



CHILD RIGHTS IN INDIA

Stakeholder's Report on Universal Periodic Review III

Submitted by

HAQ: Centre for Child Rights, New Delhi, India

(On Behalf of Organizations, Coalitions and Networks)*



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Introduction

India is home to the world's largest number of children with nearly 36.68 per cent of its estimated 1.27 billion population under the age of 18.¹ After accepting several recommendations during UPR 2 on the welfare of children and its 2011 pledge, the status and condition of children in India have not seen any meaningful improvement. There remain significant gaps exist between the political, legal commitments and the outcomes for children and their lives.²

Methodology

This report is specific to children's rights. It is based on various situational reports presented by the Government of India from time to time, newspaper reports, findings of the academic journals and rich experience of organisations while working on the issue to promote child rights in all public discourses.

Issues and Recommendations

1. Birth Registration

Update: Two recommendations were made in UPR 2

Although, birth registration is an absolute basic right to ensure both ESCR and CPR of children mandatory in Indian law since 1969, India has failed in both timely as well as universalization of birth registration

Issues of concern

- As per the national population policy 2000, India should have achieved universal birth registration by 2010³. In 2012, the level of registration of births in the country stands at 84.4% and has gone up from 82.0% in 2010.
- The level of performance is disparate across states/ provinces⁴. While some states have shown very good progress,⁵ others remain behind.

Recommendations

- Strengthen the existing mechanisms to ensure 100% birth registration.

¹ Provisional figures, Census 2011

² India has 49 special and local laws for children, and 78 legal provisions in the IPC, the CrPC and the Indian Evidence Act for children. There are 9 policy documents, of which 4 are specific to children. Poor implementation of the laws and gaps still remain a matter of serious concern.

³ National Population Policy; Government of India; http://populationcommission.nic.in/PublicationDetails/11_984_1.aspx

⁴ The extent of birth registration varies from the highest of 99 percent in Goa to the lowest of 28 percent in Manipur. (Rapid Survey on Children (RSOC) 2013-14; National Report; UNICEF; <http://wcd.nic.in/sites/default/files/RSOC%20National%20Report%202013-14%20Final.pdf>)

⁵ In Himachal Pradesh and Bihar, there have been positive instances of birth registration.

The State/ UTs which have achieved 100% level of birth registration in 2007 are Arunachal Pradesh, Himachal Pradesh, Kerala, Meghalaya, Mizoram, Nagaland, Punjab, Tamilnadu, Chandigarh, Lakshadweep and Puducherry (Children in India 2012 a statistical appraisal, GoI, Social statistics Division, 2012.

2. Child Labour

Update: There were 7 recommendations made in UPR-2 on child labour.

While the government has adopted the recommendation on adopting a legislation (The Child Labour (Prohibition and Regulation) Amendment Act, 2016), and in hazardous labour for ‘adolescents’ between the age of 15 -19 years, it continues to have legal gaps that will in practice allow for children to work. The Government still continues with a reservation on Article 32 of the UN Convention on the Rights of the Child.⁶

Issues of concern

- Data on child labour continues to be a challenge. A 2015 report by the International Labour Organization (ILO) put the number of child workers in India ages 5 to 17 at 5.7 million, out of 168 million globally.⁷ According to GOI there are 4.3 million.⁸
- According to ILO’s 2015 report on child labor, the total number of adolescents in the field of hazardous work is greatest in India (2.4 million).⁹
- 80% of working children are based in rural areas and three out of four of these children work in agriculture, as cultivators or in household industries, most of which are home-based employments.¹⁰
- Under reporting¹¹ and low conviction rates¹² on child labour obfuscates the gravity of the problem.
- The amended child labour law bans all forms of child labour till the age of 14 years and in hazardous labour for ‘adolescents’ between the age of 15 -19 years. This inclusion of the category of “adolescents” is unnecessary and confuses the law.¹³

⁶ GOI argues “... that it is not practical immediately to prescribe minimum ages for admission to each and every area of employment in India - the Government of India undertakes to take measures to progressively implement the provisions of article 32, particularly paragraph 2 (a), in accordance with its national legislation and relevant international instruments to which it is a State Party”

⁷ Nita Bhalla, “Parliament passes controversial child labour bill,” Reuters, July 27, 2016. <http://in.reuters.com/article/india-children-labour-idINKCN10619V>

⁸ While according to Census 2011 there are 10.12 million working children (main+ marginal worker) according to in the age group 5 – 14 years, the government claims that there are 4.3 million working children in all its public pronouncements and claiming a reduction in the number of working children. This is because they are not counting the children in marginal work, which they did in 2001.

⁹ International Programme on the Elimination of Child Labour (IPEC). “World Report on Child Labour 2015.” www.ilo.org. International Labour Organization, 10 June 2015. Web. 2 June 2016.

¹⁰ Acharya, Namrata. “New Child Labour Law May Lead to More Child Labour in Farm Sector.” www.business-standard.com. Business Standard, 14 May 2015. Web. 3 June 2016.

¹¹ While according to Census 2011 there are 10.12 million working children (main+ marginal worker) according to in the age group 5 – 14 years, the government claims that there are 4.3 million working children in all its public pronouncements and claiming a reduction in the number of working children. This is because they are not counting the children in marginal work, which they did in 2001.

¹² In the year 2014, only 1027 cases of violations were reported under Child Labour (Prohibition and Regulation) Act, out of which only 792 cases went for prosecution resulting into 754 cases for conviction. (Government of India, Ministry Of Labour and Employment, Lok Sabha, Unstarred Question No.1285, Answered on 01.12.2014, Conviction under Child Labour Laws. <http://164.100.47.132/LssNew/psearch/QRresult16.aspx?gref=6668>

¹³ The child as defined by the National Policy for Children 2013 and other important laws and policies, is a person upto the age of 18 years. There is no legal definition of *adolescent*- although some sexual and health related policies and programmes

- The inclusion of provisions that allow for children to work in family based occupations¹⁴ and the weak definition of hazardous occupations as also the reduction in the number listed as hazardous¹⁵, despite protests from all experts, will prove detrimental to all efforts to curb child labour.¹⁶
- The Child Labour (Prohibition and Regulation) Act, 2016 does not align with the International Labour Organization (ILO) Conventions 138 and 182, which dictate for minimum age of entry into employment and prohibition of employment of persons below 18 years.¹⁷
- In 2016, the Government of India announced that they had failed to implement the National Child Labour Project in the conflict ridden state of Jammu Kashmir as they didn't have access to the man power or the technical resources to implement the project.¹⁸
- '*Scheme for Welfare of Working Children in Need of Care and Protection*'¹⁹ is and the National Child Labour Programme (NCLP)²⁰ implemented by the Ministry of Women and Child Development is suffering from low allocation²¹ and huge under spending²².

address 10-19 year olds. So where did this category come from in this bill? Is it to give the illusion that the 14-18 year olds are no longer children and do not need protection? The Bill neither no mention of nor is in harmony with the Juvenile Justice Act, 2016 which promises protection to child labourers under the age of 18 years.

¹⁴ Section 3 of the Bill outlines the circumstances under which child labour is legal permitting children to work in order to help their family, or their "family enterprises" or "as an artist in an audio-visual entertainment industry". Further, since the Bill does not define the hours of work or the site of work in the so-called "family enterprises", and most occupations are not hazardous, children may be engaged range of family based activities - weaving, pottery, bidi or even to a plastic sheet near a garbage dump or even a home-based brothel as is common among many communities in the country. Is that what the government means when it says - *striking a balance between the need for education for a child and the reality of the socio-economic condition and social fabric in the country...* (PIB release 16 May 2015) as long as they work "outside of school hours or during vacations". By implication, this law restricts children to traditional caste-based occupations, reinforces caste based occupations and perpetuate social injustice as most family based occupations in India are caste based, and children are already engaged in them. The law legalises this.

In 2015, the Government of India relaxed restrictions on their Child Labour Prohibition Act and permitted children below the age of 14 to work in family businesses and the entertainment industry (excluding circuses) to create "a balance between the need for education for a child and reality of the socio-economic condition and social fabric in the country (Reporter, BS. "Govt. to Allow Children to Work in Family Firms, Film Industry." ; May 14 2015; Business Standard; http://www.business-standard.com/article/economy-policy/govt-to-allow-children-to-work-in-family-firms-film-industry-115051301405_1.html)

¹⁵ There were 16 occupations and 65 processes listed as hazardous in the 1986 law. The 2016 amendment reduces them to 3 occupations and 29 processes that are in the Factories Act, which covers only the organized sector.

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¹⁷ Rajendran, S. "Retrogressive Changes to Child Labour Act Should Be Withdrawn: Nina P. Nayak." www.thehinducentre.com. The Hindu Centre for Politics and Public Policy, 27 May 2015. Web. 03 June 2016.

¹⁸ Malik, Saqib. "National Child Labour Project Fails to Takeoff in JK." *GreaterKashmir.com*. GK Communications, 9 Feb. 2016. Web. 9 June 2016.

¹⁹ This scheme is implemented by the Ministry of Women and Child Development

²⁰ This scheme is implemented by the Ministry of Labour and Employment and is the only scheme by the MLOE concerned with rehabilitation of child labour.

Recommendations

- Review and update data collection mechanisms on child labour to enable better targeting of initiatives.
- Develop effective monitoring mechanisms to keep a check on child labour violations in small and medium scale industries including family based enterprises.
- Review and update the list of “Hazardous occupations and processes” on a regular intervals and based on the evolving global market trends.

3. Sexual Violence and Crimes Against Children

Update: There were 4 recommendations made in UPR 2

The Government of India had enacted legislation on the Protection of Children from Sexual Offences Act-POCSO, 2012 to address sexual offences against children; The Act along with Rules has come into effect from 14th November, 2012. This is a progressive legislation with definition of offences against children and stringent punishment to offenders. Eighteen States/UTs have designated Special Courts/Children’s Court to try offences under the Act.

Issues of Concern

- According to the Global Slavery Index Report (2016), India leads the world in modern slavery with 18.35 million people trapped as bonded laborers, beggars, human traffickers, child soldiers and sex workers.²³
- The significant rise of 5.3% in crimes against children²⁴ in 2015 as compared to 2014 could also be attributed to increased reporting following the enactment of a law on child sexual abuse which covers all children up to the age of 18 years, irrespective of gender.²⁵
- The Delhi Commission for the Protection of Child Rights in its report published in 2014, highlighted the grave dangers faced by girls in the slums of Delhi²⁶.

²¹ In 2008-2009 NCLP received an allocation of ` 156.06 Crore and over the period of six years it has seen decrease in allocation. In 2013-2014 the allocation reduced to only ` 131.2 Crore (“Budget for Children in India: 2008-09 to 2013-14”; HAQ: Centre for Child Rights; <http://haqcrc.org/new-at-haq/budget-children-india-2008-2009-2013-2014-2/>)

²² The “Scheme for Welfare of Working Children in Need of Care and Protection” has witnessed heavy under expenditure with an average under expenditure of 15% between 2011-12 to 2013-14. (“Budget for Children in India: 2008-09 to 2013-14”; HAQ: Centre for Child Rights; <http://haqcrc.org/new-at-haq/budget-children-india-2008-2009-2013-2014-2/>)

²³ Kelly, Annie. "46 Million People Living as Slaves, Latest Global Index Reveals." www.theguardian.com. Humanity United, 1 June 2016. Web. 3 June 2016.

²⁴ According to data compiled by NCRB for 2015, 8,800 cases of rape on children were registered across the country under the Protection of Children Against Sexual Offences Act (POCSO). According to estimates, 2015 witnessed 94,172 cases of crimes against children of which 76,345 were either related to sexual offences or involved kidnapping. The year also saw an increase of 5.3% in crimes against children as compared to 2014, when the figure was 89,423. National Crime Records Bureau data, 2015 (*Slight dip in rape, crime against women*; <http://indianexpress.com/article/explained/national-crime-records-bureau-data-2015-slight-dip-in-rape-crime-against-women-3004980/>)

²⁵ In November 2012, the Indian Parliament enacted the Protection of Children from Sexual Offences Act (POCSO). The implementation of the aforementioned Act classified all forms of child sexual abuse as criminal offences in India for the first time.

- Child sexual abuse continues to be rampant in institutional settings.²⁷
- High pendency²⁸ of cases often leads to delayed justice to victims.²⁹
- Despite being a gender neutral law, till May 2016, the Victim Compensation Schemes³⁰ had no clarity on the quantum of compensation for male victims of child sexual abuse.³¹ Also, the implementation of POCSO is often hindered due to lack of “child-friendly” infrastructures in court³² and absence of special educators for disabled child victims³³ and completely fails to address the needs of victims and their families³⁴.

Recommendations

- Introduce specific guidelines for protection and support to the victims of child sexual abuse and their families undergoing trial.
- Strengthen the existing child protection mechanisms to minimize the crimes against children at all levels.

²⁶ This report primarily brought to light the abuse faced by these girls and nearly 10% of the 528 girls they surveyed admitted to have been victims to some sort of sexual abuse and 85% went through some sort of physical abuse. To decrease the level of abuse, the state government took the step of implementing day care centers and crèches for children whose parents work and have no other safe place to spend time in. This implementation is been done under the Integrated Child Protection Scheme and so far out of the 300 crèches which were supposed to be set up, only 15 have been functional. (Pandit, Ambika. *"Lack of Daycare Centres and Toilets Make It a Daily Risk."*; June 5, 2016; Times of India; <http://timesofindia.indiatimes.com/city/delhi/Lack-of-daycare-centres-and-toilets-make-it-a-daily-risk/articleshow/52594489.cms>)

²⁷Breaking the Silence Child Sexual Abuse in India.2013 <https://www.hrw.org/sites/default/files/reports/india0113ForUpload.pdf> pages 47-57

²⁸ The POCSO Act requires that the case must be concluded within a span of 365 days from the date charge sheet has been filed. The infrastructure of the Indian judicial system does not permit this provision in not being followed adequately and 31% of all cases usually tend to stretch beyond those 365 days. (Mathur, Aneesha. "Hardlook-Working of POSCO Courts in Delhi: What Research Says." IndianExpress.com. Indian Express, 7 Mar. 2016)

²⁹ In 2014, of cases registered under POCSO, 96.65% were charge sheeted, out of which only 24.63% cases resulted in conviction.

³⁰ While Section 33(8) and Rule 7 of the POCSO Act has provisioned for awarding the victim compensation, there are no clear guidelines for special courts (under POCSO) as to what amount should be awarded as the compensation. There is no binding policy to guide victim compensation, particularly finalisation of the minimum and maximum amount of compensation and the procedures to be followed.

³¹ Correcting this the Delhi High Court issued notice to the city government on a plea challenging the Delhi Victim Compensation Scheme for discriminating between male and female victims of rape based on a case filed for compensation for a 13-year-old male child who was sodomised by 3 boys. THE MINOR THROUGH GUARDIAN ZAREEN versus STATE (GOVT OF NCT OF DELHI). W.P.(CRL) 798/2015 & CRL.M.A. Nos. 15810/2015, 15811/2015, 15813/2015

³² The child friendly infrastructures within special courts, which have been mentioned in the POCSO Act, aren't available at most of the district courts. For instance, out of the six courts in Delhi, only three courts have any sort of child friendly infrastructure available. (Raha, Swagata, and Shruthi Ramakrishnan. "Draconian and Ineffective." IndianExpress.com. Centre for Child and the Law, NLSIU, Bangalore, 25 Dec. 2015. Web. 3 June 2016)

³³ While the POCSO Act has provisioned for availing the special educators for disabled child victims, but the courts do not have any such data of special educators who can be called if required. Therefore, POCSO is far from reach of children with special needs. (Raha, Swagata, and Shruthi Ramakrishnan. "Draconian and Ineffective." IndianExpress.com. Centre for Child and the Law, NLSIU, Bangalore, 25 Dec. 2015. Web. 3 June 2016)

³⁴ The POCSO Act misses the mark when it comes to addressing the protection needs of the victims and their families in the post-trial phase. There have been various incidents, where the victims or their families have faced threats from the side of the accused and this has made it challenging for them to return back to normalcy. (Raha, Swagata, and Shruthi Ramakrishnan. "Draconian and Ineffective." IndianExpress.com. Centre for Child and the Law, NLSIU, Bangalore, 25 Dec. 2015. Web. 3 June 2016)

- Victim compensation procedures specifically in cases of child sexual abuse need to be streamlined, simplified and demystified.

4. Corporal Punishment

Update: There is only one recommendation on this issue

The amended juvenile justice law contains a provision exclusively on corporal punishment³⁵. However, there is no legal provision that covers corporal punishment in all settings. In fact, corporal punishment remains culturally acceptable in most settings. Injuries and even death due to corporal punishment has been reported.³⁶

Issues of concern

- India reaffirmed its commitment to prohibit corporal punishment in all settings during the second cycle of UPR in 2012.³⁷ The ban on corporal punishment in schools is included in Right to Education Act³⁸ and also banned under some State laws^{39 40}.
- Measures to deal with corporal punishment in all settings are very inadequate.

Recommendations

- Introduce strict and clear guidelines to the all concerning stakeholders to deal with corporal punishment in all settings.

5. Child Trafficking

Update: There were 4 recommendations made on trafficking, 3 of which were generally on trafficking and one specifically on child trafficking.

³⁵ Although the focus is on institutions, the provision covers all settings and for the first time allows corporal punishment to be recognised as a crime against children.

Section 2 (24)- “corporal punishment” means the subjecting of a child by any person to physical punishment that involves the deliberate infliction of pain as retribution for an offence, or for the purpose of disciplining or reforming the child and 82. (1) Any person in-charge of or employed in a child care institution, who subjects a child to corporal punishment with the aim of disciplining the child, shall be liable, on the first conviction, to a fine of ten thousand rupees and for every subsequent offence, shall be liable for imprisonment which may extend to three months or fine or with both.

³⁶Example:<http://www.newindianexpress.com/nation/Assam-school-student-dies-after-teacher-beats-him-up/2016/06/19/article3489210.ece>; <http://www.ndtv.com/bangalore-news/class-2-girl-beaten-by-leather-belt-allegedly-for-not-doing-homework-1440039>; <http://www.india.com/news/india/west-bengal-boy-dies-after-being-assaulted-by-teacher-932185/>

³⁷ July 2012, A/HRC/21/10, Report of the Working Group, para 138 (104).

³⁸ The Right of Children to Free and Compulsory Education (RTE) Act, 2009, prohibits physical punishment and mental harassment under Section 17(1) and makes it a punishable offence under Section 17(2).

³⁹ Goa (Goa Children’s Act 2003, art. 41), Andhra Pradesh (Education Rules 1966, amended 2002, rule 122) and Tamil Nadu (Education Rules, amended 2003, rule 51). In Delhi, provisions for corporal punishment in the Delhi School Education Act 1973 were struck down by the Delhi High Court in 2000, and in 2004 the Calcutta High Court ruled that caning in state schools in West Bengal was unlawful³⁹. A ruling by the Gujarat High Court in 2008 confirmed that where the law prohibits corporal punishment in schools, section 89 of the Penal Code cannot be used as a legal defence for its use.

⁴⁰ In 2014, the Central Board of Education warned Indian schools to completely eradicate any form of corporal punishment because even after the ban there were schools practicing this form of punishment. Technically. (Choudhary Abhishek; “No corporal punishment, CBSE reminds schools”; June 27, 2014; The Times of India; <http://timesofindia.indiatimes.com/home/education/news/No-corporal-punishment-CBSE-reminds-schools/articleshow/37287609.cms>)

The inclusion of Section 370 in the Indian Penal Code has expanded the definition of human trafficking in keeping with the Palermo Protocol.⁴¹ This also applies to children. Apart from the earlier law, the Immoral Traffic (Prevention Act), 1956 which is long awaiting amendment,

The Juvenile Justice (Care and Protection of Children) Act 2015 prohibits sale and procurement of all children up to the age of 18 years for any purpose, making it a cognizable and non-bailable offence. Central Government had evolved a guideline to prevent trafficking in women for prostitution sexual exploitation and labour purposes. Unfortunately, despite child labour being one of the largest reasons for child trafficking, the recently amended law on this issue does not mention trafficking.

Issues of concern

- Women and children from India are trafficked across 18 countries with new purposes for their being trafficked being added every day.⁴²
- The government data available regarding missing and kidnapped children⁴³ and human trafficking can't be solely relied upon⁴⁴ because a majority of the cases don't get officially reported.
- The problem of human trafficking, including child trafficking, is multidimensional and requires coordination between several ministries.⁴⁵
- The Indian Ministry of Home Affairs (MHA)⁴⁶ has set up anti-human trafficking units (AHTU) across districts⁴⁷. However, most of the AHTUs are non-functional due to lack of adequate

⁴¹ The inclusion of Section 370 in the Indian Penal Code through Criminal Law Amendment Act 2013, has expanded the definition of human trafficking in keeping with the Palermo Protocol. This also applies to children. Apart from the earlier law, the Immoral Traffic (Prevention Act), 1956 which is long awaiting amendment, The Juvenile Justice (Care and Protection of Children) Act 2015 prohibits sale and procurement of all children upto the age of 18 years for any purpose, making it a cognizable and non-bailable offence.

⁴² Child Trafficking in India. HAQ: Centre for Child Rights and CACT. 2016

⁴³ Data on missing children put out by the Home Ministry in Parliament in July 2014 shows that over 3.25 lakh children went missing between 2011 and June 2014 at an average of nearly 1 lakh children going missing every year.

Missing Children (provided in 2014)				
Gender	2011	2012	2013	2014 (Provisional)
Male	34971	25702	67638	1832
Female	55683	39336	67624	18368
Total	90654	65038	135262	36740

Unstarred Question - L.S.U.S.Q.NO. 1804 FOR 22.7.2014] raised by Shri. P. C. Gaddigoudar

⁴⁴ For instance, in the year 2014, there was a 1400% increase in the kidnappings of children for the reason of adoption but the total numbers of crimes officially reported remained 225. This was depicted as a significant change from 2004 when only 15 cases were officially reported. Furthermore, the police believe that most of these children were stolen by the begging and adoption mafias. (Kidnapping & Abduction of Persons. Rep. National Crime Records Bureau-2014, 2014. Web. 4 June 2016)

⁴⁵ The Government is presently formulating a new 2016 national anti-trafficking law, which could replace even present positive provisions of the Indian Penal Code and existing Immoral Trafficking Prevention Act

⁴⁶ The MHA is the nodal agency for the implementation of the ITPA 1956 and other human trafficking initiatives, through its Anti-Trafficking Cell. The Ministry of Women and Child Development (MWCD) continues to be the nodal ministry for tackling this crime with respect to children and is also responsible for inter-ministerial coordination. The United Nation Office of Drugs and Crime (UNODC) Regional Office for South Asia (ROSA) has been involved in initiatives to address human trafficking in collaboration with the Government of India, particularly the MWCD and the MHA. Since the child victims of trafficking are children in need of care and protection under JJ Act, their responsibility vests with the Child Welfare Committee (CWC) set up under the juvenile justice system and also the mechanisms laid down in the Integrated Child Protection Scheme (ICPS). Both of these are the responsibility of the central MWCD and the departments in charge of women and children in the states. In addition, the National Commission for Protection of Child Rights (NCPCR) has undertaken some initiatives to address child trafficking. Each year questions are asked in Parliament on issues concerning

funding and they lack dedicated and trained staffs and their roles are also not clearly defined⁴⁸. There are systematic issues which often restrict the trafficking investigations at state boundaries⁴⁹.

- Although, the GoI has taken several initiatives to combat child trafficking and the issue of missing children, multiplicity and duplicity of efforts end up creating confusion for the law enforcement agencies⁵⁰.

Recommendations

- Create an environment created to prevent trafficking by empowering urban/rural communities, creating awareness and providing education to families and children.
- The legal framework of child trafficking needs to be reviewed to ensure complete coverage of the various forms and purposes of trafficking.
- Lack of coordination between state police agencies, anti-human trafficking units (AHTUs) and other agencies tasked with child care has to be legislatively and administratively streamlined.
- Post investigation and prosecution, there have to adequate standardization measures for rehabilitation and compensation, including medical treatment, to ensure that all victims are provided proper relief and assistance at state cost for their rehabilitation first within the community and then in the society at large. The victims should also be able to access their right to education, including vocational training, as part of the rehabilitation programme.

6. Child Marriage

Update: One recommendation in the UPR

The current law on child marriage⁵¹ continues to be confusing leaving the courts to give disparate interpretations of the law, which often violates the rights of children. Although there has been some improvement, child marriage still continues in many parts of the country. Trafficking of girls for marriage, especially to states with low sex ratio remains a matter of concern.

trafficking District task forces are there for tracking trafficking but these mechanisms should devolve up to the village/sub district levels by engaging Local Self Governance units respectively.

⁴⁷ The Ministry of Home Affairs has established 234 Anti-Trafficking Units in various districts. (PTI; “Over 14000 girls rescued from human trafficking in last 2 years”; April 29, 2016; Indiatodayin; <http://indiatoday.intoday.in/story/over-14000-girls-rescued-from-human-trafficking-in-last-2-yrs/1/655482.html>)

⁴⁸ U.S. Department of State. “India-2013 Trafficking in Persons Report: Tier 2.” *www.state.gov*. U.S. Department of State, 19 June 2013. Web. Apr.-May 2016

⁴⁹ The Global Slavery Index. *The Global Slavery Index 2016*. Rep. Walk Free Foundation

⁵⁰ In the year 2016, the Ministry of Women and Child Development extended their support to the South Asian Association for Regional Cooperation (SAARC) countries to improve the country’s child helpline services on the frontiers of India’s Childline and Trackthemissingchild initiatives to at least try and guarantee the safety of abandoned, unaccompanied, kidnapped and trafficked children. Further, the Ministry of Home Affairs keeps coming out with several advisories and Standard Operating Procedures (SOPs) to be followed to curb child trafficking, but fail to define the convergence of agencies involved.

⁵¹ The Prohibition of Child Marriage Act 2006

Issues of concern

- According to the 2016 report by India Spend, 80% of children who are illiterate and married before 10 happen to be girls.⁵²
- The data from the National Crime Records Bureau signifies a growing trend in the number of child marriages in India. While there were 222 cases of child marriages reported in the year 2013, there were only 169 reported in 2012 and 113 in 2011.⁵³
- Census 2011 data shows an alarming 30.2% of all married women, or 103 million girls, were married before they had turned 18.⁵⁴
- Over 50 percent of girls marry below the age of 18, the minimum legal age of marriage, resulting in a typical reproductive pattern of "*too early, too frequent, too many*". Around 33 percent births occur at intervals of less than 24 months, which also results in high IMR⁵⁵.
- The National Policy for Children, 2013, does not address the issue of child marriage specifically. The only mention of married children is found in the section on education and development, where the Policy talks about tracking, rescuing and rehabilitating out of school children, including married children and ensuring them access to their right to education. Registration of Marriages is still not compulsory in all states.
- The existing child marriage law⁵⁶ is faulty both in design and implementation and requires a change to declare all child marriages null and void.⁵⁷

Recommendations

- Amend the current legislation on child marriage to remove the discriminatory definition of child for boys and girls to define as child all persons up to 18 years, irrespective of gender⁵⁸.
- There is a pressing need that the existing law should be amended and implementation of the law should be very effective in order to eliminate Child marriage. If child marriage is to be addressed, the Prohibition of Child Marriage Act, 2006 (PCMA) must make child marriage

⁵² Saha, Devanik. "84% Of 12 Million Married Children Under 10 Are Hindus." Global Investigative Journalism Network, 1 June 2016. Web. 13 June 2016.

⁵³ PTI. "Child Marriage: 670 Cases Registered in Three-year Period." www.dnaindia.com. Diligent Media Corporation Ltd., 28 Apr. 2016. Web. 13 June 2016.

⁵⁴ Sagnik Chowdhury, "30% women married under age 18", Indian Express, May 31, 2016, New Delhi <http://indianexpress.com/article/explained/child-marriage-women-india-census-data-2011-2826398/>

⁵⁵ National Population Policy; Government of India; http://populationcommission.nic.in/PublicationDetails/11_984_1.aspx

⁵⁶ The Prohibition of Child Marriage Act, 2006

⁵⁷ As the law is formulated, only marriages resulting from use of force/threat/fraud/kidnapping or violation of an injunction order of a court to prevent such a marriage from taking place are null and void. Child marriages per se continue to be legally valid marriages unless either of the parties to the marriage wishes to nullify it, which seldom happens. As a result, it has been found, the law does not result in deterrence despite enhancement of punishment. Neither is the law being implemented by the concerned authorities as child marriages continue to be seen as a social evil instead of a crime, and indeed child marriages continue to take place. ("*Child Marriage in India: Achievements, Gaps and Challenges*"; Response to Questions for OHCHR Report on Preventing Child, Early and Forced Marriages for Twenty-sixth Session of the Human Rights Council; submitted by HAQ; Centre for Child Rights; <http://www.ohchr.org/Documents/Issues/Women/WRGS/ForcedMarriage/NGO/HAQCentreForChildRights1.pdf>)

⁵⁸ the child in the PCMA has differential definitions for boys (up to 21 years and girls 18 years).

illegal. It must override all personal laws and all laws dealing with age of consent and rape have to be brought in harmony.

- Develop adequate guidelines for monitoring and evaluation and such other tools for the Prohibition of Child Marriage Act (PCMA).
- Introduce comprehensive government measures, including measures to provide genuine development opportunities to girl children.

7. Right to Education

Update: 4 recommendations were made

Despite the enactment of the law on right to education, discrimination, particularly discrimination that affects girls, marginal groups, and persons with disability continues. Inadequate number of teachers, teacher absenteeism⁵⁹ and poor quality teaching and learning remain⁶⁰.

Issues of concern

- The fundamental Right to (free and compulsory) education Act⁶¹, 2009 covers children in the age group of only 6-14 years resulting into discontinued secondary education for poor and marginalized children⁶².
- After the enactment of the Right to Education Act, 2009, enrollment rate in primary schools has increased, but the enrolment rate in rural areas show disturbing trends⁶³.
- The decline in enrolment in government schools is partly made up by private schools as there is increased enrolments in private schools now⁶⁴.
- Despite the RTE, the Act fails to address the problem of high drop-out rates⁶⁵ in elementary education and out of school children⁶⁶.

⁵⁹ For example: <http://qz.com/247389/teachers-who-dont-show-up-to-work-cost-india-1-5-billion-a-year/>; <http://www.bbc.com/news/world-asia-india-28684751>

⁶⁰ For example: <http://indianexpress.com/article/cities/pune/50-students-in-classes-3-5-cant-do-basic-maths-aser/>; <http://indianexpress.com/article/india/india-others/half-of-class-v-cant-read-class-ii-text/>

⁶¹ 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.

⁶² Experience of working with children has shown that ending education at 14 years leaves the children over 14 years as “nowhere children”. This level of education does not make children eligible for admission into any other skill or higher education that can help them get a job. With some level of education and no further prospects, these are the children who come in conflict with the law, or get into labour, and in the case of girls also married off underage.

⁶³ The trends in enrolment reflect a decline in the percentage of enrolment in government schools in rural areas, from 72.9 per cent in 2007 to 63.1 per cent in 2014, as per the Annual Status of Education Report (ASER) 2014.

⁶⁴ The private schools have registered an increase in enrolment from 20.2 per cent in 2007 to 30.7 per cent in 2014. (Economic Survey of India: 2015-16; Government of India; <http://indiabudget.nic.in/es2015-16/echapvol2-09.pdf>)

⁶⁵ The *National Survey of Estimation of out-of-school children in age 6-13 in India* pointed out that children within the rural areas drop out of school earlier than those in the urban areas. Most of the drop-outs in the said age group from the rural areas have completed education up to Class-II, while those from the urban areas have completed class V. (“*Drop Out Rate of School Children*”; August 05, 2015; Press Information Bureau; Government of India; <http://pib.nic.in/newsite/PrintRelease.aspx?relid=124412>)

- The quality of education has been showing disturbing trends as educational outcomes continue to show poor outcomes⁶⁷.
- Caste, religious and ethnicity based discrimination⁶⁸ is still practiced in schools and there is no proper mechanism to curb such discrimination^{69 70}.
- The Right to Education does not include compulsory human rights education curriculum.
- Despite the RTE Act, schools and children remain at the forefront in situation of armed conflicts and violence of any kind⁷¹ and India has not yet endorsed the “Safe School Declaration”⁷².
- The only flagship programme to implement RTE Act, Sarva Shiksha Abhiyan (SSA) has witnessed heavy budget cuts in recent years⁷³ and remain under resourced.

Recommendations

- Expand the scope of Right to Free and Compulsory Education Act from 0-18 years ensuring equitable quality, inclusion and non-discrimination.

⁶⁶ As per UNESCO e-atlas on out-of-school children (OOSC), as many as 124 million children and adolescents worldwide are out of school, 17.7 million – or 14 per cent – of whom are Indian. (“*The UN Report on Out-of-School Kids is Bad News for India. The Real Picture May Be Worse*”; Bhatta Kiran; July 07 2015; The Wire; <http://thewire.in/5671/the-un-report-on-out-of-school-kids-is-bad-news-for-india-but-the-real-picture-is-worse/>)

⁶⁷ According to ASER 2014, there is a sharp decline in the number of children in standard V who can read a textbook of standard II in both government and private schools. In Government schools, the decline is from 56.7 per cent in 2007 to 42.2 per cent in 2014, and the percentage of children who can do division in standard V has declined from 41 per cent in 2007 to 20.7 per cent in 2014 in rural areas.

In the case of standard V children in private schools who can read a standard II textbook, the decline is from 69 per cent in 2007 to 62.5 per cent in 2014. The percentage of children who can do division in standard V has declined from 49.4 per cent in 2007 to 39.3 per cent in 2014 in private schools. The decline in educational outcomes in private schools warrants equal attention since there is an increase in the share of private providers of schooling and education across India; Economic Survey of India: 2015-16; <http://indiabudget.nic.in/es2015-16/echapvol2-09.pdf>

⁶⁸ Dalit children have been discriminated in school to a point where they feel obligated to dropout Moreover, As per the Human Rights Watch Study Report, the elementary school dropout rate for Dalit children is 51%. In addition to that, the ones most affected by discrimination within these schools are girls (64% dropout rate) and this dropout rate greatly increases if the girl is from the Muslim/Adivasi/Dalit community. (“*They Say We’re Dirty: Denying an Education to India’s Marginalized*”; Human Rights Watch; April 2014 https://www.hrw.org/sites/default/files/reports/india0414_ForUpload_1.pdf)

⁶⁹ “*They Say We’re Dirty: Denying an Education to India’s Marginalized*”; Human Rights Watch; April 2014 https://www.hrw.org/sites/default/files/reports/india0414_ForUpload_1.pdf

⁷⁰ “*Millions of Indian children are being denied school education due to discrimination*”; Jayshree Bajoria, , Scroll. In, May 19, 2015 (<http://scroll.in/article/728103/millions-of-indian-children-are-being-denied-school-education-due-to-discrimination>)

⁷¹ “*Schools in Kashmir turn into armed fortresses as students watch in muted horror*”; Yasir Sameer; August 29 2016; First Post; <http://www.firstpost.com/india/schools-in-kashmir-turn-into-armed-fortresses-as-students-watch-in-muted-horror-2980890.html>

“*Schools as Battlegrounds*”; Human Rights Watch; http://www.protectingeducation.org/sites/default/files/documents/hrw_schools_battlegrounds.pdf

⁷² The Safe Schools Declaration, developed through state consultations led by Norway and Argentina in Geneva throughout the first half of 2015, provides states the opportunity to express broad political support for the protection and continuation of education in armed conflict, and is the instrument for states to endorse and commit to implement the *Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict*. (<http://www.protectingeducation.org/guidelines/support>)

⁷³ *Politics, Paise or Priorities: Where do Children Fit into the Union Budget 2015-16?*”, HAQ: Centre for Child Rights, New Delhi; (<http://haqrc.org/new-at-haq/politics-paise-or-priorities-where-do-children-fit-into-the-2015-16-union-budget/>)

- Ensure quality education and retention at primary and secondary education and evolve appropriate mechanisms to monitor the educational outcomes at all levels.
- Promote Human Rights education in school curriculum based on the principles of non-discrimination, equality and equity and social justice.
- In addition to the need to increase the percentage of enrolment substantially to achieve universalization of education, concerns about the decline in enrolment in government schools need to be identified and addressed.
- The right to education is currently only upto the age of 14 years- which is class 8. This does not enable children to be eligible for any further education or entry into any skill based/ vocational training in any recognised institute. Experience is showing that the only way to keep girls in school and prevent child marriage is to ensure they are retained in school longer.
- Enhance the resource allocation towards the programmes/schemes related to education for children in the National Budget as well as State Budget.

Additional issues in UPR-3

Falling Sex Ratio

The overall sex ratio of the Country is showing a trend of improvement, whereas the child sex ratio is showing a declining trend.⁷⁴ Also, the child sex ratio in rural India is 919 which is 17 points higher than that of urban India⁷⁵.

While low sex ratio in the 0-6 years draws attention from GOI and civil society, the low adolescent sex ratio receives none (it is 915 in the 7-14 years; 881 in the 15-18 years). What is more, falling sex ratio is leading to trafficking of minor girls for marriage into the states that have lesser number of girls and women⁷⁶.

Recommendation

- Monitor the gender gaps in registration of births and improve sex ratio at birth and across the ages and address the issues that arise.
- Enhance budgetary allocation for all the schemes /Programmes related to girl child survival.

⁷⁴ The overall sex ratio showed an improvement from 927 to 940. Sex Ratio at birth has decreased in last decade from 915 females per 1000 males in Census 2001 to 910 females per 1000 males in Census 2011

⁷⁵ The decline in Child Sex Ratio (0-6 years) during 2001-2011 in rural areas is more than three times as compared to the drop in urban India.

⁷⁶ India has one of the highest female foeticide incidents in the world. It stands exposed from declining number of female child population in the age group of 0-6 years from 78.83 million in 2001 to 75.84 million in 2011. (*Female Infanticide Worldwide: The Case for Action by the UN Human Rights Council*”; Asian Centre for Human Rights; June 2016; <http://www.stopfemaleinfanticide.org/files/Femalefoeticideworldwide.pdf>)

Child Health

Unfortunately, there is very little information on children's health across ages. The data that is computed by the government under health of children is restricted to that under the age of 6 years. Indeed, adolescent health concerns need proper data and intervention, beyond reproductive and sexual health concerns, which is the only thrust at this stage. It is also under resourced. Over the years, access to health care decreasing, especially in the wake of increasing privatisation.⁷⁷

Recommendation

Right to health must be recognized as a fundamental right. Concept and understanding of 'Child' in the health care sector must extend beyond the 0-6 years age group to address those upto the age of 18 years.

Juvenile Justice

The enactment of a Juvenile Justice (Care and Protection)⁷⁸ Act has led to controversy and discontent amongst experts.⁷⁹

Although the new law now covers a wide range of issues, it includes a regressive provision of waiver of 16-18 year olds into the adult criminal justice system for having committed serious offences, and is based on a controversial "mental and physical" assessment clause. This has led to the lowering of standards for dealing with children in conflict with the law⁸⁰.

Moreover, in heavily militarized zones like Jammu & Kashmir, often children are detained under the Public Safety Act⁸¹, which is in clear violation of the Juvenile Justice Act, the UNCRC⁸² and The Beijing Rules.⁸³

⁷⁷Joumard Isabelle and Kumar Ankit; "Improving Health Outcomes and Health Care in India"; Economics Department Working Papers No. 184; ECO/WKP(2015)2; [http://www.oecd.org/officialdocuments/publicdisplaydocumentpdf/?cote=ECO/WKP\(2015\)2&docLanguage=En](http://www.oecd.org/officialdocuments/publicdisplaydocumentpdf/?cote=ECO/WKP(2015)2&docLanguage=En)

⁷⁸ The Juvenile Justice (Care and Protection of Children) Act, 2015

⁷⁹ Although the new law now covers a wide range of issues, it includes a regressive provision of waiver of 16-18 year olds into the adult criminal justice system for having committed serious offences, and is based on a controversial "mental and physical" assessment clause. This has led to the lowering of standards for dealing with children in conflict with the law

⁸⁰ In the absence of proper tools of assessment, training and infrastructure, children are already being subjected to arbitrary treatment.

⁸¹ "A Lawless Law: Detention under the Jammu & Kashmir Public Safety Act"; A Report by Amnesty International

⁸² According to the Article 40(1) of the UNCRC "States Parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society."

⁸³ The UN Standard Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules") adopted by the UN General Assembly in November 1985, stipulate in particular that proceedings for children should be conducive to the best interests of the child.

The only flagship umbrella scheme related to administer Juvenile Justice, Integrated Child Protection Scheme (ICPS), has been heavily under resourced⁸⁴ over the years and the required infrastructures are not in place and fully functional yet⁸⁵.

Recommendations

- Establish the executing state mechanisms necessary and provide adequate resources and infrastructure to implement the Juvenile Justice (Care & Protection of Children) Act, 2015⁸⁶.
- The current Juvenile Justice Act must be reviewed and brought in line with the principles of the Constitution of India, UNCRC and General Comment No. 10⁸⁷ issued by the UN Committee on the Rights of the Child.

Children with Disability

Specific services of **habilitation and rehabilitation required for full development of children with disabilities continue to be unavailable to the majority and not designed for children** with disabilities. Even though the RTE Act 2009 makes specific mention of children with disability; the education system is still not designed to include them⁸⁸. The budgetary allocations for programmes related to children with disabilities are poorly funded and are unable to cater the needs of such children.

Recommendations

- Specific and concerted efforts and strategies need to be made to ensure that these children are included in all child related schemes and programmes, and are able to participate with other children in all activities.
- There have to be multi-disciplinary services for children with disabilities at least at the district level for both detection and support.

Children in Mining Areas

There is no systematic data from the Government to indicate number of children who are living in mining areas or are even engaged in mining related activities. However, there are several news reports

⁸⁴ In February 2014, the Cabinet Committee on Economic Affairs approved the continuation of ICPS in the XIIth Plan with enhanced financial norms - the budget was INR 3000.3 crore (for five years), which included Central share of INR 2350 crore and State share of INR 650.33 crore. According to this there is a shortfall of INR 248.10 crores. A revision of the ICPS norms implies that this shortfall is much larger. ("*Children Unprotected in the Budget: Child Protection in 2015-16 Budget*"; Ganguly Enakshi; HAQ: Centre for Child Rights)

⁸⁵ In its report, the Department-Related Parliamentary Committee on Human Resource Development for the Juvenile Justice (Care and Protection of Children) Bill, 2014, February 2015, concluded that *Child Welfare Committees (CWC) and Juvenile Justice Board (JJB) in the districts were not fully functional. Reasons for this could be lack of funds, inadequate facilities and absence of trained manpower. In addition, procedural delays could also not be ignored.* (<http://164.100.47.5/newcommittee/reports/EnglishCommittees/Committee%20on%20HRD/264.pdf>)

⁸⁶ (CRC/C/15/Add.115/para 79, 80 and CRC/C/15/Add.228/para 79, 80 (d))

⁸⁷Children's Rights in Juvenile Justice (2007); CRC/C/GC/10; <http://www2.ohchr.org/english/bodies/crc/docs/CRC.C.GC.10.pdf>

⁸⁸ "*Fixing the Broken Promise of Education for All: Findings from the Global Initiative On Out-of-School Children*"; UNESCO & UNICEF; Published in 2015; <http://www.uis.unesco.org/Education/Documents/oosci-global-exsum-en.pdf> "*In India, high percentage of kids with disabilities still out of school: UN*"; January 2015; First Post; <http://www.firstpost.com/living/india-makes-progress-bringing-children-schools-un-2056745.html>

highlighting the rampant use of children in mining⁸⁹. Living in mining areas affects the child's access to basic services and also affects their health and education status.⁹⁰ The Although, the current child labour law bans the employment of adolescents in mines, but the Mines and Minerals (Development and Regulation) Amendment Act, 2016 leaves open a window of opportunity for exploitation, as it simultaneously allows for children of sixteen years to be apprentices and trainees.

Recommendations

- Establish appropriate child protection mechanisms in all the mining areas with a special focus on comprehensive needs of children affected in such areas.
- Remove legislature contradictions⁹¹ and align mining programmes which protects and promotes children in the mining areas.

Children Infected and Affected by HIV/AIDS

The total number of Children (< 15 years) living with HIV (PLHIV) in India constitute 6.54% of the total HIV affected population⁹². Currently, India's Prevention of Parent to Child Transmission of HIV/AIDS (PPTCT) programme⁹³ is offering services at over 15,000 sites covering only 18% of children suffering from HIV⁹⁴.

Recommendations:

- Introduce separate provision/ scheme under the Ministry of Health and Family Welfare or Ministry of Women and Child Development for treatment of children affected from HIV.
- A separate budgetary provision must be made for children affected with HIV.

Commissions for Protection of Child Rights (N)CPCR and SCPCRs

The situation in independent human rights institutions as described in the AiNNI⁹⁵ holds true for all both the national as well as the state commissions for the protection of child rights. They are placed

⁸⁹Bhalla Nita, Chandran Rina and Nagaraj Anuradha; August 2, 2016; "Blood Mica: Deaths of child workers in India's mica 'ghost' mines covered up to keep industry alive" (<http://www.reuters.com/article/us-india-mica-children-idUSKCN10D2NA>)

Rajaram Prema; "Employment of Children in Mines: Exploitation Unabated"; (<http://www.mapsofindia.com/my-india/government/need-for-action-against-employment-of-children-in-mines>)

Vyas Karishma; "The child miners of Meghalaya"; (<http://www.aljazeera.com/indepth/features/2013/10/child-miners-meghalaya-2013103132125749825.html>)

Nayantara Narayanan; May 14, 2015; "One of every ten workers in Raichur's granite mines is a child"; (<http://scroll.in/article/727229/one-of-every-ten-workers-in-raichurs-granite-mines-is-a-child>)

⁹⁰ "Children and Their Rights in Mining Areas: A Community Resource Guide"; HAQ; Centre for Child Rights, New Delhi; (<http://haqrc.org/wp-content/uploads/2016/07/children-and-their-rights-in-mining-areas-a-community-resource-guide.pdf>)

⁹¹ Contradictions between Child Labour law and Mines and Minerals Act, 2016

⁹² India HIV Estimates 2015: Technical Report; National AIDS Control Organisation & National Institute of Medical Statistics, ICMR Ministry of Health & Family Welfare Government of India; (<http://www.naco.gov.in/upload/2015%20MSLNS/HSS/India%20HIV%20Estimations%202015.pdf>)

⁹³ Based on 2013 WHO Guidelines, the programme aims to initiate antiretroviral treatment (ART) for all pregnant and breastfeeding women living with HIV regardless of CD4 count or stage of HIV infection; NACO Annual Report 2013-14

⁹⁴ NACO Annual Report 2013-14

⁹⁵ All India Network of NGOs and Individuals working with National and State Human Rights Institutions (AiNNI) And Asian NGO Network on National Human Rights Institutions (ANNI)

inside the Ministry of Women and Child (MWCD) in the centre and under Departments in the states. This is against Paris Principles and severely hampers their autonomy. The appointment of the commissioners as well as the advisors⁹⁶ both at the centre as well as the states remains arbitrary and highly political. They are completely violative of Paris Principles.

Recommendations

Either the National Commission for Protection of Child Rights (NCPCR) is given the same status as National Human Rights Commission (NHRC) or they need to be completely restructured, so that they are an independent entity and not under any Ministry or department. The appointment of commissioners and members needs much greater transparency and due process.

Child Budgeting

It is important India has acknowledged children's budgeting as part of the Finance Bill⁹⁷. Despite the recognition, the share of the budget for children is inadequate⁹⁸, involves corruption, has remained lower than 5% of the total national budget⁹⁹, and continues to decline¹⁰⁰.

Recommendations

- Following the example of the Central Government, there is a need for the states (provinces) to introduce a separate budget statement for children so that there is a universal acceptance of children's budgeting across the country.
- Following the adoption of General Comment 19¹⁰¹ on public budgeting for the realization of children's rights¹⁰², Government of India needs to examine its budget allocations and expenditure and bring in standards using this as a guideline.
- Ensure timely disbursement of the funds and proper utilization of the allocated resources towards the programmes related to children.

⁹⁶ A retired policeman has been appointed as an advisor. He holds and expresses in public strong views on the need for punitive action against juveniles and admits to be one of the officers who advocated with the Minister to reduce age of juvenility, which he feels must ideally be 14 years instead of the Global standard of 18 years.

⁹⁷ Government of India's 22 Ministries have identifiable schematic budget heads addressing children through 82 schemes presented as a special budget statement (Statement 22) on children.

⁹⁸ The concern of inadequacy of financial resources towards children has also been resonated by the concluding observations made by the UNCRC on 13 June 2014, based on India's report presented to the Committee on 3 June 2014 in Geneva. The Committee noted "*The budgetary allocations do not adequately take into consideration child protection needs. There is also mis-management of allocated resources, a problem which is exacerbated by a high level of corruption and the lack of effective monitoring and evaluation systems*". (full document available at http://tbinternet.ohchr.org/_layouts/treatybodyexternal/SessionDetails1.aspx?SessionID=843&Lang=en)

⁹⁹ According to the government's own admission in India's third and fourth combined periodic report on the Convention on the Rights of the Child "*many of the outcome indicators for children point to the disadvantaged status of children, the proportion of Child Budget in the Union Budget seems inadequate*" (http://wcd.nic.in/crc3n4/crc3n4_1r.pdf)

¹⁰⁰ Share of financial resources for children has fallen to an all-time low of 3.26% in the 2015-16 budget since the introduction of fiscal federalism in 2015. (*Politics, Paisa or Priorities: Where do Children Fit into the Union Budget 2015-16?*), HAQ: Centre for Child Rights, New Delhi <http://haqcr.org/new-at-haq/politics-paisa-or-priorities-where-do-children-fit-into-the-2015-16-union-budget/>)

¹⁰¹ "<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/162/31/PDF/G1616231.pdf?OpenElement>

¹⁰² Article 4 of the UNCRC