



# A Handbook for the Media on Reporting on Children

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## PREFACE

Journalists, photographers and programme-makers frequently expose the plight of children trapped in circumstances beyond their control, or abused or exploited by adults. They act as the eyes, ears and voices of the public, drawing attention to abuses of power and human rights, often at considerable personal risk. Through their work, they can encourage governments and civil society organisations to bring about changes that will improve the quality of people's lives.

However, it is equally important to consider the "children's angle" in more conventional news coverage and programs. For this organizations like UNICEF who work on child rights, partner and produce material that enable more empowered or holistic coverage and reportage on children. This handbook is one such effort for media professionals and program producers.

It draws from the experience of tracking and encouraging Telugu television channels on their programs on children related issue via the "UNICEF Award for Children-Related Programmes in the Telugu TV Channels"<sup>1</sup> initiative. This initiative is now in its 6th edition and has been ongoing since 2009 in partnership with CMS Hyderabad. This Handbook includes observations and advice regarding the coverage of child issues by the electronic media made by the eminent Jury<sup>2</sup> of this annual initiative.

In addition, a baseline study on what the local print media has been reporting regarding children issues, was done recently, tracking three Telugu newspapers<sup>3</sup> and three local English newspapers<sup>3</sup> for a period of one month beginning June 15, 2014. Findings from this CMS study are used for reference in this publication.

This handbook begins with defining who a child is and what the child rights are, the role media can play and why reporting guidelines are important. The main focus are on three important rights of children- right to survival and development, right to protection and right to education. These sections also cover important issues that media can focus on that are problematic in Andhara Pradesh and Telangana State.

UNICEF principals of ethical guidelines on reporting on children are also listed in this handbook, followed by detailed legal provision available in India to protect the children. The last section enlists in brief the national agencies protecting children, laws in the country, central and state government schemes/programmes designed for children.

<sup>1</sup> 19 Telugu TV Channels participate in the UNICEF Awards are - ABN Andhra Jyothy, ETV2, Gemini News, HMTV, iNEWS, MAHAA News, NTV, Studio N, Sakshi TV, TNews, TV5, TV9, Zee 24 Gantalu, DD Saptagiri, ETV, Gemini, MAA, Vanitha TV, Zee Telugu

<sup>2</sup> Jury Chairpersons for the UNICEF Awards have been - Ms. Rama Devi, Justice Subhashan Reddy, Dr Mohan Kanda, Dr Shanta Sinha, Mr PVRK Prasad

<sup>3</sup> Hyderabad Edition of - Deccan Chronical, The Hindu, The Times of India, Eenadu, Sakshi and Andhra Jyoti

# Introduction

## What are Child Rights?

A right is as an agreement or contract established between the persons who hold a right (often referred to as the "rights-holders") and the persons or institutions which then have obligations and responsibilities in relation to the realization of that right (often referred to as the "duty-bearers".) Child rights are specialized human rights that apply to all human beings below the age of 18. Universally child rights are defined by the United Nations and United Nations Convention on the Rights of the Child (UNCRC). According to the UNCRC Child Rights are minimum entitlements and freedoms that should be afforded to all persons below the age of 18 regardless of race, colour, gender, language, religion, opinions, origins, wealth, birth status or ability and therefore apply to all people everywhere.

The purpose of the UNCRC is to outline the basic human rights that should be afforded to children. There are four broad classifications of these rights. These four categories cover all civil, political, social, economic

and cultural rights of every child. -Right to Survival, Right to Protection, Right Development and Right to Participation.

According to the United Nations Convention on the Rights of the Child, any person under the age of 18 is a child unless by law majority is attained at an earlier age. India is home to the largest number of children in the world.

## Background

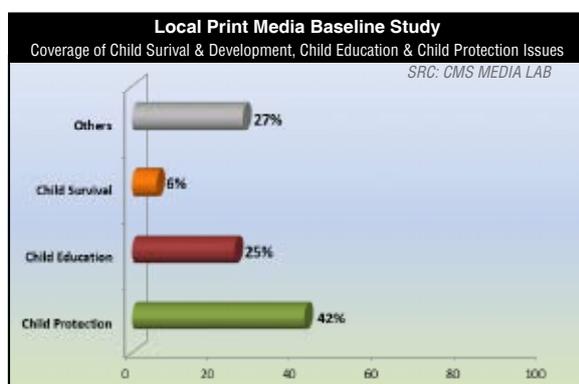
A child's right to survival begins before a child is born. Hence the right to survival is inclusive of the child right to be born, to minimum standards of food, shelter and clothing, education and the right to live with dignity.

Social and economic disparities exist between and within Indian states. National data establishes that approximately 100 million children are in the poorest wealth quintile. One half of all the poor children belong to the Scheduled Castes and Scheduled Tribes. This impacts their survival, development and protection.

India contributes to more than 20 per cent of the child deaths in the world In India about 1.83 million children die annually before completing their fifth birthday - most of them due to preventable causes. Only four diseases - respiratory infections, diarrhoeal diseases, other infectious and parasitic diseases and malaria - account for about half of under-five deaths in the country. Despite progress in reaching out to children especially in hard-to-reach areas, India is likely to miss the millennium development goal (MDG) 4 on child mortality.

Malnutrition is another concern requiring urgent attention. About 20 per cent of children under-age five in India are wasted, 43 per cent underweight and 48 per cent stunted. In terms of numbers, about 54 million children under five years in India are underweight which constitutes about 37 percent of the total underweight children in the world. The number of stunted and

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wasted Indian children constitutes 28 per cent and 31 per cent of wasted and stunted children respectively in the world. India is not likely to reach the MDG on child malnutrition.

Children are the first to be affected by forced and economic migration. Not only are they deprived of education, but migration due to displacement or internal conflict leads to children subsisting on the streets. Their risks of being trafficked within and across borders increases and the numbers of children engaged in part- or full-time labour rises.

### **The Role Media Can Play**

Since children can rarely speak for themselves, the media can bring voices of children to the media by drawing attention to their stories. Their sensitive reporting can highlight violations of the right of all children to live and grow with equity, dignity, security and freedom, especially those marginalised or disadvantaged. Further; positive coverage of how equal opportunities to survival, development and protection have changed the lives of children can promote mindset changes leading to stoppage of harmful customs, traditions, cultural or religious practices prevent children from enjoying their rights.

Print and electronic media play an important role in shaping society's views and influencing the way people think and behave. As the eyes, ears and voices of the public, they encourage governments and civil society organisations to effect changes to improve the quality of people's lives. Journalists can expose the plight of children caught up in circumstances beyond their control, or abused or exploited by adults.

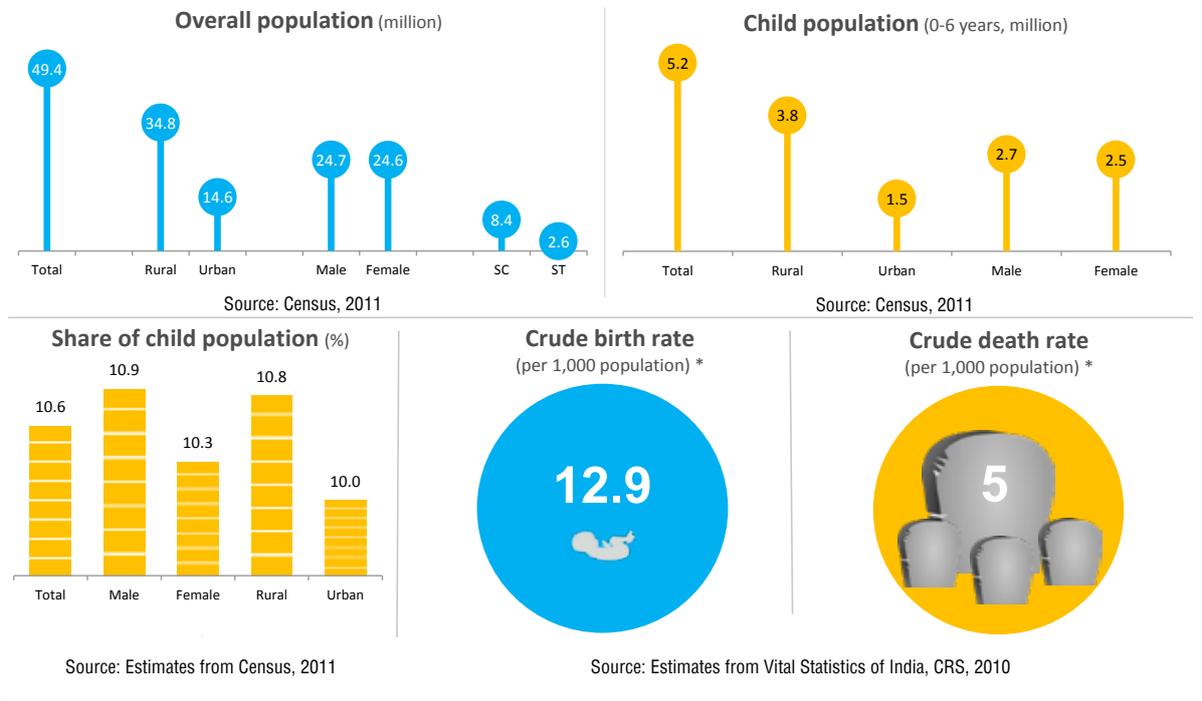
### **Why Reporting Guidelines Can be Useful**

Reporting on children can be a challenge. Inaccurate information or insensitive portrayal of children's issues can put the child at risk instead of raising awareness on the issue. Reporting guidelines can help in avoiding the use of stereotypes and sensational presentation to promote journalistic material involving children. It will prompt careful consideration of the consequences of publication of any material concerning children or visuals identifying children unless it is demonstrably in the public interest.

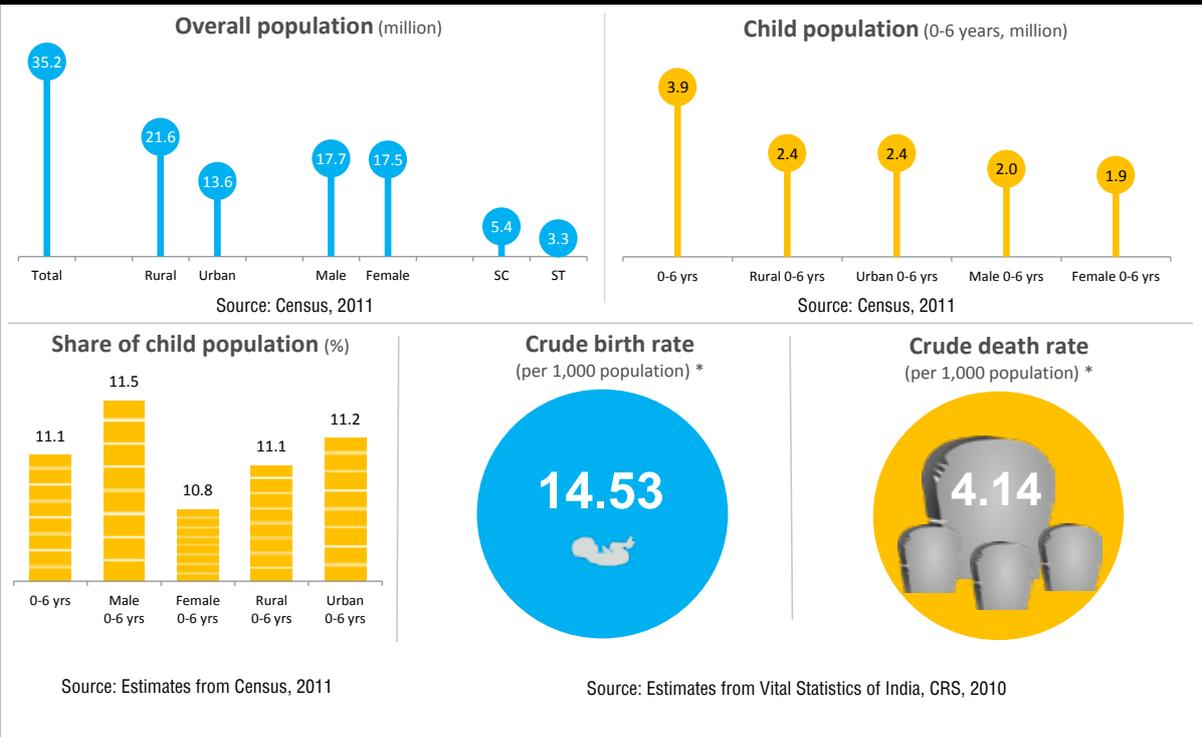


“ How many deaths happened is definitely news, but this only creates panic in people. Instead, channels should focus on symptoms, reasons and what to do in such situations. It is only then that the viewers will gain from the news report. From the programmes viewed, we felt that there is a tendency to depict events as individual phenomena rather than as a part of a larger social process/ issues. Depiction of isolated incidents do not make an impact on the viewer. ”

## ANDHARA PRADESH STATE - DEMOGRAPHICS



## TELANGANA STATE - DEMOGRAPHICS



Footnotes: \* State estimates are based on districts estimates using population weights.



## CHILD'S RIGHT TO SURVIVAL AND DEVELOPMENT

A child's right to survival means the right to life and the right to proper health, nutrition, clean water, sanitation, and medical care.

It is globally recognised that children who are undernourished, not optimally breastfed, or suffer from micronutrient deficiencies have substantially lower chances of survival. They are more likely to suffer from serious infections and common childhood illnesses such as diarrhoea, measles, pneumonia, and malaria, leading to irreversible damage to their growth, cognitive development, school performance and future productivity as adults.

An individual's health and well-being is largely dependent on the availability

of clean drinking water and access to improved sanitation and hygiene practices. Bacteriological contamination also cannot be ruled out due to open defecation, poor drainage system and improper management of solid and liquid waste in the rural areas.

Under nutrition jeopardizes a child's survival, health, growth and development; it slows national progress towards development goals. It is also among the important factors leading to high rate of child mortality. Child mortality is a sensitive indicator of a country's development. In India, the Infant Mortality Rate (IMR) under one year has shown a modest decline in recent years.

**PRINT MEDIA FINDINGS:** From a one-month baseline study of print media done in July 2014, it was found that from the entire coverage on children, approximately only 4.4 per cent coverage was on Child Survival issues such as unhygienic conditions of midday meals, thalassemia, diabetes, awareness on vaccination campaigns in government hospitals, etc.

**TELEVISION MEDIA FINDINGS:** Running successfully for the last six years, the UNICEF Awards for Children-Related Programmes in Telugu TV Channels have established that approximately only 5.5 per cent of the coverage on children has been on Child Survival issues. These were reported through documentaries, news stories or PSMs on rare childhood diseases, maternal mortality, maternal nutrition, infant nutrition, adolescent girls' nutrition, infant deaths due to lack of hospital facilities or illnesses etc.

## ISSUES THAT CAN BE REPORTED BY THE MEDIA

In India 84 per cent of all healthcare expenditure is out-of-pocket. This places a great number of families at risk of falling into poverty due to high health expenses. Millions of children are at risk of becoming malnourished. Every third child in India is malnourished. Malnutrition is not only a problem among children but in adolescent and pregnant women in the state, too.

### CHILD HEALTH

The IMR in India is 63 deaths for every 1000 live births. Of these 47 per cent of the deaths occur within the first week of birth. In Andhra Pradesh and Telangana, the IMR is 41 deaths for every 1000 live births.<sup>1</sup>

Around 56 per cent of all newborn deaths occur in Andhra Pradesh and Telangana. **Three major causes contribute to all deaths in the newborn period: prematurity and low birth weight, birth asphyxia and infections.**<sup>2</sup>

Around 69.48 per cent of children in Andhra Pradesh and 67.89 per cent of children in Telangana under the age of three years are treated for diarrhoea with ORS.<sup>4</sup> **Diarrhea and respiratory infections are the number one cause for child deaths in India.** Hand washing with soap by caregivers' and children prior to food preparation and eating, serving foods immediately after preparation, using clean utensils and avoiding feeding bottles helps reduce diarrhoea and associated under-nutrition in the child.

### MATERNAL HEALTH

India continues to contribute about a quarter of all global maternal deaths. WHO defines maternal mortality as the death of a woman during pregnancy or in the first

42 days after the birth of the child due to causes directly or indirectly linked with pregnancy.<sup>2</sup>

The MMR in Andhra Pradesh and Telangana, is 110 deaths for every 1,00,000 live births.<sup>1</sup> **About half of the total maternal deaths occur because of hemorrhage and sepsis.** A large number of deaths are preventable through safe deliveries and adequate maternal care.

### NUTRITION

Only 54 per cent of mothers in Andhra Pradesh, breastfeed their newborns within the first one hour of their birth and only around 38 per cent of mothers in Telangana breastfeed their newborns within the first one hour of their birth.<sup>4</sup> Breast feeding is the first crucial step to ensuring good health in infants. **Early initiation of breast feeding by the mother is very important for the physical and cognitive development of the child.** Delayed initiation of breast feeding, delayed clothing and early bathing, not seeking care when newborns are sick and applying harmful material on cord-stump increase the risk of newborn deaths.

The transition from exclusive breastfeeding to family foods, referred to as complementary feeding, typically covers the period from 6 to 18-24 months of age, and is a very vulnerable period. It is the time when malnutrition starts in many infants, contributing significantly to the high prevalence of malnutrition in children under five years of age world-wide.<sup>3</sup>

In Andhra Pradesh and Telangana, 33 per cent of children less than three years of age are underweight and 38 per cent suffer stunted\* growth.<sup>5</sup> Wasting\* is recorded among 15 per cent of children and micronutrient

situation is equally disturbing, with nearly 80 per cent of children (6-35 months age) suffering from anaemia.<sup>6</sup>

Anaemia is a leading cause for maternal mortality and low birth weight; it is a wide spread public health problem affecting infants, children, adolescent girls and women of reproductive age. More than half of all married women are anaemic and one-third of them are malnourished.

### WATER, SANITATION AND HYGIENE (WASH)

Only 36 per cent in Andhra Pradesh and 54 per cent in Telangana have drinking water source within their premises.<sup>7</sup>

Around 67.3 per cent in Andhra Pradesh and 73.6 per cent in Telangana reported piped water as the main source of drinking water.<sup>7</sup> *The quality of drinking water and sanitation facilities, though, remains a challenge.*

Timely and adequate provision of clean water and sanitation services is not only important for individuals and communities but it is also a fundamental human right. Hence, *clean water, sanitation and hygiene means reduced risk of illness and better attendance in school for children.*

597 million people practice open defecation in India.<sup>8</sup> Open defecation and poor sanitation is a strong predictor of child stunting even more than calorie consumption, it is one of the main causes of persistent malnutrition in the country.<sup>9</sup>

Only 48 per cent in Andhra Pradesh and 52 per cent in Telangana have latrine facilities within their premises.<sup>7</sup>

Adolescent girls are especially vulnerable to dropping out, as many are reluctant to continue their schooling because toilet facilities are not private, not safe or simply not available.

Women and girls face shame and a loss of personal dignity and safety risk if there is no toilet at home. They have to wait for the night to relieve themselves to avoid being seen by others.

## CASE STUDY OF A HOLISTIC COVERAGE

A News Story on Diphtheria and Immunisation\* was awarded “Best Reporting on Topical Programme” at the 5th UNICEF Awards.

In 2013, during the month of August and September, the city of Hyderabad was plagued with Diphtheria, leading to deaths of several children. Most channels covered it but they focused on how many deaths occurred and what happened. This news story went beyond the problem and presented a well-rounded report of the situation of Diphtheria in the city and the importance of timely immunisation and vaccination.

## WHY JURY DECIDED THAT THIS STORY DESERVED AN AWARD

- Presented facts about the situation of Diphtheria in affected areas of Hyderabad.
- Uncovered the root of the problem, how and where to seek help.
- Supplemented with bytes of concerned stakeholder such as a parent who had lost a young daughter due to the prevailing situation of Diphtheria, Child Protection Society, Indian Academy of Paediatrics, other child specialists etc.
- Touched upon causes, prevention, and the need for vaccination, health situation in the government school of the affected areas, symptoms of Diphtheria and what to do when placed in such a situation.
- Focused on Right to Health for children.
- Visuals were appropriate and impactful; well supported by informative graphic plates; voice over was empathetic, not sensational and created the desired impact.

\* Telecast by Channel Gemini News at 9:30pm on September 11, 2013

1 Estimates from SRS, 2012 | 2 References from UNICEF India Website

3 [http://www.who.int/nutrition/topics/complementary\\_feeding/en/](http://www.who.int/nutrition/topics/complementary_feeding/en/)

4 Estimates from DLHS III, 2007-2008 | 5 Estimates from CES, 2009

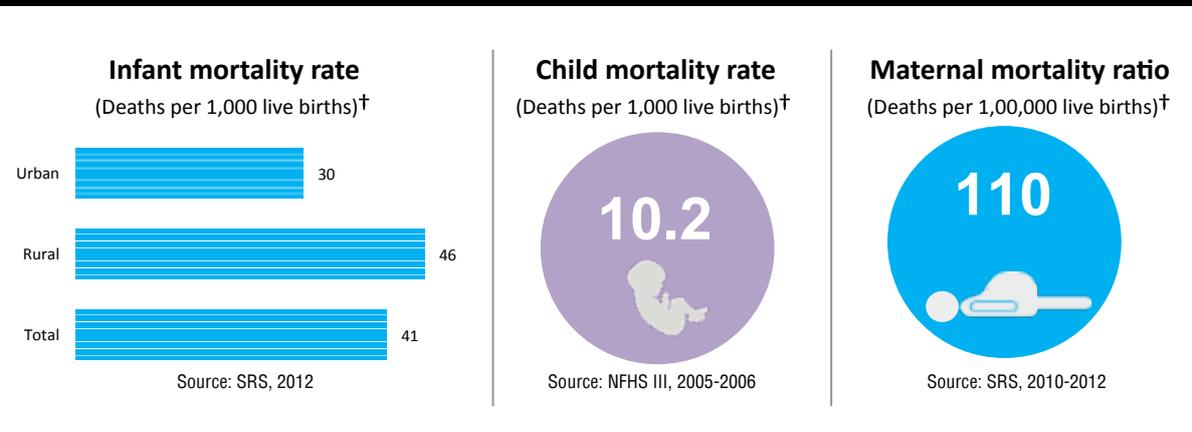
6 Estimates from NFHS-III, 2005-2006 | 7 Estimates from Census, 2011

8 National Family Health Survey | 9 A report jointly prepared by the WHO and the UNICEF

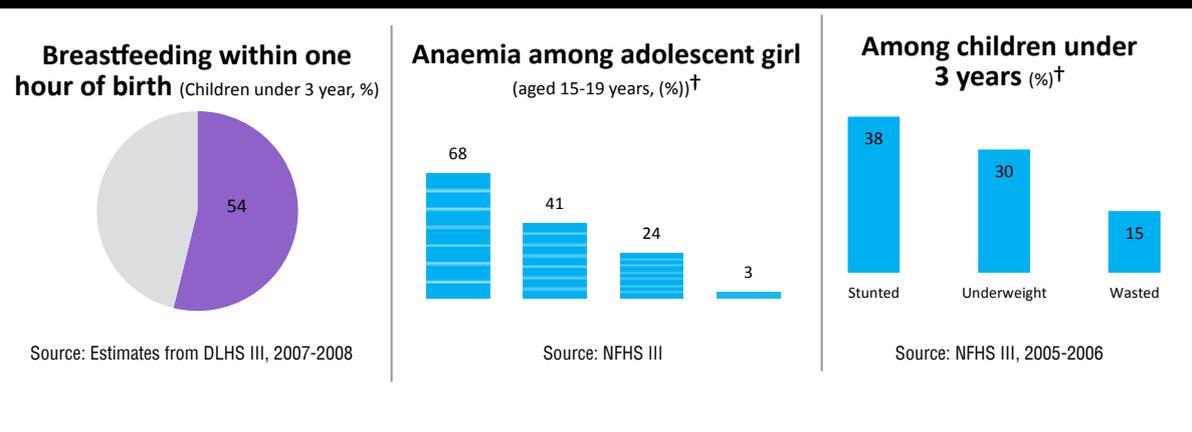
\* **Wasting**, also known as wasting syndrome, refers to the process by which a debilitating disease causes muscle and fat tissue to “waste” away. Wasting is sometimes referred to as “acute malnutrition” because it is believed that episodes of wasting have a short duration, in contrast to stunting, which is regarded as chronic malnutrition.

**Stunted growth** is a reduced growth rate in human development. It is a primary manifestation of malnutrition in early childhood, including malnutrition during fetal development brought on by the malnourished mother.

## ANDHARA PRADESH STATE - CHILD HEALTH

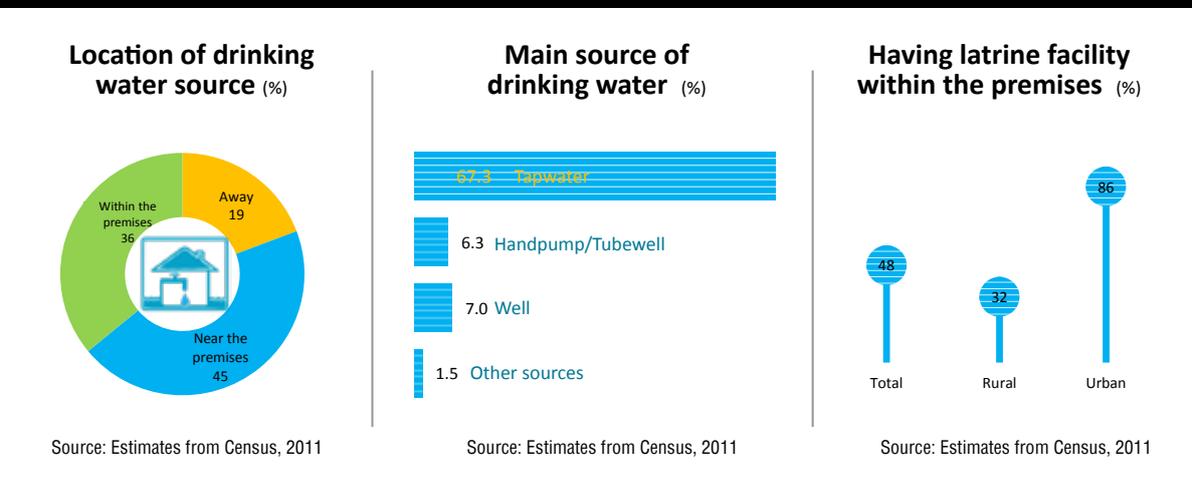


## ANDHARA PRADESH STATE - NUTRITION



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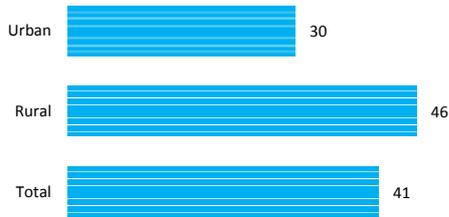
## ANDHARA PRADESH STATE - WATER, SANITATION AND HYGIENE (WASH)



Footnotes: † Undivided Andhra Pradesh data

## TELANGANA STATE - CHILD HEALTH

### Infant mortality rate (Deaths per 1,000 live births)<sup>†</sup>



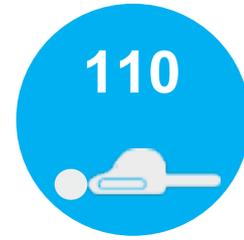
Source: SRS, 2012

### Child mortality rate (Deaths per 1,000 live births)<sup>†</sup>



Source: NFHS III, 2005-2006

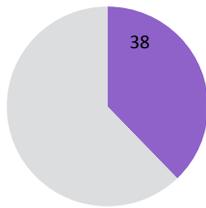
### Maternal mortality ratio (Deaths per 1,00,000 live births)<sup>†</sup>



Source: SRS, 2010-2012

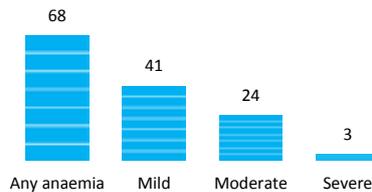
## TELANGANA STATE - NUTRITION

### Breastfeeding within one hour of birth (Children under 3 year, %)



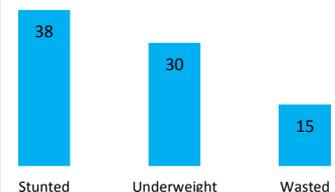
Source: Estimates from DLHS III, 2007-2008

### Anaemia among adolescent girl (aged 15-19 years, %)<sup>†</sup>



Source: NFHS III

### Among children under 3 years (%)<sup>†</sup>



Source: NFHS III, 2005-2006

## TELANGANA STATE - WATER, SANITATION AND HYGIENE (WASH)

### Location of drinking water source (%)



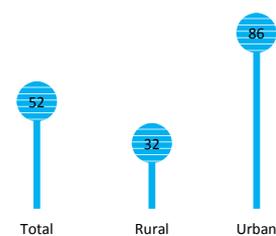
Source: Estimates from Census, 2011

### Main source of drinking water (%)



Source: Estimates from Census, 2011

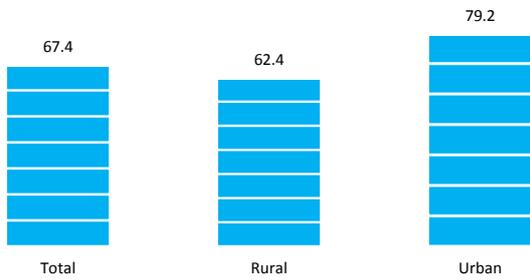
### Having latrine facility within the premises (%)



Source: Estimates from Census, 2011

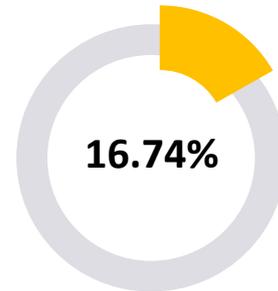
## ANDHARA PRADESH STATE - EDUCATION

### Literacy rates (7+ years, %)



Source: Estimates from Census, 2011

### Gap in literacy (Urban - Rural) (%)

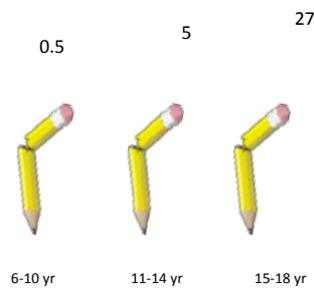


Source: Estimates from Census, 2011

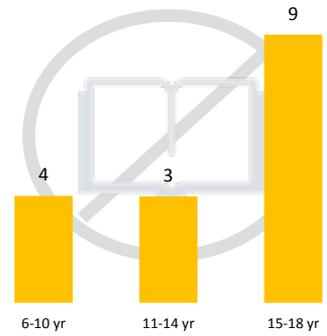
### Primary completion rate (%)



### Dropout rate (%)



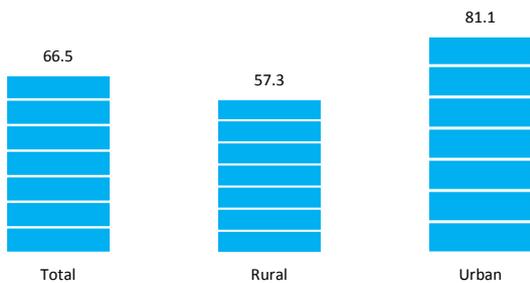
### Never attended school (%)



Source: Estimates from Employment and Unemployment: NSS 68th round pooled (Central & State) Sample, 2011-2012

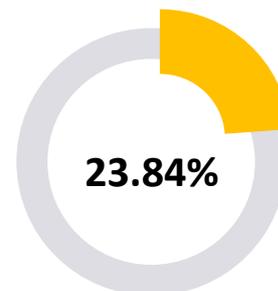
## TELANGANA STATE - EDUCATION

### Literacy rates (7+ years, %)



Source: Estimates from Census, 2011

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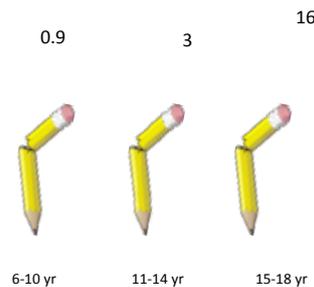


Source: Estimates from Census, 2011

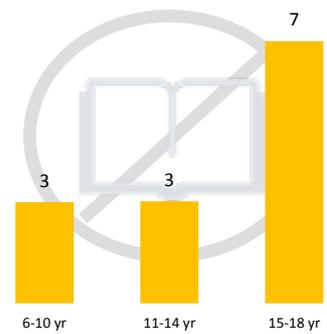
### Primary completion rate (%)



### Dropout rate (%)



### Never attended school (%)



Source: Estimates from Employment and Unemployment: NSS 68th round pooled (Central & State) Sample, 2011-2012



## CHILD'S RIGHT TO EDUCATION

By passing the Right of Children to Free and Compulsory Education (RTE) Act in 2009, for the first time in India's history, children will be guaranteed their right to quality elementary education by the state with the help of families and communities. This Act ensures that every child has his or her right (as an entitlement) to get a quality elementary education, and that the state, with the help of families and communities, fulfils this obligation.

This means all children between the ages of six and 14 shall have the right to free

and compulsory elementary education at a neighborhood school. Despite the RTE act, the numbers of children who are not in school remain high.

Few countries in the world have such a national provision to ensure both free and child-centered, child-friendly education. However, the RTE has yet to impact all children. Education continues to elude millions of children and for many who have access, the quality of education remains a concern.

**PRINT MEDIA FINDINGS:** From a one-month baseline study of print media done in July 2014, it was found that from the entire coverage on children, approximately 25 per cent coverage was on Child Education issues such as implementation of the KG to PG scheme of the Telangana government, the Badi Panduga Programme by the Telangana government to motivate children to join school, follow up on the PIL on lack of basic facilities needed in school, the AP Supreme Court's committee to look at the basic facilities needed in the government schools, action taken regarding unrecognized schools in Telangana, suicide cases in junior/ corporate colleges due to stress to perform and what actions government needs to take to curb this, fee regulation in private schools in Telangana and on organisations distributing books and school bags to children in government schools.

**TELEVISION MEDIA FINDINGS:** Running successfully for the last six years, the UNICEF Awards for Children-related Programmes in Telugu TV Channels have established that approximately only 7.5 per cent coverage was on Child Education issues. These were documentaries, news stories and news coverage and PSMs on - Govt. schools, competitions, trust donating educational items to school children, schools that are running well, Madarsa schools.

## ISSUES THAT CAN BE REPORTED BY THE MEDIA

There are seven million children in India under the age of 14 years, who do not have access to quality education; approximately 50 per cent of all children drop out before they complete their elementary education.

### EDUCATION

About 20 per cent of children aged six to 14 are still not in school; millions of women remain non-literate despite the spurt in female literacy in the 1990s.<sup>1</sup>

About 16 per cent of the children of Standard I – II of primary schools in rural Andhra Pradesh and Telangana cannot read letters or words and 11 per cent cannot recognise numbers one to nine. About 34 per cent of children of Standard III - V in rural Andhra Pradesh and Telangana are unable to read even Standard 1 level text.<sup>2</sup>

The education system in government run or funded school faces a shortage of resources, schools, classrooms and teachers. There are also concerns relating to teacher training, the quality of the curriculum, assessment of learning achievements and the efficacy of school management.

The dropout rate for the age group of 15 to 18 years is 27 per cent in Andhra Pradesh and 16 per cent in Telangana.<sup>3</sup> **Given the scarcity of quality schools, many children drop out before completing five years of primary education; many of those who stay on, learn little.**

### OTHER ISSUES

**Social Distance:** Issues of 'social' distance – arising out of caste, class and gender differences – deny children equal opportunities. Girls belonging to marginalised social and economic groups are more likely to drop out of school at an early age for many reasons.

**Separate Toilets for Girls:** Unavailability of separate toilets for girls discouraged families from sending their girl-children to schools, leading to lower education attainment among them.

**Child Labour:** Child labour in some parts of the country and resistance to sending girls to school remain real concerns.

The focus should be in three domains of the education system: organisation of schools, instructional dimension and community involvement.

### CHILDREN WITH DISABILITIES

Children with disabilities are one of the most marginalised and excluded groups in society. Facing daily discrimination in the form of negative attitudes, lack of adequate policies and legislation, they are effectively barred from realising their rights to healthcare, education, and even survival. Their disabilities also place them at a higher risk of physical abuse, and often exclude them from receiving proper nutrition or humanitarian assistance. Protecting the rights of children with disabilities is a neglected subject.

<sup>1</sup> Reference from [http://www.unicef.org/india/education\\_150.htm](http://www.unicef.org/india/education_150.htm) |

<sup>2</sup> Estimates from ASER 2012 | <sup>3</sup> Estimates from Employment and Unemployment: NSS 66th Round Pooled Sample, 2011-2012

## CASE STUDY OF A HOLISTIC COVERAGE

A panel discussion “Badiki Dooranga Baalikalu”\* was awarded “Best Panel Discussion on Girl Child” at the 5th UNICEF Awards.

The programme discussed the causes for high drop-out rate among girl children and made a positive attempt to highlight the reasons for holding them away from education.

## WHY JURY DECIDED THAT THIS STORY DESERVED AN AWARD

- The panel consisted of a head mistress, two NGOs working with children who have dropped out of schools, a civil society representative and an RTE activist.
- A well-informed, well-prepared, diverse panel of members gave different perspectives, threw light on government schemes, loop holes in education system, RTE act not being implemented properly and all relevant data pertaining to situation in undivided Andhra Pradesh.
- In the end, the panelist suggested possible solutions to this problem.

*\* Telecast by Channel EVT2 at 12:30pm on June 30, 2013*





## CHILD'S RIGHT TO PROTECTION

Child's Right to Protection is prevention of or responding to the incidence of abuse, exploitation, violence and neglect of children. This includes commercial sexual exploitation, trafficking, child labour and harmful traditional practices, such as child marriage, Jogini/ Matamma etc.

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Protection also allows children to have access to their other rights of survival, development, growth and participation. When child protection fails or is absent, children have a higher risk of death, poor physical and mental health, HIV/AIDS infection, educational problems, displacement, homelessness, vagrancy and poor parenting skills later in life.

Integrated Child Protection Scheme (ICPS) is the programmatic response by the government of India to address issues

pertaining to the protection of children in India. To assure children's rights to survival, growth, and development, it is essential to protect them from violence, exploitation, and abuse. Although the government is committed to child protection, hundreds of children continue to be victims of exploitation and abuse, which includes harmful practices such as child marriage, and the worst forms of child labour and trafficking. Physical and psychological punishment is rampant in the name of disciplining children, and is yet another culturally accepted norm.

Domestic violence has a deep impact on a child's psychological development which could inhibit their development as well. For example, girls whose mothers were beaten up by their fathers are almost twice as likely to be in abusive marriages themselves.

**PRINT MEDIA FINDINGS:** From a one-month baseline study of print media done in July 2014, it was found that from the entire coverage on children, approximately 42 per cent coverage was on Child Protection issues such as rapes, suicides, corporal punishments, sexual abuse, accidental deaths, implementation of the Nirbhaya Act, abandoned children, missing children, death of a baby in the womb, and the government's Beti Bachao Beti Padhao scheme etc.

**TELEVISION MEDIA FINDINGS:** Running successfully for the last six years, the UNICEF Awards for Children-related Programmes in Telugu TV Channels have established that approximately 36 per cent of the coverage on children has been on Child Protection issues. These were documentaries, news stories and news coverage and PSMs on child labour, child marriage, trafficking, female foeticide and infanticide, rapes, suicides, corporal punishments, sexual abuse, accidental deaths, sale of girl child's, abandoned children, missing children, orphan children, kidnaps, superstitious traditions, etc

## ISSUES THAT CAN BE REPORTED BY THE MEDIA

Most of the cases of child rights violations go unreported because of social stigmas and cultural taboos. It is also impossible to measure the true magnitude of violence against children worldwide.

### BIRTH REGISTRATION

Only 40.3 per cent children have birth registration in Andhra Pradesh and Telangana.<sup>1</sup> Birth certificate is the official recording of a child's birth by the government administrative processes. [Birth certificate is a tool for protecting children against child labour, illegal adoption, trafficking and even, early marriage.](#) Early registering the birth of a child is not enough. A documentary proof in the form of a birth certificate is necessary. There is a lack of awareness about such documentation.

### CHILD MARRIAGE

Around 52 per cent women in Andhra Pradesh and 48 per cent women in Telangana, who are aged between 20-24 years and married were married before the legal age of 18 yrs.<sup>2</sup> Both these states have the highest incidence of child marriages. Child marriage is a major social concern and a violation of children's rights – whether it happens to a girl or a boy – as it denies the basic rights to health, nutrition, education, freedom from violence, abuse and exploitation and deprives the child of his/ her childhood.

### PREMATURE PREGNANCY AND MOTHERHOOD

Premature pregnancy and motherhood are but the inevitable consequences of child marriage. Girls under 15 are five times more likely to die during pregnancy and childbirth than women in their twenties.

### CHILD ABUSE

It is estimated that 150 million girls and 73 million boys under 18 have been subjected to forced sexual intercourse or other forms of sexual violence.<sup>3</sup> Child abuse has many forms: physical, emotional, sexual, neglect and exploitation. Any of these that are potentially or actually harmful to a child's health, survival, dignity and development are understood as abuse.

Children between the ages of five to 12 are at the highest risk for abuse and exploitation. Child abuse in India is often a hidden phenomenon especially when it happens at home or by family members. Focus with regards abuse has generally been in the more public domain such as child labour, prostitution, marriage, etc.

### CHILD TRAFFICKING

Andhra Pradesh and Telangana, along with few other states in the country, have the largest number of people trafficked. [There is a growing problem of prostitution with truck-drivers in dhabas along the National Highway in Coastal Andhra Pradesh.](#)<sup>4</sup> Children are used for prostitution, forced into marriage, illegally adopted, used as cheap or unpaid labour, used for sport and organ harvesting. Trafficking is one of the hardest crimes to track and investigate; hence, data is hard to obtain.

India is a source, destination, and transit country for trafficking for many purposes such as commercial sexual exploitation. A variety of conditions compel women and children to take up sex work. These range from acute poverty, the family's inability to pay dowry, desertion or widowhood, or being lured into the

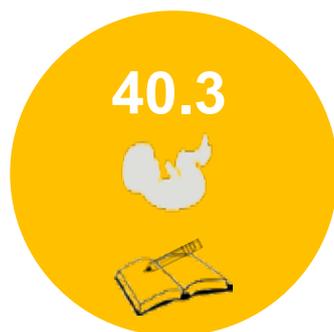
profession by the promise of a job, to an overall lack of skills as a result of little or no education.

## CHILD LABOUR

India is sadly the home to the largest number of child labourers in the world.<sup>3</sup> Andhra Pradesh and Telangana has nearly 400,000 children, mostly girls between seven and 14 years of age, toiling for 14-16 hours a day in cottonseed production across the country of which 90 per cent are employed in Andhra Pradesh and Telangana.<sup>5</sup> Child labour is another crucial issue that continues to deprive children in the two states of their rights to education and nutrition.

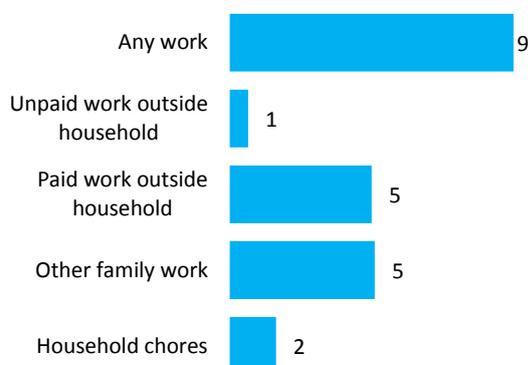
### UNDIVIDED ANDHRA PRADESH†

#### Birth registration (%)†



Source: NFHS III, 2005-2006

#### Child workers age 5-14 years (%)†



Source: NFHS III, 2005-2006

Footnotes: † Undivided Andhra Pradesh data

## CASE STUDY OF A HOLISTIC COVERAGE

A documentary “Nettuti Vadha”<sup>\*</sup> was awarded “Best Documentary on Child Protection” at the 4th UNICEF Awards.

This documentary showcased in a positive way incidents of foeticide widespread across undivided Andhra Pradesh state.

## WHY JURY DECIDED THAT THIS STORY DESERVED AN AWARD

- Highlighted the problem of foeticide and the misuse of ultrasound machines.
- Focused in depth the use and misuse of ultrasound machines - why and when it should be used.
- Presented the mushrooming growth of scanning centers, unethical practices of medical practitioners and the ignorance of people.
- Showed the link between illegal scanning centers and the worsening girl child sex ratio.
- Focused on the fact that it is the father who is responsible for the sex of the child and not the mother. Showed some case studies of women being harassed for giving birth to a girl child.
- Highlighted in detail the medical termination of pregnancy, including reasons acceptable for termination and consequences of misuse.
- Focused on PCPNDT ACT and how the law protects the pregnant mother and the unborn child.
- Used statistics for highlighting the problem across the state.
- The documentary was well-stitched together with good spread of bytes from respective stakeholders including a gynecologist, NGOs working on this cause, women activists and a lawyer.
- Visuals were appropriate to the script; well supported by informative graphic plates; voice over was pleasant and had a positive tone.

<sup>\*</sup>Telecast by Channel HMTV at 8:00pm on December 12, 2012

<sup>1</sup> Estimates from NFHS-III, 2005-2006 | <sup>2</sup> Estimates from DLHS III, 2007-2008 | <sup>3</sup> Estimates from Census 2001 | <sup>4</sup> References from [www.traffickinginap.com](http://www.traffickinginap.com) | <sup>5</sup> References from M.V. Foundation Report  
References for this chapter has been taken from Child Line India Website, Report released by MWCD, 2007, UNICEF India Website, National Human Rights Report 2001 and USAID Report

# UNICEF Principles for Ethical Reporting on Children

Reporting on children and young people has its special challenges. In some instances the act of reporting on children places them or other children at risk of retribution or stigmatization.

UNICEF has developed these principles to assist journalists as they report on issues affecting children. They are offered as guidelines that UNICEF believes will help media to cover children in an age-appropriate and sensitive manner. The guidelines are meant to support the best intentions of ethical reporters: serving the public interest without compromising the rights of children.

## I. Principles

- 1** The dignity and rights of every child are to be respected in every circumstance.
- 2** In interviewing and reporting on children, special attention is needed to ensure each child's right to privacy and confidentiality, to have their opinions heard, to participate in decisions affecting them and to be protected from harm and retribution, including the potential of harm and retribution.
- 3** The best interests of each child are to be protected over any other consideration, including over advocacy for children's issues and the promotion of child rights.
- 4** When trying to determine the best interests of a child, the child's right to have their views taken into account are to be given due weight in accordance with their age and maturity.
- 5** Those closest to the child's situation and best able to assess it are to be consulted about the political, social and cultural ramifications of any reportage.
- 6** Do not publish a story or an image which might put the child, siblings or peers at risk even when identities are changed, obscured or not used.

## II. Guidelines for Interviewing Children

- 1** Do no harm to any child; avoid questions, attitudes or comments that are judgmental, insensitive to cultural values, that place a child in danger or expose a child to humiliation, or that reactivate a child's pain and grief from traumatic events.
- 2** Do not discriminate in choosing children to interview because of sex, race, age, religion, status, educational background or physical abilities.
- 3** No staging: Do not ask children to tell a story or take an action that is not part of their own history.
- 4** Ensure that the child or guardian knows they are talking with a reporter. Explain the purpose of the interview and its intended use.
- 5** Obtain permission from the child and his or her guardian for all interviews, videotaping and, when possible, for documentary photographs. When possible and appropriate, this permission should be in writing. Permission must be obtained in circumstances that ensure that the child and guardian are not coerced in any way and that they understand that they are part of a story that might be disseminated locally and globally. This is usually only ensured if the permission is obtained in the child's language and if the decision is made in consultation with an adult the child trusts.
- 6** Pay attention to where and how the child is interviewed. Limit the number of interviewers and photographers. Try to make certain that children are comfortable and able to tell their story without outside pressure, including from the interviewer. In film, video and radio interviews, consider what the choice of visual or audio background might imply about the child and her or his life and story. Ensure that the child would not be endangered or adversely affected by showing their home, community or general whereabouts.

### III. Guidelines for Reporting on Children

- 1 Do not further stigmatize any child; avoid categorisations or descriptions that expose a child to negative reprisals - including additional physical or psychological harm, or to lifelong abuse, discrimination or rejection by their local communities.
- 2 Always provide an accurate context for the child's story or image.
- 3 Always change the name and obscure the visual identity of any child who is identified as:
  - a. A victim of sexual abuse or exploitation
  - b. A perpetrator of physical or sexual abuse
  - c. HIV positive, or living with AIDS, unless the child, a parent or a guardian gives fully informed consent
  - d. Charged or convicted of a crime
  - e. A child combatant, or former child combatant who is holding a weapon or weapons
- 4 In certain circumstances of risk or potential risk of harm or retribution, change the name and obscure the visual identity of any child who is identified as:
  - a. A former child combatant who is not holding a weapon but may be at risk
  - b. An asylum seeker, a refugee or an internal displaced person.
- 5 In certain cases, using a child's identity - their name and/or recognizable image - is in the child's best interests. However, when the child's identity is used, they must still be protected against harm and supported through any stigmatization or reprisals. Some examples of these special cases are:
  - a. When a child initiates contact with the reporter, wanting to exercise their right to freedom of expression and their right to have their opinion heard.
  - b. When a child is part of a sustained programme of activism or social mobilization and wants to be so identified.
  - c. When a child is engaged in a psychosocial programme and claiming their name and identity is part of their healthy development.

- 6 Confirm the accuracy of what the child has to say, either with other children or an adult, preferably with both.
- 7 When in doubt about whether a child is at risk, report on the general situation for children rather than on an individual child, no matter how newsworthy the story.

### IV. Use of UNICEF materials

All UNICEF materials are protected by copyright, including text, photographs, other images and videotapes. Permission to reproduce any UNICEF material must be requested from the originating UNICEF office, and will only be granted on condition that these principles and guidelines are adhered to.

“ Since documentaries are longer expositions of ground realities, a more rounded, well-researched three-dimensional reporting is required, covering aspects of children’s entitlements, rights pertaining to the theme, State’s obligation and actions of civil society. It should facilitate awareness among the viewers and educate them on whom to approach and where they can go to get services when they find children’s rights are being violated.”

UNICEF AWARDS JURY REMARKS

# Instruments and Standards for Protection of Child Rights

## CONSTITUTION OF INDIA

The Constitution of India recognises the vulnerable position of children and their right to protection. Following the doctrine of protective discrimination, it guarantees in Article 15 special attention to children through necessary and special laws and policies that safeguard their rights. The Right to Equality, Protection of Life and Personal Liberty and the Right against Exploitation are enshrined in Articles 14, 15, 15(3), 19(1) (a), 21, 21(A), 23, 24, 39(e) and 39(f) of the Constitution and reiterate India's commitment to the protection, safety, security and wellbeing of all its people, including children. Here is what the relevant Articles say:

Article 14: The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.

Article 15: The State shall not discriminate against any citizen on grounds of only religion, race, caste, sex, place of birth or any of them.

Article 15(3): Nothing in this Article shall prevent the State from making any special provision for women and children.

Article 19(1) (a): All citizens shall have the Right (a) to Freedom of Speech and Expression.

Article 21: Protection of Life and Personal Liberty: no person shall be deprived of his life or personal liberty except according to procedure established by law.

Article 21A: Free and compulsory education for all children from the age of 6 to 14 years.

Article 23: Prohibition of traffic in human beings and forced labour: Traffic in human beings and beggars and other similar forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law.

Article 24: Prohibition of employment of children in factories, etc: No child below the age of 14 years

shall be employed to work in any factory or mine or engaged in any other hazardous employment.

Article 39: The State shall, in particular, direct its policy towards securing:  
(e) that the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter vocations unsuited to their age or strength;  
(f) 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.

## INTERNATIONAL CONVENTIONS AND DECLARATIONS

India is a signatory to a number of international instruments and declarations pertaining to the rights of children to protection, security and dignity. It acceded to the United Nations Convention on the Rights of the Child (UNCRC) in 1992, reaffirming its earlier acceptance of the 1959 UN Declaration on the Rights of the Child, and is fully committed to the implementation of all provisions of the UNCRC. In 2005, the Government of India accepted the two Optional Protocols to the UNCRC, addressing the involvement of children in armed conflict and the sale of children, child prostitution and child pornography. India is strengthening its national policy and measures to protect children from these dangerous forms of violence and exploitation. India is also a signatory to the International Convention on Civil and Political Rights, and on Economic, Social and Cultural Rights which apply to the human rights of children as much as adults. Three important International Instruments for the protection of Child Rights that India is signatory to, are:

The Convention on the Rights of the Child (CRC) adopted by the UN General Assembly in 1989, is the widely accepted UN instrument ratified by most of the developed as well as developing countries, including

India. The Convention prescribes standards to be adhered to by all State parties in securing the best interest of the child and outlines the fundamental rights of children, including the right to be protected from economic exploitation and harmful work, from all forms of sexual exploitation and abuse and from physical or mental violence, as well as ensuring that children will not be separated from their families against their will.

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) is also applicable to girls under 18 years of age. Article 16.2 of the Convention lays special emphasis on the prevention of child marriages and states that the betrothal and marriage of a child shall have no legal effect and that legislative action shall be taken by States to specify a minimum age for marriage.

The SAARC Convention on Prevention and Combating Trafficking in Women and Children for Prostitution emphasizes that the evil of trafficking in women and children for the purpose of prostitution is incompatible with the dignity and honour of human beings and is a violation of basic human rights of women and children.

ILO Worst Forms Convention 182 (C182), 1999 calls for international spotlight on the urgency to initiate immediate and effective measures to prohibit and eliminate the “worst forms of child labor”, which are (a) all forms of slavery and slavery-like practices, such as child trafficking, debt bondage, and forced labor, including forced recruitment of children into armed conflict; (b) using a child for prostitution or the production of pornography; (c) using a child for illicit activities, in particular drug production and trafficking. Child applies to all persons under the age of 18 years.

### **NATIONAL POLICIES AND LEGISLATIONS**

The Fundamental Rights and Directive Principles of the Indian Constitution provide the framework for child rights. Several laws and national policies have been framed to implement the commitment to child rights.

### **NATIONAL POLICIES**

The major policies and legislations formulated in the country to ensure realisation of child rights and improvement in their status include the:

### **National Policy on Education, 1986**

[www.ncert.nic.in/oth\\_anoun/npe86.pdf](http://www.ncert.nic.in/oth_anoun/npe86.pdf)

The National Policy on Education (NPE) is a policy formulated by the Government of India to promote education amongst India’s people. The policy covers elementary education to colleges in both rural and urban India. The first NEP was promulgated in 1968 by the government of Prime Minister Indira Gandhi, and the second by Prime Minister Rajiv Gandhi in 1986. It emphasizes three aspects in relation to elementary education:

- universal access and enrolment,
- universal retention of children up to 14 years of age
- a substantial improvement in the quality of education to enable all children to achieve
- revival of Sanskrit and other classical languages for contemporary use

### **National Policy on Child Labour, 1987**

[www.labour.gov.in/content/division/labour-policies.php](http://www.labour.gov.in/content/division/labour-policies.php)

India formulated a National Policy on Child Labour in 1987. This Policy seeks to adopt a gradual & sequential approach with a focus on rehabilitation of children working in hazardous occupations. It envisioned strict enforcement of Indian laws on child labour combined with development programs to address the root causes of child labour such as poverty. In 1988, this led to the National Child Labour Project (NCLP) initiative. This legal and development initiative continues, with a current central government funding, targeted solely to eliminate child labour in India. Despite these efforts, child labour remains a major challenge for India.

### **National Nutrition Policy, 1993**

[www.wcd.nic.in/nnp.pdf](http://www.wcd.nic.in/nnp.pdf)

The nutrition policy of 1993 outlines the nutritional status of India and the importance of such a document. At the time in 1993 there were already a number of mechanisms in place to address the issue of mal-nutrition and under-nutrition such as the Integrated Child Development Services (ICDS), Special Nutrition Programme, and Wheat Based Nutrition Programme etc. The policy outlines a few additional provisions to ensure proper nutrition of all populations.

Under the direct, short term services section the policy calls for the need to expand the ICDS and similar programmes to cover the actual population of children in India. It is also required that mothers be given the

proper information and support to provide for their children by growth monitoring for effective nutrition. Adolescent girls and expecting mothers also need to be taken into the purview of programmes. Foods provided to society need to fortify against nutrient loss, low cost nutritious food needs to be produced for poorer families, and programmes should attempt to address and prevent nutrient deficiencies especially among women, expecting and nursing mothers and children.

### **National Policy on Health, 2002**

[www.mohfw.nic.in](http://www.mohfw.nic.in)

The National Health Policy was endorsed by the Parliament of India in 1983 and updated in 2002 and it applies to all children between the ages 0-18 years. The policy attempts to address inequity in access to health services and proposes an increase in primary health expenditure in order to open more health care centres. Programmes that address children's need such as Reproductive and Child Health including the Universal Immunization Programme need to continue to function to achieve the desired goals. The policy points out that people are not using the public health services because they do not provide the patients with essential drugs. Hence the policy outlines the need to improve delivery of necessary drugs through increased central government funding. The policy outlines provisions of additional and supplementary training of health sector professionals. In order to expand the number of professional, the state health departments should include allopathic disciplines and doctors in their system, especially to delivery basic and primary health services. The policy outlines the priority to school health education programmes that teach preventive techniques. This will encourage children to learn appropriate health seeking behaviours.

### **National Charter for Children, 2004**

[www.nhp.gov.in/national-charter-children-2013](http://www.nhp.gov.in/national-charter-children-2013)

Underlying the National Charter for Children 2004, is the intent to secure for every child the right to a healthy and happy childhood, to address the root causes that negate the healthy growth and development of children, and to awaken the conscience of the community in the wider social context to protect children from all forms of abuse, while strengthening the family, the society and the nation. This Charter has the following sections on child protection:

- Survival, life and liberty
- Protection from economic exploitation and all forms of abuse
- Protection of the girl child
- Care, protection, welfare of children of marginalised and disadvantaged communities
- Ensuring child-friendly procedures

### **National Plan of Action for Children, 2005**

[www.wcd.nic.in/NAPAug16A.pdf](http://www.wcd.nic.in/NAPAug16A.pdf)

The National Plan of Action for Children (NPAC) was formulated by the then Department of Women and Child Development (now MWCD) in 2005. The Plan is being monitored by the Prime Minister's Office. The Action Plan aims at ensuring all rights to children up to the age of 18 years. It affirms the government's commitment towards ensuring all measures for the survival, growth, development and protection of all children. It also aims at creating an enabling environment to ensure protection of child rights. States are being encouraged to formulate State Plans of Action for Children in line with NPAC. The Plan has identified several key priority areas that include children's right to survival, development, protection and participation besides monitoring and review of policies and programmes. NPAC also stresses the need for budgetary allocations to achieve child protection goals.

### **National Policy for Children 2013**

[www.wcd.nic.in/childwelfare/npc2013dtd29042013.pdf](http://www.wcd.nic.in/childwelfare/npc2013dtd29042013.pdf)

The National Policy for Children 2013 reiterates India's commitment to safeguard, inform, include, support and empower all children within its territory and jurisdiction, both in their individual situation and as a national asset. The State is committed to take affirmative measures – legislative, policy or otherwise – to promote and safeguard the right of all children to live and grow with equity, dignity, security and freedom, especially those marginalised or disadvantaged; to ensure that all children have equal opportunities; and that no custom, tradition, cultural or religious practice is allowed to violate or restrict or prevent children from enjoying their rights.

### **NATIONAL LEGISLATIONS**

Some of the important legislations related to children rights promulgated in India are discussed below:

**Child Labour (Prohibition and Regulation) Act, 1986**  
[www.labour.bih.nic.in/Acts/child\\_labour\\_prohibition\\_and\\_regulation\\_act\\_1986.pdf](http://www.labour.bih.nic.in/Acts/child_labour_prohibition_and_regulation_act_1986.pdf)

The Act was formulated to eliminate child labour and provides for punishments and penalties for employing children below the age of 14 years in various hazardous occupations and processes. The Act provides power to State governments to make rules with reference to the health and safety of children, wherever their employment is permitted. It provides for regulation of work conditions, including fixing hours of work, weekly holidays, notice to inspectors, provision for resolving disputes as to age, maintenance of registers, etc. Through a recent notification, child domestic workers up to 14 years of age working in hotels and dhabas have been brought within the purview of the Act. It is one step towards the total elimination of child labour.

**Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994**  
[www.chdlsa.gov.in/right\\_menu/act/pdf/PNDT.pdf](http://www.chdlsa.gov.in/right_menu/act/pdf/PNDT.pdf)

This is an Act for the regulation of the use of pre-natal diagnostic techniques for the purpose of detecting genetic or metabolic disorders, chromosomal abnormalities or certain congenital malformations or sex-linked disorders, and for the prevention of misuse of such techniques for the purpose of prenatal sex determination leading to female feticide and for matters connected therewith or incidental thereto.

**Juvenile Justice (Care and Protection of Children) Act, 2000**  
[www.wcd.nic.in/childprot/jjact2000.pdf](http://www.wcd.nic.in/childprot/jjact2000.pdf)

The Juvenile Justice (Care and Protection of Children) Act, 2000 is a comprehensive legislation that provides for proper care, protection and treatment of children in conflict with law and children in need of care and protection by catering to their development needs, and by adopting a child-friendly approach in the adjudication and disposition of matters in the best interest of children and for their ultimate rehabilitation through various institutions established under the Act. It conforms to UNCRC, the UN Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules) 1985, the UN Rules for the Protection of Juveniles Deprived of their Liberty and all other relevant national and international instruments. It prescribes a uniform age of 18 years, below which both boys and girls are to be treated as children. A clear distinction has been made in this Act between

the juvenile offender and the neglected child. It also aims to offer a juvenile or a child increased access to justice by establishing Juvenile Justice Boards and Child Welfare Committees. The Act has laid special emphasis on rehabilitation and social integration of children and has provided for institutional and non-institutional measures for the care and protection of children. The non-institutional alternatives include adoption, foster care, sponsorship, and after care.

**Commissions for the Protection of Child Rights Act, 2005**  
[www.ncpcr.gov.in](http://www.ncpcr.gov.in)

The Act provides for the Constitution of a National as well as State Commissions for the protection of child rights in every State and Union Territory. The functions and powers of the National and State Commissions will be to:

- Examine and review the legal safeguards provided by or under any law for the protection of child rights and recommend measures for their effective implementation
- Prepare and present annual and periodic reports on the working of these safeguards
- Inquire into violations of child rights and recommend initiation of proceedings where necessary
- Undertake periodic review of policies, programmes and other activities related to child rights with reference to treaties and other international instruments
- Spread awareness about child rights among various sections of society
- Establish Children's Courts for speedy trial of offences against children or of violation of child rights
- Get State governments and UT administrations to appoint a Special Public Prosecutor for every Children's Court

Apart from these laws mainly concerning children, there is a host of related social legislations and criminal laws which have some beneficial provisions for the care, protection and rehabilitation of children. The laws relating to commerce, industry and trade have some provisions for children, but they hardly provide any protection or cater to their developmental needs. Despite the legislations, there are still major gaps in the legal provisions relating to child abuse in myriad situations, particularly in cases of trafficking, sexual and forced labour, child pornography, sex tourism and sexual assault on male children. The Ministry of Women and Child Development is formulating a comprehensive legislation on Offences against Children.

### **The Prohibition of Child Marriage Act, 2006**

[www.wcd.nic.in/cma2006.pdf](http://www.wcd.nic.in/cma2006.pdf)

The Child Marriage Restraint Act, 1929 has been repealed and the major provisions of the new Act include:

- Every child marriage shall be voidable at the option of the contracting party who was a child at the time of the marriage
- The Court while granting a decree of nullity shall make an order directing the parties, parents and guardians to return the money, valuables, ornaments and other gifts received
- The Court may also make an interim or final order directing the male contracting party to the child marriage or parents or guardian to pay maintenance to the female contracting party to the marriage and for her residence until her remarriage
- The Court shall make an appropriate order for the custody and the maintenance of the children of child marriages
- Notwithstanding that a child marriage has been annulled, every child of such marriage shall be deemed to be a legitimate child for all purposes
- Child marriages to be void in certain circumstances such as minor being sold for the purpose of marriage, minor after being married is sold or trafficked or used for immoral purposes, etc
- Enhancement in punishments for male adults marrying a child and persons performing, abetting, promoting, attending, etc a child marriage with imprisonment up to two years and a fine up to one lakh rupees
- States to appoint Child Marriage Prohibition Officers whose duties include prevention of solemnisation of child marriages, collection of evidence for effective prosecution, creating awareness and sensitisation of the community, etc

### **Right of Children to Free and Compulsory Education Act, 2009**

[www.mhrd.gov.in/rte](http://www.mhrd.gov.in/rte)

The Constitution (Eighty-sixth Amendment) Act, 2002 inserted Article 21-A in the Constitution of India to provide free and compulsory education of all children in the age group of six to fourteen years as a Fundamental Right in such a manner as the State may, by law, determine. The Right of Children to Free and Compulsory Education (RTE) Act, 2009, which represents the consequential legislation envisaged under Article 21-A, means that every child has a right to full time elementary education of satisfactory and

equitable quality in a formal school which satisfies certain essential norms and standards.

Article 21-A and the RTE Act came into effect on 1 April 2010. The title of the RTE Act incorporates the words 'free and compulsory'. 'Free education' means that no child, other than a child who has been admitted by his or her parents to a school which is not supported by the appropriate Government, shall be liable to pay any kind of fee or charges or expenses which may prevent him or her from pursuing and completing elementary education. 'Compulsory education' casts an obligation on the appropriate Government and local authorities to provide and ensure admission, attendance and completion of elementary education by all children in the 6-14 age groups. With this, India has moved forward to a rights based framework that casts a legal obligation on the Central and State Governments to implement this fundamental child right as enshrined in the Article 21A of the Constitution, in accordance with the provisions of the RTE Act.

### **Protection of Children Against Sexual Offences (POCSO) Act, 2012**

[www.wcd.nic.in/childact/childprotection31072012.pdf](http://www.wcd.nic.in/childact/childprotection31072012.pdf)

The Protection of Children from Sexual Offences Act (POCSO), 2012 has been drafted to strengthen the legal provisions for the protection of children from sexual abuse and exploitation. For the first time, a special law has been passed to address the issue of sexual offences against children.

The POCSO Act prescribes five sexual offences against children - penetrative sexual assault, aggravated penetrative sexual assault, sexual assault, aggravated sexual assault, sexual harassment, and using a child for pornographic purposes. Abetment of or an attempt to commit these offences is also punishable under the Act. These offences are gender neutral vis-à-vis the perpetrator as well as the victim. The Act requires the State Governments to designate the Sessions Court in each district as a Special Court to try offences under the Act. If, however, a Children's Court under the Commissions for Protection of Child Rights Act, 2005 or Special Court for a similar purpose has been notified in a district, then that court will try offences under this Act.

# A summary of the United Nations Convention on the Rights of the Child

## **Article 1** (definition of the child)

Everyone under the age of 18 has all the rights in the Convention.

## **Article 2** (without discrimination)

The Convention applies to every child whatever their ethnicity, gender, religion, abilities, whatever they think or say, no matter what type of family they come from.

## **Article 3** (best interests of the child)

The best interests of the child must be a top priority in all actions concerning children.

## **Article 4** (protection of rights)

Governments must do all they can to fulfil the rights of every child.

## **Article 5** (parental guidance)

Governments must respect the rights and responsibilities of parents to guide and advise their child so that, as they grow, they learn to apply their rights properly.

## **Article 6** (survival and development)

Every child has the right to life. Governments must do all they can to ensure that children survive and grow up healthy.

## **Article 7** (registration, name, nationality, care)

Every child has the right to a legally registered name and nationality, as well as the right to know and, as far as possible, to be cared for by their parents.

## **Article 8** (preservation of identity)

Governments must respect and protect a child's identity and prevent their name, nationality or family relationships from being changed unlawfully. If a child has been illegally denied part of their identity, governments must act quickly to protect and assist the child to re-establish their identity.

## **Article 9** (separation from parents)

Children must not be separated from their parents unless it is in the best interests of the child (for example, in cases of abuse or neglect). A child must be given the chance to express their views when decisions about parental responsibilities are being made. Every child has the right to stay in contact with both parents, unless this might harm them.

## **Article 10** (family reunification)

Governments must respond quickly and sympathetically if a child or their parents apply to live together in the same country. If a child's parents live apart in different countries, the child has the right to visit both of them.

## **Article 11** (kidnapping and trafficking)

Governments must take steps to prevent children being taken out of their own country illegally or being prevented from returning.

## **Article 12** (respect for the views of the child)

Every child has the right to say what they think in all matters affecting them, and to have their views taken seriously.

## **Article 13** (freedom of expression)

Every child must be free to say what they think and to seek and receive information of any kind as long as it is within the law.

## **Article 14** (freedom of thought, belief and religion)

Every child has the right to think and believe what they want and also to practise their religion, as long as they are not stopping other people from enjoying their rights. Governments must respect the rights of parents to give their children guidance about this right.

## **Article 15** (freedom of association)

Every child has the right to meet with other children and young people and to join groups and organisations, as long as this does not stop other people from enjoying their rights.

## **Article 16** (right to privacy)

Every child has the right to privacy. The law should protect the child's private, family and home life.

## **Article 17** (access to information from mass media)

Every child has the right to reliable information from the mass media. Television, radio, newspapers and other media should provide information that children can understand. Governments must help protect children from materials that could harm them.

## **Article 18** (parental responsibilities; state assistance)

Both parents share responsibility for bringing up their child and should always consider what is best for the child. Governments must help parents by providing services to support them, especially if the child's parents work.

## **Article 19** (protection from all forms of violence)

Governments must do all they can to ensure that children are protected from all forms of violence, abuse, neglect and mistreatment by their parents or anyone else who looks after them.

## **Article 20** (children deprived of a family)

If a child cannot be looked after by their family, governments must make sure that they are looked after properly by people who respect the child's religion, culture and language.

## **Article 21** (adoption)

If a child is adopted, the first concern must be what is best for the child. The same protection and standards should apply whether the child is adopted in the country where they were born or in another country.

## **Article 22** (refugee children)

If a child is a refugee or seeking refuge, governments must ensure that they have the same rights as any other child. Governments must help in trying to reunite child refugees with their parents. Where this is not possible, the child should be given protection.

## **Article 23** (children with disability)

A child with a disability has the right to live a full and decent life in conditions that promote dignity, independence and an active role in the community. Governments must do all they can to provide free care and assistance to children with disability.

## **Article 24** (health and health services)

Every child has the right to the best possible health. Governments must provide good quality health care, clean water, nutritious food and a clean environment so that children can stay healthy. Richer countries must help poorer countries achieve this.

## **Article 25** (review of treatment in care)

If a child has been placed away from home (in care, hospital or custody, for example), they have the right to a regular check of their treatment and conditions of care.

## **Article 26** (social security)

Governments must provide extra money for the children of families in need.

## **Article 27** (adequate standard of living)

Every child has the right to a standard of living that is good enough to meet their physical, social and mental needs. Governments must help families who cannot afford to provide this.

## **Article 28** (right to education)

Every child has the right to an education. Primary education must be free. Secondary education must be available to every child. Discipline in schools must respect children's human dignity. Wealthy countries must help poorer countries achieve this.

## **Article 29** (goals of education)

Education must develop every child's personality, talents and abilities to the full. It must encourage the child's respect for human rights, as well as respect for their parents, their own and other cultures, and the environment.

## **Article 30** (children of minorities)

Every child has the right to learn and use the language, customs and religion of their family whether or not these are shared by the majority of the people in the country where they live.

## **Article 31** (leisure, play and culture)

Every child has the right to relax, play and join in a wide range of cultural and artistic activities.

## **Article 32** (child labour)

Governments must protect children from work that is dangerous or might harm their health or education.

## **Article 33** (drug abuse)

Governments must protect children from the use of illegal drugs.

## **Article 34** (sexual exploitation)

Governments must protect children from sexual abuse and exploitation.

## **Article 35** (abduction)

Governments must ensure that children are not abducted or sold.

## **Article 36** (other forms of exploitation)

Governments must protect children from all other forms of exploitation that might harm them.

## **Article 37** (detention)

No child shall be tortured or suffer other cruel treatment or punishment. A child shall only ever be arrested or put in prison as a last resort and for the shortest possible time. Children must not be put in a prison with adults and they must be able to keep in contact with their family.

## **Article 38** (war and armed conflicts – see 'Optional protocols')

Governments must do everything they can to protect and care for children affected by war. Governments must not allow children under the age of 15 to take part in war or join the armed forces.

## **Article 39** (rehabilitation of child victims)

Children neglected, abused, exploited, tortured or who are victims of war must receive special help to help them recover their health, dignity and self-respect.

## **Article 40** (juvenile justice)

A child accused or guilty of breaking the law must be treated with dignity and respect. They have the right to help from a lawyer and a fair trial that takes account of their age or situation. The child's privacy must be respected at all times.

## **Article 41** (respect for better national standards)

If the laws of a particular country protect children better than the articles of the Convention, then those laws must stay.

## **Article 42** (knowledge of rights)

Governments must make the Convention known to children and adults.

The Convention has 54 articles in total. Articles 43–54 are about how adults and governments must work together to make sure all children get all their rights, including:

## **Article 45**

UNICEF can provide expert advice and assistance on children's rights.

## **Optional protocols**

In 2000, the UN General Assembly adopted two optional additions to strengthen the Convention. One protocol required governments to increase the minimum age for recruitment into the armed forces from 15 years and to ensure that members of their armed forces under the age of 18 do not take a direct part in armed conflict.

The other protocol provides detailed requirements for governments to end the sexual exploitation and abuse of children. It also protects children from being sold for non-sexual purposes – such as other forms of forced labour, illegal adoption and organ donation.



# National Agencies Protecting Children, Central and State Schemes/Programmes Designed for Children

## National Agencies Protecting Children

- National Human Rights Commission (NHRC) | [www.nhrc.nic.in](http://www.nhrc.nic.in)
- National Commission for the Protection of Child Rights (NCPCR) | [www.ncpcr.gov.in](http://www.ncpcr.gov.in)
- Ministry of Women and Child Development | [www.wcd.nic.in](http://www.wcd.nic.in)
- Ministry of Labour and Employment and Related Bodies | [www.labour.gov.in](http://www.labour.gov.in)
- Ministry of Social Justice and Empowerment | [www.socialjustice.nic.in](http://www.socialjustice.nic.in)
- Ministry of Human Resource Development | [www.mhrd.gov.in](http://www.mhrd.gov.in)
- Ministry of Health and Family Welfare | [www.mohfw.nic.in](http://www.mohfw.nic.in)
- Central Adoption Resource Authority (CARA) | [www.cara.nic.in](http://www.cara.nic.in)
- Central Social Welfare Board | [www.cswb.gov.in](http://www.cswb.gov.in)

## Central Government's Child Targeted Schemes/Programmes | <http://wcdw.ap.nic.in>

- **National Health Mission (NHM)** | [www.nrhm.gov.in/nhm/about-nhm.html](http://www.nrhm.gov.in/nhm/about-nhm.html)
- **Integrated Child Development Scheme (ICDS)** | [www.icds.gov.in](http://www.icds.gov.in)
- **Integrated Child Protection Scheme (ICPS)** | [www.icps.in](http://www.icps.in)
- **Sarva Shiksha Abhiyan (SSA)/Rajiv Vidya Mission (RVM)** | [www.ssa.nic.in](http://www.ssa.nic.in)
- Mid-day Meal Scheme | [www.mdm.nic.in](http://www.mdm.nic.in)
- Operation Blackboard | [www.childlineindia.org.in/Operation-Blackboard.htm](http://www.childlineindia.org.in/Operation-Blackboard.htm)
- Integrated Programme for Street Children | [www.wcd.nic.in/streetchildscheme.htm](http://www.wcd.nic.in/streetchildscheme.htm)
- Kishori Shakti Yojana | [www.wcd.nic.in/KSY/ksyintro.htm](http://www.wcd.nic.in/KSY/ksyintro.htm)
- Wheat Based Nutrition Programme (WBNP) | [www.childlineindia.org.in/Wheat-Based-Nutrition-Programme-WBNP.htm](http://www.childlineindia.org.in/Wheat-Based-Nutrition-Programme-WBNP.htm)
- Nutrition Programme for Adolescent Girls (NPAG) | [www.wcd.nic.in/npag/npag.htm](http://www.wcd.nic.in/npag/npag.htm)
- Rajiv Gandhi National Creche Scheme for the Children of Working Mothers
- Rajiv Gandhi Scheme for Empowerment of Adolescent Girls (RGSEAG/Sabla) | [www.wcd.nic.in/schemes/sabla.htm](http://www.wcd.nic.in/schemes/sabla.htm)
- Balika Samridhi Yojana (BSY) | [www.wcd.nic.in/BSY.htm](http://www.wcd.nic.in/BSY.htm)
- Initiatives to combat trafficking of Women and Children | [www.childlineindia.org.in/Initiatives-to-combat-trafficking-of-Women-and-Children.htm](http://www.childlineindia.org.in/Initiatives-to-combat-trafficking-of-Women-and-Children.htm)
- Shishu Greha Scheme | [www.childlineindia.org.in/shishu-greha-scheme.htm](http://www.childlineindia.org.in/shishu-greha-scheme.htm)
- UJJAWALA | [www.wcd.nic.in/SchemeUjjawala/UJJAWALA.htm](http://www.wcd.nic.in/SchemeUjjawala/UJJAWALA.htm)
- CHILDLINE services | [www.childlineindia.org.in](http://www.childlineindia.org.in)
- Reproductive and Child Health Programme | [www.childlineindia.org.in/Reproductive-and-Child-Health-Programme.htm](http://www.childlineindia.org.in/Reproductive-and-Child-Health-Programme.htm)
- Scheme for Working Children in need of Care and Protection | [www.wcd.nic.in/workchild.htm](http://www.wcd.nic.in/workchild.htm)
- National Child Labour Project (NCLP) | [www.labour.gov.in/content/division/nclp.php](http://www.labour.gov.in/content/division/nclp.php)
- Indira Gandhi Matritva Sahyog Yojana (IGMSY) | [www.wcd.nic.in/SchemeIgmsy/scheme\\_igmsy.htm](http://www.wcd.nic.in/SchemeIgmsy/scheme_igmsy.htm)

## Andhra Pradesh and Telangana State Government's Schemes/Programmes | <http://wcdw.ap.nic.in>

- Integrated Child Development Scheme (ICDS)
  - Supplementary Nutrition Programme (SNP)
    - Indiramma Amrutha Hastham (IAH)
    - Balamrutham
- Young Child Feeding Practices (IYCF)
- Integrated Management of Newborn and Childhood Illnesses (IMNCI) program
- Pre-school Education (PSE)
- Early Childhood Education (ECE)
- Kishori Shakti Yojana (KSY)
- Rajiv Yuva Kiranalu (RYK)
- Integrated Child Protection Scheme (ICPS)
- Girl Child Protection Scheme (GCPS/ BangaruTalli)
- Rajiv Gandhi Scheme for Empowerment of Adolescent Girls (RGSEAG/Sabla)

# Government Laws Protecting Children

## Laws to Uphold Protection of Children | [www.childlineindia.org.in](http://www.childlineindia.org.in)

- Factories Act, 1948
- The Bonded Labour System (Abolition) Act, 1976
- The Child Labour (Prohibition and Regulation) Act, 1986
- The Immoral Traffic (Prevention) Act, 1986 (ITPA ACT)
- The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995
- Child in Need of Care & Protection, 2000 (CINC ACT)
- The Juvenile Justice (Care and Protection of Children) Act, 2000 (JJ ACT)
- The A.P. Compulsory Registration of Marriages Act, 2002
- The Commissions for Protection of Child Rights Act, 2005 (CPCR ACT)
- The Prohibition of Child Marriage Act, 2006 (PCMA ACT)
- The Protection of Children From Sexual Offences Act, 2012 (POCSO ACT)
- Andhra Pradesh Bangaru Talli Girl Child Promotion and Empowerment Act, 2013

## Laws Protecting the Right to Survival | [www.childlineindia.org.in](http://www.childlineindia.org.in)

- Persons with Disabilities Act, 1995
- The Infant Milk Substitutes, Feeding Bottles and Infant Foods (Regulation of Production, Supply and Distribution) Act, 1992
- The Pre-Conception and Pre-natal Diagnostic Technique (Prohibition of Sex Selection) Act, 1994 (PCPNDT ACT)
- National Food Security Act, 2013 (NFS ACT)

## Laws Protecting the Right to Education | [www.childlineindia.org.in](http://www.childlineindia.org.in)

- Right of Children to Free and Compulsory Education Act, 2009 (RTE ACT)
- Advisory for eliminating of Corporal Punishment in Schools



“ While showing video clips or taking bytes of child victims, care should be taken to avoid the invasion of their privacy or making the child relive the trauma of exploitation, further violating its dignity. Instead, the TV shows could foster children's ability to enjoy their rights without fear.”

*UNICEF AWARDS JURY REMARKS*



## References

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- *United Nations Convention on the Rights of the Child (UNCRC) and Optional Protocols*
- *UNICEF Principles for Ethical Reporting on Children*
- *Child Rights and the Media: Guidelines for Journalists*
- *Child Rights- A Handbook for Journalists by Press Institute of India and UNICEF*
- *The Media and Children's Rights by MediaWise and UNICEF*
- *Media and Children in Need of Special Protection, (internal document), UNICEF's Division of Communication; Second International Consultation on HIV/AIDS and Human Rights, United Nations Secretary-General*
- *UNICEF, WHO 2009*
- *State of the World's Children 2007, UNICEF*
- [www.unicef.org/india/health.html](http://www.unicef.org/india/health.html) | [www.unicef.org/india/nutrition.html](http://www.unicef.org/india/nutrition.html) | [www.unicef.org/india/education\\_150.htm](http://www.unicef.org/india/education_150.htm)
- [www.unicef.org/india/Child\\_Marriage\\_Fact\\_Sheet\\_Nov2011\\_final.pdf](http://www.unicef.org/india/Child_Marriage_Fact_Sheet_Nov2011_final.pdf) | [www.unicef.org/india](http://www.unicef.org/india) | [www.childlineindia.org.in](http://www.childlineindia.org.in)





