

Report

**Workshop on
Safety and Security of Children**

with

State Commissions for Protection of Child Rights

July 28, 2018

National Commission for the Protection of Child Rights

Introduction by Chairperson, NCPCR

The Chairperson of the National Commission for Protection of Child Rights (NCPCR), Mrs Stuti Kacker, welcoming the guests on the dais and the Chairpersons & Members of State Commissions for the Protection of Child Rights (SCPCRs), gave a brief account of some important functions and activities of the present Commission.

NCPCR is working for a strong and effective Grievance Redressal System. It has created a separate division, under the supervision of Member, Mr. Yashwant Jain for dealing with general complaints and those related to the Juvenile Justice (JJ) Act and the Protection of Children from Sexual Offences (POCSO) Act. A POCSO e-box, an easy, direct online system of reporting of Child Sexual Abuse, including cases of cyber offences against children, was developed and its scope was further enhanced through a mobile app and to include cyber crime.

In keeping with NCPCR's mandate for monitoring the implementation of various laws, it has developed monitoring tools, got nodal officers appointed in the States, and held periodic review meetings for the JJ and POCSO Acts. It has developed IEC materials for plugging the major gaps identified by these meetings. For the Right to Education (RTE) Act, it has developed two regulatory guidelines for educational institutions, viz., private play schools and hostels of educational institutions, fee regulatory framework for private unaided schools, and a comprehensive manual on safety and security of children in schools. It also organized a day long national colloquium on vocational and life skills training of out-of-school adolescent girls at New Delhi.

Towards enhancing capacities of the key stakeholders, a common platform for NCPCR and SCPCRs has been created to facilitate discussions on various issues, share information, experiences and best practices. NCPCR has organized five conferences and workshops on children's rights issues for the SCPCRs and more than 35 State/District level workshops in collaboration with them.

In compliance of the orders of the Hon'ble Supreme Court of India, NCPCR has undertaken a Social Audit of all the Child Care Institutions in the country. NCPCR is engaged in raising public awareness of children's rights and child protection on several fronts with several stakeholders. It has prepared a handbook for media professionals on 'Understanding Child Rights'.

To bring children's rights and child protection at the centre stage in the governance structures, NCPCR developed State Profiles containing data on various aspects of children's rights upto district level. It released a report on statistical analysis of child marriage in India, which identified 70 high incidence districts, and organized a multi-stakeholder and two state level consultations.

NCPCR has created a new vertical on cybercrime against children and organized a training workshop with UNESCO for investigating officers at Bureau of Police Research and Development (BPR&D). A Conference on 'Promoting Child Safety Online Empowering Future Digital Citizens' was held at New Delhi in collaboration with UNESCO. In order to promote hitherto neglected issue of mental health and growing substance abuse issues among children, NCPCR organized a symposium on 'Child Protection and Mental Health' as part of World Congress of Mental Health at New Delhi and a National Conclave on Psychological Trauma, Child Protection and Mental illness in collaboration with MWCD at AIIMS, New Delhi.

Address by UNICEF

Dr Yasmin Ali Haque, UNICEF Representative in India, congratulated the Minister MWCD Mrs. Maneka Gandhi, Mr. Justice Madan B. Lokur, Mrs. Stuti Kacker, and NCPCR and SCPCR representatives for their personal commitment and efforts to the cause of children's rights and protection.

In her address, she shared three ideas that could contribute to an enhanced role of the NCPCR and State Commissions in monitoring the implementation of the JJ Act and the POCSO Act. First, reach out to children and adolescents and engage them in monitoring progress and challenges. Second, strengthen critical areas of monitoring that are frequently neglected in the implementation of the legislations, and third, draw upon global lessons about what makes independent human rights institutions effective.

Stating that the world is not getting safer if one considers grave violations of children's rights that are reported daily, she expressed her conviction that NCPCR and SCPCRs are more relevant than ever in this context and underscored the importance of listening to children, particularly those who are invisible to public scrutiny and the hardest to reach and thus most likely to be left behind.

She stated that there should be permanent institutionalized mechanisms involving a group of children on a regular basis, such as youth advisory boards, focus groups, children's management committees, especially for children in state care and efforts should be made to reach out to the hardest to reach children, such as those living in residential care and detention facilities, as they are most likely to be out of sight and mind. She recommended a grievance redressal mechanism which may entail expansion of the scope of ChildLine (1098) but most certainly sustained efforts by the care providers, institutions and individuals to listen to their voices.

She called for regular and systematic monitoring that is linked with corrective actions. Laying emphasis on the safety and wellbeing of children, she highlighted that much more needs to be done for monitoring the impact of these laws on the lives of children and the type of justice they and their families are receiving.

She focused on three specific areas of concern, viz. dignity and respect of children, healing and rehabilitation, and family and community care. She advocated a critical role of the SCPCRs in monitoring whether children are treated with dignity and respect in an environment free of violence and abuse, and especially in the justice system where re-victimization and violence are common. She referred to the treatment of children treated across the justice system, beginning with the first contact with Police, Juvenile Justice Boards, and Child Welfare Committees and alternative care arrangements.

She called for increased and focused efforts towards the healing of child victims/survivors of sexual offences and other children in need of care and protection through rehabilitation services provided for by the JJ Act. She also encouraged the NCPCR and SCPCRs to monitor the efforts being made to keep children in a safe family and community environment, and the use of child care institution only in the best interest of the child. She referred to the progressive provisions in the JJ Act for community care arrangements that allow residential care as the last resort.

Speaking about the need to make independent institutions relevant and effective, she acknowledged high expectations from the NCPCR and SCPCRs. She pointed to the global experience accruing from independent institutions for the protection of children's right in more than 70 countries around the world and cited some of UNICEF's learning regarding what makes them effective.

She cited some factors that contribute to effective independent monitoring in line with the guideline issued by the Committee on Rights of the Child, including a clear mandate defined in relation with other relevant agencies, political authority recognized by other parts of the government that facilitate actual cooperation, access to reliable information and data, appropriate human and financial resources, involvement of civil society, the ability to coordinate with sub-national entities and ensure implementation at the local level, strong monitoring and evaluation system, and leadership and strong political backing, combined with adequate institutional capacity in order to ensure sustainability over the long term including in case of political change. She noted that children's safety is not possible without accountability and strong justice system, child safety is not possible. When perpetrators of child abuse do not get punished, child abuse is normalized.

She concluded her address by assuring the gathering of UNICEF's commitment to work with the NCPCR, SCPCRs and the judiciary, and to challenge itself constantly to ensure that its work is effective and relevant for children.

Address by Hon'ble Mr. Justice M. B. Lokur

Mr. Justice Madan B. Lokur, congratulated NCPCR and the Ministry of Woman and Child Development (MWCD) for organizing the workshop on safety and security of children for the SCPCRs. Drawing attention to its objectives, he emphasized that children's safety and security is the most important concern of the SCPCRs, and Section 13 of the Commissions for the Protection of Child Rights (CPCR) Act, 2005, has put the onus on them as institutions and as bodies of individuals while spelling out their mandate. He stated that it is important to realize these expectations and the role the Parliament expects them to fulfill for the protection of children.

He opined that everyone working for children must view them as national assets in order to come together. To illustrate his point, he cited the example of Thai boys who were trapped in the cave and how the whole world came together to save them. He noted that children are very resilient and often bounce back after even facing grave violations, citing the example of a girl who was gang raped but who sat for the Class X examination and scored well and emphasized that it is our duty to take actions to facilitate full recovery and rehabilitation of all children whose rights have been violated.

He stressed on the importance of sharing best practices from the SCPCRs. While clarifying that one size would not fit all, he called for learning and adaptation of good practices for the benefit of children in other parts of the country. He spoke about the need to maximize the use of existing resources and shared the example of how Delhi SCPCR, which had around 10,000 pending complaints, used law students to analyze the problems and help the Commission in hastening the justice delivery process. He suggested that other SCPCRs may also think of seeking help from lawyers, students, CSOs and other institutions.

He highlighted the importance of social audits citing the example of the Muzaffarpur child sexual abuse case which came into public domain as a result of the social audit by the Tata Institute of Social Sciences, Mumbai. He noted that the CPCR Act does not mention social audits specifically, but it is a practice that has good effects.

In his conclusion, he called upon the SCPCRS to spread awareness on children's rights, and be responsiveness and prompt in action to address complaints. He noted that they must monitor how the existing schemes and plans in the interests of children are being implemented. He recommended a vision document with a charter or responsibilities spelt out in the CPCR Act as guidance for the work of SCPCRs.

Address by Hon'ble Minister, Women and Child Development

In her address, **Mrs Maneka Sanjay Gandhi** was emphatic that the NCPCR and SCPCRs must be more alert and proactive instead of waiting for something wrong to happen. Emphasising their important role, she stressed that the members must acquire power by using their position and resources that they can muster. She was of the view that the Commissions should command the respect of people.

She stated that she wanted all the SCPCRs to monitor and ensure that states have a plan of action, and focus on the following:

- Facilitate creating of functioning CWCs in the state having enough space and resources and it meets regularly.
- Inspection of all Child Care Institutions in the state using a checklist. Within three months, inspection of all CCIs in the state, registration of all CCIs under the JJA, and replacement of men as caretakers should be concluded.
- Screening of the film 'Komal' which promotes awareness about child sexual abuse and has been endorsed by MWCD and the Central Board of Secondary Education, in all schools in the state.
- Special efforts to make the POCSO e-Box known to all children in the states.
- Meet Members of Parliament from the State, to make them visit all institutions, and accompany them.
- Adoption of children in the State to happen without delay.

She wanted the SCPCRs to institutionalize these activities by performing them as a matter of routine. In addition, she wanted them to inspect and monitor feeding at the anganwadi centres once a week or may outsource the inspection. She cited the example of Assam where several irregularities came to the notice, including the enrolment of 'fake children' in anganwadi centers leading to fund misappropriation.

Mrs. Gandhi also wanted the SCPCRs to ensure that children of prisoners who cannot stay with their mothers after the age of six should not be taken out of the district, they could be put into foster care. She wanted them to attend school and to be able to meet their mothers at least thrice a week after school.

Particularly concerned about the laxity in adoptions, she wanted the SCPCRs to help expedite cases and ensure that children found families. Citing the example of Tamil Nadu, which has been successful with baby cradles outside the CCIs, she recommended other States to try this out also.

On the issue of resource constraints, Mrs. Gandhi pressed the NCPCR and SCPCRs to be creative and come up with out of the box solutions. She asked them to take help of civil society organizations instead of treating them with suspicion as they can provide considerable backup support for the work of Commissions.

She recommended that SCPCRS take interns to provide technical and administrative support (e.g., Internshala on the net) and empanel legal consultants/legal aid lawyers at no cost for assistance in issuing legal notices for non-implementation of government schemes. Each SCPCR may have at least five legal consultants on their panel. She also wanted 'gender champions' as advocates for gender equality and gender justice in schools and colleges appointed, functioning, and monitored according to the MWCD guidelines.

Mrs Gandhi concluded her address by seeking monthly reports from each SCPCR what they had been doing. She wanted SCPCRs to become 'representatives of children' to make a difference.

Presentations by the State Commissions

A total of 26 SCPCRs participated in the workshop and shared accounts of their activities, with particular focus on implementation of the JJ and POCSO Acts. Their presentations are attached as **Annexure 1**.

Some good practices emerged from their presentations and discussions. These include, **Social Audit** by Kerala; **Vulnerability mapping** by DCPCR; **Engagement with students and listening to children's voices**, Kerala, Uttarakhand and Puducherry SCPCRs have initiated platforms for hearing children's voices. **Online grievance complaints mechanisms** in Maharashtra, Gujarat and Kerala; **Policy review and development**, a few SCPCRs have initiated dialogues amongst key stakeholders in the state, review of the existing policies in the light of ground realities and challenges of implementation, and drafting of new policies on the priorities identified in the state.

Additionally, in **Kerala**, promoting convergent action among members of the local self-government to allocate and utilize budgeted funds for children in accordance with their needs and to make the State child-friendly, in **Gujarat**, the SCPCR has established linkages with all departments of the State government, in **Jharkhand** SCPCR, repatriated nearly 254 trafficking survivors from New Delhi to Jharkhand and efforts are being made to integrate them and provide them with education or various vocational courses and in **Puducherry**, child abuse monitoring committee with participation of children and teachers and child protection policy is proposed for every school, and guidelines for sex education in schools are being developed. More details can be obtained from the SCPCR presentations or directly from the concerned SCPCR.

Thematic presentations by Members, NCPCR

Following the presentations of SCPCRs, the three members of the NCPCR presented overviews of their work on three important areas related to children's rights.

Mr Yashwant Jain appraised the gathering of the steps taken by NCPCR for monitoring the implementation of the JJ Act and the POCSO Act, including development of monitoring tools, regular follow up through periodic meetings and video conferencing with nodal officers of States/UTs and preparation of monthly reports. Details available in the presentation attached in **Annexure-2**.

Mr Priyank Kanoongo highlighted NCPCRs' focus areas for making schools safe and secure for children in the age 3-18 years, including monitoring of regulations in place for pre-schools, elementary, secondary and senior secondary schools, and residential and non-residential schools and child care institutions. He went on to elaborate the various regulations.

He gave an update of key activities undertaken by NCPCR. In his conclusion, Mr. Kanoongo drew attention of the participants to NCPCR's planned activities. Details are available in the presentation attached in **Annexure-2**.

Speaking on the importance of a community based child protection system for safety and security of children, **Ms Rupa Kapoor** stressed on the imperative of an enabling environment and putting in place appropriate mechanisms to eliminate all forms of harm (viz., physical, sexual, and emotional abuse, exploitation, and neglect). She clarified that child friendly mechanisms and community-based child protection systems are core components of an enabling environment. She briefed on handbooks, manuals and SOPs brought out by NCPCR and activities undertaken by NCPCR. Details available in the presentation attached in **Annexure-2**.

Annexures

- Annexure 1:** Presentations by State Commissions for the Protection of Child Rights
- Annexure 2:** Presentations by Members, NCPCR

PROGRAMME

09:30 - 10:00	Registration
10:00 - 10:10	Welcome by Mrs Stuti Kacker, Chairperson, NCPCR
10:10 - 10:20	Address by Dr Yasmin Ali Haque, UNICEF Representative in India
10:20 - 10:35	Address by Hon'ble Mr. Justice Madan B. Lokur, Judge, Supreme Court of India
10:35 - 10:45	Address by Mrs Maneka Sanjay Gandhi, Hon'ble Minister, MWCD
10:45 - 11:00	Tea
11:00 - 13:00	Presentations by the SCPCRs
13:00 - 13:30	Lunch
13:30 - 16:00	Presentations by SCPCRs (continued)
16:00 - 16:10	Implementation of the Juvenile Justice Act and the POCSO Act, including Cyber Security - Presentation by Mr Yashwant Jain, Member, NCPCR
16:10 - 16:20	Safety and Security of Children in School Environment - Presentation by Mr Priyank Kanoongo, Member, NCPCR
16:20 - 16:30	Community Based Systems on Child Protection - Presentation by Ms Rupa Kapoor, Member, NCPCR
16:30	Vote of Thanks by Ms Geeta Narayan, Member Secretary, NCPCR
	Tea

Presentations by participating State Commissions

Index		
S.No	State	Remark
1.	Andhra Pradesh	
2.	Assam	
3.	Bihar	
4.	Chandigarh	
5.	Chhattisgarh	
6.	Delhi	
7.	Goa	
8.	Gujarat	
9.	Haryana	
10.	Himachal Pradesh	PPT not available
11.	Jharkhand	
12.	Karnataka	
13.	Kerala	
14.	Madhya Pradesh	
15.	Maharashtra	
16.	Manipur	
17.	Meghalaya	
18.	Mizoram	
19.	Nagaland	
20.	Orrisa	
21.	Puducherry	
22.	Punjab	
23.	Rajasthan	PPT not available
24.	Tamil Nadu	
25.	Uttarakhand	
26.	West Bengal	

Andhra Pradesh

Monitoring of implementation of Juvenile Justice (Care and Protection of Children) Act, 2015 and the POCSO Act, 2012 in the State of Andhra Pradesh

Present Strength of the SCPCR

Infrastructure Facilities in State for implementation of JJ and POCSO Acts

- ❖ Full pledged Juvenile Welfare Department functioning and acting as Nodal point for reporting
- ❖ Swadhar Homes - 21
- ❖ Balasadan -46
- ❖ Observation Homes – Girls – 10 & Boys -11
- ❖ Open Shelter Homes - 15
- ❖ One Stop Crisis Centres - 13
- ❖ State children Homes – Girls - 2 & Boys – 4
- ❖ Special Homes – Girls – 2 & Boys - 2
- ❖ College at homes – 4
- ❖ Service homes - 2

Details of Strategy adopted by SCPCR for better implementation of both the Acts

- ❖ Established Act wise desks to track the issues & violations
- ❖ Information cross check with allied departments
- ❖ Joint reviews of concerned departments
- ❖ Organizing State/Regional Level Consultations with Multi stakeholders to draw attention towards functional convergence among duty bearers and service providers
- ❖ Facilitating orientations to functionaries of JJ systems and SJPU's

Steps taken for monitoring of implementation of both Acts by SCPCAR

- ❖ Periodical Capacity Building of CWCs & JJB Functionaries
- ❖ Reviews of functionaries on implementation process and roll out of SoPs in association with Technical Support Groups and Thematic Working Groups
- ❖ Stock taking exercises and developing follow up action plans

Specific Steps taken for Child Online Safety

- ❖ Alerting Residential Education Institutions and orientations to the Care Takers on Online Safety norms and consequences and adoption of safety protocols
- ❖ Motivating ToTs & Childline Teams to orienting the children in Education Institutions

GRIEVANCE REDRESSAL MECHANISM IN SPCPR

- ❖ Act wise Desks take up & review the Grievances
- ❖ Through Letters & Mails and Phone Calls
- ❖ Geographical wise districts allotted to Commission team – District wise Grievances will collect
- ❖ During field visits communicating to the District administration to publish the prior information to submit the representation from Victims

Best Practices being Followed

- ❖ Organizing Awareness Campaigns with concerned Departments & CSOs
- ❖ Awareness Programs in Schools orienting children on safety mechanisms & Service Provides
- ❖ Dissemination information with Sadhikara Mitras

In addition, the following details may also be provided:

Crimes against Children under POCSO Act (as per SCRB's Report)

Year	No. of Cases	Person arrested	Convicted and Conviction rate
2015	770		
2016	740		
2017	724		

Crime by the Children

Year	No. of Cases reported
2015	- 1371
2016	- 1229
2017	- 1089

POCSO Cases received from Districts

Sl. No	Years	POCSO Cases		
		No. of Cases Registered	No. of children Repatriated with families	No. of Children sent to institutions
1	2015 (Jan - Dec)	770	733	37
2	2016 (Jan - Dec)	740	712	28
3	2017 (Jan - Dec)	724	678	46
	Total	2234	2123	111

Data received from DCPUs