

*This draft: An outcome of “Inter Socio professional Dialogues on Prevention of Child Abuse”-31st January 2011 in Goa, India

Citizen’s Charter of Responsibilities Towards Children

Preamble

The Charter aims to protect, promote and preserve the best interests of children in India and to create a Society that is child friendly.

Also, to promote and cultivate a culture of responsibility to improve the life of children, protect their rights and freedom; and that all children deserve respect and special care and protection to develop and grow.

The social system in India invests an adult with full human dignity as if it is an innate character of her / his biological being; but in the case of the child the dignity and the autonomy of childhood is never recognized by the adult order, in the name of certain biological features of childhood. The traditional Indian social order glorifies childhood on the one hand; and on the other, denies the dignity of the child.

Paradoxically, in India abuse and exploitation of children takes such forms as child labour, sexual slavery, sale and trafficking of children, prostitution; the use of children in drug trafficking, the physical, sexual and psychological abuse of children within families, incest, discrimination against children with HIV/AIDS and forced displacement of children, with and without their families in armed conflicts.

The utter neglect of the child in India is, ironically enough, accompanied by all kinds of declarations, promises, and guarantees by the Indian state. The Constitution of India lays down as a Directive Principle of State Policy, that ... children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity; and that childhood and youth are protected against exploitation; and against moral and material abandonment. The Parliament and State legislatures have enacted laws from time to time for the protection of interests and enforcement of the rights of the child in India. The National Policy for Children, a Government of India Resolution, declares that the nation’s children are a supremely important asset and that their nurture and solicitude is our responsibility.

Notwithstanding all the above statements of humanistic ideals and public policy; and the Government of India’s praise for both, the Declaration of the Rights of the Child by the General Assembly of the United Nations; and the Convention on the Rights of the Child by the United Nations, yet a very large number of children in India continue to be neglected, exploited and abused.

Girl children are one of the most critically affected groups. The patriarchal order pines for the birth of a male child and attaches no value to a girl child. Efforts are first made to avoid the birth of a girl child, which, for the mother, often carries a serious social stigma. Female infanticide is also rampant in some of the urban and rural areas and in some particular communities. In most rural families the girl child, even if not actively killed, is neglected right from birth. She suffers discrimination in matters of food, health care and education. As a result she is forced into malnutrition, ill-health, illiteracy, non-education and ignorance. She is burdened with house-work right from the time she can walk and lift things. She is also a victim of family violence and sexual abuse. Many are forced to work in hard, demeaning jobs and some are sold into servitude, sexual or otherwise. A glaring result of this is the increasing decline of women in the population.

Profoundly concerned that the situation of children in many parts of India remains critical as a result of inadequate social conditions, natural disasters, armed conflicts, exploitation, illiteracy, hunger and disability, an urgent and effective National and International responsible action is called for.

***Responsibilities and Action**

It is the responsibility of every citizen to ensure that children's rights are affirmed: and to improve the life of children; and to protect their rights. Therefore, the responsibility implies that state and civil society organizations ensure the full flowering of childhood and protection, inclusive of material needs and non-material aspirations.

We therefore affirm, that the society owes to the child, an adequate childhood for an integrated healthy development; and for the growth of a just society. We owe it to the child, for her/his own good and for the good of society, the recognition, guarantee and observance of all her/his rights arising from her/his diverse biological, psychological, social, economic, political, cultural, and spiritual needs.

Article One

For the purpose of the Charter, child means any person who has not completed the age of 18 years, unless any other law in force states otherwise.

Article Two

Right to Childhood

1. Happy childhood presupposes the concept of appropriate satisfaction of the primary survival and growth-related needs of the child (such as the needs of adequate food and nutrition, health and medical care, clothing and shelter/housing), the basic human development needs such as, the needs of social security and social intercourse, inclusive of parental love and affection, needs of education and recreation, of expression and of being heard), the secondary human needs of cultural and spiritual order (such as choice of language or medium of instruction, choice of career, profession and practice of religion)

and the special needs of disadvantaged children - (such as the needs of the differently-abled child or of the girl child.)

2. The above and other needs of the child are subsumed under certain inalienable rights. Among these, the following need to be expressly recognized for the purpose of immediate action:

- (a) Right to Childhood, i.e. to survival and healthy growth.
- (b) Right to protection against neglect, exploitation and abuse.
(A particularly significant aspect of this is the right not to be forced into child labour, or not to be exploited as a worker.)
- (c) Rights to appropriate opportunities for education and career.
- (d) Right to be heard.
- (e) Right to play, with leisure and recreation facilities.
 - (f) Struggle to remove Discrimination against the girl child (both before and after *birth*).
- (g) Protection of children affected by riots, war and natural calamities.
- (h) Protection of orphan/abandoned children with compassion.
- (i) Address Juvenile delinquency and those admitted to remand homes with sensitivity.
- (j) Prevent / discourage Child / early marriage.
- (k) Special care for differently-abled children
- (l) Enact Legislation relevant to children.

Article Three

Child Abuse

It is imperative for State and civil Society to undertake to protect the child from all forms of child abuse. For this purposes, they shall in particular take all appropriate national, bilateral and multilateral measures to prevent child abuse.

All children should be assured of a safe environment. A safe environment is an environment in which a child will not be abused in any way and his/her development will be nurtured.

- Psychological and physical abuse, neglect, cruelty, violence and emotional maltreatment
- Any act by deeds or words which debases, degrades or demeans the intrinsic worth and dignity of a child as human being
- Unreasonable deprivation of the child's basic needs for survival, such as food and shelter or failure to immediately give medical treatment to an injured child resulting in serious impairment of the child's growth and development, leading to permanent incapacity or death.
- Ensure that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitates the child's active participation in the community.

Article Four

Child Sexual Abuse

Sexual offence covers all forms of sexual abuse which constitute offences under such activity relating to sex organs engaged in for sexual gratification, which takes advantage of, violates or deceives children or young people. Millions of girls and even boys are being used in prostitution, pornography, trafficking and other forms of sexual exploitation.

Human responsibility calls for action from civil society and state, to enact and enforce appropriate legislation to prevent child abuse in all its forms.

- Any kind of physical or mental violation of a child with a sexual intent, usually by an elder person who is in position of trust or power vis-à-vis the child.
- The inducement or coercion of a child to engage in any unlawful sexual activity;
- The exploitative use of children in prostitution or other unlawful sexual practices
- The exploitative use of children in pornographic performances and materials.
- The exploitation of children in massage parlors under the cover of providing ayurvedic treatment which is commonly practiced in different parts of South India. There should be mandatory registration of children working in such institution as well as a regulatory mechanism to prevent the institutionalization of tourism-related sexual abuse
- The abuse of mentally and physically disabled children;
- Children abused within the context of cultural and traditional practices such as child marriage, etc.;
- Children in institutions like orphanages, remand homes, etc. are vulnerable to sexual abuse from those who are supposed to take care of them;
- Children in situation of ethnic conflicts, displaced, migrant and refugee children are particularly vulnerable to all forms of sexual exploitation;
- Children are exploited as attraction in sex tourism and are victims of a globally organised sex trade;

- Child labourers, domestic workers, street children are frequently used for the sexual gratification of the employers and other adults
- Take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.
- Eliminate the culture of silence & shame around child sexual abuse which is the best kept secret of most Indian homes & communities. Children of both sexes are vulnerable to it and most abuses are people known to the children, including family members.

Article Five

Child Labour

The problems of working children have to be looked at as a question of appropriate Government policies and legislations as well as, as a question of commitment of society to the health and judicious management of our future wealth, i.e., children.

All children have the right to be protected from child labour and any other economic exploitation which endangers a child's mental, physical, or psychological health and interferes with his/her education to develop properly and enjoy childhood.

- All children, especially in rural areas, should be protected from hard labour including farm, domestic or manual labour or any other type of labour
- There should be a minimum age of employment. No child should be forced to leave school prior to the completion of Metric, for the purpose of employment
- Ensure the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or interfere with the child's education or harmful to the child's health.
- There should be regulations and restrictions on the hours and types of work and penalties for those who violate these regulations
- All children have the right to be protected from child slavery and from the inheritance of labour or employment from their parents or family.
- At work places involving child labour, it should be made mandatory to provide free time to child worker and also a place and other means for recreation, under S. 13 of the Child Labour Act, 1936.
- Sensitising/ conscientising the child to the various forces social, political, cultural, economic - which shape his/her life.
- Encouraging families and communities to demand, obtain and use facilities which are theirs by right - including the right to make their own decisions.
- Undertaking lobbying at the legislative level on the issue of working children.
- Initiating research, documentation and assimilation of reliable data.

Article Six

Child Education

- It is the responsibility of the state to guarantee the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity. They shall, in particular,
- Make primary education compulsory and available freely to all.
- All children have a right to education which is in the interest of the child; and to develop their talents through education, both formal and informal.
- All teachers should be appropriately qualified and should treat children with patience, respect and dignity. All teachers should be evaluated and monitored to ensure that they are protecting the rights of the child.

Article Seven

Homeless Children

- No child should be forced to live on the streets
- Homeless children have the right to be protected from harassment and abuse from police, security guards and all other persons. Every person has the duty to report any abuse or violence against children
- Homeless children have the right to a decent place to live, clothing and healthy diet
- Street children have the right to special attention in education and health care
- Communities and families have a duty to protect their children from becoming homeless and abandoned
- All persons should be made aware of the plight to homeless children and should participate in programmes which act to positively eradicate the problem of homeless children
- The government has the duty and responsibility towards homeless children.
- Recognise that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community.

We strongly feel that the problems of children in India have remained unsolved and have been compounded by the traditional social order, working hand in hand with the model of development that we have been following since independence. We, therefore, feel ourselves committed to a unified action for a multi-dimensional struggle to achieve justice and dignity for our children.

* Basis:

The Principles of the Charter of Human Responsibilities form the foundation for drafting Citizen's Charter of Responsibilities towards Children