceived or real danger to their life, their personhood and childhood. It is about reducing their vulnerability to any kind of harm - social, psychological and emotional. It must ensure that no child falls out of the security and safety net and those who do, receive necessary care and protection and are brought back into the safety net.¹

Children travel widely through multiple spaces where they ought to be able to avail of their rights entitlements. They go to schools, health care centres; play grounds, community centres, they use public transportation, and avail of public/private child care services when in need. As children are rights holders, the corresponding duty-bearers who are accountable for delivery of services that guarantee those rights must be identified. Duty-bearers include parents, teachers, principals and ancillary school staff, police, doctors, hospital staff, staff of child care services, and JJB and CWC members, amongst many others.

The majority of children who are provided assistance by CHILDLINE 1098 live without parental support and their families do not have dependable means of earning an adequate livelihood. Calls for help come from workplaces, railway and bus stations, streets, homes and neighbourhoods, and child care facilities. It is observed that children are victimized in public spaces meant for the public in general, as well as in spaces that are specifically charged with the protection of children.

It was envisaged that a study that focused on an assessment of protection mechanisms across spaces would bring attention to the child protection discourse, strengthening the child protection consciousness among all directly or indirectly involved with children. The attempt is to extend child protection beyond the JJA and other legislation pertaining to children, and adopt a more holistic approach recognizing the active citizenship of the Indian child (on par with any adult citizen), and place the child at the centre of a matrix that covers all civil and political rights applicable to citizens of India under the Indian Constitution.

Methodology

The concept of 'Child Protection' requires deconstruction in order to go beyond the stereotypical notions of 'safety'. There is a tendency to 'presume' that a child is safe and protected in certain environments, without any further inquiry into the possible nature of abuse or into mechanisms present to detect and address any kind of abuse or infringement of the rights of a child.

To ensure that an environment conducive to a safe and protected childhood is created and sustained, and to find out whether and to what extent any kind of abuse or infringement of rights is taking place in that environment, it is important to define the boundaries of that environment and identify it as an independent space. Various spaces that are required to be accessed or are accessible to children have their own distinct environments, people and relationship structures as well as operational and administrative elements, whether formal or informal, public or private. A child may inhabit one or more of any combination of spaces at any given point in time. This includes the public service space of education and health, legal and institutional space, and public utility space such as transport systems.

For the purpose of this study, six such spaces with some specifically chosen sub-spaces have been focussed upon. These six spaces are the Public Services (Schools and Public Health Care), Public Institutional Care (Childrens Homes, Observation Homes, Special Homes), Statutory Bodies (Juvenile Justice Boards, Child Welfare Committees), Public Safety (Police, Childrens Courts), Public Common (Railway Stations, Bus Stations, Tourist Spots), Community Based Non-Residential (Day Care Centres, Creches, Open Shelters/Short Stay Shelters, Contact Points). Working groups of experts were constituted for each of these six spaces to debate, help operationalize, and determine the scope of coverage of the study.

The ultimate stage respondents in this composite study represent a diverse population that includes children across circumstances (including children ‘restored’ to their homes and those under institutional care), teachers, medical practitioners, railway police, bus station masters, juvenile police units, members of Juvenile Justice Boards and Child Welfare Committees, and State Government officials charged with child welfare. Sources of data included the CHILDLINE 1098 records, civil society groups, children restored to families / regular environment and settings through CHILDLINE interventions and a Primary Study that involved data collection through a sample survey across the six chosen spaces.

Therefore, it was appropriate to have several methodologies for gaining access to information from various categories of respondents, and through sample surveys, secondary data, focus group discussions and other such. Some of the respondents were interviewed for the Primary Study and they were also required to provide factual information based on records maintained by them in the usual course of the performance of their duties. The purpose of the Primary Study was the establishment of a baseline of reference for the status of child protection across India.

11 States and Union Territories were chosen for the sample by a random method. These were Uttar Pradesh, Andhra Pradesh, Bihar, Manipur, West Bengal, Rajasthan, Kerala, Madhya Pradesh, Maharashtra, Goa, and Delhi. In each State 3 districts were chosen at random, which guaranteed similar levels of error and confidence for the State level as at
the national level. The sample survey was carried out in the districts based on information provided by the district level authorities, ensuring that at least one schedule of each kind was filled up. In the case of schools and hospitals, where children are likely to have frequent access, it was decided to go further into the block level (or the village level wherever possible).

Further, a consultative process was facilitated to elicit the views of civil society regarding basic essential standards of child protection that need to be ensured in each of the identified spaces, as well as the identification of desirable standards that if complied with will ensure a better child protection system.

**Key findings of the Survey**

**Public Services-Education (Schools)**

- 28% schools did not have separate toilets for boys and girls.
- Only 4% of the schools provide filtered water to children. 77% schools provide non-filtered water to the school children. 19% of schools did not provide any water facility for the children.
- 86% of schools have a first-aid box available for emergencies; 14% of the schools surveyed had not even the most basic facility of a first-aid box to deal with a medical emergency.
- Over 60% of the schools have a teacher-student ratio that is better than the desired measure of 1:30; 64% of schools have a favourable gender ratio with more female than male teachers. More than 90% schools reported the presence of a female teacher.
- Less than 2% of schools had school counsellors.
- Only 12% of the respondents (the principal) have undergone any training in child rights and child protection.
- 92% government schools reported the existence of a PTA as compared to 74% private schools.
- 10% schools reported having a child protection policy. 1% schools have a sexual harassment policy.
- 3% of schools reported having grievance committees for issues relating to SC/ST and human rights issues, 2% for gender discrimination and 4% for issues related to corporal punishment.
- The percentage of schools that make available a complaint book or a complaint box for children is as low as 20% and 21% respectively.
- 64% schools said they take no measures to ensure safety of children outside school premises.
- Only in 5% of schools is no corporal punishment meted out to children. 33% of schools resort to beating and 12% to humiliating children in front of their peers as a form of punishment.
- Of the 36% of schools that reported abuse, 21% of schools took follow-up action against the abuse.
- 28%, have reported drop-out of students due to child labour; 21% reported drop out due to child marriage.
- Display of awareness material on child protection issues in schools- child labour 16%, child marriage 8%, child sexual abuse 5%. 
Public Services-Health Care

- Availability and accessibility of social workers and therapists across all centres is under 35%.
- Referrals made of children’s cases are less than 20% across all centres.
- Child specialists are available in 75% government hospitals, while in PHC’s their availability and accessibility falls within the range of 51%-75%.
- 67% health care centres have no child protection related policy or guidelines.
- Less than 40% centres reported maintaining any case files relating to children; maintenance of case records for follow-up is below 15%.
- 30% of the staff in PHC’s reported some training in child protection
- In over 55% of cases, sexual, physical and emotional abuse were brought to the notice of the police. In about 11% of health centres, no cases of abuse were reported.
- Most health centres maintain regular contact with the Chief Medical Officer – 87%, Police Station - 77% and Panchayat - 57%.
- 15% PHC’s have the capacity to deal with cases of trauma, abuse, and mental illness.

Public Institutional Care Services

- Across all institutional homes - Basic clothing: available 97% and adequate 72%; Cots: available 74% and adequate 49%; Bathing and washing soap: available 97% and adequate 85%.
- Sanitary Towels for menstruating girls are adequate in 80% of Childrens Homes and 20% of Observation Homes.
- 75% homes are able to provide 4 meals a day.
- 60% homes are equipped to provide first-aid.
- 75% of the personnel in Childrens Homes and 89% of those in Observation Homes have not received any form of training in child protection.
- The reason for maximum number of cases of escape recorded in both Homes falls in the category of- to secure freedom, too much discipline inside.
- 6% Institutional Homes maintain records of abuse cases.

Statutory Bodies

Juvenile Justice Board (JJB)

- JJB formed in almost 70% districts surveyed.
- 55% JJBs serve only 1 district.
- 90% JJBs were found to have the required composition of membership.
- Less than one-fourth of the JJBs, i.e. 22% sit on all regular working days. 44% sit once a week.
- 88% respondents have undergone either one or more trainings on child protection. Nearly half, i.e. 48% of the trained respondents have undergone trainings on systems of juvenile justice or child protection and child welfare.
- 74% JJBs reported that the cases brought before them were within twenty-four hours of the child being taken into custody.
• Of the cases reported by the JJBs only 38% cases are disposed off in less than four months. 35% cases are disposed off between four and six months and 26% cases in more than six months.
• 52% reported that the Probation Officer or the voluntary organisation develops an individual care plan for the child.
• 44% JJBs display emergency numbers. Less than 20% of JJBs display information on child marriage, child sexual abuse and child labour. Only 48% of JJBs display information on child rights.
• 78% of the JJBs have female staff to escort a girl child.
• 85% of JJBs have linkages with medical personnel and thus are able to arrange for medical assistance for the child while 14% are unable to do so.
• More than 50% of JJBs are able to link/provide the child special services such as that of a professional counsellor (40%) and social workers (33%).

**Child Welfare Committee (CWC)**

• 47% CWCs have one district under their jurisdiction while the rest of the CWCs have multiple districts under their jurisdiction.
• 29% CWCs comply with all the requirements stated in the JJA, 2000 for composition of the committee.
• Most respondents, 83% have had training on child rights. 44% CWC officials have received training on juvenile justice systems and child protection.
• 41% CWCs hold sittings weekly. 29% CWCs sit twice a week and 8% CWCs sit daily.
• 88% CWCs have reported that the cases are brought to them within 24 hours
• 67% CWCs provided information on disposal of cases. 83% cases were disposed of in less than four months.
• 42% CWCs reported that a care plan was submitted to them by the Probation Officer or voluntary organisation.
• 25% CWCs have a Child Protection Policy and 17% have a Sexual Harassment Policy.
• 62% CWCs have a first-aid box available.
• 75% do not have a complaint box or book while a little more than one fourth (37%) display emergency numbers.
• Less than one-fourth of the CWCs display information on child labour (21%), child sexual abuse (13%) and child marriage (17%).
• 58% CWCs have a female staff member available to work with girl children.
• 71% CWCs maintain case files of children in Homes and institutional care.
• 63% CWCs make regular visits to institutions where children are placed. 8% CWCs have received complaints against Homes.

**Public Safety Spaces-Police Stations**

• The gender distribution of police station officers-in-charge is overwhelmingly skewed towards men with a ratio of 7:1 (87%:13%).
• Less than 10% police stations have a designated space for dealing with children.
• Little over 10% police stations have designated staff to deal with matters that relate to children.
• 27% respondents have had training related to child protection.
• 27% have a child protection policy.
• 20% have a sexual harassment policy.
• 13% have a complaint box; only 75% of this group displays it.
• 32% have information regarding child rights related laws. Only 40% of those who have information display it.
• Police stations that maintain records for runaway children is 45%, for trafficked children is 16%, for missing children is 43% and for adult offenders is 8%
• 75% police stations report presence of female staff to deal with cases related to girl children.

Common Public Spaces

Railway Stations
• 75% of Station Managers interviewed did not display any poster at the station providing any information on vulnerabilities faced by children.
• 28% of the Station Managers responded that they have a policy for the protection of children. Among the railway security forces 9% RPF officers reported having a child protection policy while 17% reported having a sexual harassment policy; 13% GRP reported having a child protection and a sexual harassment policy.
• 5% of Station Managers provided a complaint box or a complaint book; 22% of RPF and 34% of GRP reported having a complaint box facility.
• 30% of railway security forces have booths that provide assistance to missing and other vulnerable children.
• 87% of railway security forces have come across cases of children in need of care and protection and 70% came across children in conflict with law.
• 60% of railway security forces handed children in need of care and protection to CSOs.

Bus Stations
• Display of information on child protection issues is observed in less than 10% bus stations.
• 27% of bus stations have a complaint book meant for the public to record their complaints.
• None have a child protection policy; 3% have a sexual harassment policy.
• 60% of the Bus Station Managers have come across children who have either run away from homes /got separated from parents, while others have been abandoned.
• Maintenance of records of street or abandoned children found in bus stations was seen in less than 5% of bus stations.
• 77% of the Bus Station Managers have no contact with the stakeholders responsible for child protection.
• 23% of the Bus Station Managers were aware of the JJA.

Development of Child Protection Standards for Spaces
Building a protective net around children is the responsibility of all members of society whether directly charged with the care of children or not. This fact, strengthened by the findings of this study, pointed to the need for the articulation of a set of child protection
standards to be adhered to in these spaces. This is of relevance especially due to the fact that for the first time child protection systems are being established in the country through the ICPS. Hence, to make recommendations based on this study, a nation-wide consultative process was undertaken, during which, civil society experts came together to evolve child protection standards for some spaces.

**Spaces selected for development of Standards**

There were certain spaces selected for development of the Child Protection Standards. Most of these were the same as those selected for the primary research component of the Study. However, there were some spaces in the primary study for which standards were not set and vice versa.

The spaces selected for setting of standards are tabulated below:

<table>
<thead>
<tr>
<th>Space</th>
<th>Sub-Space</th>
</tr>
</thead>
<tbody>
<tr>
<td>Education</td>
<td>Sub-Centres, Primary Health Care Centres, Community Health Care Centres, District Hospitals</td>
</tr>
<tr>
<td>Public Health Care Services</td>
<td>Children’s Home, Observation Home, Special Home</td>
</tr>
<tr>
<td>Public Institutional Care Services</td>
<td>Child Welfare Committee, Juvenile Justice Board, Special Juvenile Police Unit,</td>
</tr>
<tr>
<td>Statutory Structures</td>
<td>Childrens Court</td>
</tr>
<tr>
<td>Public Safety Space</td>
<td>Railway Station, Tourist Spots and Destinations</td>
</tr>
<tr>
<td>Community Based Non Residential Services</td>
<td>Creche, Day Care Centre, Open Shelter, Contact Point</td>
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</tbody>
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Some limitations and challenges faced in the process of standard setting include a difference in the level of depth of standards across spaces due to gaps in law, concerns raised by children in the primary study, and other concerns. Public policy and legislation governing Public Spaces (services and amenities) do not include any directives which relate specifically to children. Very little published information on child protection exists in India. Most of the spaces selected for articulating child protection standards rest in the public domain. Private services and spaces also need to be governed by child protection standards. This could be taken up at a later stage.

**Conclusion**

Initiated as an assessment of the status of child protection mechanisms across public spaces, this exercise has stimulated thought, idea, and debate that strengthens and brings attention to the child protection discourse. The findings of this study corroborated a commonly held perception that children in the country are accorded the least priority in planning and implementation of public services or amenities. It was learned that other than those spaces directly charged with the protection of children, almost all spaces exhibited a low level of sensitivity to children and low levels of preparedness for child protection. The Study is not a situation assessment of children, but an assessment of the presence of systems, mechanisms and processes of child protection in these spaces.

The Study recommends the coming together of a national child protection network that would work towards sharing, collating, developing tools, and knowledge in the domain of child protection. It extends an opportunity to all to take forward the initiative of making spaces accessible and safe for children.