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## Entire Document

Unit: I Historical, Philosophical and Social Perspective In this unit, you will learn about, ? Child Labour ? Nature of Child Labour ? Working Conditions of Child Labour ? Problems of Child Labour ? Impact of Employment on Child Labour ? Causes of Child Labour ? Patterns of Child Abuse and Neglect in Rural Children: An Exploration ? Child Abuse ? Different Forms of Child Abuse ? Issue of the Child Abuse ? Causes of Child Abuse and Neglect ? Different Theories of Child Abuse and Neglect ? Prevalence of Child Abuse and Neglect ? Consequences of Child Abuse and Neglect ? Protective Measures Against Child Abuse ? Cultural Misunderstanding or Child Neglect ? History of Children's Rights ? International Treaties and Conventions on the Rights of the Child ? Typologies of Children's Rights ? Child Trafficking Employment of Child Labour: Nature of Work, Problems and Causes of Child Labour Practices Nature of Child Labour Practices Child labour is now an important social concern both nationally and internationally. Millions of children worldwide start working at a very young age. These children are exposed to various forms exploitation and abuse. According to a recent survey carried out by the International Labour Organization's Bureau of statistics, there are 120 million children between the ages of 5 and 14 who are full-time at work and more than twice as many (about 250 million) of those for whom work is a secondary activity, of these

61% are found in Asia, 32% in Africa and 7% in Latin America. Although India has the largest child labour population in the world in terms of absolute numbers, the proportion of working children to the total labour force is lower in India than in many other developing countries. Child labour constitutes 14.37 % of the total labour force in India. In India more than 90% of the working children are in the rural areas employed in agriculture and allied activities i.e., Cultivation, agricultural labour, livestock, forestry, fisheries account for 85 percent of total labour force. According to the study conducted by Indian Council Child Welfare in Delhi there are specific areas in the unorganized sectors where many children are working at the following places:

- 1) Dhabas, Restaurants, Tea stalls, small hotels, 1

Children and Human Rights 2) As Rag collectors, 3) Domestic servants, 4) Hawkers, Boot polishers, Newspaper sellers, 5) In Brick industries, 6) Zari work, 7) Diamond cutting, 8) Glass and Bangles factories, 9) Match factories and fire work establishments, 10) Bidi Industries, 11) Auto-mobile Garages and Workshops, 12) Helpers in Grocery or Grain shops, 13) Hand weaving industries, 14) Carpet Industries, 15) Construction work, 16) Tea gardens, Cashew nuts etc. Over the years there has been a slight decline in the employment of children in organized sector of industries. Because the children employed in the organized sector are protected under the child labour laws, today most of the working children are employed in the unorganized sector of industries. This means, there is no check on low wages that a child worker earns toiling for long hours in sub-standard hygienic conditions. Most of the child workers are employed in hotels, restaurants, sweet shops, tea stalls, road side dhabas, auto- mobile garages and workshops, foundries, recognized engineering units, cinema halls, as cleaners for buses and taxies a few are also employed as domestic servants and as usual the other traditional fields of work such as pottery, black- smithy, gold smithy, weaving, carpentry etc. The working conditions of these child workers are not uniform and vary according to their vocations. There is neither any standard guideline nor any yardstick for their work. These children are required to work to the satisfaction of their employers which occasionally goes beyond their capacities. There is no time schedule for rendering services by children working in road side automobile garages of workshops specifically highway side garages and quite often it is seen that children are working round the clock in such highway side garages. They are taken mercilessly if there are any lapses in performance of their duties and are forced to work with their woes and worries which remain untold, unheard and un-redressed. The child labourers in the organized or unorganized sector face similar hardship in rendering services to their employers since most of the workers are engaged in job works and are paid poorly for each completed job and often are not paid on one pretext or the other. The nature of work was observed by the researcher in different forms jobs like vehicle cleaner, polishing, washing etc. Table 1:

Statement Showing Nature of Work S.No. Nature of Work No. of Respondents Percent 1 Helper / Mechanical work 246 77.8 2 Trainee 2 0.7 3 Washing / Cleaning Vehicles 22 7.5 4 All the functions 30 10 Total 300 100 The above table indicates the nature of work of children working in garages. Maximum i.e. 77.8% respondents are working as helpers/ mechanic. Only 0.7% children are working as trainee and 7.5% children are helping in washing and cleaning of vehicles. 10% children have to do all the functions while working in garages. 2

Children and Human Rights Graph No. 1: Nature of Work Working Conditions of Child Labour Child Labour is one of the demonstrated social problems that has attracted International agencies, governments, activists and NGOs worldwide India, with its population explosion is experiencing the consequences of child labour. It might be shocking but surprisingly real in India. Child labour contributes to 20 percent of the Gross National Product (GNP) which subsidises higher education for privileged children. With the emergence of auto-mobile era in India as one of the major modes of transport, automobile repairs shops or garages have increased in almost all parts of the metropolitan cities in India. Most of these are small in size and owned by single persons. These workshops or garages owners are or have been mechanics themselves, having learnt that art and acquired a certain degree of proficiency by trial and error. These small establishments employ a few adults and a few children. The children are drawn to this job because in the long run it proves quite profitable. Though the children in the initial stages get little remuneration and their apprenticeship period extends up to 2 to 3 years, even then they feel attracted to the job. Parents of these

children are very eager that their child should learn this trade and there have been cases where parents have withdrawn the children from a gainful employment and put him on this job. Like other industries or domestic work, auto-mobile garages or workshops are also a routine type of job that requires skills. The work rather involves considerable skills whose acquisition calls for a certain aptitude, mechanical ability and persistence of learning over a period. For 3 to 6 months these children do not get any money, as the period is treated by the workshop owners purely one of learning on the part of the child. The child does not grumble but rather feels obliged to the employer for his kindness to have recruited him in the workshop. In the beginning the relationship is one of trainer and trainee and not so much of employer and employee. The children respect the workshop owner and obey all his commands. If the child makes a mistake, the workshop owner may slap him, but he would not mind it much thinking that punishment was for his own welfare. After some period or so the child starts getting some paltry sum, say 100 rupees a day. As the child matures and gains more experience and skill, his remuneration is enhanced accordingly. After a few years the child may become a regular employee of the auto garage or workshop and earn as much Rs. 2000 to Rs. 5000 per month. Sometimes these children also get tips from customers which may help to sustain them in the initial months of training when they do not get anything from their workshop owner. The auto-mobile garage or workshop involves major as well as minor tasks. These tasks involve, maintaining mechanical components, engine, cooling radiators or body panels, spray painting of vehicle body panels and denting and washing of vehicles. The children are associated as helpers to the adult mechanic who does the major repair work. When the mechanic is at work, children observe him and hand him over tools and spare parts as and when asked. These tools or spare parts are very heavy, and children have to handle these tools and spare parts when necessary. In the process of repairing or maintaining of vehicles, they come to learn the name and specific use of these tools and spares. Sometimes they would be assigned to associate for light tasks like loosening and tightening of bolts and nuts, oil cleaning the auto parts, removing and fitting body parts of the auto-mobile, washing, denting, drawing and polishing the vehicle and a score of such other helping tasks. 3 Children and Human Rights These children start handling difficult and complicated tasks when they have attained physical maturity and sufficient mechanical proficiency. As the number of adult employees in these establishments is hardly two or three, they have to perform diverse kinds of tasks and the child apprentices have to learn these. The children who are working in the auto mobile garages or workshops have to do their chores in the open place and they are exposed to sun and rain. Due to the nature of their job these children are always seen in oil and dirt/dust soaked cloths, their hands and face blackened and their body sweating. They generally do not look healthy because they do not get sufficient to eat during the day due to workload, and their work is physically very demanding. While handling the tools, auto body parts, scraping of vehicle paints, slithering in underneath the vehicle and out, and removing and fitting the body parts of auto mobile, the child may sustain bruises on his knees and back and cuts on his hands and fingers and injury on any other part of his body. In majority of garages there are not any safeguards, no any type of precautions, carefulness on the part of the child is only his safety. Apart from physical hazards involved and unclean nature of their jobs they may also face elements of exploitation. The garage owner generally has a tendency to protract the period of training so as to impose on the child that he is only learning and not working and hence is not entitled to any wages or remuneration. This attitude of garage or workshop owners generates strain in the relationship and may compel the child to leave the workshop and try out his luck elsewhere. The children engaged in automobile garages or workshops need to possess some skills as demanded by the nature of job. Their working hours are comparatively much longer than those of domestic servants. On an average it is to be 9 to 12 hours a day. These shops are generally open at 8 or 9 a.m. in the morning and remain open till 9 to 11 p.m. The children generally get rest in afternoon after the lunch. The children's duties differ with their age and experience. The mature and experienced boys to the more skilled work compared to the newly recruited ones. The child helps the adult mechanic in many ways. In addition to above stated duties a child also does some other duties such as bringing tea, cigarette etc. for the customer and garage owner. But generally, the work of the child is restricted to garage premises. By the very nature of the duties the boys remain dirty and their faces and cloths are blackened with oil and other materials.



Majority of the garages or workshops are closed for one day during the week, but rest of them mostly cycle repair shops remain open throughout the month. So, some children enjoy the benefit of weekly day off, but others do not get this benefit due to workload. So far as the behaviour of the employers, with these children is concerned, it cannot be said to be very satisfactory. Generally, the treatment by the workshop owner to the child labour who is newly recruited and inexperienced child labour is very rough but, with experienced and mature children is somewhat satisfactory. Generally, the child labours working in automobile garages are satisfied with their work, the reason being that almost all of them cherish the hope of becoming good mechanic in the future. Mostly the children working in automobile garages or workshops are working with their relatives or parents or in some cases independently also. In summer time with seat streaming down their face and body while working, these children are facing extreme tiredness due to working in sun. There is not even proper place for rest and taking lunch. Their conditions are really become pathetic. Table 2: Statement Showing the Working Condition At Workplace S. No. Condition No. of Respondents Percent 1 Hazardous 85 28.3 2 Nonhazardous 215 71.7 Total 300 100 4

Children and Human Rights Graph 2: Working Conditions at Workplace Majority of respondents (71.7%) stated that working condition at workplace is non-hazardous and only 28.3% respondents have stated that working condition in their garages is hazardous. Hazardous Work According to article 24 of directive principles of state policy of the Constitution of India which states that

**93%**

## **MATCHING BLOCK 1/527**

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no child below the age of 14 years shall be employed in any factory or mine or engaged in any other hazardous employment. The working condition of child

labour are not uniform and vary according to the work organizations. There is no time schedule for rendering services by children working in highway side automobile garages / workshops. Table 3: Statement Showing Type of Dangers at Workplace No. Types of Dangers No. of Respondents Percent 1 No any Problems 89 30 2 Injuries / eye injuries 20 7 3 Electric Shock 13 4 4 Other dangers 179 60 The above table indicates the various types of dangers faced by the children while working in automobile garages. 7% children have stated that they are facing dangers like eye injury and cuts and burns while handling welding machinery. 4% have stated that they are facing the danger like electric shock while handling electrical equipments. Only 30% children have stated that, they have not to face any dangers while working in automobile garages. 59% children have stated that the various other dangers such as accidents, blackening of hand and face due to smoke of diesel, congested work place, handling of delicate tools, oil spill, heavy work load, low light etc. Graph 3: Type of Dangers at Workplace 5

Children and Human Rights Problems of Child labour Automobile repair work is different from the work related to restaurant, domestic work where the children are found working without much tension. But skill is required to the child labour to earn sufficient wages out of their repairing work. Most of the children were spent 3 to 6 months to acquire the minimum skills of repairing / assisting two wheeler / four wheeler vehicles without wages. This is the common problem faced by child labourers in Pune city. The child does not grumble but rather feels obliged to the employer for his kindness to have recruited him. In the beginning, the relationship is one of trainer and trainee and not so much of employer and employee. The child respects the master and obeys all his commands. If the child makes a mistake, the master may slap him but he would not mind it much thinking that the punishment was for his own welfare. After 3 months or so the child starts

getting some paltry sum, say one rupee a day and one or two cups of tea. As the child matures and gains more experience and skill, his remuneration is enhanced accordingly. After a few years he may become a regular employee of the garage. These children also get tips from customers which may help sustain them in the initial months of training when they do not get anything from the master. The repair work of two wheeler / four wheeler vehicles involves major as well as minor tasks. These children are associated as helpers to the adult mechanic who does the main repair work. When the mechanic is at work, children observe him and hand him over tools and spare parts as and when asked. In the process, they come to learn the name and specific use of these tools and spares. Now they would be assigned associate and light tasks like loosening and tightening of bolts and nuts, oil-cleaning the parts, removing and fitting body parts of the vehicle, washing, drawing and " polishing the vehicle and a score of such other helping tasks. He starts handling difficult and complicated tasks when he attained physical maturity and sufficient mechanical proficiency. As the number of adult employees in these establishments is hardly two or three, they have to perform diverse kinds of tasks and the child apprentices have to learn these. The children have to do their chores in the open and they are exposed to sun and rain. Because of the nature of their job, these children are always seen in oil and dirt soaked clothes, their hands and face blackened and their body sweating. They generally do not look healthy because they don't get sufficient to eat during the day and their work is physically very demanding. While handling the tools, scraping off vehicle paints, slithering in underneath the vehicle and out and removing and fitting the body parts, the child may sustain bruises on his knees and back and cuts on his hands and fingers and injury on any other part of his body. There are no safeguards, no precautions; carefulness on the part of the child is his only safety. Apart from physical hazards involved and its unclean nature, the job may also entail elements of exploitation. The master generally has a tendency to protract the period of training so as to impress on the child that he is only learning and not working and hence is not entitled to any wage or remuneration. This attitude of the master generates strain in the relationship and may compel the child to leave the workshop and try out his luck elsewhere. With the emergence of two and four wheelers as one of the principal modes of transport in the city like Pune, automobile repair shops have sprung up in almost all parts of the Pune city. Most of these are small in size and owned by single persons. These owners are or have been mechanics themselves, having learnt the art and acquired a certain degree of proficiency by trial and error. Many of these small garages employ adults and children. The children are drawn to this job because in the long run it proves quite profitable. Though the children in the initial stages get little remuneration and their apprenticeship period extends upto 2 to 3 years, even then they feel attracted to the job. Parents too, are very eager that their child should learn this trade and there have been cases where parents have withdrawn the child from a gainful employment and put him on this job.

1. Discontinuation in Education In the present study it was found that most of the children are discontinued their education due to working in automobile garages / workshops in Pune city. Because of the discontinuation in education children are remains absent for longer period in their schools, sometimes they drop the schools, maximum 88.3% respondents are found dropouts from schools due to work and only 11.7% respondents are continuing their education.

2. Health In the present study child labours were facing different health problems due to garage works which includes 7% children are facing the problem of cough and cold, 4.3% respondents are having back and body pain, and 0.66% respondents are 6 Children and Human Rights facing the problems like burns and injuries during the work. 16% respondents are facing the other problems like fever, chest pain, stomach related problems, skin related problems, headache, asthma etc.

3. Abuse (Physical/mental/sexual) Among the many psychological risks faced by working children, one of the most troubling is their potential susceptibility to abuse, from both employers and older co-workers. This abuse can take many forms, but sexual and physical abuses are paramount concerns.

Impact of Employment on Child Labour

1. Deprivation of natural rights: In the present study it is found that most of the children are working beyond their physical and mental capacity and also works for long hours where they are not getting time to enjoy with family and nature. It is resulted that maximum children deprives the childhood while he is employed in automobile garages / workshops at Pune city. This may lead to many psychological imbalances which are often expressed in the form of increased

aggressiveness, low self-esteem etc. 2. A child labourer remains uneducated and is unable to take care of his own family when he grows up. This forces him to make his children work and thus the cycle is perpetuated. 3. Children reach mental and emotional maturity at a very early age. This is highly dangerous as such children start displaying pseudo adult behaviour such as smoking and displays of aggression. 4. Children and young people are often paid much less for work done than adults while being forced to work as much as adults. Thus, pushing adults competing for jobs out of the market. 5. Many children who work either withdraw from school or find that their educational performance declines because of the work they are doing. Lewis Hine summed this up best in these words: "There is work that profits children, and there is work that brings profits only to employers. The object of employing children is not to train them, but to get high profits from their work." 6. Throughout history, children have been working under very unhealthy and hazardous conditions. Their working environments were so unsafe that fatal accidents were an everyday routine. Presently, there are about 250 million children under the age of 15 who are a part of the labour industry. The working conditions have not changed; in fact, they have gotten worse. 7.

**100%**

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Growth deficiency is prevalent among working children, who tend to be shorter and lighter than other children; these deficiencies also impact on their adult life.

Satisfaction about Working Conditions Child labour is found more in the unorganized sector like agriculture rather than in organized sector, because in the organized sector number of laws prohibit employment of children. However, the occupational distribution of working children shows their concentration in the following occupations: 1. Agriculture 2. Plantations 3. Mining & Quarry 4. Beedi-Rolling 5. Glass & Bangles 6. Handloom & Carpet weaving 7. Helpers in hotels, restaurants, canteens, tea stalls, shops and wayside establishments, etc . 8. Match and fireworks machine tools, repair shops & petrol pumps 9. Zari & embroidery etc. 10. Automobile Garages and Workshops The working conditions of child labour are very harsh. They have to work under deplorable conditions. They are not paid adequately and are forced to starve and suffer seriously from malnutrition. So far as the working conditions of the children in agriculture and plantations are concerned, they are healthy as work is done outdoors, but they have to work both in fair and foul weather, in the scorching heat of the sun and in the driving rain of the monsoon. 7

Children and Human Rights It is unorganized and organized sector of the industries that has caused much concern in respect of working conditions of the employed children. The labour investigation committee had also reported that the working conditions were deplorable in different industries especially in the unorganized industries like 'bidi' making, glass bangles and match industries. According to the Rege Committee Report on Labour conditions, "In the glass industries it is almost impossible to describe sufficiently and accurately the wretched conditions in which labourers work. No wonder the children in glass industry look anaemic, myopic gloomy and invariably suffer from rickets and eye-diseases." However, the National Commission on Labour has observed that "employment of children is almost non- existent in organized industries. It, however, persists in varying degree in the unrecognized sector. Employment of children below the prescribed age is also reported to be continuing in far off places and in rural areas where enforcement of statutory provisions is more difficult." In the formal sector, the workers enjoy formulized-working conditions including fixed working hours. They are also protected in respect to their wages. On the other hand, the workers in the informal sector do not enjoy fixed working hours. The working hours also vary from one occupation to another occupation. It has been fairly established that complete abolition of child labour in any under developed society is not practicable. Child labour has come to stay in our societies as a necessary evil. In fact, child labour continues as long as there is poverty in any society. Though we have

made so many laws banning it, yet it would not be of much use as people satisfy their basic wants. When their income is so meager, they will ask their children to work and supplement the family income. Thus, a ban on child labour will neither be feasible nor practicable. The working condition of children in India is absolutely inhuman. The I.L.O categorically states - "The child's creativeness and ability to transcend reality are blurred and his whole mental world is an improved." Despite the fact that the constitution has been in existence for the last sixty five the working conditions of children in various occupations continue to be inhuman. It was felt that since complete ban on child labour was neither practical nor feasible, the working conditions under which children work could be regulated. The child labour (Prohibition and Regulation) Act 1986 was promulgated with a view to regulate the working conditions of child labour. Although this Act is a step in the right direction – it is very difficult to enforce it in a country, which is poor and over populated. According to article 24 of the Directive Principles of state policy of Constitution of India, which states

**93%**

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no child below the age of 16 years shall be employed in any factory or mine or engaged in any other hazardous employment". The

working conditions of the child labour are not uniform and vary according to the work organizations. There is no time schedule for rendering services by children working in automobile garages and quite often it is seen that children are working round the clock, in such automobile garages located in highway side. Table 4: Statement showing the respondents satisfaction about Working Condition 8

Children and Human Rights The above table indicates multiple responses of child labours about the satisfaction at work place. 61% and 83.7 respondents stated that, they are satisfied with the wages and their relationship with owner respectively. 72.7% and 67.3% respondents are satisfied about the recess time at work place and about job respectively. 92.3% and 21% respondents are satisfied with the drinking water and sanitary facility available at their work place respectively. Graph 4: Satisfaction About Working Conditions

Table 5: Interest of Child Labour About Continuing Work In Garages

S. No.	Interest in work	No. of Respondents	Percent
1	Interest to continue work	172	57.3
2	No Interest to continue work	128	42.7
Total		300	100

57.3% respondents want to continue their work in automobile garages. 42.7% respondents do not want to continue to work in automobile garages. Payment of Wages of Child Labour In the present study it is found that, those children working for a temporary period in a small two wheeler workshop were getting their wages every day. These child labours work in summer and winter vacation with nominal wages.

Automobile garages / workshops are no exception for the weekly wage system. In Pune city in some garages, child labours were getting their wages on weekly basis. Through the study it is evident that very few garages or workshops owners pay monthly wages to the children working in their garages. It is evident that the garage owner pays very less amount whether it is daily, weekly or monthly basis in automobile garage or workshops and are actively involved in the economic exploitation of the child labour. Table 6: Statement Showing the Payment of Wages

S. No.	Mode of wages	No. of Respondents	Percent
1	Daily	134	44.7
2	Weekly	89	29.7
3	Monthly	77	25.7
Total		300	100

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Children and Human Rights Graph 5: Payment of Wages Status of Payment to Child Labour Most of the respondents said that the owners of big and medium size garages pay wages in time and small size garage owners pay late wages. This affects the regular maintenance of children. 44.7% respondents are getting their wages on daily basis 29.7% respondents are getting their wages weekly and only 23.7% respondents are

getting wages on monthly basis. Table 7: Statement Showing Status of Payment

Sr. No.	Status of payment	No. of Respondents	Percent
1	Fully Paid	219	73%
2	Partially paid	81	27%
Total		300	100%

Most of the respondents (73%) are getting full payment but 27% child labours are not getting full payment. Child labour do face problems of partial or delayed payments while working in the garages. Table 8: Statement Showing the Leisure Time Spent By Respondents

Sr. No.	Leisure Time	No. of Respondents	Percent
1	With Family	81	27.0%
2	With Friends	146	48.7%
3	Relatives	51	17.0%
4	Self	22	7.3%
Total		300	100%

The above table indicates the ways of leisure time spent by the respondents after their work is over. Majority of respondents (48.7%) are spending their leisure time with friends. 7.3% respondents spend leisure time for themselves which includes playing cricket and other games, watching movies, TV, chatting with friends etc. 27% respondents spend 10

Children and Human Rights their leisure time with their families after their work is over. 17% respondents are spending their leisure time with relatives by frequently meeting or visiting them. Causes of Child Labour Analysis of the incidence of child labour boils down to the composition of the household, the number of earning members, total earnings, liabilities, and consumption pattern. In an extreme situation of a household below the poverty line with a meagre potential for earning, all members regardless of age and sex are required to work and have very little freedom to do otherwise. In a normal situation, however, a child's non-leisure time is available either for schooling or home-based work. 1. Poor family conditions Due to the high degree of illiteracy and ignorance of parents the children are deprived of getting proper counselling for their future career and at the time of economic necessity the children move in to job market to save their subsistence. In a study of child workers in Kashmir, Sharma, Kumar and Padmadeo (1993) noted that 97 percent of children came to carpet weaving in Kashmir due to poverty. A general assumption is that if children were not to work, survival of the entire family could be at stake. But, nevertheless, it would be wrong to assume that poverty causes child labour. Countries, which are equally poor may have relatively high or relatively low levels of non-school going children. On the basis of a quantitative cross-country empirical study, Iftikhar (1999) has actually concluded that child labour is associated with inequalities in society, and not with poverty. The co-relation between regional poverty and child labour indeed is inconclusive. Some of the poor states, like Kerala, probably for different reasons, have a lower child labour count. But for the present study, we may assume that poverty has a positive correlation with the existence of child labour. Poor households send children to work in order to augment household income and also as a safeguard against the uncertainties of income they face, such as the loss of a job, the occurrence of a natural calamity, failed harvest, prolonged ill health, etc. Such an interruption can be really threatening for poor households whose income is low, who have no savings, and are not in a position to borrow for want of collateral. Most case studies of child labour do indeed identify the poverty of the household and low level of parental education as important factors in determining the incidence of child labour (ILO, 1992). 2.

Attraction of urban life Industrialisation led to a perceptible change in quantitative as well as qualitative character of child labour. At the same time children's work became increasingly dangerous, they had to work for long hours, in poor working conditions where machines and chemicals endangered their well-being and were paid very low wages. The rapid urbanisation in our country has opened up new avenues for employment of poor children, like rickshaw pulling, shoe shining, car cleaning, cycle repairing, garage works, hotel boys, domestic servants, etc., and also in many illegal activities such as smuggling, drug trafficking, begging etc. A large proportion of children in the urban areas are engaged in the unorganised sector, with poor working conditions and exploitative wages. It is found in the present study that 20.7% children are working in automobile garages of Pune city. The family atmosphere as well as living conditions in the urban areas is also totally different. This is clear from the fact that they live in slums, where there is, lack in health care as a result of the ignorance and illiteracy of their parents; lack of adequate adult care; the absence of both parents and older siblings from the home. The social and cultural milieu of the slums have deep consequences on the psychology of children. The presence of other potentially damaging element in the urban areas, such as exposure to mass media, films, radio, magazines, attractive consumer items and exposure to the glaring inequalities, the contrast between rich and poor, not only psychologically frustrates



the poor urban children, but also lures them towards making quick money through illegal means. In this, a major part is also played by the illicit and criminal activities of all sorts that go around the congested surroundings of a slum. However, urbanisation has some positive consequences for child labour. Higher urbanisation leads to lower poverty levels, higher literacy levels, lower population per house hold, lower rural poverty ratio, higher proportion of children going to school in the school going age-group and lower dropouts at schools. 11

Children and Human Rights 3. Lack of job at native place Due to the unemployment, most of the child labourers are migrated from Osmanabad, Latur, Beed, Solapur and other low income districts of Maharashtra state and working in automobile garages / workshops in Pune city. Those children who are above the age of 14 years are mostly migrated and working in Pune city. In rural areas the relationship between household size and child labour also depends on the extent of landholdings. There is evidence to show that children in landless and marginal farm households generally engage in wage labour while those in households with larger farms engage in agricultural work. The incidence of child labour increases with increase in size of the farm as the marginal contribution of children increases. This trend may be reversed in the case of huge farm households where the landlord leases out land instead of operating it himself. There is a continuous stream of people who throng the cities like Pune, Mumbai mainly in search of job. They find accommodation a difficult problem to solve, as most of them are not in a position to pay exorbitant rents. They, thus, turn to depressed areas making them overcrowded. With every addition of human beings, the infrastructure of services comes under heavy strain and the place becomes filthy and unhygienic for human habitation. This may be a true genesis of many slums in Pune. A large number of child labourers were found to migrate with or without families to urban, semi-urban and rural areas with potential for employment on account of poverty to work in specific sectors/ occupations. 4. Illiteracy of parents In the present study maximum parents of child labour i.e. 59.3% are found illiterate and they are also engaged for agricultural and non-agricultural work at their native places. Parental illiteracy is the common cause of child labour. This cause affects not only particular child but also the society. It also affects development of nation. Illiterate parents do not understand about knowing and emotional development of their children. Uneducated parents do not realize about their children's education. Absence of compulsory primary education also cause for child labour. Our education system perpetuates the domination of the privileged few over the entire society while children of poor people continue to remain uneducated. It is commonly found that, the level of parent's education and aspiration are closely associated with the child labour. Parents think only of the present and not of the future. In one seminar on employment of children had in December 1975, indicated that child labour is prevalent extensively in lower series economic group because of lack of opportunities on their part of the role, that education plays in improving life in living conditions of the people. During the course of our survey, it was found that the educational status of parents whose children were working in automobile garages was very poor. In most cases the parents were totally illiterate. It was also observed during the course of survey that, although some parents were totally illiterate, yet they knew the importance of educating their children. But due to economic pressure, they were compelled to send their children for work in automobile garages. The highest proportion of child labour (59.3 per cent) come from illiterate families. 5. Negligence towards education by parents In the past school based education was a rare phenomenon. If there was any, it was meant for the privileged classes. Children of producing classes learnt in the family and through work. This tradition continues even today among some segments of have-nots and schooling is something alien to them. School education does not figure anywhere in their life. Parents are not aware about disadvantages of non-schooling and its pernicious effects of child labour. Parents do not perceive education as an image builder or status fomenter. Their aspirations have been stabilized at a very low level. They are reconciled to their lot without protest or express strivings. Their children first join then join their work out of curiosity. Then they develop interest in it and derive pleasure out of it. The work culture conducts the child quite some distance and they deliver him ultimately in to the world of labour. Having lost all opportunities for a pull back, he slowly and inescapably gets tipped in the ethos of labour which becomes his unalterable destiny. Absence of compulsory education is another major factor behind the

prevalence of the practice of engaging children to work. Many children are forced by their parents to stay at home because they cannot afford the prescribed minima of uniform, books and stationary etc. Besides, in the remote areas of rural park, schooling facilities are scarce and inaccessible. Sometimes parents consider that their children were disinterested in education and them themselves were disinterested in educating their children. 12

Children and Human Rights 6. Lack of interest of children towards school education In the present study, maximum 88.3% children found to be school dropouts and working in automobile garages / workshops in Pune city. Since schooling is the main factor demanding time, it stands to reason that the cost of schooling would be an important determinant of the likelihood of child work. The following are the reasons of school dropouts. a) Lack of Resources b) Lack of Interest in Education c) Beaten up by the Teacher d) Parent's Preference for Work 7. Size of Household The larger the size of the household of the child labour is between 4 to 6 members i.e. 64% of the total respondents. Due to this large size of families and limited sources of income causes the employment of children in automobile garages / workshops. It affects the limited participation of child labour in schools which resulted the non-progress of children. Dyson (1991) also agrees that child labour results from high fertility rate. Hence, one may find positive relation between high birth rate and size of family and supply of child labour. 8. Characteristics of the community: The social condition of the child labour is found that 53% respondents belongs to backward communities which includes 28% belongs to scheduled caste, 12.3% belongs to other backward castes and only 3% respondents are belongs to scheduled tribes, and 7.7% respondents belongs to other castes. It is concluded that social backwardness is one of the characteristics of child labour practices in Pune city as well as in India. The supply of child labour is also determined by the characteristics of the community in which the household lives, especially the social infrastructure available, and no social infrastructure could be more relevant and powerful than education. If the system and form of education prevalent is dull, uninteresting and irrelevant many parents do not spontaneously send their children to school; instead viewing child labour as a preferred option. In an economic environment where there is shrinkage of jobs in the organized sector on account of rationalization, retrenchment or closure, and where survival depends on work, as in the unorganized or informal sector many parents would be inclined to conclude that taking children out of school and putting them to work will be the most sensible way of surviving. 9. Labour Market: The supply determinant of child labour relates to the labour market itself, and, therefore, any study of the former would be incomplete without a critical appraisal of the latter. In this study, an appraisal of the level of wages of both children and adults is relevant. It has been observed that flexibility in wages is a key factor influencing the employment of children. In competitive markets where wages are flexible, children can substitute for adults in the market place. In India, under the Minimum Wages Act, 1948, children are permitted to work for no more than four and half hours a day and entitled to receive fifty per cent of the wages of an adult. Since there are no ways of measuring the working hours in an informal work environment, in actual practice children are made to work the whole day while wages payable continue to be half those paid to adults. Besides, the same minimum wages law permits payment of wages in kind and also permits computation of these in cash. The prices of essential commodities (rice, wheat, cereals, pulses) vary greatly in different parts of the country and therefore, computation of the cash value of wages payable in kind is not easy. This gives rise to cases of under-weight and cheating, and even though the arrangement may ensure easy availability of essential commodities or food grains, this is often less than what it should be. The usual assumption is that in a normal labour market situation where wages are at a floor level due to legislation or collective social action, adult workers will always be preferred to children as their productivity is much higher. If the Minimum Wages Act, 1948, provides, as in India, periodic review and revision of the minimum rates of wages for scheduled employments, and if this is rigorously enforced, it can better the employment of child labour. Enforcement of the Minimum Wages Act, like the enforcement of child labour legislation, has, however, severe limitations. Establishments in the unorganized or informal sector, for whom minimum wages are notified, are scattered and bringing them within the purview of the labour law enforcement machinery has been found to be extremely difficult if not impossible. It is, therefore, a moot point whether mere 13

Children and Human Rights fixation, review, and revision of minimum rates of wages would really be accompanied by a reduction in child labour as the process of enforcement of the law continues to be half-hearted and extremely frustrating. This is all the more difficult when, (a) wages are paid partly in cash and partly in kind, (b) payment is made against completion of specific tasks, (c) a group of people is engaged, as in agriculture, for performance of such tasks and the male adults invariably have a major say when it comes to apportioning wages for different components of a task and (d) the possibility exists of deductions on the ground that the end products do not conform to the specifications and for late delivery (as in beedi rolling, labelling, and packing which is a household industry but whose survival largely depends on the contractor).

10. Negligence by the Parents Sometimes neglected children with step-fathers or step mothers are deprived of love, affection and things required for the healthy growth. In this situation also some of them work as child workers. In the present study, 9.33% children are run away from their homes due to negligence of parents and they are working in automobile garages / workshops of Pune city to meet their basic needs.

Patterns of Child Abuse and Neglect in Rural Children: An Exploration Theoretical Background: From the early times industrial researcher have extensively and continuously documented reports of child maltreatment and abuse specially those related with battered baby syndrome. Child battering occurs when, due to any physical abuse or non-accidental injuries, sustained as a result of repeated mistreatment or beating, child requires medical attention. Child battering is a tragic and disturbing phenomenon that is often successfully hidden by its perpetrators. This problem of battering is directly the outcome of the economic compulsions and no education. Studies have also shown that children subjected to battering have more possibility of being victim of the emotional, social and nutritional deprivation and other forms of maltreatment. “

99%

## MATCHING BLOCK 4/527

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Child abuse or maltreatment constitutes all forms of physical and/or emotional ill-treatment, sexual abuse, neglect or negligent treatment or commercial or other exploitation, resulting in actual or potential harm to the child's health, survival, development or dignity in the context of a relationship responsibility, trust or power (

World Report on Violence and Health 2002)”. Working Definitions of Child Abuse: Child abuse (with in an age of 18 years and even lesser then 16 years of age in some countries) in broader term includes any harmful contact on a child's body, any kind of verbal and non-verbal communication, or transaction with the child that is frightening or guilt causing. Some experts also include any act of (intended or unintended) failing to nurture, or omission of care and upbringing of the children and perceived maltreatment, whether habitual or not, resulting in serious impairment of growth and development, permanent disability or sometimes resulting in death. These include words or actions committed by a person responsible for the care of child or in any manner related to child care including not only parent, sibling, family member, far away relatives but also a neighbor, a baby- sitter, teacher, friend, or a care provider in day care or orphanage, which damages extrinsic as well as intrinsic worthiness and dignity of the child. In General, ‘Child Abuse and Neglect’ is intentional or non-intentional maltreatment of any kind by any of the person, be it parents, relatives or caregivers (also including representing from governmental and non-governmental organizations) or employers leading to impairment of development (physical, mental and psychosocial), or causing disability or even death of children. Different Forms: While most accounts now distinguish between physical emotional and sexual abuse, difference form of abuse may overlap or interact with each other. Physical abuse is likely also to involve emotional abuse, emotional abuse can occur independently of the other two forms. Historically, physical abuse was the first to be recognized. It can take many forms including any of the following: 14



Children and Human Rights 1) Physical Abuse: Involves excessive intentional physical violence, hostile behavior or force exerted on a child by an adult who hurts, injures or kills, even with the intention to discipline or improve the child. Obvious forms of physical abuse are excessive corporal punishment, torture of any kind, kicking, slapping, hitting, beating, shaking with excessive force, dropping child against wall or any other hard surface, submersion in very cold or hot water, intentional burning inflicting pain by any method and in few cases assault of children. 2) Sexual Abuse: Sexual abuse is any act of victimization (by any adult or older more knowledgeable child) by forcing, ticking, bribing, threatening or pressuring for involvement of a child to sexual awareness or activity for pleasure of self or others, including molestation, incest relationship and rape. Sexual abuse can be physical, verbal and emotional. It includes i. sexually touching offences like forceful kissing, caressing, fondling, forcing child to touch adult sexual organs, and or making genital contact with penis, inserting any object or digital manipulation (without a valid medical reason). ii. Non- touching offenses such as - involving in exhibitionism, exposure to pornographic material/ books or act of sexual intercourse, any indecent exposure to pose, undress or perform in a sexual manner, masturbating in front of a child, peeping into bathrooms / bedrooms of a child. In extreme cases sexual abuse involves exploitation (sexual intercourse or its deviations- sodomy/ act of incest, engaging child in prostitution using for pornography), rape, and sex tourism (foreign exchange through sex trade). 3) Emotional Abuse: It is called by various names like verbal abuse, mental abuse, and psychological maltreatment. It refers to failure to provide a supportive environment or attention to a child. It could include restricting movement, sarcasm, threatening, excessive criticism, reproachful expression discriminating, name calling, ridiculing, belittling, degradation and insulting remarks, putting excessive pressure to perform, and / or cutting communication. Child Neglect: Occurs when child's basic needs are denied, continuously unattended or not adequately met, by parents or care givers. It includes the following: Physical Neglect: Improper or no food, shelter, improper clothing for proper weather protection (cold, hot or rains), lack of toilet and other facilities, denied or improper medical care, lack of supervision, or sometimes total abandonment. Educational Neglect: No education, inappropriate schooling or not attending special education needs, allowing stay away from school without any apparent reason or taking leave. Psychological Neglect: It refers to lack of love, affection and emotional support, leaving child unattended, indifferent treatment, allowing child participating in substance use and, not protecting from a harmful situation and emotional exploitation. Child Exploitation: It refers to engaging child in economic activities, specifically, harmful to development and or leading to deprivation. It may include employing children as domestic help, street beggars, as hawkers, as apprentices or engaging in delinquent acts. 15

Children and Human Rights Munchausen's by Proxy Syndrome: This is a serious psychological disorder of parents or caregiver having frequent contact with doctors and hospitals by posing child sick (that cannot be medically documented). They fabricate, intentionally or unintentionally, signs and symptoms of disease or injury in the child, in order to undergo medical tests, hospitalization or even surgical treatment. Issue of Child Abuse: Child abuse has become a global issue that needs to be tackled in a systematic manner. Children are the citizens and future flag bearers of the nation. They have right and privilege of proper nurture and good education. But it is unfortunate that child abuse incidences are often witnessed. It creates many long-term consequences and impact on well-being among the abused and neglected children including physical health, mental health as well as emotional and spiritual health. Psychological Issues of Child Abuse: Some acts of child abuse and child neglect leave physical injuries that may take years to recover from, sometimes are fatal. Child abuse is more related to psychological impact associated with stresses and often leaves permanent emotional scars and can also create lifelong mental health problems. Some of the noted psychological impacts associated with child abuse and neglect are- low self- esteem, aggression and hostility, difficulty in concentration, low memory, excessive anxiety, feeling of loneliness, mood fluctuations, delinquent behavior, depression, suicidal thoughts and even committing suicides. Social Issues of Child Abuse: Many types of child abuse create huge expenditure onwards medical expense and burden of care on others. By and large it leaves scars on our society and economy. The sexual abuse creates shame and feeling of guilt, without any fault of victim. The social negligence makes a child in to delinquent behavior



and they become bad and unwanted elements in the society. Causes of Child Abuse and Neglect: The existence of child abuse and neglect is sometimes not recognized, because there is lack of general consensus about definition of child abuse and neglect. Cultural norms about what constitutes abuse vary widely among professionals as well as the wider public, people do not agree on what behavior constitutes abuse. Although it is difficult to lay down specific causes, but most people agree on child abuse as a result of interaction with and reinforcement of multiple stressors. There are certain situational factors often, but not always, precipitating in abuse and neglect. ‘Situational stressors’ are made up of the following components:

- Relationship Between Parents: intermarriage conflicts, marital disputes, step-parents or separated or single parents
- Parent Child Relationship: spacing between births, size of family, sex of child, unwanted child, parental attachment and unusual parental expectations to child
- Ecological Stress: poor housing, unemployment, social isolation, long term illness, threats to parental authority, alcoholic families and excessive poverty
- Child Produced Stress: problem child, a child that is incontinent, difficult to discipline, often ill, physically disabled or retarded.
- Parental Personality Traits: Ammerman & Pats (1996) identified some commonly characteristics of abusive parents - low self-esteem, low intelligence, impulsivity, isolation (from family and community), loneliness, fear of rejection, depression, low frustration tolerance, immaturity and criminal behavior, Substance abuse is also a significant defining characteristic.
- History of Abuse: Potential of child abuse was more in parents who themselves were abused in their childhood. The closer the relationship of the child to the offender, the stronger is the feeling of betrayal, particularly for longer time. The longer the abuse continues, the more difficult it is for the victim to recover. In many cases it has been observed that children who have disturbed childhoods due to sexual abuse tend to commit similar crimes themselves when grown up. 16

Children and Human Rights • Lack of Parenting Skills: including no knowledge about child development, unstable discipline- overuse of physical punishment or over permissiveness, no coping with self and others, and lack of interpersonal skills. Different Theories of Child Abuse and Neglect: “From the critical theory perspective, the Marxist theory emphasizes that it is the powerless and deprived class who are most at risk of both engaging in crime and being victims of crime. On the contrary the radical feminist theory denies Marxists’ class emphasis, and postulates that patriarchy system is the reason for oppression of women and children. Women are more marginalized and poorer than men. “Feminist theorization identifies male power, hegemony and socialization as the key causal factors of child abuse, not only within the family but also outside of it, in a wide range of settings (Corby and Goldston 2002)”. “Theory of the inter-generational transmission of child abuse states that children learn how to be abusive or non-abusive from their parents. Abused children develop low self- esteem, poor management of negative emotions and problem solving, and weak communication and social skills. These traits further make them abusers of children as adults, unless they can break the cycle of abuse (Wiehe, 1992)”. For the purposes of identifying the prevention programmes for child abuse “Daro and Donnelly (1993) have classified the theoretical frameworks on cause for child abuse, although these causes only deal with parental abuse, into four general groups:

- Psychodynamic theory suggests that parents would be less abusive if they better understood themselves and their role as parents.
- Learning theory suggests that parents would be less abusive if they knew, more specifically, how best to care for their children.
- Environmental theory suggests that parent would be less abusive if they had greater resources available to them in terms of supportive material or social support for a given set of actions.
- Ecological theory suggests that parents would be less abusive if a network of services or support existed to compensate for individual, situational, and environmental shortcomings”.

Prevalence of Child Abuse and Neglect: According to the AIHW (2014) “There were 184,216 Australian children suspected of being harmed or at risk of harm from abuse and/or neglect. 272,980 notifications being issued by state and territory authorities, (a rate of 35.5 notifications per 1,000 Australian children). The total number of notifications represents an increase of 7.9% from the 252,962 reports made in the previous year.” According to the report of USDHHS (2007) “Boys or girls is equally likely to suffer child abuse. 47.3 %of child victims were boys, and 50.7 % were girls. Victimization rates were highest among the youngest population of children, birth to 3 years, at a rate of 16.5 per 1,000 children. 49.7 % of children who were



child abuse were white, 23.1 % were African American, and 17.4 % were Hispanic. American Indians and Alaska Natives accounted for 1.2 % of victims, and Asian-Pacific Islanders accounted for less than 1 % of victims). According to (2007) “Report of Ministry of women and child development, Government of India on study Child abuse, (covering 12447 children in 13 states with 5 evidence groups: children in the family environment, children in school, children at work, children in the street, and children in institutions). It was the young children, in the 5-12 year group, who are the most at risk of abuse and exploitation”. Across different kind of abuse Physical Abuse • Over 69% children (54.68% were boys) in all 13 sample states were being subjected to one or the other form of physical abuse. • Most children did not report the matter to anyone. •

**94%**

## **MATCHING BLOCK 5/527**

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The states of Andhra Pradesh, Assam, Bihar and Delhi have almost consistently reported higher rates of abuse in all forms as compared to other states. •

Out of those children physically abused in family situations, 88.6% were physically abused by parent. • 65% of school going children reported facing corporal punishment (62% in government and municipal school). Percentage of abuse in correctional institutions (56.37%) and street children (66.8%) was every high. 17 Children and Human Rights Sexual Abuse • 3.22% children reported having faced one of more forms, 21.90% facing severe forms, of sexual abuse. • Out of the children respondents 5.69% reporting sexually assaulted. • Children on street, children at work and children in institutional care reported the highest incidence of sexual assault. • 50% abuses

are persons known to the child or in a position of trust and responsibility.

Emotional Abuse and Girl Child Neglect • Every second child, both girls and boys, reported facing emotional abuse. • In 83% of the cases parents were the abusers. • 48.4% of girls wished they were boys. It is evident that child abuse and neglect is present in one or another form across the globe. Types and intensity may differ with time and space. Consequences of Child Abuse and Neglect “Children’s experiences of abuse and neglect have many deleterious consequences over both the short-and long-time; example includes: behavioral problems, poor self-esteem, and feeling of isolation, depression, self-injurious behaviors including substance abuse, suicidal ideas and behaviors, revictimization, academic and vocational problems, sexual dysfunctions, and criminal behaviors” (Gorey & Lesile 1997) and is highly correlated to delinquency, teenage pregnancy and other psychosocial problems.” Protective Measures Against Child Abuse: According to the traditional theories on causes of child abuse, the preventive programmes should include parent education and social support networks. Although focusing on ways of prevention of abuse is more important than paying close attention to the consequences or effect on a child of being abused. According to article 19 (2) of the UNCRC, “Such protective measures should include social programmes to provide support, prevention, identification, reporting, referral, investigation, treatment and follow-up, and, for judicial involvement”. Further, article 39 of the UNCRC mandates

physical and psychological recovery and social re-integration of a child victim. “

According to

**88%**

## **MATCHING BLOCK 6/527**

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the article 19 (1) of the United Nations convention on the right of the child ( UNCRC 1989), ( which is ratified by India)

**92%**

### **MATCHING BLOCK 7/527**

**W**  
States parties shall take all appropriate legislative, administrative, social and educational measures to protect

**89%**

### **MATCHING BLOCK 13/527**

**SA** Mridula Barman\_LAW.docx (D15441512)  
States parties shall take all appropriate legislative, administrative, social and educational measures to protect the child form all form of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parents (s), legal guardians (s) or any other person who has the care of the child”.

**92%**

### **MATCHING BLOCK 8/527**

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all form of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse,  
Perusal of the literature reveals that child abuse and neglect is a very complex problem with a verity of causes. Misunderstanding of child rearing patterns by members of one culture viewing another can lead to the mislabeling of a particular practice as child abuse. Recent studies from the western countries have reported adverse effects of childhood abuse on physical and mental health and adult life. Recently, the government of India has decided to constitute a National commission for children that would be a statutory body set up by an act of parliament to give further protection to children and act as an ombudsman for them. Indian Context of Child Abuse and Neglect: Factors contributing to this lack of knowledge include: few Indian social workers trained in modern family assessment, lack of acceptance and trust by Indian clients, incomplete record due, in part, to institutional barriers that prevent interagency access to records and lack of systematic follow-up by cases. As a first step to close this information gap, the summarized cases that serve to demonstration unique patterns of child abuse and neglect in Indian communities and the problem faced during intervention. 18  
Children and Human Rights Cultural Misunderstanding or Child Neglect: Living among relative: One such Indian practice is living among relatives. In traditional Indian families it is common for children to be raised by relative, each of whom contributes to the care of child, with the effect that the child feels at the home within the extended family. Another similar pattern of living among relatives would be neglect, if instead of



nurturance; a child is passed back and forth as an unwelcome burden. Such children show developmental delays and difficulties in interpersonal relationship. Sibling Caretakers: A second practice that has been misinterpreted as neglectful (lack of supervision) is sibling caretaking. Adults are not far away and children have been trained in this function. On the other hand, this practice would be regarded as neglectful if the family should leave for several days at a time or leave very young children unattended. Sibling caretakers could also prove to be hazardous, and thus neglectful, if an Indian family should move to the city. Poverty: Child abuses have been observed more frequently among the poor, it has been seen among all strata of Indian society. There are poor families where children are nurtured effectively and affluent families where children are abused. Poverty and its attendant stresses- joblessness (as high as 70% in some Indian communities), poor housing, under nutrition, poor sanitation and health-contribute to family dysfunction and thereby to child abuse and neglect. In many Indian communities, however factors that might be interpreted by outsiders as inductive of dysfunction are often typical or traditional Indian living and good family function. These include small living areas, no running water or electricity, limited parental education, large families, and use of traditional healers. Alcoholism: Alcohol related child abuse and neglect cases are a heterogeneous group, reflecting the many different patterns of Indian drinking. In some families, alcoholism has become a way of life, with severe and permanent family disintegration and chaos. The extended family may be similarly affected and, therefore unable to provide substitute parenting. Children from such medical care, failure to thrive, behavior problems, school failure, substance abuse etc. the prognosis for such children is poor and permanent substitute homes are usually needed, particularly if there have been repeated treatment failure. Situational Stress with Ineffective Social Support: Probably the most common precipitating cause of abuse and neglect is extreme social stress for parents who lack of effective supports and coping mechanism. Once more serious and long-standing problems have been ruled out and family strengths and limitations identified, intervention through short term counseling, social services and other local support mechanisms including traditional healers can effectively restore family functioning. There is a common belief that the child maltreatment is a significant problem in rural areas. There are forms of punishment which can be categorized as violence even though the intention may be to correct the child. Some children may suffer a greater risk of corporal punishment due to their family or cast or ethnic background. In India numbers of child abuse cases are hard to attain, as most of these cases go unreported especially when it happens in the home or by family members. Focus of researchers with regards to abuse has generally been more in the public domain such as child labour, prostitution, marriage, etc.

Societal abuses that are a result of poverty such as malnutrition, lack of education, poor health, neglect etc are recognized in various forms by the Indian legal system but abuse that takes place in the families or institutions such as schools, orphanages or other government institutions go unattended. In India there is no clear-cut law that protection of children against abuse in the home. It is the need of the hour to find out some elementary measures/ responses that parents can adopt to prevent child abuse and also to respond and deal with the problem in a culturally-appropriate manner once the child indicates abuse and neglect of any kind. This will help in planning child abuse education in schools and also to devise content of child abuse education for parents and community as a whole. 19

Children and Human Rights The History of Children's Rights Historical Perspective The discourse on children's rights is relatively new, even within the modern human rights discussion. Not long ago it seemed absurd to talk about children's rights; the concept of children's rights gained widespread support only in the last few decades. Not only are children's rights relatively new ideas, but the very concepts of childhood and the child are relatively recent achievements (Hart 1991). Today, children's rights are a serious social issue (Chirsholm cited in Alaimo 2002). Like the concept of childhood, the history of children's rights has been shaped by changing economic, social, cultural and political circumstances (Alaimo 2002). It is common to address three periods in the evolution of the concepts of children's rights -the pre-industrial period, the industrial period and from the mid-20 th century to the present. The Pre-industrial Period Prior to the 16th





century there appears to have been no conception of childhood as a unique or distinct period of life. Most children beyond six years of age were considered to be small adults and were not separated from adults as a class (Aries 1962; Hart 1991). Children were considered legally and socially as the property of their parents; they were not seen as human beings with their own status and rights (Hart 1991). Even up to the first quarter of the 19th century children were mostly still viewed as the personal property or extensions of their parents with few or no legal rights whatsoever (Stier 1978). Parents, mainly fathers, were given unlimited power and control over them and were allowed to treat them as they wished; corporal punishment was almost universal and was accepted as appropriate. During the early period of modernization infant and child mortality was very common—one of four children died before their first birthday, making child mortality the most common cause of death (Hart 1991). Many historians argue that this high mortality was one of the causes for the emotional distance of parents from their children. They claim that parents suppressed the ability to feel empathy for their children to avoid emotional attachment to a baby with a low chance of survival (Aries 1960; deMause 1974). Adults were not expected to have close relationships to children and could be cruel and distrustful towards them. Many children were unwanted and negative parent-child relationships led to serious abuse and neglect (deMause 1974; Hart 1991; Stone 1977). Children had more duties towards their parents and society than they had rights (Alaimo 2002). They were characterized by a lack of identity and were considered expendable (Hart 1991). The poor status of children in society created a situation, in which they were neglected, abused and sold as slaves and were invisible in the eyes of society. Child labor was a widespread phenomenon in the pre-industrial period and children were a significant part of the economic system all over the world (Hart 1991). Until and during the 19th century children over six years old were perceived as young adults and were therefore required to contribute to society according to their abilities. From about the age of 7 they began a slow initiation into the world of work, a world inhabited by both adults and children. Children as young as four and five could already be working in the factories, and at least some of the child laborers did not work with their families (Alaimo 2002). The concepts of education, schools, protection against hazards and special rights were rare or non-existent (Hart 1991). The Industrial Period (the 19th Century up to the Mid-20th Century) The technological and socioeconomic changes of the early 20th century resulted in a change in the conceptualization of childhood. Children were considered to be endangered by conditions of immigration, industrialization and urbanization in ways that would create undesirable behavior and threaten society (Hart 1991). This brought about a new agenda in regard to children's status and led to the emergence of the idea of protecting children and providing them rights. The main development in children's rights arose in connection with industrial child labor (Alaimo 2002). Child labor began to be perceived as a social problem due to the fact that children were now recognized as a vulnerable group all over the Western world. They were working under hazardous conditions and were at risk, not only physical and life-threatening risk, but also of moral damage (Hart 1991). Factory work was physically exhausting for children as young as seven years old, who worked sixteen hours a day in a damp, poorly ventilated workplace and corporal punishment was common. Foremen used harsh method to keep exhausted children awake. In addition, working in a factory, unlike at the 20th century, exposed the children to large numbers of strangers who might molest and corrupt them (Alaimo 2002). The child labor reform movement, based on the view of child laborers as defenseless victims of industrialization, launched an eventually successful campaign to regulate and ultimately eliminate industrial child labor. The 19th century movement against child labor and in favor of child schooling was a significant shift in thinking, helping to bring about a key transformation in the conception of childhood and in the formulation of children's rights. The child labor reform movement opened a public discussion about the social meaning of childhood, specifically opening the door to the radical reform that perhaps children should not work at all and that they have the right to different childhood—one of physical, moral, intellectual and social development (Alaimo 2002). Schooling became an alternative model of social existence for children, when the protection rights—laws against industrial child labor—were joined to provision rights—entitlement to education (Alaimo 2002). Life in cities brought crime, poor conditions of hygiene that led to the spreading of diseases, and the development of social

alienation. Schools were considered a way of isolating children from all of these issues. It was further feared that working children would become adults lacking necessary education and who would be intellectually and morally hampered (Archard 1993). Laws controlling child labor and the introduction of universal education in the 19th century recognized the need for children's protection and acknowledged that they had rights. As school gradually took the place of work, and regular schooling became compulsory (around 1900 in Europe), the attitudes toward the place and role of children also changed. Childhood could last longer and children could be seen as more dependent (Hill and Aldgate 1996). The 19th century is considered the "child-saving" era. Particularly in the half-century from 1870 to 1920 the rights of children in relation to parents, employers and others expanded in the form of rights to protection and services that presupposed a vision of childhood as a distinctive phase under the patronage of the state (Alaimo 2002). Gradually, children began to be perceived as a separate class and not as property. The perception that children have no more than economic value began to change and be replaced by the concept that children are a unique group that society has the responsibility to maintain and protect from various dangers to which this group is exposed (Hart 1991). Another change in this period is the protection of children from abuse and neglect by their parents. Parental neglect and abuse were subjected to intense scrutiny and challenged, not only by private philanthropies, but increasingly by government authorities. The state also increasingly challenged parental authority and autonomy in child rearing. In 1889 both France and Great Britain passed laws against child endangerment, including that caused by their parents (Alaimo 2002). The state with its professionals became the guarantor of children's rights. The child's right to protection led to the child's rights to provision of various sorts, with the state responsible for providing services. Health, care, acceptable housing, playgrounds, together with freedom from work and access to public schooling emerged as elements of children's rights (Alaimo 2002). The 20th century became the period when legislation concerning children was introduced in many countries. This was frequently introduced in connection with child labor and education, but also to acknowledge a public responsibility toward orphans and other destitute children. By the end of the 19th century, life for most children was more than just a mere struggle for survival. Hence, the 20th century was characterized by concern and efforts to establish and formulate children's right to nurturance. After centuries of being dismissed, ignored, manipulated and looked upon as "objects", children were finally granted legal recognition as "persons" (Cohen 2002). However, despite the worldwide recognition of children's rights, this approval of children's rights was based on the view of children either as passive, weak, and vulnerable creatures, and therefore in need of protection, or as unruly and threatening and therefore in need of control (Hallett and Prout 2003). Children were perceived as "becoming human" and were not yet recognized as full human beings with freedoms (Alaimo 2002). Society was mostly concerned with children's protection and provision rights. Much attention was paid to children's physical survival and basic needs, focusing often on threats to children's survival. Such social perceptions spurred programs to save children's lives or supply their basic needs. Infant and child mortality, school enrollment and dropout rates, immunizations, and childhood disease are examples of areas in which these programs arose (Archard 1993; Brandon et al. 1998). Safeguarding and protecting children gave rise to a dependent childhood, highly regulated by adult guardians and characterized by children's loss of autonomous action. While these policies were important for saving children, they deprived children of the rights of self-determination. Society adopted the concept of "saving children" and this idea continued to grow well into the 20th century. This concept became even more meaningful as children began to be perceived as the resources of the future.

#### Society 21

Children and Human Rights understood that, in their adulthood, today's children will determine the future of the world. Thus, not only are adults responsible for saving and protecting the child from a variety of hazards, but they are also required to take care of the positive aspects of the child's life for the sake of future generations. These ideas and changes created the new perception of a "person in the making" (Ben-Arieh et al. 2014). It was only in the second half of the 20th century that the child's existing status, rather than the potential person, received concrete support. The emerging person status of children provided justification for rights to protection and for the first time also for self-determination. Liberalism and Romanticism Changes

in the status of children cannot be attributed solely to the social and economic changes in the 19th century. Some streams of philosophical thinking emerging in the 17th and the 18th century also contributed to generating the notion of children's rights. From the 17th–19th century numerous Enlightenment thinkers focused on childhood education and how children learn. Indeed, the 18th century showed the emergence of a pronounced sensitivity to childhood, with a clear articulation of childhood as a distinct stage of life with its own ethos and in need of its own institutions. The Enlightenment's attention to the development of the individual child was an important milestone leading to the 20th century concept of the rights of the child (Ladd 2002). John Locke (1632–1704), the founding philosopher of English liberalism, published his famous book "Some Thoughts Concerning Education" in 1663. This had a significant influence on how children were conceptualized in the 17th century. One of his core ideas was that the child is born a "blank slate" without innate ideas and that all knowledge comes from experience. Based on this idea, he argued that education is a powerful tool to shape the child. This was a groundbreaking way of thinking and it contributed to the idea and to the importance of children's right to education. Locke appeared to recognize the individuality of each child, arguing that parents and educators need to treat children as rational creatures. He rejected corporal punishment as inappropriate to the raising of a wise and good child. Locke's thinking marks an important shift in the conceptualization of childhood in the West (Alaimo 2002). In spite of this great contribution, we should bear in mind that Locke's viewpoint was limited; he was primarily concerned with the adult in the future and not with the child in the present. Another important philosopher on the path to children's rights was Jean-Jacques Rousseau (1712–1778), who, particularly in "Emile" (1762), associated children with nature and natural goodness. He implied that children have a right to a happy childhood, characterized by freedom and closeness to nature and saw childhood as an innocent, carefree and happy period of life. Reacting to Lock's assertion that the child is a rational creature, Rousseau stressed that children should be children before they are adults and that childhood has its own methods of seeing, thinking and feeling. He was genuinely concerned with the process of growing up. Rousseau's ideas, which are considered pre-romantic, were later endorsed by the Romantic Movement, which took up this theme of children's original innocence. The Romantics proclaimed childhood as the best part of life and attributed qualities of purity and innocence to the child. The British Romantic poets, such as Wordsworth and Coleridge saw children as innocents gradually corrupted by society (Cunningham 1995). Ironically, this idealization of childhood coincided with the emergence of the first industrial societies which encouraged the exploitation of children. Nevertheless, the Romantic conception of childhood, derived from Rousseau, greatly contributed to the nation of children's rights (Alaimo 2002). The Middle of the 20th Century to the Present Throughout the first half of the 20th century the concept of children's rights still embodied the idea of a child's right to protection against harm and access to certain basic entitlements, such as schooling and health care. A noticeable change in the thinking on children's rights occurred in the second half of the 20th century, with a shift from issues dealing solely with children's protection or nurturance rights to those dealing with children's right to self-determination or self-expression. Increasing awareness of children's rights to participation (Ruck and Horn 2008) have led to a global move toward giving children and adolescents a greater degree of autonomy in the decisions affecting their own lives and development (Cherny and Shing 2008). This new approach is based on the assertion that children are not property of their parents or the state, but are legal persons entitled to many of the same rights as adults (Peterson-Badali et al. 2004; Peterson-Badali and Ruck 2008). Worldwide focus shifted to struggles over how to develop a framework that would allow active child participation in civil society (Cohen 2002). 22

Children and Human Rights In a landmark decision for children (in re Gault 1967) the U.S. Supreme Court noted that, "...neither the Fourteenth Amendment nor the Bill of Rights is for adults alone" (p. 13). Two years later the court noted that "children are 'persons' under the Constitution (Tinker v. des Moines Independent Community School District 1969), and almost a decade later, the Supreme Court stated, "Constitutional rights do not mature and come into being magically only when one attains the state defined age of majority" (Planned Parenthood v. Danforth 1976, p. 5204). Thus, after centuries of being dismissed, ignored, manipulated, and looked upon as "objects", children were finally granted legal recognition as

“persons”. Today the status of children (globally and in the Western world) is better than ever, their rights are detailed and implemented by governments in various countries, allowing children a childhood that is protected and separated from the adult world. Note that most of the rights are still related to child protection; children are still not fully accepted as active participants in their own lives. The various rights and limited freedoms given to children clearly do not exactly correspond to the myriad of rights given to adults (Hart 1991). Even if children are considered ‘equal’, they may still not receive the attention or the respect for their dignity and integrity which are accorded to adults. Hitting a child is legal in most Countries, while hitting an adult may lead the offender to prison. Working conditions for adults are secured by law—not so for children. Even in schools, where the children vastly outnumber the adults, there are rarely rules applying to the “working conditions” of the pupils. As a general rule, when children do have legalized rights, these are indirect, in the sense that others (most often the parents/guardians) have rights on behalf of the child, and even explicit rights are conditional or controlled by others. International Treaties and Conventions on the Rights of the Child In the aftermath of the First World War the protection-provision view of children’s rights expanded into the international arena. In 1924, Eglantyne Jebb, founder of Save the Children International, persuaded the League of Nations to adopt the Declaration of Geneva on Children’s Rights. This declaration is short, containing only 5 statements but these provide a concise list of what society “owed the child” and established the notion that children should have certain types of “rights”. They were not rights to “do” or to “act” independently as individuals. Instead they were rights to “receive” in the form of things that should be done for the child. The Second World War brought a new wave of interest in children’s well-being. In 1959 the United Nations General Assembly accepted the Declaration of the Rights of the Child, asserting that each child has a right to a “happy childhood”. This declaration is also still characterized by the provision-protection view of children’s rights based on the assumption of childhood dependency and vulnerability. Its language reflects the then prevailing concept of children as “objects” in need of “services”; in other words, it did not mention or support the child’s individual rights to participation (Cohen 2002). In 1979 the UN designated the International Year of the Child to celebrate the twentieth anniversary of the 1959 declaration. As part of the celebration writing a new treaty for children’s rights was proposed. Although drafting was begun that year, the convention was not completed until ten years later in 1989.

The UN

General Assembly adopted the Convention on the Rights of the Child (CRC) on November 1989.

The text is reprinted in Appendix. The CRC was adopted unanimously. In spite of possible negative reactions, a large majority of the nations of the world have now ratified the CRC, signifying that they subscribe to and will defend the rights of the child (Hart 1991). Outlining children’s political, civil, social, and economic rights (Ruck and Horn 2008), the CRC is the most comprehensive international convention, and addresses a full range of rights for children (Ben-Arieh 2005). It particularly emphasizes children’s rights in relation to decision-making processes that concern their lives (Kirk 2007; Melton 2005; Munro et al. 2005). The CRC has been a record breaker in every sense of the word. Cohen (2002) noted its unique aspects: first, on the day of its signing ceremony in 1990, the Convention was signed by the greatest number of signatories to ever sign a human rights convention. Second, the convention went into force faster than any previous human rights treaty. Third, it achieved universal ratification by 1997, making it the most ratified of all human rights treaties. Finally, it is the only human rights treaty to combine civil/political, economic, social, cultural and humanitarian rights in a single instrument. The CRC affirms not only the child’s right to protection from harm and abuse, but also the right to childhood, to develop into an autonomous adult, and to have a voice in matters affecting and concerning the individual child (Alaimo 2002). 23

Children and Human Rights The CRC highlights that the child is a human being with the right to be respected as a unique individual with his/ her own perspective and personal intentions by fellow human beings and also by the state, its institutions and other organizations (Krappmann 2010). Typologies of Children’s Rights Because there are so many substantive articles covering so many types of rights, there have been numerous efforts over the years to cluster the articles and categorize them (Cohen 2002).

Contemporary literature on children's rights identifies several categories and typologies of children's rights. One of the most popular children's right typologies discusses four categories or principles derived from the 54 articles of the CRC:

non-discrimination; the best interests of the child; the right to life, survival and development; and participation rights. The right to

life, survival and development—children have the inherent right to live, and the state has an obligation to ensure the child's survival and development. This group of rights deals with rights to health, education, social security, as well as the right to a standard of living. It also includes the right to be protected from abuse, neglect and any form of exploitation; Non-discrimination rights—This principle asserts the state's obligation to protect children from any form of discrimination and to take positive action to promote their rights, meaning that all rights apply to all children without exception; The best interests of the child—according to this principle

all actions concerning the child should take full account of his/her best interests;

Participation rights—Nearly a quarter of the substantive articles deal with participation and self-determination rights, assuring access to information, freedom of movement, association, belief and expression, privacy, liberty and development toward independence. Another popular typology found in the contemporary literature of children's rights is known as the "three Ps": Protection, Provision and Participation rights (Lansdown 1994; Troope 1996). Provision rights—The CRC includes articles outlining young people's right to the adequate provision of services and resources to enable children to develop their abilities (Ruck and Horn 2008). The CRC calls for fullest provision, which refers to rights to necessary goods, services and resources, including standard care, health, care review when looked after, the right to an adequate standard of living, to education and childcare, to cultural life and to the arts, and to know about the CRC; Protection rights—This category includes the right to be protected from neglect, abuse, exploitation, violence, cruel and degrading treatment, discrimination, invasion of privacy, exploitation and hazardous work, armed conflict, invasive research and ecological changes. Participation rights—This principle, as noted above, refers to the right of children to be respected as active members of and contributors to the family, community, and society from their first years (Alderson 2008). Another accepted typology is nurturance rights versus self-determination rights. The nurturance orientation entails the provision and protection by society of rights that are beneficial to children (e.g., right to education). In contrast, the self-determination orientation focuses on children's right to have some measure of control over their own lives (e.g., the right to choose their own religion) (Horn and Ruck 2008). The nurturance orientation is based on the paternalistic assumption that society or the state ascertains what is in the best interest of the child. In contrast, the self-determination orientation is based on the child's decision of what is or is not in the child's own best interest or within its own personal prerogative (Rogers and Wrightsman 1978; Walker et al. 1999). This distinction underscores some of the tensions inherent in children's rights. For example, if adults take responsibility for protecting children, does this not potentially limit the children's freedom? (Alaimo 2002). Provision and protection rights enjoy wide support, but participation rights are more controversial. More marginal approaches to children's rights relating to the two orientations are the protective approach and the liberal approach. The protective approach is based on the assumption that children require care and need to be protected from abuse and exploitation. That is, this approach is based on views of children as innocent and immature and is often regarded as a paternalistic model. By alleging that children are not rational, not capable of making their own decisions, liable to make mistakes and vulnerable, it justifies adult control and interference in children's lives (Archard 1993; Barnes 2009; Clifton and Hodgson 1997). The protectionist model denies children any voice in their lives and deprives them of their self-determination and participation rights (Barnes 2009). 24

Children and Human Rights The liberal approach to children's rights challenges the protectionist perspective, advocating an extreme position on children's rights. In line with other marginalized or minority groups championed in the 1970s, such as women and black people, children are regarded as an oppressed group. Farson (1974) and Holt (1975) advocated that children should have the same rights, privileges and



responsibilities as adults if they so wish. This includes the right to vote, to live away from home and to manage their own education at whatever age. They argued that the segregated world of children and adults is discriminatory. Child Trafficking in India: A Concern Introduction Trafficking in human beings, especially in women, and children has become a matter of serious national and international concern. Women and children – boys and girls – have been exposed to unprecedented vulnerabilities commercial exploitation of these vulnerabilities has become a massive organized crime and a multimillion-dollar business. Nations are attempting to combat this trade in human misery through legislative, executive, judicial and social action. Trafficking of children is a worldwide phenomenon affecting large numbers of boys and girls everyday. Children and their families are often lured by the promise of better employment and a more prosperous life far from their homes. Others are kidnapped and sold. Trafficking violates a child’s right to grow up in a family environment and exposes him or her to a range of dangers, including violence and sexual abuse. In India too, over the last decade, the volume of human trafficking has increased though the exact numbers are not known,

it is one of the most lucrative criminal trades, next to arms and drug smuggling undertaken by highly organized criminals. Unless a public opinion is built laws are effectively designed and implemented, the situation is constantly monitored and the nexus of traffickers is exposed, children will continue to be trafficked. Coordinated efforts are required to stop and prevent child trafficking. What is Trafficking? The

Oxford English Dictionary defines, traffic as ‘trade, especially illegal (as in drugs)’. It has also been described as ‘the transportation of goods, the coming and going of people or goods by road, rail, air, sea, etc. The word trafficked or trafficking is described as ‘dealing in something, especially illegally (as in the case of trafficking narcotics)’.

The most comprehensive definition of trafficking is the one adopted by the UN Office of Drugs and Crime in 2000, known as the “

UN

**90%**

## **MATCHING BLOCK 9/527**

**W**

Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children,” 2000 under the UN Convention against Transnational Organized Crime (

UNTOC). This

Convention has been signed by the government of India. Article 3 a)

Trafficking in persons shall mean

**92%**

## **MATCHING BLOCK 10/527**

**W**

the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or of receiving of payments or benefits to achieve the consent of a person having control over another person’

s,

for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the

**91%**

### **MATCHING BLOCK 11/527**

**W**

prostitution of others or other forms of sexual exploitation, forced labour services, slavery or practices similar to slavery, servitude or the removal of organs;

b) The

consent of a victim of trafficking in persons to the intended exploitation set forth in subpara graph (

a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;

c)

**90%**

### **MATCHING BLOCK 12/527**

**W**

The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered 'trafficking in persons' even if this does not involve any of the means set forth in

sub paragraph (a) of the article;

d) Child shall mean any person under eighteen years of age.

What are Children Trafficked for? ? Labour • Bonded labour 25

Children and Human Rights •

Domestic work • Agricultural labour • Construction work • Carpet industry, garment industry, fish / shrimp export

as well as

other sites of work in the formal and informal economy. ?

Illegal Activities • Begging • Organ trade • Drug peddling smuggling ? Sexual Exploitation • Forced prostitution • Socially and religiously sanctified forms of prostitutions • Sex tourism • Pornography ?

Entertainment and Sports • Circus, dance troupes, beer bars etc. • Camel jockeys ? For and through marriage ? For and through adoption ? As child soldiers or combatants in armed conflicts Magnitude of the Problem

In India, a large number of children are trafficked not only for the sex 'trade' but also for other forms of non-sex-based exploitation that includes servitude of various kinds, as domestic labour, industrial labour, agricultural labour, begging, organ trade and false marriage. Trafficking in children is on rise, and nearly 60% of the victims of trafficking are below 18 years of age (NCRB, 2005). According to NHRC Report on Trafficking in Women and Children, in India the population of women and children in sex work in India is stated to be between 70,000 and 1 million of these, 30% are 20 years of age. Nearly 15% began sex work when they were below 15 and 25% entered between 15 and 18 years (Mukherjee & Das 1996). A rough estimate prepared by an NGO called End children's prostitution in Asian Tourism reveals that there are around 2 million prostitutes in India. 20% among them are minors. A study conducted in 1992 estimates that any one time 20,000 girls are being transported from one part of the country to any other (Gupta, 2003). National Crime Data It should be noted that there is no available information on the scope of trafficking for purposes other than prostitution / commercial sex workers in the available sources and literature. A starting



point for the analysis of available data is National Crime Record Bureau of the Indian Ministry of Home Affairs that collects data on trafficking through State Crime Report Bureaus and Union Territories, Subsidiaries of the NCRB that obtain data from District Crime Report Bureaus. This presents an indication of the level or reporting of trafficking within India. Data available through NCRB is collected through first information reports (FIRs), lodged in police stations. FIRs can be lodged by victims, NGOs and any member of civil society. National data from the NCRB provides an analysis of trends in various Indian Penal Code (IPC) crimes, including importation of girls, kidnapping and abduction of girls, and offences under the Immoral Trafficking Prevention Act (ITPA), which are consolidated from information provided by State and Union Territories. Given the criminal nature of the act, it is no surprise that there is very little data on the extent of trafficking. According to one estimate, 50% of the trafficked victims worldwide are children. 26 Children and Human Rights Legal Framework India has a fairly wide framework of laws enacted by the Parliament as well as some State legislatures, apart from provisions of the Constitution which is the basic law of the country.

Legal Framework to Address Trafficking in India Article 23 of the Constitution Guarantees

**90%**

### **MATCHING BLOCK 14/527**

**SA** child issues thesis 2018.docx (D40611590)  
right against exploitation; prohibits traffic in human beings and forced labour and makes their practice punishable under law.

**71%**

### **MATCHING BLOCK 15/527**

**SA** child issues thesis 2018.docx (D40611590)  
Article 24 of the Constitution Prohibits employment of children below 14 years of age in factories, mines or other hazardous employment.  
Indian Penal Code, 1860 There are 25 provisions relevant to trafficking; significant among them are: •  
Section 366A – procurement of a  
minor girl (below 18 years of age)  
from one part of the country to the another is punishable. • Section 366B – importation of  
a girl below 21 years of age is punishable. •  
Section 374 – provides punishment for compelling any person to labour against his will.  
Immoral Traffic (Prevention) Act, (ITPA) 1956 [renamed as such by drastic amendments to

**100%**

### **MATCHING BLOCK 16/527**

**SA** child issues thesis 2018.docx (D40611590)  
the Suppression of Immoral Traffic in Women and Girls Act, 1956 (SITA)  
Deals exclusively with trafficking; objective





is to inhibit / abolish traffic in women and girls for the purpose of prostitution as an organized means of living;  
offences  
specified are: • Procuring, including or taking persons for prostitution; •

**100%**

### **MATCHING BLOCK 17/527**

**SA** child issues thesis 2018.docx (D40611590)

Detaining a person in premises where prostitution is carried on; •  
Prostitution is or visibility of public places; • Seducing or soliciting for prostitution; • Living on the earnings of prostitution; • Seduction of a person in custody; and •  
Keeping a brothel or allowing premises to be used as a brothel.

**43%**

### **MATCHING BLOCK 18/527**

**SA** child issues thesis 2018.docx (D40611590)

Child Labour (Prohibition and Regulation) Act, 1986 Prohibits employment of children in certain specified occupations and also lays down conditions of work of children.  
Information Technology Act, 2000 Penalizes publication or transmission in electronic form of

**80%**

### **MATCHING BLOCK 19/527**

**SA** child issues thesis 2018.docx (D40611590)

any material which is lascivious or appeals to prurient interest or if its effect is such as to tend to deprive and corrupt persons to read, see or hear the matter contained or embodied therein. The law has relevance to addressing the problem of pornography.  
India has also adopted a code of conduct for Internet Service Providers with the objective to enunciate and maintain high standard of ethical and professional practises in the field of Internet and related services.  
Juvenile Justice (Care and Protection of Children) Act, 2000 • Enacted in consonance with  
the Convention on the Rights of the Child (CRC); and •  
Consolidates  
and amends  
the law relating to juveniles  
in conflict with law and  
to children in need of  
care and protection. •  
The

law is especially relevant to children who are vulnerable and are therefore likely to be inducted into trafficking. Karnataka Devadasi (Prohibition of Dedication) Act, 1982 Act of dedication of girls for the ultimate purpose of engaging them in prostitution is declared unlawful –

whether the dedication is done with or without consent of the dedicated persons. Andhra Pradesh Devadasi (Prohibiting Dedication) Act, 1989

Penalty of imprisonment for three years and fine are stipulated in respect of anyone, who performs, promotes, abets or takes part in Devadasi dedication Ceremony. 27

SUPPLY FACTORS - Poverty - Female - Foeticide / Infanticide - Child marriage - Natural Disasters (floods, cyclones etc.) - Domestic violence - Unemployment - Lure of job / marriage with false promises - Domestic servitude - Traditional / Religious prostitution (Devdasi) - Lack of Employment opportunities DEMAND FACTORS - Migration - Hope for jobs / marriage - Demand for cheap labour - Enhanced vulnerability due to lack of awareness - Creation of need and market by sex traffickers for ‘experimental’ and ‘tender’ sex. - Sex tourism - Internet pornography - Organized crime generating high profits with low risk for traffickers. TRAFFICKING Children and Human Rights

Goa Children’s Act, 2003 • Trafficking is specially defined; • Every type of sexual exploitation is included in the definition of

sexual assault; • Responsibility of ensuring

safety of children in hotel premises is assigned to the owner and manager of the establishment; •

Photo studios are required to periodically report to the police that they have not sought obscene photographs of children; • Stringent control measures established to regulate access of children to pornographic materials. International Laws International laws lay down standards that have been agreed upon by all countries. By ratifying an international law or convention or a covenant, a country agrees to implement the same. To ensure compatibility and implementation, the standards set forth in these international conventions are to be reflected in domestic law. Implementing procedures are to be put in place as needed and the treaties must be properly enforced. The following are the most important International Conventions regarding trafficking of children: 1.

The Convention

on the Rights of the Child, 1989. 2.

The Optional Protocol to the Convention

on the Rights of the Child

on the Sale of Children, Child Prostitution and Child Pornography, 2000. 3.

The Convention on the Elimination of All forms of Discrimination against Women, (CEDAW) 1979. 4.



The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. 5.

**100%**

### **MATCHING BLOCK 20/527**

**SA** Mridula Barman\_LAW.docx (D15441512)

Declaration on Social and legal principles relating to the Protection and Welfare of Children, with special reference to Foster placement and adoption Nationally and Internationally, 3 December, 1986. 6.

**100%**

### **MATCHING BLOCK 22/527**

**SA** child issues thesis 2018.docx (D40611590)

SAARC Convention on Regional Arrangement for the Promotion of Child Welfare, 2002.

Factors Leading to Trafficking “Poverty is not the only cause” Combating of Trafficking Prevention of human trafficking requires several types of interventions. Prevention as a strategy to combat trafficking has to focus on areas of sensitization and awareness among the public, especially those vulnerable pockets of trafficking at source areas as well as convergence of a development services to forestall conditions responsible for it. 28

Children and Human Rights Role of State • Government at local level and source areas should create compulsory high-quality education, employment opportunities and income generation programme. • Government should produce relevant IEC materials; promote sensitization programmes for teachers in government schools, parents and community workers. • Government should include gender centered education curricula in schools and introduce subjects of child sexual abuse and trafficking. • The government of different nations must share the information with each other to evolve a programme that will help both the countries in preventing trafficking. Role of NGOs • The community should be sensitized about trafficking the community members should be motivated to keep a watch in the community for irregular movement of child victims to and from area their possible traffickers and hideouts. • NGOs working in the rural areas should ensure that parents are aware of safe migration practices. Role of Media Media attention reaches several hundred thousand viewers and should therefore serve the following important functions: • The media should transmit appropriate message to ensure that the victims learn that they are not alone. • Victims can be made aware of places and institutions where they can seek help. • Create awareness that human trafficking is inappropriate and illegal and has negative consequences. • Wide publicity should be given regarding the legal, penal provisions against trafficking and the modus operandi of the traffickers through radio, television etc. Awareness and Advocacy • Awareness and advocacy are required at the policy level i.e. National Planning Commission, bureaucrats, politicians and the elite of the society. Awareness at the local level, in the community through workshops, songs, drama, poems, meetings, leaflets and posters especially in the rural areas is also required. • The role of gender in daily life and training programmes and activities for gender sensitization must be conducted by NGOs. The key to prevent trafficking in children and their exploitation in prostitution is awareness among the children, parents and school teachers. • The government must launch media campaigns that promote children’s right and elimination of exploitation and other forms of child labour. • Police advocacy is an important intervention that has to be fine-tuned. Further Readings: ➤ Agrawal, Amita, (1992), and Handbook on Child, Concept Publishing Company, New Delhi



➤ Diwan, Paras and Peeyushi Diwan, (1994), Children and Legal Protection, Deep and Deep, New Delhi:  
 ➤ Khanna, S.K., (1998), Children and the Human Rights, Commonwealth, New Delhi, ➤ Kumar, Bindal, (2000), Problems of Working Children, APH Publications, New Delhi ➤ UN Centre for Human Rights (1995), Practices Harmful Traditional Affecting the Health of Women and Children, Geneva: World Campaign for Human Rights ➤ Mookerjee, A, (2007), Commentaries on the Juvenile (Care and protection of Children, Act 2000), Kamal Law House Kolkatta ➤ Bagula, A.M, (2006), Child and Crime, SBS publishing & Distributors, New Delhi ➤ Bhnadra, Mita, (1999), Girl Child in Indian Society, Rawat, New Delhi ➤ Bhargava, Vanita, (1996), Adoption in India, Sage Publication, New Delhi 29

Children and Human Rights Unit: II Indian Constitution Status In this unit, you will learn about, ?  
 Fundamental Rights and Fundamental Duties ? Directive Principles of the State Policy ? Parliamentary Democracy with an Elected Principle ? Special Provisions for the Protection for the Child ? Executive (Legislature, Executive and Judiciary) ? Parliamentary Executive in India ? Power and Position of President ? Discretionary Powers of the President ? Vice President of India ? Prime Minister and Council of Ministers ? Permanent Executive- Bureaucracy Fundamental Rights and Fundamental Duties Fundamental Rights

Fundamental Rights are a charter of rights contained in the Constitution of India. It guarantees civil liberties such that all Indians can lead their lives in peace and harmony as citizens of India. These include individual rights common to most liberal democracies, such as equality before law, freedom of speech and expression, and peaceful assembly, freedom to practice religion, and the right to constitutional remedies for the protection of civil rights by means of writs such as habeas corpus. Violation of these rights result in punishments as prescribed in the Indian Penal Code or other special laws, subject to discretion of the judiciary.

The Fundamental Rights are defined as basic human freedoms which every Indian citizen has the right to enjoy for a proper and harmonious development of personality. These rights universally apply to all citizens, irrespective of race, place of birth, religion, caste or gender. Indian Constitution defines Fundamental Rights as – “In this Part, unless the context otherwise requires, "the State" includes the Government and Parliament of India and the Government and the Legislature of each of the States and all local or other authorities within the territory of India or under the control of the Government of India.” The seven fundamental rights recognised by the Indian constitution are: Right to Equality This includes equality before law, prohibition of discrimination on grounds of religion, race, caste, gender or place of birth, and equality of opportunity in matters of employment, abolition of untouchability and abolition of titles. Right to Freedom Which includes speech and expression, assembly, association or union or cooperatives, movement, residence, and right to practice any profession or occupation (some of these rights are subject to security of the State, friendly relations with 31

Children and Human Rights foreign countries, public order, decency or morality), right to life and liberty, right to education, protection in respect to conviction in offences and protection against arrest and detention in certain cases. Right against Exploitation This prohibits all forms of forced labour, child labour and traffic in human beings. Right to Freedom of Religion This includes freedom of conscience and free profession, practice, and propagation of religion, freedom to manage religious affairs, freedom from certain taxes and freedom from religious instructions in certain educational institutes. Cultural and Educational Rights Preserve the right of any section of citizens to conserve their culture, language or script, and right of minorities to establish and administer educational institutions of their choice. Right to Constitutional Remedies This is present for enforcement of Fundamental Rights. Right to Elementary Education This implies that any child between the ages of 6 to 14 should and can be educated. Fundamental Duties Indian Constitution stated

that;

It shall be the duty of every citizen of India •

To abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem; • To cherish and follow the noble ideals which inspired our national struggle for freedom; • To



uphold and protect the sovereignty, unity and integrity of India; • To defend the country and render national service when called upon to do so; • To promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities; to renounce practices derogatory to the dignity of women; • To value and preserve the rich heritage of our composite culture; • To protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures; • To develop the scientific temper, humanism and the spirit of inquiry and reform; • To safeguard public property and to abjure violence; • To strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavour and achievement; •

Who is

**100%**

### **MATCHING BLOCK 21/527**

**W**

a parent or guardian to provide opportunities for education to his child or, as the case may be, ward between the age of six and fourteen years.

**DIRECTIVE PRINCIPLES OF STATE POLICY** Directive Principles of State Policy: Application of the principles contained in this Part. State to secure a social order for the promotion of welfare of the people and certain principles of policy to be followed by the State. • In this Part, unless the context otherwise requires, “the State” has the same meaning as in Part III. • The provisions contained in this Part shall not be enforceable by any court, but the principles therein laid down are nevertheless fundamental in the governance of the country and it shall be the duty of the State to apply these principles in making laws. •

**100%**

### **MATCHING BLOCK 23/527**

**SA**

Mridula Barman\_LAW.docx (D15441512)

The State shall strive to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice, social, economic and political, shall inform all the institutions of the national life. • The State shall,

in particular, strive to minimize the inequalities in income, and endeavour to eliminate inequalities in status, facilities and opportunities, not only amongst individuals but also amongst groups of people residing in different areas or engaged in different vocations. 32

Children and

Human Rights •

**100%**

### **MATCHING BLOCK 24/527**

**SA**

child issues thesis 2018.docx (D40611590)

The State shall, in particular, direct its policy towards securing – °

**89%****MATCHING BLOCK 25/527****SA** Mridula Barman\_LAW.docx (D15441512)

The State shall, in particular, direct its policy towards securing – ° That the citizens, men and women equally, have the right to an adequate means of livelihood; ° That the ownership and control of the material resources of the community are so distributed as best to subserve the common good; ° That the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment; ° That there is equal pay for equal work for both men and women; °

That  
the

**90%****MATCHING BLOCK 26/527****SA** child issues thesis 2018.docx (D40611590)

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 avocations unsuited to their age or strength; ° Those children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment. •

The  
State  
shall

**100%****MATCHING BLOCK 27/527****SA** Mridula Barman\_LAW.docx (D15441512)

secure that the operation of the legal system promotes justice, on a basis of equal opportunity, and shall, in particular, provide free legal aid, by suitable legislation or schemes or in any other way,

**100%****MATCHING BLOCK 28/527****SA** Mridula Barman\_LAW.docx (D15441512)

to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities. •

The State shall take steps to organize village Panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-government. •

**95%****MATCHING BLOCK 29/527****SA** Mridula Barman\_LAW.docx (D15441512)

The State shall, within the limits of its economic capacity and development, make effective provision for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement,

**100%****MATCHING BLOCK 30/527****SA** child issues thesis 2018.docx (D40611590)

The State shall, within the limits of its economic capacity and development, make effective provision for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement, and in other cases of undeserved want. •

**88%****MATCHING BLOCK 31/527****SA** Mridula Barman\_LAW.docx (D15441512)

and in other cases of undeserved want. • The State shall make provision for securing

**88%****MATCHING BLOCK 32/527****SA** Mridula Barman\_LAW.docx (D15441512)

just and humane conditions of work and for maternity relief. • The State shall endeavour to secure, by suitable legislation or economic organization or in any other way, to all workers, agricultural, industrial or otherwise, work, a living wage, and conditions of work ensuring a decent standard of life and full enjoyment of leisure and social and cultural opportunities and, in particular, the State shall endeavour to promote cottage industries on an individual or co-operative basis in rural areas. • The State shall take steps, by suitable legislation or in any other way, to secure the participation of workers in the management of undertakings, establishments or other organizations engaged in any industry. • The State shall endeavour to secure for the citizens a uniform civil code throughout the territory of India. •

**86%****MATCHING BLOCK 33/527**



**SA** child issues thesis 2018.docx (D40611590)

The State shall endeavour to provide, within a period of ten years from the commencement of this Constitution, for free and compulsory education for all children until they complete the age of fourteen years. •

**100%**

### **MATCHING BLOCK 34/527**

**SA** Mridula Barman\_LAW.docx (D15441512)

The State shall promote with special care the educational and economic interests of the weaker sections of the people, and, in particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation. • The State shall regard the raising of the level of nutrition and the standard of living

**97%**

### **MATCHING BLOCK 35/527**

**SA** child issues thesis 2018.docx (D40611590)

The State shall regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties and, in particular, the State shall endeavour to bring about prohibition of the consumption except for medicinal purposes of intoxicating drinks and of drugs which are injurious to health. •

The State shall endeavour to organize agriculture and animal husbandry on modern and scientific lines and shall, in particular, take steps for preserving and improving the breeds, and prohibiting the slaughter, of cows and calves and other milch and draught cattle. • The State shall endeavour to protect and improve the environment and to safeguard the forests and wild life of the country. • It shall be the obligation of the State to protect every monument or place or object of artistic or historic interest, to be of national importance, from spoliation, disfigurement, destruction, removal, disposal or export, as the case may be. • The State shall take steps to separate the judiciary from the executive in the public services of the State. • The State shall endeavour to – • Promote international peace and security; ◦ Maintain just and honorable relations between nations; ◦ Foster respect for international law and treaty obligations in the dealings of organized peoples with one another; and 33

Children and Human Rights ◦ Encourage settlement of international disputes by arbitration. Balance between Rigidity and Flexibility Indian Constitution is a balanced Constitution. The framers of the Constitution desired to secure balance and moderation in incorporating various provisions in our Constitution. As far as the amendment of the Constitution is concerned, a balance is struck in making the Constitution partly rigid and partly flexible. A flexible Constitution is one, which can be easily amended like ordinary law of the land. On the contrary, a rigid Constitution is one whose amendment is very difficult and where there is a distinction between the amendment of constitutional law and ordinary law. Both the types of Constitutions had their merits and demerits. But the framers of the Indian Constitution did not go to the extreme. They incorporated a unique procedure of amendment which combines both rigidity and flexibility (Article 368 of Constitution deals with procedure of amendment of the Constitution). The Constitution can be amended in three different ways:- • Some categories of amendment like creation of new States, creation or abolition of second chamber of the States, changes in the citizenship, etc., require only a simple majority



in both the Houses of the Union Parliament. In this case amendment of the Constitution is made in a flexible manner. • Certain other provisions of the Constitution in order to be amended require a majority of the total membership in each House of Parliament and a majority of not less than two-thirds of the members present and voting in each House of parliament. The bulk of the Constitution can be amended in this way. • Certain categories of amendment like the Presidential powers and mode of election, the extent of the Executive and Legislative Powers of the Union or the States, the provision regarding the Supreme Court and the High Court, the representation of States in Parliament etc. require:-

- A majority of the total membership in each House of Parliament.
- A majority of not less than two-thirds of all the members present and voting in each House of Parliament, and
- Ratification by the legislatures of at least one half of the States.

The analysis of the above three procedures of the Indian Constitution reveals that the amendment procedures strike a wise balance between rigidity and flexibility: - K. C. Where, eulogizing the procedure of amendment of Indian Constitution, observes. "This variety in the amending process is wise but is rarely found" The process of amendment is a dynamic one. It does not stop the growth of a nation. In this connection, it is worthwhile to quote Pandit Nehru who clearly stated, "While one wants this Constitution to be as solid and permanent as we can make it, there is no permanence in the Constitution. There should be certain flexibility. If you make anything rigid and permanent, you stop the nation's growth, the growth of a living vital organic people. While the world is in turmoil and we are passing through a swept period of transition, what we may do today may not be wholly applicable tomorrow". Thus, our Constitution strikes a balance between the extreme flexibility of the British Constitution and the extreme rigidity of the American Constitution. Dr. B. R. Ambedkar rightly said that "...this Assembly has not only refrained from putting a seal of finality and infallibility upon the Constitution by denying the people the right to amend the Constitution as in Canada, or by making the amendment of the Constitution subject to the fulfillment of extra- ordinary terms and conditions as in America or Australia, but has provided a most facile procedure". Parliamentary Democracy with an Elected Principle Representative democracy (also indirect democracy) is a variety of democracy founded on the principle of elected officials representing a group of people, as opposed to direct democracy. Representatives are elected by the public, as in national elections for the national legislature. Elected representatives may hold the power to select other representatives, presidents, or other officers of government or of the legislature, as the Prime Minister in the latter case. • The power of representatives is usually curtailed by a constitution (as in a constitutional democracy or a constitutional monarchy) or other measures to balance representative power:

- An independent judiciary, which may have the power to declare legislative, acts unconstitutional (e.g. Constitutional Court, Supreme Court) 34

Children and Human Rights • It may also provide for some deliberative democracy or direct popular measures (e.g., initiative, referendum, recall elections). However, these are not always binding and usually require some legislative action legal power usually remains firmly with representatives. • In some cases, a bicameral legislature may have an "upper house" that is not directly elected. Parliamentary democracy is a representative democracy where government is appointed by, or can be dismissed by, a representative as opposed to a "presidential rule" wherein the president is both head of state and the head of government and is elected by the voters. Under a parliamentary democracy, government is exercised by delegation to an executive ministry and subject to ongoing review, checks and balances by the legislative parliament elected by the people. Parliamentary systems have the right to dismiss a Prime Minister at any point in time that they feel he or she is not doing their job to the expectations of the legislature. This is done through a Vote of No Confidence where the legislature decides whether or not to remove the Prime Minister from office by a majority support for his or her dismissal. In some countries, the Prime Minister can also call an election whenever he or she so chooses, and typically the Prime Minister will hold an election when he or she knows that they are in good favour with the public as to get re- elected. In other parliamentary democracies extra elections are virtually never held, a minority government being preferred until the next ordinary elections. An important feature of the parliamentary democracy is the concept of the "loyal opposition". The essence of the concept is that the second largest political party (or coalition) opposes the governing party (or coalition), while still remaining loyal to the state and its democratic principles.



Rights of the Child: Indian Perspective The discussion on the international attempts for the protection of the rights of the child brings about the question of application of the principles in the municipal sphere, especially when India is a party to the international resolve to protect the rights of the child. An analysis on the legal protection of rights of the child in India in the light of the international move, requires a four-fold exposition of the concept, viz: i. the constitutional protection ii. the national policy for children iii. the legislative frame work iv. the enforceability of international conventions through Indian courts i. Constitutional Protection Prior to the international conventions and resolutions, the Independent India has formulated in its Constitution, provisions for the welfare of the children. Before the adoption of the Indian Constitution itself, the Constitution of India Bill 1895(Home Rule Bill), Commonwealth of India Bill 1925 and the ‘objective resolution’ adopted by the Constituent Assembly on 22 January 1947 contained provisions meant for the protection of weaker sections. Starting from the preamble itself of the Constitution, the unequivocal intention of the State to assure protection to children can be seen, in either explicit or implied terms. The preamble declares the resolve that the state will secure to the entire citizenry, which comprises of children also

**54%**

### **MATCHING BLOCK 36/527**

**SA** child issues thesis 2018.docx (D40611590)  
social, economic and political justice, liberty of thought, expression, belief, faith and worship along with equality of status and opportunity. The concept of ‘social justice’ enshrined in the preamble can be interpreted as a compendium of diverse principles essential for the orderly growth and overall development of personality, which is the foundation of the human rights jurisprudence for children. Fundamental Rights The judicial interpretation of part III of the Constitution paved way to the assurance of protection of rights of children. Article 14 guarantees equality before law and equal protection of law to all persons within the territory of India. Thus nobody including the children should be denied of equality of status, opportunity and protection. Article 15 prohibits discrimination on the grounds of religion, race, caste, sex, class, and place of birth or any of them. Article 15(3) which provides for protective discrimination in favour of children, says: “

**87%**

### **MATCHING BLOCK 38/527**

**SA** child issues thesis 2018.docx (D40611590)  
Nothing in this Article shall prevent state from making any special provisions for women and children.” Thus in explicit terms, Article 15(3) empowers the State to make special provisions for children as and when it is necessary for the wellbeing of children. 35 Children and Human Rights The right to life in Article 21 encompasses all sections of the society including women and children. And this right to live with human dignity is available to a child also. In Vikram Deo Singh Tomar v. State of Bihar, the Supreme Court has taken note of the pitiable conditions prevailing in care



homes maintained by the State of Bihar for women and children and has directed the State to improve matters in these homes and provide at least the minimum living conditions ensuring human dignity. The court emphasised that India is a welfare state and the protection in the Constitution of India lays special emphasis on the protection of the weaker sections of the society including women and children. Article 21A makes

**59%**

### **MATCHING BLOCK 39/527**

**SA** child issues thesis 2018.docx (D40611590)

the State duty bound to provide free and compulsory education to all children below the age of fourteen years, incorporating the

**82%**

### **MATCHING BLOCK 37/527**

**W**

provide free and compulsory education to all children below the age of fourteen years, dictum delivered by the apex judiciary in Unnikrishnan v. State of A.P. Article 23 speaks of the prohibition of all forms of

**95%**

### **MATCHING BLOCK 40/527**

**SA** Mridula Barman\_LAW.docx (D15441512)

traffic in human beings and beggar and other forms of forced labour. Article 24 specifically

**92%**

### **MATCHING BLOCK 41/527**

**SA** child issues thesis 2018.docx (D40611590)

prohibits employment of children below the age of 14 years in any factory, mine or in any other hazardous employment. This provision is incorporated in the Constitution for the safety of the life of children.

**88%**

### **MATCHING BLOCK 42/527**



**SA** child issues thesis 2018.docx (D40611590)

In *Labourers Working on Salal Hydro Project v. State of J. & K.*,<sup>7</sup> the court held that construction work is hazardous employment and children below 14 years cannot be employed in such type of work. Article 24 makes it obligatory for the state to protect the economic, social and humanitarian rights of millions of children working in factories and such other work places.<sup>8</sup> But this article does not prohibit the employment of children in harmless job. It is quite interesting to note that the National Commission to Review the Working of the Constitution had suggested to add<sup>9</sup> a new fundamental right in Article 24 A as follows: “Every child shall have the right to care and assistance in basic needs and protection from all forms of neglect, harm

**59%**

### **MATCHING BLOCK 43/527**

**SA** Mridula Barman\_LAW.docx (D15441512)

and exploitation.” In *People’s Union for Democratic Rights v. Union of India*,<sup>10</sup> it was contended that ‘Employment of Children Act, 1938’ is not applicable in cases of employment of children in the construction work of Asiad Projects in Delhi. The apex judiciary, rejecting the contention,

**95%**

### **MATCHING BLOCK 44/527**

**SA** Mridula Barman\_LAW.docx (D15441512)

held that the construction work is hazardous employment and therefore no child below the age of 14 years can be employed in construction work. Directive Principles of State Policy This part of the Constitution, viz., part IV, also clearly provides for policies directed towards the welfare of the children, as this part has been designed to “

**100%**

### **MATCHING BLOCK 45/527**

**SA** Mridula Barman\_LAW.docx (D15441512)

strive to promote the welfare of the people by securing and protecting as effectively.... Article 39(a), (e) and (f) specifically provide certain policies to be followed by the State for the welfare of the children.

**92%**

### **MATCHING BLOCK 46/527**

**SA** child issues thesis 2018.docx (D40611590)



Article 39(f) provides that children are given opportunities and facilities to develop in a healthy manner and in condition of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment. Article 41 asserts the responsibility of the State to

**84%**

### **MATCHING BLOCK 47/527**

**SA** child issues thesis 2018.docx (D40611590)  
make effective provisions for securing the right to... education and to public assistance in cases of.  
...sickness and disablement and in other cases of undeserved want,  
within the limits of its economic capacity and development. Article 45 in explicit terms directs

**78%**

### **MATCHING BLOCK 48/527**

**SA** child issues thesis 2018.docx (D40611590)  
the State to endeavour to provide free and compulsory education for all children until they complete the age of 14

**90%**

### **MATCHING BLOCK 49/527**

**SA** Mridula Barman\_LAW.docx (D15441512)  
the State to endeavour to provide free and compulsory education for all children until they complete the age of 14 years,

**95%**

### **MATCHING BLOCK 50/527**

**SA** child issues thesis 2018.docx (D40611590)  
within a period of 10 years from the commencement of the constitution.  
This direction reflects the interest of the framers of the constitution as regards the education of the children as education is the foundation for a healthy and proper development of a child.

**70%**

### **MATCHING BLOCK 51/527**

**SA** Mridula Barman\_LAW.docx (D15441512)



The State responsibility to provide for just and humane conditions of work and maternity relief, also ultimately aims at the well being of children. Article 46 stands for the promotion of

**69%**

### **MATCHING BLOCK 52/527**

**SA** Mridula Barman\_LAW.docx (D15441512)

the educational and economical interests of the weaker sections of the people, and in particular, of the Scheduled Castes and the Scheduled Tribes and for their protection from social injustice and all forms of exploitation. Article 47 casts upon the State the duty to raise the level of nutrition and the standard of living and to improve public health.

The

object of Directive Principles of State Policy explicit in all these provisions is 'to embody the concept of welfare state'. Though Article 37 emphatically says in its first part that the rights contained in Part IV are not enforceable in any court nor their alleged breach by any law can be held to invalidate the law, the judicial wisdom has given more weight to the second portion of article 37, viz., "...the principles therein laid down are nevertheless

fundamental in the governance of the country and it shall be the duty of the State to apply these principles in making laws." 36

Children and Human Rights Writ Jurisdiction & Directive Principles The Supreme Court of India in Mohini Jain v. State of Karnataka, has incorporated the directive principle in Article 45 into Article 21 so that writ jurisdiction can be invoked for the enforcement of the same. It was held that the '

**65%**

### **MATCHING BLOCK 53/527**

**SA** child issues thesis 2018.docx (D40611590)

right to education' being concomitant to the fundamental right to life, the State is under a constitutional mandate to provide educational institutions at all levels for the benefit of the

**100%**

### **MATCHING BLOCK 55/527**

**SA** Mridula Barman\_LAW.docx (D15441512)

the State is under a constitutional mandate to provide educational institutions at all levels for the benefit of the

children. Again in the famous case of Unnikrishnan, the apex court reiterated the same right; but limited the liability of state obligation in Article 45 incorporated by judicial interpretation into Article 21, towards every citizen until he completes the age of 14 years and beyond that stage, the state obligation to provide education is

subject to the

limits of the economic capacity and development of the state.

In



yet another case, *M.C. Mehta v. State of Tamilnadu* 18 the petition filed in the interest of child labourers sought the attention of the apex court towards gross violations of the fundamental rights of children employed in the Sivakasi area of Tamil Nadu and the judiciary has analysed the provisions contained in Articles 39(f) and 45 of the Constitution. The court thus, by extending the scope of fundamental rights, brought the directives also amenable to writ jurisdiction. Although the petition concerns only the child labour prevailing in the State of Tamilnadu, particularly in the Sivakasi area, the Hon'ble Court, taking into account, several factors, reports of the Government and reports of National Sample Survey Organisation, Planning Commission and other international bodies like UNICEF, was convinced that the problem of child labour has become an all India evil and is on the rise. The court held: "...Child labour by now is an all-India evil though its acuteness differs from area to area. So without a concerted effort, both of the Central Government and various State Governments, this ignobility would not get wiped out. ...So we would address ourselves as to how we can, and are required to, tackle the problem of child labour, solution of which is necessary to build a better India.... Poverty is the basic reason which compels parents of a child, despite their unwillingness, to get it employed...Feeling that the problem would be taken care of to some extent by insisting on compulsory education, the court is of the view that if employment of a child below that age of 14 is a constitutional indication in so far as work

**83%**

### **MATCHING BLOCK 54/527**

**W**

in any factory or mine or engagement in other hazardous work and if it has to be seen that all children are given education till the age of 14 years in view of this being a fundamental right now, and if the wish embodied in Article 39(e) that the

**70%**

### **MATCHING BLOCK 56/527**

**SA**

child issues thesis 2018.docx (D40611590)

tender age of children is not abused and citizens are not forced by economic necessity to enter a vocation unsuited to their age, and if children are to be given opportunities and facilities to develop in a healthy manner and

**100%**

### **MATCHING BLOCK 57/527**

**SA**

Mridula Barman\_LAW.docx (D15441512)

given opportunities and facilities to develop in a healthy manner and childhood is to be protected against exploitation as visualised by Article 39(f), it seems to us that the least we ought to do is see to the fulfilment of legislative intent behind the enactment of Child Labour(Prohibition and Regulation) Act, 1986." ii The National Policy for Children For furthering the objects laid down in the Constitution and also keeping the needs of the children in mind, the Government of



India came out in the year 1974 with a National Policy for Children aimed at the welfare of the children. The policy was formulated on the understanding

**86%**

### **MATCHING BLOCK 58/527**

**SA** child issues thesis 2018.docx (D40611590)  
that 'the nation's children are a supremely important asset. Their nurture and solitude are our responsibility; children's programmes should find  
a

**93%**

### **MATCHING BLOCK 59/527**

**SA** child issues thesis 2018.docx (D40611590)  
prominent part in our national plans for the development of human resources so that our children grow up to become robust citizens, physically fit, mentally alert and morally healthy, endowed with the skills and motivations needed by society.'<sup>20</sup> Equal opportunities for development to all children during the period of growth should be our aim, for this would serve our larger purpose of reducing inequality and ensuring social justice.  
Though the National Policy for Children 1974 became outdated by virtue of the international developments and the socio-economic and political changes occurred in the municipal sphere, a brief examination of the 1974 policy will enable any research work to understand how far the governmental attempts have succeeded in realising the policies emanated from the constitutional mandates and to what extent the pitfalls have been made good by the subsequent endeavours. Goals of the 1974 Policy

**100%**

### **MATCHING BLOCK 60/527**

**SA** child issues thesis 2018.docx (D40611590)  
The needs of children and our duties towards them have been expressed in  
our

**72%**

### **MATCHING BLOCK 61/527**

**SA** child issues thesis 2018.docx (D40611590)  
constitution. The resolution on a National Policy on education, which has been adopted by Parliament, gives direction to state policy on the educational needs of the children. We are also party to the UN Declaration of the right of the child. The goals set out in these documents can reasonably be achieved by judicious and efficient use of the available national resources. 37





Children and Human Rights Measures to be Adopted The State is responsible

**98%**

### **MATCHING BLOCK 62/527**

**SA** child issues thesis 2018.docx (D40611590)

to provide adequate services to children, both before and after birth and through the period of growth, to ensure their full physical, mental and social development. The State shall progressively increase the scope of such services so that, within a reasonable time, all children in the country enjoy optimum conditions for their balanced growth. The following measures are particularly indented to

**94%**

### **MATCHING BLOCK 63/527**

**SA** child issues thesis 2018.docx (D40611590)

be adopted towards the attainment of these objectives: i. All children shall be covered by a comprehensive health programme. ii. Programmes shall be implemented to provide nutrition services with the object of removing deficiencies in the diet of children. iii. Programmes will be undertaken for the general improvement of the health and for the care, nutrition and education of expectant and nursing mothers. iv. The State shall take steps to provide free and compulsory education for all children up to the age of 14 for which a time-bound programme will be drawn up consistent with the availability of resources. Special efforts will be made to reduce the prevailing wastage and stagnation in schools, particularly in the case of girls and children of the weaker sections of the society. The programme of informal education for preschool children from such section will also be taken up.

v.

**91%**

### **MATCHING BLOCK 64/527**

**SA** child issues thesis 2018.docx (D40611590)

Children who are not able to take full advantage of formal education shall be provided with other forms of education suited to their requirements. vi. Physical education, games, sports and other types of recreational as well as cultural and scientific activities shall be promoted in schools, community centres and such other institutions. vii. To ensure equality of opportunity, special assistance shall be provided to all children belonging to the weaker sections of the society, such as children belonging to the Scheduled Caste and Scheduled Tribes and those belonging to the economically weaker sections both in urban and rural areas. viii. Children who are socially handicapped, who have become delinquent or have been forced to take to begging or are otherwise in distress, shall be provided with facilities for

**100%**

## **MATCHING BLOCK 65/527**

**SA** child issues thesis 2018.docx (D40611590)

education, training and rehabilitation and will be helped to become useful citizens.

ix. Children shall be protected against neglect, cruelty and exploitation. x.

**90%**

## **MATCHING BLOCK 66/527**

**SA** child issues thesis 2018.docx (D40611590)

No child under 14 years shall be permitted to be engaged in any hazardous occupation or be made to undertake heavy work. xi. Facilities shall be provided for special treatment, education, rehabilitation and care of children who are physically handicapped, emotionally disturbed or mentally retarded. xii. Children shall be given priority for protection and relief in times of distress or natural calamity. xiii. Special programmes shall be formulated to spot, encourage and assist gifted children, particularly those belonging to the weaker sections of society. xiv. Existing laws should be amended so that in all legal disputes, whether between parents or institutions the interests of children are given paramount consideration. xv. In organising services for children, efforts would be directed to strengthen family ties so that full potentialities of growth of children are realised within the normal family, neighbourhood and community environment.

**100%**

## **MATCHING BLOCK 67/527**

**SA** child issues thesis 2018.docx (D40611590)

In formulating programmes in different sectors, priority shall be given to programmes relating to: )

a

**94%**

## **MATCHING BLOCK 68/527**

**SA** child issues thesis 2018.docx (D40611590)

Preventive and promotive aspects of child health; )b Nutrition for infants and children in the pre-school age along with nutrition for nursing and expectant mothers; )

c

**55%**

## **MATCHING BLOCK 69/527**

**SA** child issues thesis 2018.docx (D40611590)

Maintenance, education and training of orphan and destitute children; )d Crèches and other facilities for the



care of children of working or ailing mothers; and )e Care, education, training and rehabilitation of handicapped children )f The policy also aims at establishing National Children Board and State Level Boards for focussing attention to the

**88%**

### **MATCHING BLOCK 70/527**

**SA** child issues thesis 2018.docx (D40611590)  
rising needs of children relating to health, nutrition, education and other welfare services and also to ensure at different levels continuous planning, review and coordination of all the essential services.  
Voluntary organisations working

**100%**

### **MATCHING BLOCK 71/527**

**SA** child issues thesis 2018.docx (D40611590)  
in the field of education, health, recreation and social welfare services  
will be given

**95%**

### **MATCHING BLOCK 72/527**

**SA** child issues thesis 2018.docx (D40611590)  
the opportunity to develop on their own or with State assistance.  
A thorough verification of the contents of the 1974 Policy shows that these objectives are relevant even now. But the multifarious developments and changes occurred after 1974 made it inevitable to restructure the governmental 38  
Children and Human Rights policies, which in turn gave birth to the Draft National Policy and Charter for Children 2001 and the later National Policy for Children 2003. Draft National Policy and Charter for Children, 2001 Right to Survival Article 1 of the 2001 Charter makes the State and the community duty bound to

**100%**

### **MATCHING BLOCK 73/527**

**SA** child issues thesis 2018.docx (D40611590)  
undertake all appropriate measures to address the problems of infanticide and foeticide, especially of the

**90%**



## **MATCHING BLOCK 74/527**

**SA** child issues thesis 2018.docx (D40611590)

female child and all other emerging manifestations which deprive the girl child of her right to survival. Right to Health and nutrition Articles 2 and 3 provide for right to

**67%**

## **MATCHING BLOCK 75/527**

**SA** child issues thesis 2018.docx (D40611590)

health and nutrition respectively. Accordingly, the State shall take measures to ensure that all children enjoy the highest attainable standard of health and provide for preventive and curative facilities at all levels especially immunization and prevention of micronutrient deficiencies for all children. Primary health facilities, specialized care and treatment for all children of families below the poverty line, adequate prenatal and postnatal care for mothers, immunization against preventable diseases, measures to ensure mental health of children, protective measures

**90%**

## **MATCHING BLOCK 76/527**

**SA** child issues thesis 2018.docx (D40611590)

from all practices that are likely to harm the child's physical and mental health etc. are given predominant consideration in the policy and charter. The responsibility

**100%**

## **MATCHING BLOCK 77/527**

**SA** child issues thesis 2018.docx (D40611590)

to provide all children from families below the poverty line with adequate supplementary nutrition is also cast upon the State. The State shall take steps to provide facilities for environmental sanitation and hygiene. Right to a Standard of Living The State recognizes in Article 4 that every child is having the right to a standard of living

**75%**

## **MATCHING BLOCK 78/527**

**SA** child issues thesis 2018.docx (D40611590)

that fosters full development of the child's faculties. To ensure this, the State shall in partnership with the community, prepare a social security policy for children, especially for

**50%****MATCHING BLOCK 79/527****SA** child issues thesis 2018.docx (D40611590)

abandoned children and street children and shall provide them with infra structural and material support by way of shelter, education, nutrition and recreation.

Right to Play and Leisure The right of children to play and leisure is recognized in Article 5 and it is the duty of the State

**90%****MATCHING BLOCK 80/527****SA** child issues thesis 2018.docx (D40611590)

to provide for educational facilities and services for children of all ages and social groups.

Right to Early Childhood Care Article 6 obliges the State to

**100%****MATCHING BLOCK 81/527****SA** child issues thesis 2018.docx (D40611590)

provide early childhood care for all children and encourage programmes which will stimulate and develop their physical and cognitive capacities  
and

**92%****MATCHING BLOCK 82/527****SA** child issues thesis 2018.docx (D40611590)

aim at providing a childcare centre in every village where infants and children of working mothers can be adequately cared for. The State will make special efforts to provide these facilities to children from

Scheduled Caste and Scheduled Tribes and other marginalized sections of the society. Right to Education  
The right to elementary education for all children is recognized in Article. It

**79%****MATCHING BLOCK 83/527****SA** child issues thesis 2018.docx (D40611590)

shall be provided free of cost and special incentives should be provided to ensure that children from disadvantaged social groups are enrolled and retained in school and participate in schooling. At the



secondary level, the State shall provide access to education for all and provide supportive facilities for children

**95%**

### **MATCHING BLOCK 84/527**

**SA** child issues thesis 2018.docx (D40611590)  
from the disadvantaged groups. The state shall, in partnership with the community, ensure that all educational institutions function efficiently and are able to reach universal enrolment, universal retention, universal participation and universal achievement. The right of all children to education in their mother tongue has also been recognised.

**100%**

### **MATCHING BLOCK 85/527**

**SA** child issues thesis 2018.docx (D40611590)  
The State shall formulate special programmes to spot, identify, encourage and assist the gifted children for their development in the field of their excellence. 39  
Children and Human Rights Right to be Protected from Economic Exploitation The duty of

**92%**

### **MATCHING BLOCK 86/527**

**SA** child issues thesis 2018.docx (D40611590)  
the State to provide protection to children from economic exploitation and from performing tasks that are hazardous to their well-being  
is also recognised. The state shall also

**100%**

### **MATCHING BLOCK 87/527**

**SA** child issues thesis 2018.docx (D40611590)  
ensure that there is appropriate regulation of conditions of work in occupations and processes where children perform work of a non-hazardous nature and that the rights of the children are protected. The ideal goal is that

**100%**

### **MATCHING BLOCK 88/527**



**SA** child issues thesis 2018.docx (D40611590)

the State shall move towards a total ban of all forms of child labour.  
Right to Protection The

**100%**

### **MATCHING BLOCK 89/527**

**SA** child issues thesis 2018.docx (D40611590)

right to be protected against neglect, maltreatment, injury, trafficking, sexual and physical abuse of all kinds, corporal punishment, torture, exploitation, violence and degrading treatment has been recognised in the Charter.

**82%**

### **MATCHING BLOCK 90/527**

**SA** child issues thesis 2018.docx (D40611590)

The State shall take legal action against those committing such violations against children even if they were legal guardians of such children. The State shall in partnership with the community, set up mechanisms for identification, reporting, referral, investigation and follow up of such acts, while respecting the dignity and privacy of the child. The State shall

**100%**

### **MATCHING BLOCK 91/527**

**SA** child issues thesis 2018.docx (D40611590)

take strict measures to ensure that children are not used in the conduct of any illegal activity, namely, trafficking of narcotic drugs and psychotropic substances, begging, prostitution, pornography or armed conflicts.

**97%**

### **MATCHING BLOCK 92/527**

**SA** child issues thesis 2018.docx (D40611590)

The State, in partnership with the community, shall ensure that such children are rescued and immediately placed under appropriate care and protection. The State

**89%**

### **MATCHING BLOCK 93/527**



**SA** child issues thesis 2018.docx (D40611590)

and community shall also ensure protection of children during the occurrence of natural calamities.  
Right to

**50%**

### **MATCHING BLOCK 94/527**

**SA** child issues thesis 2018.docx (D40611590)

Protection of the Girl Child The State shall ensure that offences against women including child marriage, forced prostitution and trafficking are abolished. The community is also responsible in this regard.

**100%**

### **MATCHING BLOCK 95/527**

**SA** child issues thesis 2018.docx (D40611590)

The State shall, in partnership with the community, undertake measures, including social, educational and legal, to ensure that there is greater respect for the girl child in the family and society. Right of Adolescents to Education and Skill Development The responsibility of

**80%**

### **MATCHING BLOCK 96/527**

**SA** child issues thesis 2018.docx (D40611590)

the State and the community to take all steps to provide the necessary education and skill to adolescent children so as to equip them to become economically productive citizens. Special programmes shall

**100%**

### **MATCHING BLOCK 97/527**

**SA** child issues thesis 2018.docx (D40611590)

be undertaken to improve the health and nutritional status of the adolescent girl.  
Right to Equality In line with the constitutional mandate of equality, the 2001 Charter, also recognises

**94%**

### **MATCHING BLOCK 99/527**





**SA** child issues thesis 2018.docx (D40611590)

that all children are treated equally without discrimination on grounds of the child's or its parents' or legal guardian's race, colour, caste, sex, language, religion, political or other opinion, national, ethnic or social origin, disability, birth, political status, or any other consideration.

**66%**

### **MATCHING BLOCK 98/527**

**SA** Mridula Barman\_LAW.docx (D15441512)

of the child's or its parents' or legal guardian's race, colour, caste, sex, language, religion, political or other opinion, national, ethnic or social origin, disability, birth, political status, or any other  
Right to Life and Liberty, Name and Nationality Article 14 of the charter recognises the right of every child to life, liberty, and a name and to acquire a nationality. Right to Freedom of Expression Article 15 says that every child

**60%**

### **MATCHING BLOCK 100/527**

**SA** child issues thesis 2018.docx (D40611590)

shall be given with every opportunity for all round development of their personality, including creativity of expression. Right to Seek and Receive Information  
In the light of the international convention, the constitutional right is specifically intended to be addressed to children also.

**94%**

### **MATCHING BLOCK 101/527**

**SA** child issues thesis 2018.docx (D40611590)

Every child shall have the freedom to seek and receive information and ideas. The State and the community shall provide opportunities for the child to access information that will contribute to the child's development. The State and the

**98%**

### **MATCHING BLOCK 102/527**

**SA** child issues thesis 2018.docx (D40611590)

community shall undertake special measures to ensure that the linguistic needs of children are taken care of, and encourage the production and dissemination of child friendly information and material in various forms. The State and the

**100%****MATCHING BLOCK 103/527****SA** child issues thesis 2018.docx (D40611590)

community shall be responsible for formulating guidelines for the mass media in order to ensure that children are protected from material injurious to their well-being. 40 Children and Human Rights Freedom of Association and Peaceful Assembly Article 17 recognises that

**84%****MATCHING BLOCK 104/527****SA** child issues thesis 2018.docx (D40611590)

all children enjoy freedom of association and peaceful assembly, subject to reasonable restrictions and in conformity with social and family values. Right to a Family & Responsibilities of the Parents The charter acknowledges the challenges and problems of the time.

**82%****MATCHING BLOCK 105/527****SA** child issues thesis 2018.docx (D40611590)

In case of separation of children from their families, the State shall ensure that priority is given to reuniting the child with the parents. In case, where the State perceives adverse impact of such a reunion, the State shall make alternative arrangements immediately, keeping in mind the best interests and their views of the child. All children have a right to maintain contact with their families, even when they are within the custody of the State for various reasons.<sup>27</sup> The State shall undertake measures to ensure that children without families are either placed for adoption, preferably intra-country adoption or foster care, or any other family substitute services.

**78%****MATCHING BLOCK 106/527****SA** child issues thesis 2018.docx (D40611590)

All children shall have the right to meet their parents and other family members who may be in custody. The State has also specifically recognised the common responsibilities of both the parents in rearing the children. Rights of Children with Disabilities It is recognised by the State that the community along with the State should acknowledge that the children with disabilities have a right

**95%****MATCHING BLOCK 107/527**



**SA** child issues thesis 2018.docx (D40611590)

to lead a full life with dignity and respect. All measures should be undertaken to ensure that children with disabilities are encouraged to be integrated into the mainstream society and actively participate in all walks of life.

Facilities shall be provided by the State and the community for their education, training, health care, rehabilitation and

**89%**

### **MATCHING BLOCK 108/527**

**SA** child issues thesis 2018.docx (D40611590)

recreation in a manner that will contribute to their overall growth and development. State and community shall launch preventive programmes against disabilities and early detection of disabilities so as to ensure that the families with disabled children receive adequate support and assistance in bringing up their children. The state shall encourage research and development in the field of prevention, treatment and rehabilitation of disabilities. Rights of Children from Marginalized and Disadvantaged Communities The rights of children belong to the marginalized and disadvantaged communities to preserve their identity shall be respected by the State and community. The State and community shall also encourage them to adopt practices that promote the best interest of children in their communities. Rights of Child Victims The responsibility

**87%**

### **MATCHING BLOCK 109/527**

**SA** child issues thesis 2018.docx (D40611590)

to draw up plans for the identification and rehabilitation of child victims is bestowed upon the State, in partnership with the community. The State should make it sure

**85%**

### **MATCHING BLOCK 110/527**

**SA** child issues thesis 2018.docx (D40611590)

that they are able to recover physically, socially and psychologically and reintegrate into society. Right to

**86%**

### **MATCHING BLOCK 111/527**

**SA** child issues thesis 2018.docx (D40611590)

Child-Friendly Procedures All matters relating to children i.e., judicial, administrative, educational or social should be child-friendly.



The procedures to deal with juvenile

**92%**

### **MATCHING BLOCK 112/527**

**SA** child issues thesis 2018.docx (D40611590)

in conflict with law and for children in need of special care and protection should also be child friendly. The National Charter for Children, 2003 Adopting the principles in the Draft National Policy and Charter, 2001, on 9th February 2004, the Government of India has promulgated the National Charter for Children, 2003.<sup>34</sup> This is to reiterate the commitment of the government to the cause of the children in order to see that no child remains hungry, illiterate or sick. The joint responsibility of the

**87%**

### **MATCHING BLOCK 113/527**

**SA** child issues thesis 2018.docx (D40611590)

State, society, community and family, which must be viewed in the context of intrinsic and attendant duties towards children and inculcating in children a sound sense of values directed towards preserving and strengthening the family, society and the nation, has been recognised by the Government in the 2003 Charter. 41 Children and Human Rights Survival, Life and Liberty 'The right to survival' included in the draft policy and charter of 2001 is included in the 2003 Charter.<sup>35</sup> The State and the

**99%**

### **MATCHING BLOCK 114/527**

**SA** child issues thesis 2018.docx (D40611590)

community shall undertake all possible measures to ensure and protect the survival, life and liberty of all children. In particular, the State and community will undertake all appropriate measures to address the problems of infanticide and foeticide, especially of female child and all other emerging manifestations that deprive the girl child of her right to survive with dignity. Promoting High Standards of Health and Nutrition Under this head the following responsibilities of the State are highlighted: .i

**89%**

### **MATCHING BLOCK 115/527**

**SA** child issues thesis 2018.docx (D40611590)

ensure that all children enjoy the highest attainable standards of health .ii provide for preventive and curative facilities at all levels especially immunisation and prevention of micronutrient deficiencies for all children .iii take measures to cover, under primary health facilities and specialised care and treatment, all children of



families below the poverty line .iv take measures to provide adequate pre-natal and post-natal care for mothers along with immunization against preventable diseases .v undertake measures to provide for a national plan that will ensure that the mental health of all children is protected .vi take steps to ensure protection of children from all practices that are likely to harm the child's mental and physical health .vii take steps to provide all children from families below the poverty line with adequate supplementary nutrition and undertake adequate measures for ensuring access to safe drinking water and environmental sanitation and hygiene. Assuring Basic Minimum Needs and Security The State recognizes that the basic minimum needs of every child must be met, that foster full development of the child's faculties. In order to ensure this, the State shall, in partnership with the community, provide social security for children, especially for abandoned children and street children. The State and community shall also try to

**100%**

### **MATCHING BLOCK 116/527**

**SA** child issues thesis 2018.docx (D40611590)  
remove the fundamental causes which result in abandoned children and children living on streets, and provide infrastructural and material support by way of shelter, education, nutrition and recreation

**66%**

### **MATCHING BLOCK 117/527**

**SA** child issues thesis 2018.docx (D40611590)  
Early Childhood Care for Survival, Growth and Development The duty to provide early childhood care for all children and encourage programmes, which will stimulate and develop their physical and cognitive capacities, is caste upon the State. Childcare centres shall be established

**85%**

### **MATCHING BLOCK 118/527**

**SA** child issues thesis 2018.docx (D40611590)  
in every village, where infants and children of workingwomen can be adequately cared for. In this regard, special attention shall be given

**100%**

### **MATCHING BLOCK 119/527**

**SA** child issues thesis 2018.docx (D40611590)  
to children from SCs/Sts and marginalized sections of society. In all these activities the partnership of the society has been emphasised. Free and Compulsory Primary



Education In this regard, the State shall discharge the following functions: .i right to have access to free and compulsory education for all children shall be recognised .ii

**100%**

### **MATCHING BLOCK 120/527**

**SA** child issues thesis 2018.docx (D40611590)  
education at the elementary level shall be provided free of cost and special incentives should be

**86%**

### **MATCHING BLOCK 121/527**

**SA** child issues thesis 2018.docx (D40611590)  
be provided free of cost .iii special incentives should be provided to ensure that children from disadvantaged social groups are enrolled, retained and participate in schooling .iv at the secondary level access to education for all shall be provided .v at the secondary level, supportive facilities shall be provided for those from the disadvantaged groups .vi in partnership with the community, the efficient functioning of educational institutions shall be ensured 42  
Children and Human Rights .vii the attainment of ‘universal enrolment’, ‘universal retention’, ‘universal participation’ and ‘universal achievement’ by the educational institutions shall be ensured .viii the right of the child to be educated in its mother-tongue shall be recognised .ix it should be ensured that the education shall be child- oriented and meaningful .x appropriate measures shall be taken

**100%**

### **MATCHING BLOCK 122/527**

**SA** child issues thesis 2018.docx (D40611590)  
to ensure that education is sensitive to the healthy development of the girl child and to children of varied cultural backgrounds .  
xi it should be

**84%**

### **MATCHING BLOCK 123/527**

**SA** child issues thesis 2018.docx (D40611590)  
ensure that school discipline and matters relating thereto do not result in physical, mental, psychological harm or trauma to the child .xii special programmes to spot, identify, encourage and assist the gifted children shall be formulated

**98%**



## **MATCHING BLOCK 124/527**

**SA** child issues thesis 2018.docx (D40611590)

for their development in the field of their excellence Protection from Economic Exploitation and All Forms of Abuse The State shall provide protection to children from economic exploitation and from performing tasks that are hazardous to their well-being.

To attain this purpose the State shall pay attention in the following matters: .i appropriate regulation of conditions of work shall be ensured

**100%**

## **MATCHING BLOCK 125/527**

**SA** child issues thesis 2018.docx (D40611590)

in occupations and processes where children perform work of a

nonhazardous nature so as to protect their rights .ii measures shall be taken for a total ban of all forms of child labour .iii the right of children

**100%**

## **MATCHING BLOCK 126/527**

**SA** child issues thesis 2018.docx (D40611590)

to be protected against neglect, maltreatment, injury, trafficking, sexual and physical abuse of all kinds, corporal punishment, torture, exploitation, violence and degrading treatment hall be assured .iv legal actions shall be taken

**88%**

## **MATCHING BLOCK 127/527**

**SA** child issues thesis 2018.docx (D40611590)

against those committing such violations against children even if they be legal guardians of such children .v in partnership with the community, mechanisms for identification, reporting, referral, investigation and follow- up of such acts

shall be set up(

**73%**

## **MATCHING BLOCK 128/527**

**SA** child issues thesis 2018.docx (D40611590)

the dignity and privacy of the child shall be respected) .vi steps to draw up plans for the identification, care, protection, counselling and rehabilitation of child victims



shall be taken and it should be ensured

**85%**

### **MATCHING BLOCK 129/527**

**SA** child issues thesis 2018.docx (D40611590)  
that they are able to recover, physically, socially and psychologically and reintegrate into society .  
vii strict measures shall be taken

**100%**

### **MATCHING BLOCK 130/527**

**SA** child issues thesis 2018.docx (D40611590)  
to ensure that children are not used in the conduct of any illegal activity, namely, trafficking  
or

**100%**

### **MATCHING BLOCK 131/527**

**SA** child issues thesis 2018.docx (D40611590)  
narcotic drugs and psychotropic substances, begging, prostitution, pornography or violence.  
Children involved in such activities shall be rescued and immediately placed under appropriate care and  
protection .viii protection of children in distress shall be ensured

**73%**

### **MATCHING BLOCK 132/527**

**SA** child issues thesis 2018.docx (D40611590)  
for their welfare and all round development .ix protection of children during the occurrence of natural  
calamities  
shall be ensured in their best interest

**95%**

### **MATCHING BLOCK 133/527**

**SA** child issues thesis 2018.docx (D40611590)  
Equality, Freedom of Expression, Freedom to seek and Receive Information, freedom of Association and  
Peaceful Assembly The State shall ensure  
equality to all children irrespective of any considerations race, colour, caste, sex, language, etc.





**98%**

**MATCHING BLOCK 134/527**

**SA** child issues thesis 2018.docx (D40611590)

All children shall be given every opportunity for all round development of their personality, including expression of creativity. Every child shall have the freedom to seek and receive information and ideas

**95%**

**MATCHING BLOCK 135/527**

**SA** child issues thesis 2018.docx (D40611590)

that will contribute to the child's development. The State and the

**98%**

**MATCHING BLOCK 136/527**

**SA** child issues thesis 2018.docx (D40611590)

community shall undertake special measures to ensure that the linguistic needs of children are taken care of and encourage the production and dissemination of child friendly information and material in various forms. The State and the

**93%**

**MATCHING BLOCK 137/527**

**SA** child issues thesis 2018.docx (D40611590)

community shall also be responsible for formulating guidelines for the mass media in order to ensure that children are protected from material injuries to their well-being. The right of all children to enjoy the

**91%**

**MATCHING BLOCK 138/527**

**SA** child issues thesis 2018.docx (D40611590)

freedom of association and peaceful ssembly, subject to reasonable restrictions and in conformity with social and family values has also been recognised. Strengthening Family The right of every child to have a family has been recognised by the government. And, the common responsibilities of both the parents in rearing their children



has also been recognised by the State. 43

Children and Human Rights In case of separation, the State should come forward to effect reunification; but the State shall make alternate arrangements for the best interests of the child, if it perceives adverse impact of such re-unification.

**93%**

### **MATCHING BLOCK 139/527**

**SA** child issues thesis 2018.docx (D40611590)

All children have a right to maintain contact with their families, even when they are within the custody of the State for various reasons.<sup>46</sup>

Provisions for adoption especially for inter country adoption are also included, just as in the Draft Charter of 2001. Rights of Special Category Children The assertion of rights of disabled children, children from marginalized and disadvantaged communities as recognised in the 2001 Draft Charter has been incorporated in the 2003 Charter too. The detailed description of the governmental policy highlights the need to embody the same into a statutory framework so that the objects and wishes can be realised. The provisions in the available statutes provide for an effective mechanism to a certain extent, which can be fulfilled keeping in mind the policy documents; but there remain many areas, which need particular legislative intervention. iii Legislative Framework The Code of Civil Procedure, 1908 Order XXXII and Order XXXII-A deal with certain proceedings in connection with children. O.XXXII Rule 1 mandates that every suit by a minor shall be instituted by the next friend. Where the defendant is a minor, the court shall appoint a guardian.<sup>48</sup> The order for appointment of guardian under this Rule shall be made upon notice to any guardian appointed by any competent authority and if no such guardian, upon notice to the father (where there is no father, upon notice to the mother and where there is no mother also, to other natural guardian or to the person in whose care the minor is) and after hearing any objection. Rule 3-A guards the rights of the minor against prejudices. A decree against the minor shall be set aside for the reason that the next friend or guardian for the suit had an interest upon the subject matter of the suit and due to the same; prejudice has been caused to the interests of the minor. While appointing a next friend or guardian the court must be particular to see that the interest of such person is not adverse to that of the minor. The concern of the legislature towards the sanctity of the family and the right to privacy of the child is also expressed in the Code of Civil Procedure. Along with certain other proceedings, the proceedings in connection with the question of legitimacy, guardianship or the custody of a minor, maintenance, validity or effect of adoption, any other matter concerning the family, shall be held in camera. And, it is the duty of the court to arrive at a peaceful settlement in respect of such matters. For this purpose, the court shall secure the service of any person, including a person professionally engaged in promoting the welfare of the family. Maintenance of Children Section 125 of the Code of Criminal Procedure provides: “(1) If any person having sufficient means neglects or refuses to maintain- ( ) a ..... , or ( ) b his legitimate or illegitimate minor child, whether married or not, unable to maintain itself, or ( ) c his legitimate or illegitimate child(not being a married daughter) who has attained majority,

**100%**

### **MATCHING BLOCK 140/527**

**SA** Mridula Barman\_LAW.docx (D15441512)

where such child is, by reason of any physical or mental abnormality or injury unable to maintain itself,

or ( )d ..... , a magistrate of the first class may, upon proof of such neglect or refusal, order such person to make a monthly allowance for the maintenance of his wife or such child,....., at such monthly rate not exceeding five hundred rupees in the whole, as the magistrate thinks fit, and to pay the same to such person as the Magistrate may from time to time direct: Provided that the Magistrate may order the father of a minor female child referred to in clause (b) to make such allowance, until she attains her majority, if the Magistrate is satisfied that the husband of such minor female child, if married, is not possessed of sufficient means.

.....”. This section is applicable to all irrespective of their religion, and provides speedy remedy against starvation and destitution. Even after the passing of Muslim Women’s (Protection of Rights on Divorce) Act, 1986, which allows a Muslim woman to invoke s.125 of Cr.P.C. only if the husband consents, the right of the child to claim maintenance under section 125 Cr.P.C. is not taken away. 44

Children and Human Rights A ‘neglect or refusal’ may be by words or by conduct. It may be express or implied. Actually, neglect or refusal may amount to something more than mere failure or omission. But where there is a duty to maintain, as in the case of a child who has no will or volition of its own, mere failure or omission may amount to ‘neglect or refusal’. In 1970, prior to the 1973 amendment to Cr.P.C., in Nanak Chand v. Chandra Kishore,<sup>58</sup> the Supreme Court had pointed out that emphasis is always on the inability of the child to maintain himself (the judiciary was highlighting the spirit behind as prior to the amendment there was no specific mention about major children unable to maintain themselves). Again, the basis of an application for maintenance of a child is the paternity of the child irrespective of its legitimacy or illegitimacy. But if the paternity is not established, the child is not entitled to maintenance. And if the custody of the child is withheld from his father wrongfully, who is the legal guardian, he cannot be called upon to pay for his maintenance. Maintenance of Children during lis pendence Under the Marriage Laws (Amendment) Act, 2001(Act 49 of 2001), section 26 of the Hindu Marriage Act, 1955 was amended. The amended section 26 provides that the application with respect to maintenance and education of the minor children pending litigation for obtaining such decree, shall as far as possible, be disposed of within sixty days from the date of service of notice on the respondent. The Code of Criminal Procedure (Amendment) Act, 2001(No.50 of 2001) amended section 125 to provide that the court can order interim maintenance (monthly allowance) within sixty days. Apart from these, there is no provision to monitor the welfare of the children during lis pendence, and hardly any effort is made by the Family Courts to ascertain periodically the living conditions of the children back home, their maintenance, health, psychological needs, education etc. Hence the Family Courts Act, 1984 needs to be amended to take care the following: a) the claims for maintenance of the parent petitioner and the minor child should not be clubbed together and must be dealt with separately by the Family Courts. This will ensure that the minor child starts getting its legally entitled maintenance quickly from the natural guardian irrespective of the procedural status of the litigation between the parents b) the Family Courts should be empowered to entrust the maintenance of the child to the State Child Welfare Board c) the counselling procedure laid down under the Family Courts(Kerala) Rules, 1989 needs to be made more child friendly. There should be periodical visits by the Counsellor to the children at their home or..and the counselling should be conducted for children by a Counsellor who has specialized in child psychology and child welfare to understand their emotional, mental, social and economic needs and recommend adequate reliefs to the Family Courts. In the case of school going children the Counsellor should visit the school and ascertain the academic performance of the child and his various requirements and report to the court for appropriate orders. d) The assistance of the State Child Welfare board should be made available to the Family Courts. Concern for Children under Criminal law

The Indian Penal Code, 1860 provides

that

nothing is an offence done by a child

under 7 years of age.<sup>59</sup>

Where the offence is done by a child above 7 years and

under 12 years, who has not attained the

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sufficient maturity of understanding to judge the nature and consequences of his conduct, he will not be liable for the same. Offences against the Child under the Indian Penal Code, 1860 Even the child enre se mere is recognised under the penal law.

Whoever voluntarily causes a woman with child to miscarry shall be punished. And, the responsibility of the parents to take care of the child also is made a question of supervision under the penal justice system. Accordingly, whoever being the father or mother of a child under the age of 12 years, or having the care of such child, shall expose or leave such child in any place with the intention of wholly abandoning

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such child, shall be punished with imprisonment of either description for a term which may extent to 7 years,

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shall be punished with imprisonment of either description for a term which may extent to 7 years, or with fine, or with both.

Kidnapping from lawful guardianship is made punishable by virtue of section 361. Accordingly,

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whoever takes or entices any minor under 16 years of age if a male, or under 18 years of age if a female, out of the keeping of the lawful guardian of such minor,

is said to kidnap such minor

from the lawful guardianship. The law extents maximum protection 45

Children and Human Rights and assures greater care towards children and so the judiciary is keen to widely interpret this provision. Thus it was held that the word ‘takes’ does not necessarily mean taking by force nor it is confined only to the use of force. The word simply means, “to cause to go, to escort or to get into



possession". The term 'entices' involves the idea of inducement or allurement by giving rise to hope or desire in another person. The very object of this section is to protect the minor children from the influence of being seduced to illicit purposes. Again, under section 363A, kidnapping or maiming a minor for purposes of begging is also an offence. Section 366A says that

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whoever, by any means whatsoever, induces any minor girl under the age of 18 years, to go from any place or to do any act with intent that such girl may be, or knowing that it is likely that she will be, forced or seduced to illicit intercourse with another person, shall be punished. Again, importation of any girl under 21 years of age from any country outside India with the intention or knowledge

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that she will be forced or seduced to illicit intercourse with another person

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that she will be forced or seduced to illicit intercourse with another person is also made an offence. Similarly, selling minor for prostitution is an offence under section 372. The sixth description of section 375 provides that the sexual intercourse with a woman under 16 years of age will make a man liable for the offence of 'rape', irrespective of the question whether she had given consent or not. In yet another provision, the abetment of suicide of child is made punishable under the Penal Code. Presumption of Legitimacy The law does not like leaving any child 'bastard'. Simply crystallising this mores of the society and the legal system, section 112 of the Indian Evidence Act, 1872 says that the fact that any person was born during the continuance of a valid marriage between his mother and any man, or within 280 days after its dissolution, the mother remaining unmarried, shall be conclusive proof of that he is the legitimate son of that man, unless it can be shown that the parties to the marriage had no access to each other at any time when it could have been begotten. Section 16 of the Hindu Marriage Act confers legitimacy on children born out of a void marriage. The section has also been held valid by the judiciary vis-à-vis Article 14, as it treats all legitimate children similarly circumstanced as forming one class for conferment of legitimacy. Child Marriage (Prohibition) Act, 2006 This Act was enacted to prohibit



the solemnization of child marriage repealing the Child Marriage Restraint Act. For the purposes of this Act,  
a male who has not completed 21 years of age and  
a female who has not completed 18 years of age  
will be treated as  
a 'child'<sup>72</sup> and  
a marriage to which either of the contracting parties is a  
child  
will be treated as a 'child marriage'. Under section 3 a child marriage will be voidable, provided the party can apply for a decree of nullity.

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Provision for maintenance and residence to female contracting party to child marriages, custody and maintenance of children born out of child marriages,  
application of the principle of legitimacy of children are the new features of the Act.  
Where a minor contract a child marriage, any person having charge of the minor, whether as parent or guardian or in any other capacity, lawful or unlawful, who does any act to promote the marriage or permits it to be solemnised,  
shall be punishable with

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simple imprisonment which may extent to three months and shall also be liable to fine. The adult marrying the minor is also made punishable. The Immoral Traffic (Prevention) Act, 1986 This Act came into force

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in pursuance of the International Convention signed at New York on the 9th day of May, 1950, for the prevention of Immoral Traffic<sup>76</sup>.  
The late amendments to this Act are the Suppression of Immoral Traffic in Women and Girls (Amending) Act, 1978 (46 of 1978) w.e.f. 2/10/1979 and the Suppression of Immoral Traffic in Women and Girls (Amendment) Act, 1986 (44 of 1986) w.e.f. 26/1/1987. If the commission of any offence under this Act is in respect a child special punishment is provided.<sup>77</sup> If

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a child is found in a brothel, or on medical examination, detected to have been sexually abused, the presumption is that the child or the minor has been detained for purposes of prostitution or has been sexually exploited.

Infant Milk Substitutes, Feeding Bottles and Infant Food (Regulation of Production, Supply and Distribution) Act, 1992 This Act

was enacted by Parliament with a view to the protection and promotion of breast-feeding and ensuring the proper use of infants' foods. The international recognition that the health of the children is the greatest asset of the 46

Children and Human Rights State is recognised by the Government. Sections 3 and 4 of the Act provides for the prohibitions in respect of infant milk. Accordingly, no person shall: .i advertise or take part in the publication of any advertisement, for the distribution, sale or supply of infant milk substitutes or feeding bottles; .ii give an impression or create a belief in any manner that feeding of infant milk substitutes is equivalent to, or better than, mother's milk; .iii take part in the promotion of use or sale of infant milk substitutes of feeding bottles or infant foods otherwise than in accordance with the provisions of this Act; .iv supply or distribute samples of infant milk substitutes or feeding bottles or gifts of utensils or other articles; .v contact any pregnant woman or the mother of an infant. The supplier or distributor of the infant milk substitute is bound to give the information that mother's milk is best for the baby, infant milk substitutes shall be used only on the advice of a health worker, it is not the sole source of nourishment of an infant, etc. The instructions for its appropriate preparation and warning against the health hazards of its inappropriate preparation also shall be provided. It is provided by the Act that every educational or other material dealing with pre-natal or post-natal care or with the feeding of an infant shall include the information relating to: )a the benefits and superiority of breast feeding )b the preparation for and the continuance of breast feeding )c the harmful effects on breast feeding due to the partial adoption of bottle feeding )d the difficulties in reverting to breast feeding of infants after a period of feeding by infant milk substitute )e the financial and social implications in making use of infants milk substitutes and feeding bottles )f the health hazards of improper use of infant milk substitutes and feeding bottles )g the health hazards of improper use of infant milk substitutes and feeding bottles.

**100%**

## MATCHING BLOCK 152/527

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The Juvenile Justice (Care and Protection of Children) Act, 2000 The recognition of

the State that every child needs special care and protection makes it obligatory on the part of it to provide the same to those who are denied of such basic rights. In our country, a major chunk of children do not get any fundamental facilities for the development towards full potential. Apart from the poor economic conditions of the parents, poor nourishment, situations of mal adjustment, delinquency, neglect, orphanage, broken families, etc. add to the miseries. The international mandate by the 1989 convention and other international resolutions in line with the same and the constitutional requirements prompted the government to re-enact the existing law relating to juveniles and accordingly the new Act of 2000 came into force repealing the earlier Juvenile Justice Act, 1986. The Act seeks to cover two groups of children, viz., ' juvenile



in conflict with law' and 'children in need of care and protection'.

The  
Act

envisages the constitution of 'Juvenile Justice Boards' or 'Child Welfare Committees' for every district or a group of district to exercise powers and discharge duties as conferred by the Act in relation to the care and protection of juveniles.

**83%**

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Commission for Protection of Child Rights Act, 2005 The National Commission for Protection of Child Rights (NCPCR)

was set up in March 2007

as a statutory body under the Commissions for Protection of Child Rights Act, 2005 (4 of 2006), an Act of Parliament (December 2005). It was set up to protect, promote and defend child rights in the country.

Right of Children to Free and Compulsory Education Act, 2009

The

Right of children to Free and  
Compulsory Education Act

has

come into force from April 1, 2010. This is a historic day for the people of India as from this day the right to education will be accorded the same legal status as the right to life as provided by Article 21A of the Indian

Constitution. Every child in the age group of 6-14 years will be provided 8 years of elementary education in an age appropriate classroom

in the vicinity of his neighbourhood. Any cost that prevents a child from accessing school will be borne by the state which shall have the responsibility of enrolling the child as well as ensuring attendance and completion of 8 years of schooling. No child shall 47

Children and Human Rights be denied admission for want of documents; no child shall be turned away if the admission cycle in the school is over and no child shall be asked to take an admission test. All private schools shall be required to enroll children from weaker sections and disadvantaged communities in their incoming class to the extent of 25% of their enrollment, by simple random selection. No seats in this quota can be left vacant. These children will be treated at par with all the other children in the school. iii

Enforcement of International Principles through Indian courts Before the adoption of the Indian Constitution the relationship between international covenants and the municipal law was maintained as per the British Practice. The ratification of a convention signifies that India has given its consent to the international community to be bound by the provisions of the said treaties. But India is yet to incorporate them, except the step taken by the enactment of the Juvenile Justice (Care and Protection) Act, 2000.

By virtue of Article 253 of the Constitution of India, the Parliament has exclusive power to make any law

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for the whole or any part of the territory of India for implementing any treaty, agreement or

convention with any other country, or countries or any decision made at any international conference, association or other body.

Article 51 issues a directive to

the State to endeavour to foster respect for international law and treaty obligations.<sup>84</sup>

But the enforcement of a right recognised in an international convention or treaty or a declaration through the municipal courts raises certain legal issues. In the landmark decision of *Visakha v. State of Rajasthan*<sup>85</sup>, it was held: “In the absence of domestic law occupying the field, to formulate effective measures to check the evil of sexual harassment of working women at all workplaces,

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the contents of international conventions and norms are significant for the purpose of interpretation of the

guarantee of gender equality, right to work with human dignity in Articles 14, 15, 19(1)(g) and 21

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of the Constitution ... Any international convention not inconsistent with the fundamental rights and in harmony with its spirit must be read into these provisions

to enlarge the meaning and contents thereof, to promote the object of the constitutional guarantee... regard must be had to international conventions and norms for construing domestic law when there is no inconsistency between them and there is a void in the domestic law.” It appears that using Article 51, the apex judiciary has been able to input into Part III of the Constitution the vast number of rights flowing from various international declarations, charters and conventions ratified by India. In *S.R. Bommai*<sup>86</sup> also the Supreme Court of India has clearly stated that the provisions of an international covenant which elucidate and go to effectuate the fundamental rights guaranteed by our constitution, can certainly be relied upon by courts as facets of those fundamental rights and hence enforceable as such.

In *People’s Union for Civil Liberties v. Union of India*<sup>87</sup>

also the Supreme Court applied this tool of interpretation to enforce a right recognized by the international covenant through Part III of our Constitution. Again, it is significant to note that article 51 specifically mentions separately, ‘international law’ and ‘treaty obligations’. No explanation is found in the Constituent Assembly debates either as to intent of article 51 or the meaning and scope of the words ‘international law’ and ‘treaty obligations’. The juristic opinion that ‘international law’ may connote ‘customary international law’ and ‘treaty obligations’ may stand for obligations arising out of international treaties may be treated supplementary to the interpretation of article 51. It is also pertinent to note that article 51 is in Part IV of the

Constitution of India, which means that it forms part of the directives to the state policy only. But article 37 which in its first part provides that the provisions contained in Part IV are non-justiciable adds in its latter part in unmistakable terms that these principles are “nevertheless fundamental in the governance of the country and it shall be the duty of the state to apply these principles in making laws”. Before the adoption of the constitution, the British practice was that customary rules of international law formed part of the law of the land, subject to certain conditions and exceptions. As regards the treaty obligations arising out of international treaties also India followed more or less the British practice of specific adoption theory.<sup>89</sup> In *A.D.M. Jabalpur v. Shukla*, while examining the question, whether UDHR forms part of Indian municipal law, by majority, the apex court held that it was not part of the Indian municipal law. In *Jolly George Varghese v. Bank of Cochin*, the Supreme court held that in case of conflict between a provision of an international treaty to which India is a party and a provision 48 Children and Human Rights of a State statute, it is the latter which shall prevail, if the international treaty in question has neither been specifically adopted in the municipal law nor has undergone transformation. Krishna Iyer, J., observed: “...International law per se or proprio vigore has not the force of law or authority of civil law till under its inspirational act, actual legislation is undertaken...In short, the basic rights enshrined in the international covenants...may at best inform judicial institutions and inspire legislative action with member states, but apart from such deep reverence, remedial action at the instance of an aggrieved individual is beyond the area of judicial authority.” Thus if there is no conflict between municipal law and a provision of an international treaty or where two constructions of municipal law are possible, Indian courts can give effect to the provision of international treaty by giving harmonious construction. Hence the legal implication is that the absolute enforceability depend upon the question of availability of a municipal statute which in turn points to the State responsibility to frame statutes incorporating international principles which we have already ratified. In the absence of a fundamental right or a legal right, the mere governmental adherence to an international principle will not provide locus standi to an aggrieved person. Concluding Notes Even with the existence of great governmental concern and recognition of rights of the child, a large number of children in India live much below the standards set by the Constitution as well as the national and international legal principles. It is again, noteworthy that the judiciary is also free to enforce the international rights in favour of Indian children even if they are not specifically incorporated, provided they are not contrary to the existing legal norms. Still, a greater majority of the Indian children suffer an array of threats to their development, well-being and survival due to poverty, diseases, orphanage, neglect, famine etc. Primary education for all still remains as a bare dream. There are thousands of child-labourers working in various sectors including industrial, manufacturing and household activities. According to the National Family Health Survey, 2000 one-third of the world’s children who suffer malnutrition belong to India. The actual estimate of street children nation-wide exposed to violence and abuse is not available due to many reasons. A shocking number of children are trafficked and utilised for prostitution. This deplorable state of affairs reminds the need of further governmental and legislative interventions. Executive Introduction Legislature, executive and judiciary are the three organs of government. Together, they perform the functions of the government, maintain law and order and look after the welfare of the people. The Constitution ensures that they work in coordination with each other and maintain a balance among themselves. In a parliamentary system, executive and the legislature are interdependent: the legislature controls the executive, and, in turn, is controlled by the executive. What Is An Executive? Who is in charge of the administration of your school? Who takes important decisions in a school or a university? In any organisation, some office holder has to take decisions and implement those decisions. We call this activity administration or management. But administration requires a body at the top that will take policy decisions or the big decisions and supervise and coordinate the routine administrative functioning. You may have heard about the executives of big companies, banks or industrial units. Every formal group has a body of those who function as the chief administrators or the executives of that organisation. Some office holders decide the policies and rules and regulations and then some office holders implement those decisions in

actual day-to-day functioning of the organisation. The word executive means a body of persons that looks after the implementation of rules and regulations in actual practice. 49

Children and Human Rights In the case of government also, one body may take policy decisions and decide about rules and regulations, while the other one would be in charge of implementing those rules. The organ of government that primarily looks after the function of implementation and administration is called the executive. What are the principal functions of the executive? Executive is the branch of government responsible for the implementation of laws and policies adopted by the legislature. The executive is often involved in framing of policy. The official designations of the executive vary from country to country. Some countries have presidents, while others have chancellors. The executive branch is not just about presidents, prime ministers and ministers. It also extends to the administrative machinery (civil servants). While the heads of government and their ministers, saddled with the overall responsibility of government policy, are together known as the political executive, those responsible for day to day administration are called the permanent executive. WHAT ARE THE DIFFERENT TYPES OF EXECUTIVE? Every country may not have the same type of executive. You may have heard about the President of the USA and the Queen of England. But the powers and functions of the President of the USA are very different from the powers of the President of India. Similarly, the powers of the Queen of England are different from the powers of the King of Nepal. Both India and France have prime ministers, but their roles are different from each other. Why is this so? To answer this question we will briefly outline the nature of executive existing in some of these countries. The USA has a presidential system and executive powers are in the hands of the president. Canada has a parliamentary democracy with a constitutional monarchy where Queen Elizabeth II is the formal chief of state and the prime minister is the head of government. In France, both the president and the prime minister are a part of the semi presidential system. The president appoints the prime minister as well as the ministers but cannot dismiss them as they are responsible to the parliament. Japan has a parliamentary system with the Emperor as the head of the state and the prime minister as the head of government. Italy has a parliamentary system with the president as the formal head of state and the prime minister as the head of government. Russia has a semi-presidential system where president is the head of state and prime minister, who is appointed by the president, is the head of government. Germany has a parliamentary system in which president is the ceremonial head of state and the chancellor is the head of government. In a presidential system, the president is the Head of state as well as head of government. In this system the office of president is very powerful, both in theory and practice. Countries with such a system include the United States, Brazil and most nations in Latin America. Semi-Presidential Executive in Sri Lanka In 1978 the constitution of Sri Lanka was amended and the system of Executive Presidency was introduced. Under the system of Executive Presidency, people directly elect the President. It may happen that both the President and the Prime Minister belong to the same political party or to different political parties. The President has vast powers under the constitution. The President chooses the Prime Minister from the party that has a majority in the Parliament. Though ministers must be members of the Parliament, the President has the power to remove the Prime Minister, or ministers. Apart from being the elected Head of State and the Commander-in- Chief of the Armed Forces, the President is also the Head of the Government. Elected for a term of six years, the President cannot be removed except by a resolution in the parliament passed by at least two-thirds of the total number of Members of Parliament. If it is passed by not less than one-half of the total number of Members of Parliament and the Speaker is satisfied that such allegations merit inquiry then the Speaker can report the matter to the Supreme Court. How is the position of the President and Prime Minister in Sri Lanka different from India? Compare the role of Supreme Court in the impeachment of the President in India and Sri Lanka. In a parliamentary system, the prime minister is the head of government. Most parliamentary systems have a president or a monarch who is the nominal Head of state. In such a system, the role of president or monarch is primarily ceremonial and prime minister along with the cabinet wields effective power. Countries with such system include Germany, Italy, Japan, United Kingdom as well as Portugal. A semi-presidential system has both a president and a prime minister but unlike the parliamentary system the president may possess significant day-to-day powers. In this system, it is possible that sometimes



the president and the prime minister may belong to the same party and at times they may 50 Children and Human Rights belong to two different parties and thus, would be opposed to each other. Countries with such a system include France, Russia, Sri Lanka, etc. Parliamentary Executive in India When the Constitution of India was written, India already had some experience of running the parliamentary system under the Acts of 1919 and 1935. This experience had shown that in the parliamentary system, the executive can be effectively controlled by the representatives of the people. The makers of the Indian Constitution wanted to ensure that the government would be sensitive to public expectations and would be responsible and accountable. The other alternative to the parliamentary executive was the presidential form of government. But the presidential executive puts much emphasis on the president as the chief executive and as source of all executive power. There is always the danger of personality cult in presidential executive. The makers of the Indian Constitution wanted a government that would have a strong executive branch, but at the same time, enough safeguards should be there to check against the personality cult. In the parliamentary form there are many mechanisms that ensure that the executive will be answerable to and controlled by the legislature or people's representatives. So the Constitution adopted the parliamentary system of executive for the governments both at the national and State levels. According to this system, there is a President who is the formal Head of the state of India and the Prime Minister and the Council of Ministers, which run the government at the national level. At the State level, the executive comprises the Governor and the Chief Minister and Council of Ministers. The Constitution of India vests the executive power of the Union formally in the President. In reality, the President exercises these powers through the Council of Ministers headed by the Prime Minister. The President is elected for a period of five years. But there is no direct election by the people for the office of President. The President is elected indirectly. This means that the president is elected not by the ordinary citizens but by the elected MLAs and MPs. This election takes place in accordance with the principle of proportional representation with single transferable vote. The President can be removed from office only by Parliament by following the procedure for impeachment. This procedure requires a special majority as explained in the last chapter. The only ground for impeachment is violation of the Constitution. Power and Position of President Article 74 (1): There shall be a Council of Ministers with the Prime Minister at the head to aid and advise the President who shall in the exercise of his functions, act in accordance with such advice. Provided that the President may require the Council of Ministers to reconsider such advice. ...., and the President shall act in accordance with the advice tendered after such reconsideration. Do you know what the word shall means here? It indicates that the advice is binding on the President. In view of the controversy about the scope of the President's powers, a specific mention was made in the Constitution by an amendment that the advice of the Council of Ministers will be binding on the President. By another amendment made later, it was decided that the President can ask the Council of Ministers to reconsider its advice but, has to accept the reconsidered advice of the Council of Ministers. We have already seen that President is the formal head of the government. In this formal sense, the President has wide ranging executive, legislative, judicial and emergency powers. In a parliamentary system, these powers are in reality used by the President only on the advice of the Council of Ministers. The Prime Minister and the Council of Ministers have support of the majority in the Lok Sabha and they are the real executive. In most of the cases, the President has to follow the advice of the Council of Ministers. Discretionary Powers of the President On the basis of the above discussion can we infer that the President has no discretionary power under any circumstances? This will be an incorrect assessment. Constitutionally, the President has a right to be informed of all important matters and deliberations of the Council of Ministers. The Prime Minister is obliged to furnish all the information that the President may call for. The President often writes to the Prime Minister and expresses his views on matters confronting the country. 51 Children and Human Rights Besides this, there are at least three situations where the President can exercise the powers using his or her own discretion. In the first place, we have already noted that the President can send back the advice given by the Council of Ministers and ask the Council to reconsider the decision. In doing this, the President acts on his (or her) own discretion. When the President thinks that the advice has certain flaws or legal lacunae, or that it is not in the best interests of the country, the President can ask the



Council to reconsider the decision. Although, the Council can still send back the same advice and the President would then be bound by that advice, such a request by the President to reconsider the decision, would naturally carry a lot of weight. So, this is one way in which the president can act in his own discretion. Secondly, the President also has veto power by which he can withhold or refuse to give assent to Bills (other than Money Bill) passed by the Parliament. Every bill passed by the Parliament goes to the President for his assent before it becomes a law. The President can send the bill back to the Parliament asking it to reconsider the bill. This 'veto' power is limited because, if the Parliament passes the same bill again and sends it back to the President, then, the President has to give assent to that bill. However, there is no mention in the Constitution about the time limit within which the President must send the bill back for reconsideration. This means that the President can just keep the bill pending with him without any time limit. This gives the President an informal power to use the veto in a very effective manner. This is sometimes referred to as 'pocket veto'. Then, the third kind of discretion arises more out of political circumstances. Formally, the President appoints the Prime Minister. Normally, in the parliamentary system, a leader who has the support of the majority in the Lok Sabha would be appointed as Prime Minister and the question of discretion would not arise. But imagine a situation when after an election, no leader has a clear majority in the Lok Sabha. Imagine further that after attempts to forge alliances, two or three leaders are claiming that they have the support of the majority in the house. Now, the President has to decide whom to appoint as the Prime Minister. In such a situation, the President has to use his own discretion in judging who really may have the support of the majority or who can actually form and run the government. Since 1989 major political changes have considerably increased the importance of the presidential office. In the four parliamentary elections held from 1989 to 1998, no single party or coalition attained a majority in the Lok Sabha. These situations demanded presidential intervention either in order to constitute governments or to grant a request for dissolution of Lok Sabha by a Prime Minister who could not prove majority in the House. It may thus be said that presidential discretion is related to political conditions. There is greater scope for presidential assertiveness when governments are not stable and coalitions occupy power. For the most part, the President is a formal power holder and a ceremonial head of the nation. You may wonder why then do we need a President? In a parliamentary system, the Council of Ministers is dependent on the support of the majority in the legislature. This also means that the Council of Ministers may be removed at any time and a new Council of Ministers will have to be put in place. Such a situation requires a Head of the state who has a fixed term, who may be empowered to appoint the Prime Minister and who may symbolically represent the entire country. This is exactly the role of the President in ordinary circumstances. Besides, when no party has a clear majority, the President has the additional responsibility of making a choice and appointing the Prime Minister to run the government of the country. The Vice President of India The Vice President is elected for five years. His election method is similar to that of the President, the only difference is that members of State legislatures are not part of the electoral college. The Vice President may be removed from his office by a resolution of the Rajya Sabha passed by a majority and agreed to by the Lok Sabha. The Vice President acts as the exofficio Chairman of the Rajya Sabha and takes over the office of the President when there is a vacancy by reasons of death, resignation, removal by impeachment or otherwise. The Vice President acts as the President only until a new President is elected. B. D. Jatti acted as President on the death of Fakhruddin Ali Ahmed until a new President was elected. Prime Minister and Council of Ministers There is no Council of Ministers without the Prime Minister. The Prime Minister 'leads' the Council of Ministers! No discussion of government or politics in India, would normally take place without mentioning one office: the Prime Minister of India. Can you imagine why this is so? 52

Children and Human Rights The President exercises his powers only on the advice of the Council of Ministers. The Council of Ministers is headed by the Prime Minister. Therefore, as head of the Council of Ministers, the Prime Minister becomes the most important functionary of the government in our country. In the parliamentary form of executive, it is essential that the Prime Minister has the support of the majority in the Lok Sabha. This support by the majority also makes the Prime Minister very powerful. The moment this support of the majority is lost, the Prime Minister loses the office. For many years after independence, the



Congress party had the majority in the Lok Sabha and its leader would become the Prime Minister. Since 1989, there have been many occasions when no party had majority in the Lok Sabha. Various political parties have come together and formed a coalition that has majority in the House. In such situations, a leader who is acceptable to most partners of the coalition becomes the Prime Minister. Formally, a leader who has the support of the majority is appointed by the President as Prime Minister. The Prime Minister then decides who will be the ministers in the Council of Ministers. The Prime Minister allocates ranks and portfolios to the ministers. Depending upon the seniority and political importance, the ministers are given the ranks of cabinet minister, minister of State or deputy minister. In the same manner, Chief Ministers of the States choose ministers from their own party or coalition. The Prime Minister and all the ministers have to be members of the Parliament. If someone becomes a minister or Prime Minister without being an MP, such a person has to get elected to the Parliament within six months. There were some members in the Constituent Assembly who felt that ministers should be elected by the legislature and not selected by the Prime Minister or Chief Minister: "Swiss system under which the legislature elects the executive for a certain period ... is to my mind the best form of government for the provinces... The system of the single transferable vote is ... the best system that can be adopted for the appointment of the executive because in that all interests will be represented and no party in the legislature will have any occasion to feel that it is not represented." Size of the Council of Ministers Before the 91st Amendment Act (2003), the size of the Council of Ministers was determined according to exigencies of time and requirements of the situation. But this led to very large size of the Council of Ministers. Besides, when no party had a clear majority, there was a temptation to win over the support of the members of the Parliament by giving them ministerial positions as there was no restriction on the number of the members of the Council of Ministers. This was happening in many States also. Therefore, an amendment was made that the Council of Ministers shall not exceed 15 percent of total number of members of the House of the People (or Assembly, in the case of the States). In the chapter on the legislature, you will study in detail the various mechanisms through which the Parliament controls the executive. But remember that the most important feature of parliamentary executive is that the executive is routinely under the control and supervision of the legislature. The Council of Ministers is collectively responsible to the Lok Sabha. This provision means that a Ministry which loses confidence of the Lok Sabha is obliged to resign. The principle indicates that the ministry is an executive committee of the Parliament and it collectively governs on behalf of the Parliament. Collective responsibility is based on the principle of the solidarity of the cabinet. It implies that a vote of no confidence even against a single minister leads to the resignation of the entire Council of Ministers. It also indicates that if a minister does not agree with a policy or decision of the cabinet, he or she must either accept the decision or resign. It is binding on all ministers to pursue or agree to a policy for which there is collective responsibility. In India, the Prime Minister enjoys a pre-eminent place in the government. The Council of Ministers cannot exist without the Prime Minister. The Council comes into existence only after the Prime Minister has taken the oath of office. The death or resignation of the Prime Minister automatically brings about the dissolution of the Council of Ministers but the demise, dismissal or resignation of a minister only creates a ministerial vacancy. The Prime Minister acts as a link between the Council of Ministers on the one hand and the President as well as the Parliament on the other. It is this role of the Prime Minister which led Pt. Nehru to describe him as 'the linchpin of Government'. It is also the constitutional obligation of the Prime Minister to communicate to the President all decisions of the Council of Ministers relating to the administration of the affairs of the Union and proposals for legislation. The Prime Minister is involved in all crucial decisions of the government and decides on the policies of the government. Thus, the power wielded by the Prime Minister flows from various sources: control over the Council of Ministers, leadership of the Lok Sabha, command over the bureaucratic machine, access to media, projection of personalities during elections, projection as national leader during international summitry as well as foreign visits. 53

Children and Human Rights However, the power which the Prime Minister wields and actually puts into use depends upon the prevailing political conditions. The position of the Prime Minister and Council of Ministers has been unassailable whenever a single political party has secured majority in the Lok Sabha.



However, this has not been the case when governments have been led by coalitions of political parties. Since 1989, we have witnessed many coalition governments in India. Many of these governments could not remain in power for the full term of the Lok Sabha. They were either removed or they resigned due to loss of support of the majority. These developments have affected the working of the parliamentary executive. In the first place, these developments have resulted in a growing discretionary role of the President in the selection of Prime Ministers. Secondly, the coalitional nature of Indian politics in this period has necessitated much more consultation between political partners, leading to erosion of prime ministerial authority. Thirdly, it has also brought restrictions on various prerogatives of the Prime Minister like choosing the ministers and deciding their ranks and portfolios. Fourthly, even the policies and programmes of the government cannot be decided by the Prime Minister alone. Political parties of different ideologies come together both as pre-poll and post-poll allies to form a government. Policies are framed after a lot of negotiations and compromises among the allies. In this entire process, the Prime Minister has to act more as a negotiator than as leader of the government. At the State level, a similar parliamentary executive exists, though with some variations. The most important variation is that there is a Governor of the State appointed by the President (on the advice of the central government). Though the Chief Minister, like the Prime Minister is the leader of the majority party in the Assembly, the Governor has more discretionary powers. However, the main principles of parliamentary system operate at the State level too.

**Permanent Executive: Bureaucracy**  
Who implements the decisions of the ministers? The Executive organ of the government includes the Prime Minister, the ministers and a large organisation called the bureaucracy or the administrative machinery. To underline the difference between this machinery and the military service, it is described as civil service. Trained and skilled officers who work as permanent employees of the government are assigned the task of assisting the ministers in formulating policies and implementing these policies. In a democracy, the elected representatives and the ministers are in charge of government and the administration is under their control and supervision. In the parliamentary system, the legislature also exercises control over the administration. The administrative officers cannot act in violation of the policies adopted by the legislature. It is the responsibility of the ministers to retain political control over the administration. India has established professional administrative machinery. At the same time, this machinery is made politically accountable. The bureaucracy is also expected to be politically neutral. This means that the bureaucracy will not take any political position on policy matters. In a democracy, it is always possible that a party is defeated in elections and the new government wants to opt for new policies in the place of policies of the previous government. In such a situation, it is the responsibility of the administrative machinery to faithfully and efficiently participate in drafting the policy and in its implementation. The Indian bureaucracy today is an enormously complex system. It consists of the All-India services, State services, employees of the local governments, and technical and managerial staff running public sector undertakings. Makers of our Constitution were aware of the importance of the non-partisan and professional bureaucracy. They also wanted the members of the civil services or bureaucracy to be impartially selected on the basis of merit. So, the Union Public Service Commission has been entrusted with the task of conducting the process of recruitment of the civil servants for the government of India. Similar public service commissions are provided for the States also. Members of the Public Service Commissions are appointed for a fixed term. Their removal or suspension is subject to a thorough enquiry made by a judge of the Supreme Court. While efficiency and merit are the norms for recruitment, the Constitution also ensures that all sections of the society including the weaker sections have an opportunity to be part of the public bureaucracy. For this purpose, the Constitution has provided for reservation of jobs for the Dalits and Adivasis. Subsequently, reservations have also been provided for women and other backward classes. These provisions ensure that the bureaucracy would be more representative and social inequalities will not come in the way of recruitment to the civil service. 54

Children and Human Rights Persons selected by the UPSC for Indian Administrative Service and Indian Police Service constitute the backbone of the higher level bureaucracy in the States. You may know that the collector of a district is the most important officer of the government at the district level. Do you know that



the collector is normally an IAS officer and that the officer is governed by the service conditions laid down by the central government? An IAS or IPS officer is assigned to a particular State, where he or she works under the supervision of the State government. However, the IAS or IPS officers are appointed by the central government, they can go back into the service of the central government and most importantly, only the central government can take disciplinary action against them. This means that the key administrative officers of the States are under the supervision and control of the central government. Apart from the IAS and the IPS officers appointed by the UPSC, the administration of the State is looked after by officers appointed through the State Public Service Commissions. As we shall study later in the chapter on federalism, this feature of the bureaucracy strengthens the control of the central government over the administration of the States. The bureaucracy is an instrument through which welfare policies of the government must reach the people. But most often, it is so powerful that people are afraid of approaching a government officer. It is a common experience of the people that bureaucracy is insensitive to the demands and expectations of the ordinary citizen. Only if the democratically elected government controls the bureaucracy, some of these problems can be effectively handled. On the other hand, too much political interference turns the bureaucracy into an instrument in the hands of the politician. Though the Constitution has created independent machinery for recruitment, many people think that there is no provision for protecting the civil servants from political interference in the performance of their duties. It is also felt that enough provisions are not there to ensure the accountability of the bureaucracy to the citizen. There is an expectation that measures like the Right to Information may make the bureaucracy a little more responsive and accountable.

Further Readings: > Agrawal, Amita, (1992), and Handbook on Child, Concept Publishing Company, New Delhi > Diwan, Paras and Peeyushi Diwan, (1994), Children and Legal Protection, Deep and Deep, New Delhi: > Khanna, S.K., (1998), Children and the Human Rights, Commonwealth, New Delhi, > Kumar, Bindal, (2000), Problems of Working Children, APH Publications, New Delhi > UN Centre for Human Rights (1995), Practices Harmful Traditional Affecting the Health of Women and Children, Geneva: World Campaign for Human Rights > Mookerjee, A, (2007), Commentaries on the Juvenile (Care and protection of Children, Act 2000), Kamal Law House Kolkatta > Bagula, A.M, (2006), Child and Crime, SBS publishing & Distributors, New Delhi > Bhnadra, Mita, (1999), Girl Child in Indian Society, Rawat, New Delhi > Bhargava, Vanita, (1996), Adoption in India, Sage Publication, New Delhi 55  
 Children and Human Rights Unit: III Legal Norms and Policies In this unit, you will learn about, • Child Labour (Prohibition and Regulation) Act, 1986 • National Policy on Child Labour • The Children (Pledging of Labour) Act, 1933 • The Child Marriage Restraint Act, 1929 •

**97%**

## **MATCHING BLOCK 157/527**

**SA** child issues thesis 2018.docx (D40611590)

Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act • Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994 •  
 Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Rules, 1996 •

**90%**

## **MATCHING BLOCK 158/527**





**SA** child issues thesis 2018.docx (D40611590)

Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Amendment Act, 2002 • Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Amendment Rules, 2003 • Regulation of Genetic Counselling Centres, Genetic Laboratories and Genetic • The Orphanages and Other Charitable Homes (Supervision and Control) Act, 1960 • Board of Control and its Powers and Functions • Recognition of Homes • Management of Recognised Homes Legal Environment The Government of India has been deeply concerned with the problem of child labour. Official recognition of child labour in modern times is evident in legislation dating back to the 19th century, which fixed the minimum age for employment in factories as seven years in 1881 and nine years in 1891. The Constitution of India, which came into being in 1950, included strictures against the economic exploitation of children. For instance, Article 24 of the directive principles of state policy provides that “no child below the age of 14 shall be employed to work in any factory or mine or engaged in any hazardous employment”. Article 39(e) states that

**56%**

### **MATCHING BLOCK 160/527**

**SA** child issues thesis 2018.docx (D40611590)

the tender age of children should not be abused, and should not be forced by economic necessity to enter into avocations unsuited to their age or strength, that children should be given opportunities and facilities to develop in a healthy manner, in conditions of freedom and dignity, and that childhood and youth should be protected against exploitation as well as moral and material abandonment.

**62%**

### **MATCHING BLOCK 161/527**

**SA** Mridula Barman\_LAW.docx (D15441512)

the tender age of children should not be abused, and should not be forced by economic necessity to enter into avocations unsuited to their age or strength, that children should be given opportunities and facilities to develop in a healthy manner, in conditions of freedom and dignity, and that childhood and youth should be protected against exploitation as well as moral and material abandonment.

**67%**

### **MATCHING BLOCK 159/527**



**SA** child issues thesis 2018.docx (D40611590)

tender age of children should not be abused, and should not be forced by economic necessity to enter into avocations unsuited to their age or strength, that children should be given opportunities and facilities to develop in a healthy manner, in conditions of freedom and dignity, and that childhood and youth should be protected against exploitation

Article 45

of the constitution directs

**82%**

### **MATCHING BLOCK 162/527**

**SA** Mridula Barman\_LAW.docx (D15441512)

the state to endeavor to “provide free and compulsory education for all children until they complete the age of 14 years”.

There are many Acts in the country for the benefit of children and adolescents engaged in certain specific occupations and industries, they are: a)

The Children (Pledging of Labour) Act, 1933 b) The Employment of Children Act, 1938 c) The Factories Act, 1948 d) Minimum Wages Act, 1948 e) Dock Worker’s Regulation and Employment Act, 1948 f) The Plantation Labour Act, 1951 g) The Mines Act, 1952 h) The Merchant Shipping Act, 1958 57 Children and Human Rights i) The Motor Transport Workers Act, 1961 j) The Apprentices Act, 1961 k) Radiation Protection Rules 1971 under the Atomic Energy Act, 1962 l) Bidi and Cigar Workers (Conditions of Employment) Act, 1966 m)

**92%**

### **MATCHING BLOCK 163/527**

**SA** child issues thesis 2018.docx (D40611590)

The Child Labour (Prohibition and Regulation) Act, 1986 The Child Labour (Prohibition and Regulation) Act 1986

The Child Labour (P and R) Act 1986, which sought

**70%**

### **MATCHING BLOCK 164/527**

**SA** child issues thesis 2018.docx (D40611590)

to prohibit the employment of children in certain occupations and processes and to regulate conditions of work

in those occupations and processes. On 23rd December 1986, the Act was passed by the Parliament and the Employment of Children Act of 1938 was replaced. Salient Features of the Act 1. The Act aims to prohibit children’s employment

**100%**

## MATCHING BLOCK 165/527

**SA** Mridula Barman\_LAW.docx (D15441512)

in certain occupations and processes and regulate the working conditions in other occupations. 2. It extends to whole of India. 3. The Child Labour (P and R) Act, 1986. 4. Provisions of this Act are to come into force with immediate effect. 5. ‘Child’ means

**100%**

## MATCHING BLOCK 166/527

**SA** child issues thesis 2018.docx (D40611590)

a person who has not completed his fourteenth year of age. 6. Central Government constituted a Child Labour Technical Advisory Committee to advise to implement this Act. Prohibited Occupations and Processes Occupations: Any occupation connected with 1. Transport of passengers or goods railway. 2. Cinder picking, clearing of an ash pile or building operation in the railway premises. 3. Work in a catering establishment at a railway station, involving the movement of a vendor or any other employee of the establishment from one platform to another or into or out of a moving train. 4. Work relating to the construction of a railway station or with any other work where such work is done in close approximation to or between the railway lines. 5. A port authority within the limits of any port. 6. Work relates to selling of crackers and fireworks in shops with temporary licenses. 7. Abettors / Slaughter houses. Processes (a) Beedi-making (b) Carpet-weaving (c) Cement manufacture, including bagging of cement (d) Cloth printing, dyeing and weaving Manufacture of matches, explosives and fire works (e) Mica cutting and splitting (f) Shellac manufacture (g) Soap manufacture (h) Tanning (i) Wool cleaning (j) Building and Construction Industry (k) Manufacture of slates and pencils (including packing) (l) Manufacture of products from agate (m) Manufacturing processes using toxic metals and substances such as lead mercury, manganese, chromium, cadmium, benzene, pesticides and asbestos (n) Cashew and Cashew nut descaling and processing (o) Soldering processes in electronic industries 58 Children and Human Rights Regulation of Conditions of Work of Children The provision of this part shall apply to an establishment or a class of establishment

**52%**

## MATCHING BLOCK 167/527



**SA** child issues thesis 2018.docx (D40611590)

in which none of the occupations or process referred to section 3 is carried on. Hours and Period of Work (a)

**76%**

### **MATCHING BLOCK 168/527**

**SA** child issues thesis 2018.docx (D40611590)

No child shall be required or permitted to work in any establishment in excess of

such number of hours as may be prescribed for such establishment or class of establishment. (b)

**91%**

### **MATCHING BLOCK 169/527**

**SA** child issues thesis 2018.docx (D40611590)

The period of work on each day shall be so fixed that no period shall exceed three hours and that no child shall work for more than three hours before he has had an interval for rest for at least one hour. (c) The period of work of

a child

shall be so arranged that inclusive of his interval of rest which shall not spread over more than six hours, including the time spent in waiting for work on any day. (d)

No child shall be permitted or required to work between 7 pm and 8 am. (e) No child

**57%**

### **MATCHING BLOCK 170/527**

**SA** child issues thesis 2018.docx (D40611590)

shall be required or permitted to work overtime. (f) No child shall be required or permitted to work in any establishment

**100%**

### **MATCHING BLOCK 171/527**

**SA** Mridula Barman\_LAW.docx (D15441512)

on any day on which he has already been working in another

establishment. Weekly Holidays Every child employed in any establishment

shall be allowed in each week, a holiday of one whole

day, which day shall be specified by the occupier in a notice permanently exhibited in a conspicuous place in the establishment and the day so specified shall not be altered by the occupier more than once in three months. Maintenance of Register There shall be maintained by

**90%**

### **MATCHING BLOCK 173/527**

**SA** child issues thesis 2018.docx (D40611590)  
every occupier in respect of children employed or permitted to work in any establishment a register

**100%**

### **MATCHING BLOCK 172/527**

**SA** Mridula Barman\_LAW.docx (D15441512)  
in respect of children employed or permitted to work in  
to be available for inspection by an inspector at all times during working hours or when work is being  
carried on in any such establishment, showing (a) The name and date of birth of every child so employed or  
permitted to work. (b) Hours and periods of work of any such child and the intervals of rest to which he is  
entitled. (c) The

**81%**

### **MATCHING BLOCK 174/527**

**SA** Mridula Barman\_LAW.docx (D15441512)  
nature of work of any such child, and (d) Such other particulars as may be prescribed.  
Health and Safety The appropriate Government may,  
by notification in the official gazette,

**90%**

### **MATCHING BLOCK 175/527**

**SA** child issues thesis 2018.docx (D40611590)  
make rules for the health and safety of the children employed or permitted to work in any establishment or  
class of establishments.  
Without prejudice to the generality of the foregoing provisions, the said rules may provide for all or any of  
the following matter, namely (  
a) Cleanliness in the place of work and its freedom from nuisance (  
b) Disposal of wastes and effluents (c) Ventilation and temperature (d) Dust and fume - Proof Environment  
(e) Artificial humidification (f) Lighting (g) Drinking water (h) Latrine and urinals (i) Spittoons (j) Fencing  
of machinery (k) Work at or near machinery in motion (l) Employment of children on dangerous machines  
(m) Instructions, training  
and supervision in relation to employment of children or dangerous machines (n) Device for cutting of  
power (o) Self-acting machines (p) Easing of new machinery 59  
Children and Human Rights (  
q) Floor, stairs and means of access (r) Pits, sumps, opening in floors etc. (s) Excessive weights (t)



Protection of eyes (u) Explosive or inflammable dust, gas etc. (

v) Precautions in case of fire (w) Maintenance of building and machinery Penalties: .i Whoever

employs any child

or permits any child to work

in contravention of the provisions of

Section 3

shall be punishable

with

imprisonment for a term which shall not be less than

three months but which may

extend to

one year or with

fine which shall not be less than

ten thousand rupees, but

which may extend to twenty thousand rupees or with both. .

ii Whoever, having been convicted of an offence under Section 3, commits like a offence afterwards, it

shall not be less than six months but which may extend to

two years. .

iii Whoever )a Fails to give notice as required by section 9 or )b Fails to maintain a register as required by

section 11 or makes any false entry in any such register or, )c Fails to display a notice containing an abstract

of section 3 and this section as required by section 12 or )d Fails to comply with or contravenes any other

provisions of this Act or the rules made there under,

**60%**

### **MATCHING BLOCK 176/527**

**SA** Mridula Barman\_LAW.docx (D15441512)

shall be possible with simple imprisonment which may extend to one month or with fine which may extend to ten thousand rupees or with both.

National Policy on Child Labour The Constitution of India, both in the directive principles of state policy and as a part of the fundamental rights has laid down that

**87%**

### **MATCHING BLOCK 177/527**

**SA** Mridula Barman\_LAW.docx (D15441512)

State shall direct its policy towards securing the health and strength of workers, men and women and the tender age of children are not abused that citizens are not forced by economic necessity to enter vocations unsuited to their age or strength

**74%**

### **MATCHING BLOCK 179/527**



**SA** child issues thesis 2018.docx (D40611590)

health and strength of workers, men and women and the tender age of children are not abused that citizens are not forced by economic necessity to enter vocations unsuited to their age or strength and that children, particularly one given opportunities and facilities to develop in a healthy manner and in condition of freedom and dignity. Childhood and youth are to be protected against exploitation and

**76%**

### **MATCHING BLOCK 178/527**

**SA** Mridula Barman\_LAW.docx (D15441512)

that children, particularly one given opportunities and facilities to develop in a healthy manner and in condition of freedom and dignity. Childhood and youth are

**100%**

### **MATCHING BLOCK 180/527**

**SA** child issues thesis 2018.docx (D40611590)

no child below the age of 14 years shall be employed to work in any factory and

mine or engaged in any other hazardous employment. The national policy for child resolution, adopted in August 1974, further developed the above ideas and set out a policy frame work and measures aimed at providing adequate services for children. These were to form a prominent part of the Nations plan for development of human resources.

**95%**

### **MATCHING BLOCK 181/527**

**SA** child issues thesis 2018.docx (D40611590)

Free and compulsory education for children up to the age of 14, provision of health and nutritional programmes and services, providing alternative form of education for children unable to take full advantage of formal school education for whatever reasons and measures for protecting children against neglect, cruelty and exploitation form part of the national policy for children. The policy also provides as one of its objectives, that no children under the age of 14

**75%**

### **MATCHING BLOCK 182/527**

**SA** child issues thesis 2018.docx (D40611590)

years shall be engaged in hazardous occupations or be made to undertake heavy work.

Government has given consideration to these aspects of the problems of child labour namely: ( ) a The need to protect the

**63%****MATCHING BLOCK 183/527****SA** Mridula Barman\_LAW.docx (D15441512)

child labour from exploitation or from being subjected to work in hazardous conditions, which endanger such children's physical and mental development. ( )b The need to ensure safety and health at their working places, that they should be protected from expressively long working hours and from right work; ( )c That these should be regulated work even in non-hazardous occupation; and ( )d That all child labour have to have sufficient weekly rest periods and holidays in their employment. The Child Labour (Prohibition and Regulation) Act, 1986 was the culmination of the process of consideration that Government has been giving to this pervasive problem figuring in the economic and social landscape in the country. Both in enacting this legislation and those after in laying down the policy and outline of the programme of action, the Government has kept in mind the economic and social aspect of child labour in the country. 60 Children and Human Rights This national policy also includes alternative forms of education for children unable to take full advantage of formal school education for whatever reasons, health and nutritional programmer and services for all children; and measures for protecting children against neglect, cruelty and exploitation. The national anti-poverty policies, the national education policy and the national policy a health for all and on nutrition are expected to help in realizing the objectives of all national policy on child labour 1987. The future action programme of this policy has been discussed under following three headings: ( )a The legislative action plan; ( )b The focusing of general development programs for benefiting child labour whenever possible; and ( )c

**96%****MATCHING BLOCK 184/527****SA** child issues thesis 2018.docx (D40611590)

Project based plan of action in areas of high concentration child labour engaged in wage and quasi wage employment. (a) Legislative Action Plan

**78%****MATCHING BLOCK 185/527****SA** Mridula Barman\_LAW.docx (D15441512)

A Child Labour Technical Advisory Committee has been setup to advise the Central Government on addition

**87%****MATCHING BLOCK 186/527****SA** child issues thesis 2018.docx (D40611590)

to advise the Central Government on addition of occupation and processes to the schedule contained in



**96%****MATCHING BLOCK 187/527****SA** Mridula Barman\_LAW.docx (D15441512)

and processes to the schedule contained in Child Labour (Prohibition and Regulation) Act, 1986, and the Central Advisory Board on Child Labour, Ministry of Labour has setup a task force to recommend measure institutions and mechanics necessary for implementing this Act and a legal action plan. It has made provisions of immediate enforcement of the Factories Act, 1948 and the Mines Act, 1952 particularly to ensure that children are not employed in hazards occupations and to regulate where they are employed in non-hazardous occupations. The State and Central Government department and undertakings are required to review the situation so as to ensure that child labour is not employed in prohibitive occupations and if employed in non-hazardous occupations, the provisions set out for their health and safety, for the maintenance or registers and for regulating and hours of work, overtime, weekly holidays and days of rest are enforced in all establishments. The Government will also bring about changes in the Minimum Wages Act 1948 to ensure equal wages to children and adults. This, it is expected will remove economic incentive to employ child labour at lower wages and also to remove other kinds of discrimination against child labour. For enforcing other protective legislation like the Payment of Wages Act, the Payment of Gratuity Act, the Equal Remuneration Act, the Payment of Bonus Act, etc. It will ensure that child labour is not discriminated against as compared to adult labour. (b) Focusing on General Development Programmes for Benefiting Child Labour National Development Programmes exist with a very wide coverage in areas of education. Health, Nutrition and Anti- Poverty Group of Programmes. Poverty alleviation programmes would be formulated and implemented in a decentralized manner with the participation of people at the gross root level through Village Panchayats, Zilla Partishaths etc. The programmes would be aimed at identifying the poorest among poor, for this purpose detailed household survey will be carried out and provide assistance to the beneficiaries through various schemes. The following are the different schemes under which the Government provides benefits to poorest people. They are IRDP, through land-based activities like minor irrigation, dairy farming, horticulture, supply of working capital, equipment for household enterprises, importing skill through TRYSEM etc. (c) Project Based Plan of Action Under the Project Based Plan of Action specific section of employment where the incidence of child labour is high have been identified, these are; 1. The Match Industry in Sivakasi (Tamilnadu) 2. The diamond polishing industry in Surat (Gujarat) 3. The precious stone polishing industry in Jaipur (Rajasthan) 4. The glass industry in Ferozabad (UP) 5. The brass ware industry in Moradabad (UP) 6. The handmade carpet industry in Mirzapur Bhadoi (UP) 7. The lock making industry in Aligarh (UP) 8. The handmade carpet industry in Jammu and Kashmir 9. The slate industry in Mandsaur in (MP) 10. The slate industry in Markapur (AP) 61 Children and Human Rights In the above listed ten 'project areas' strategy was to evolve a package comprising of the following elements. 1. Stepping up the

**66%****MATCHING BLOCK 188/527****SA** Mridula Barman\_LAW.docx (D15441512)

enforcement of the Child Labour (P&R) Act, the Factories Act and the Mines Act, even special enforcement staff are created for this purpose. 2.

**91%**

## **MATCHING BLOCK 189/527**

**SA** Mridula Barman\_LAW.docx (D15441512)

Coverage of families of child labour under the income / employment generating programmes under the overall aegis of anti-poverty programmes. 3.

Where there is a concentration of SC/ST families with child labour, a concentration of special component and tribal sub-plans by the State Governments in each project area. 4. Formal / Non-Formal education of child labour engaged in hazardous employment and of as many labour as possible as may be in non-

**82%**

## **MATCHING BLOCK 190/527**

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hazardous employments. Also, stepped up programme of adult education of the parents of the children. 5. Co-ordinating the activities of different departments Ministers of Central Government of India and State Government to benefit child labour. 6.

**85%**

## **MATCHING BLOCK 191/527**

**SA** Mridula Barman\_LAW.docx (D15441512)

Setting up of special school for child workers together with provision of vocational education training in such special schools, supplementing nutrition,

a

**95%**

## **MATCHING BLOCK 192/527**

**SA** Mridula Barman\_LAW.docx (D15441512)

stipend to the children taken out from prohibited employments and health care for all children attending at such special schools.

Current Action Plan in Karnataka State The Government of Karnataka is openly seized of the urgent need to improve the situation of children in the state. A state programme of action for the child formulated in 1994, aims to integrate several existing governmental programmes in the areas of nutrition, health and education for the benefit of children. The programme of action, which incorporates a holistic understanding of the multiple co-ordinate inputs required to improve the condition of the child, as well as a participatory approach to implementation, has the potential to effect positive changes in the health, nutritional and educational status of children. Such an outcome could greatly reduce the probability of children entering the labour force in the state. However, more specific action to combat the menace of child labour is clearly necessary, in view of the fact that Karnataka ranks high among the 31 states and union territories of India in the number of child labourers, it harbours fifth according to the campaign against child labour; fourth as per 1995 UNICEF document. According to the centre for public policy studies, Hyderabad, Karnataka occupies



third position (after Andhra Pradesh and Meghalaya) in the percentage of child workers to the total population (2.60%) as well as to the child population (6.58%), both well above the national average 1.68% and 4.26% respectively. UNICEF report puts the number of children working in hazardous occupations in the State at 1,169,000. It is clear that by any reckoning the child labour situation is grim and demands urgent attention and determined action. CALL-K (Campaign Against Child Labour, Karnataka) launched a public awareness campaign on child labour in November 1994 by getting several eminent citizens to endorse a document entitled "Karnataka's Commitment Towards Building a State Free of Child Labour" during the year 1994. In 1995 a draft approach paper was prepared after taking into consideration the opinion / suggestions of Government of India officials as well as academicians, researchers, social activists, legal experts, trade unionists etc and a task force was constituted to take the process forward. The approach paper which was further refined by a large group of social activists representing NGOs from different parts has been presented to the Government. In an effort to contribute to the formulation of effective strategies to eliminate child labour in Karnataka, the State Government's Department of Women and Child Development (DWCP) and Labour Commissionerate, with the support and collaboration of UNICEF, Hyderabad. The Government of Karnataka has taken up a new concrete scheme to eradicate child labour and get them into the mainstream of education. The following is the summary of the proposed scheme. The Government of Karnataka has recognized all the previous schemes of street children (child labour) into one scheme intending to prevent child labour in its order shown in the reference. In this new scheme, preference is given to the prevention of child labour and importance is being given to the prevention of girl child labour. The order of the Government is enclosed. The implementation of the scheme and its expenditure has been discussed in detail in the meeting of the Assistant Directors on 17-9-97. 62

Children and Human Rights Assistant Directors are advised to meet the District Collectors immediately to implement the scheme. They should formulate a committee under the Chairmanship of District Collector to implement and supervise the above said scheme. To implement the said scheme, the following guide lines should be followed.

1. Assistant Directors should recognize good, efficient non-governmental organizations to work for the sake of child labour and to start special schools and courses for them. The role of NGOs in implementation of scheme is very important that's Why the Assistant Directors should carefully note the efficiency, self-sufficiency, economic feasibility, buildings, staff (trained and un-trained) and other facilities. He should take special care to check their previous two years' experience in this field and also get audit reports of the previous two years.
2. If certain NGOs failed to fulfill objectives and goals of previous schemes, it should be seriously taken note of and they should not be allowed to be selected for this scheme.
3. Clear cut memorandum of agreement of understanding should be prepared with the selected NGOs regarding implementation of the scheme and use of allotted funds in proper manner.
4. If no NGO has been selected in the district for this purpose, the Government should implement the scheme, and the Assistant Director should take complete responsibility in proper implementation of the scheme.

II Selection of Beneficiaries

1. Child labour who are working in agriculture, shops, garages, construction and domestic labour, hotels, bus / railway stations, industrial areas; can be considered as beneficiaries.
2. At the time of selection of beneficiaries, both NGOs and Assistant Directors should be present. It should be noted; Assistant Director's physical presence is necessary in the process of selection of child labour to be benefited under this scheme. Preference should be given to girl child labourer, children belonging to scheduled castes and scheduled tribes. There should be special consideration for the children of Devadasis where ever this system exists.
3. The aim of the scheme is to make the beneficiaries join into the mainstream of education system, so beneficent child should be within the age limit of eight to twelve years.

III. Building Arrangements

1. As the scheme itself is residential one suitable building should be selected for the beneficiaries to stay and also to have non-formal education and other activities. It should be near to Assistant Director's office, so that he could visit it as many times as possible.
2. Preference should be given to NGOs, which open schools for child labour at the district head quarters. If any good NGO is working at Taluk level and if it has a strength of 100 students, then it can be selected at Taluk level.
3. If girl children are there in the group they should be provided accommodation in a separate building.

IV. Special Educational Camps

- 1.



On the basis of age and previous education, separate groups should be divided. 2. Non-formal education syllabus should be used to conduct classes. Anyhow the syllabus and the curriculum will be sent by directorate, women and child welfare. 3. This scheme is wholly residential, Boys and Girls should stay in the course and there would not be any kind of leaves for them. 4. After six months of non-formal education, the children should be returned to schools for main stream of formal education in June. To facilitate them to join in schools their birth certificates should be gathered by NGOs. 5. It is the joint responsibility of Assistant Director and the NGO to join all the children into schools according to their age and ability. The report in this regard should be submitted to the directorate. V. Purchase of Various Equipments 1. The necessary equipment for beneficiaries like blankets, utensils should be bought with in the limits of the sanctioned money for the scheme and also according to the strength of the beneficiaries. 2. Only blankets are provided but not clothes for the beneficiaries which they should get from their houses. 3. Indoor and outdoor games equipment should be purchased. 63

Children and Human Rights 4. Essential general medicines should be bought with due consultation with District Medical Officer. 5. The equipment bought under this scheme belongs to the Government so the NGOs should maintain store records for the above said equipment. This should be supervised by the Assistant Director, Women and Child Welfare. VI. Staff 1. The staff should be recruited by a district level committee. The recruitment of attenders, supervisors, teachers and cooks should be purely on temporary basis for the period of six months only. At any cost, they should not be considered as government service and it should be made dear to them. 2. Supervisors should stay with in the premises of the school and look after the children. 3. Staff and teachers and also staff of NGOs should be properly trained by the district committee using local talent and experience. VII. Publicity To create awareness in the public regarding evils of child labour, its eradication and also regarding the implementation of scheme, publicity programmes should be taken up by the committee. VIII. Funds 1. Amounts regarding expenditure towards this scheme by NGOs should be submitted to district level committee and when it is accepted by the committee it should be sent to the Directorate, Women and Child Welfare, after the approval of the Directorate District Collector will release the funds. 2. In the beginning grants will be released for the scheme, as first installment in November in this non-recurring expenditure, staff training, publicity expenditure and fifty percent of recurring expenditure will be included. After getting full report about the scheme from assistant director in February, the remaining amount will be released in the month of March by the District Collector. 3. District Collector should release the grants according to the number of beneficiary children. 10% of the grants should be kept until all the children are joined in schools in June by NGOs and then the report is submitted to him, then the remaining 10% should be released. The special schools, camps should be run from December to May for a period of six months, the report regarding this should be sent in the proforma to the Directorate, Women and Children Welfare, Bangalore. The

Children (Pledging of Labour) Act, 1933. An Act to prohibit the pledging of the labour of children.

WHEREAS it is expedient to prohibit the making of agreements to pledge the labour of children, and the employment of children whose labour has been pledged; It is hereby enacted as follows: -

1. Short title, extent and commencement. 1. This Act may be called the Children (Pledging of Labour) Act, 1933. 2. It extends to the whole of Pakistan. 3. This section and sections 2 and 3 shall come into force at once, and the remaining sections of this Act shall come into force on the first day of July, 1933. 2.

Definitions. In this Act, unless there is anything repugnant in the subject or context, "An agreement to pledge the labour of a child" means an agreement, written or oral, express or implied, whereby the parent

**83%**

**MATCHING BLOCK 193/527**

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or guardian of a child, in return for any payment or benefit received or to be received by him, undertakes to cause or allow the services of the child to be utilized in any employment: Provided that an agreement made without detriment to a child, and not made in consideration of any benefit other than reasonable wages to be paid for the child's services, and terminable at not more than a week's notice, is not an agreement within the meaning of this definition; 64 Children and Human Rights "child" means a person who is under the age of fifteen years; and "guardian" includes any person having legal custody of or control over a child. 3. Agreements

**60%**

### **MATCHING BLOCK 194/527**

**SA** child issues thesis 2018.docx (D40611590)  
contrary to the Act to be void. An agreement to pledge the labour of a child shall be void. 4. Penalty for parent or guardian making agreement to pledge the labour of a child. Whoever, being the parent or guardian of a child, makes an agreement to pledge

**83%**

### **MATCHING BLOCK 195/527**

**SA** child issues thesis 2018.docx (D40611590)  
the labour of that child, shall be punished with fine which may extend to fifty rupees. 5. Penalty for making with a parent or guardian an agreement to pledge the labour of a child. Whoever makes with the parent or guardian of a child an agreement

**100%**

### **MATCHING BLOCK 196/527**

**SA** child issues thesis 2018.docx (D40611590)  
whereby such parent or guardian pledges the labour of the child shall be punished with fine which may extend to two hundred rupees. 6. Penalty for employing a child whose labour has been pledged. Whoever,

**87%**

### **MATCHING BLOCK 197/527**

**SA** child issues thesis 2018.docx (D40611590)  
knowing or having reason to believe that an agreement has been made to pledge the labour of a child, in furtherance of such agreement employs such child, or permits such child to be employed in any premises or place under his control, shall be punished with fine which may extend to two hundred rupees. The Child Marriage Restraint Act, 1929 An Act to restrain the solemnization of child



marriages. Whereas it is expedient to restrain the solemnization of child marriages; It is hereby enacted as follows: 1. Short title extend and commencement- This Act may be called

**80%**

### **MATCHING BLOCK 199/527**

**SA** child issues thesis 2018.docx (D40611590)  
the Child Marriage Restraint Act, 1929. ( )a It extends to the whole of India except the State of Jammu and Kashmir and it applies also to all citizens of India without and beyond India. ( )

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### **MATCHING BLOCK 198/527**

**SA** Mridula Barman\_LAW.docx (D15441512)  
It extends to the whole of India except the State of Jammu and Kashmir and it  
b It shall come into force on the 1st day of April, 1930. 2. Definitions In this Act, unless there is anything repugnant in the subject or context, ( )  
a “  
child” means a person who, if a male, has not completed twenty one years of age, and if a female, has not completed eighteen years of age; ( )  
b “child marriage” means  
a marriage to which either of the contracting parties is a child; ( )  
c “  
contracting party” to a marriage means either of the parties whose marriage is or is about to be thereby solemnised; and ( )d “  
minor” means a person of either sex who is under eighteen years of age. 3. Punishment for male adult below twenty-one years of age marrying a child. Whoever, being a male above eighteen years of age and below twenty-one, contracts  
a child marriage shall  
be punishable with simple imprisonment which may extend to fifteen days, or with fine which may extend to one thousand rupees, or with both. 4. Punishment for male adult above twenty-one years of age marrying a child. Whoever, being a male above twenty-one years of age, contracts a child marriage shall be punishable with simple imprisonment which may extend to three months and shall also be liable to fine. 5. Punishment for solemnising a child marriage. Whoever performs, conducts or directs any child marriage



shall be punishable with simple imprisonment which may extend to three months and shall also be liable to fine, unless he proves that he had reason to believe that the marriage was not a child marriage. 65 Children and Human Rights 6.

Punishment for parent or guardian concerned in a child marriage. ( )a

Where a minor contracts a child marriage, any person having charge of the minor, whether as parent or guardian or in any other capacity, lawful or unlawful, who does any act to promote the marriage or permits it to be solemnised, or negligently fails to prevent it from being solemnised, shall be punishable with

**100%**

### **MATCHING BLOCK 200/527**

**SA** child issues thesis 2018.docx (D40611590)

simple imprisonment which may extend to three months and shall also be liable to fine

Provided that no woman shall be punishable with imprisonment. ( )

b For the purposes of this section, it shall be presumed, unless and until the contrary is proved, that where a minor has contracted a child marriage, the person having charge of such minor has negligently failed to prevent the marriage from being solemnised. 7. Offences to be cognizable for certain purposes.

**66%**

### **MATCHING BLOCK 201/527**

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The Code of Criminal Procedure, 1973 (2 of 1974), shall apply to offences under this Act as if they were cognizable offences (

a) for the purpose of investigation of such offences; and (b) for the purposes of matters other than (i) matters referred to in Section 42 of that Code, and (ii) the arrest of a person without a warrant or without an order of a Magistrate. 8. Jurisdiction under this

**95%**

### **MATCHING BLOCK 202/527**

**SA** child issues thesis 2018.docx (D40611590)

Act. Notwithstanding anything contained in Section 190 of the [Code of Criminal Procedure, 1973 (2 of 1974),] no Court other than that of a [Metropolitan Magistrate or a Judicial Magistrate of the first class] shall take cognizance of, or try, any offence under this Act. 9.

**90%**

## MATCHING BLOCK 203/527

**SA** child issues thesis 2018.docx (D40611590)

Mode of taking cognizance of offences. No Court shall take cognizance of any offence under this Act after the expiry of one year from the date on which the offence is alleged to have been committed. 10.

Preliminary inquiries into offences. Any Court, on receipt of a complaint of an offence of which it is authorised to take cognizance, shall, unless it dismisses the complaint under Section 203 of the [Code of Criminal Procedure, 1973 (2 of 1974)] either itself make an inquiry under Section 202 of that Code or direct a Magistrate subordinate to it to make such inquiry. STATE AMENDMENT Gujarat in its application to the State of Gujarat, Section 10 is deleted. [Gujarat Act 11 of 1964] 11. [Power to take security from complainant.] Repealed by the Child Marriage Restraint (Amendment) Act, 1949 (41 of 1949), Sec. 7. 12. Power to issue injunction prohibiting marriage in contravention of this Act. ( )

a Notwithstanding anything to the contrary contained in this Act, the Court may, if satisfied from information laid before it through a complaint or otherwise that a child marriage in contravention of this Act has been arranged or is about to be solemnised, issue an injunction against any of the persons mentioned in Sections 3, 4, 5 and 6 of this Act prohibiting such marriage. ( )

b No injunction under sub-section (1) shall be issued against any person unless the Court has previously given notice to such person, and has afforded him an opportunity to show cause against the issue of the injunction. ( ) c The Court may either on its own motion or on the application of any person aggrieved rescind or alter any order made under sub-section (1). ( ) d Where such an application is received, the Court shall afford the applicant an early opportunity of appearing before it either in person or by pleader; and if the Court rejects the application wholly or in part, it shall record in writing its reasons for so doing. ( ) e Whoever knowing that an injunction has been issued against him under sub-section (1) of this section disobeys such injunction shall be punished with imprisonment of either description

**86%**

## MATCHING BLOCK 204/527

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for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both:

Provided that no woman shall be punishable with imprisonment. 66

Children and Human Rights 13. Child Marriage Prevention Officers. ( ) a

**87%**

## MATCHING BLOCK 205/527

**SA** child issues thesis 2018.docx (D40611590)

The State Government may, by notification in the official Gazette, appoint for the whole State or for such part thereof as may be specified in that notification an officer to be known as Child Marriage Prevention Officer. ( ) b It shall be the duty of the Child Marriage Prevention Officer, .i to





prevent marriages being performed in contravention of the provisions of this Act by taking such action under this Act as he deems fit; .ii to collect evidence for the effective prosecutions of persons contravening provisions of this Act; and .iii to discharge such other functions as may be assigned to him by the State Government. ( )c

**100%**

### **MATCHING BLOCK 206/527**

**SA** child issues thesis 2018.docx (D40611590)

The State Government may, by notification in the official Gazette, invested the Child Marriage Prevention Officer with such powers of a Police Officer as may be specified in the notification and the Child Marriage Prevention Officer shall exercise his powers subject to such limitations and conditions as may be specified in the notification. ( )d The State Government may associate with each Child Marriage Prevention Officer a nonofficial advisory body consisting of not more than five social welfare workers, of whom at least two shall be women workers known in the area within the jurisdiction of the officer for the purposes of advising and assisting him in the performance of his functions under this Act. ( )e The terms and conditions of appointment of persons on the advisory body shall be such as may be prescribed by rules. 13-A. Officer appointed under the Act to be public servant. The Child Marriage Prevention Officer appointed under Section 13 shall be deemed to be a public servant within the meaning of Section 21 of the Indian Penal Code. 13-B. Protection of action taken in good faith. No suit, prosecution or other legal proceeding shall lie against the Child Marriage Prevention Officer appointed under this Act in respect of anything in good faith done or intended to be done in pursuance of this act or of any rules or orders made thereunder. 14. Power to make rules. ( )a

**100%**

### **MATCHING BLOCK 207/527**

**SA** child issues thesis 2018.docx (D40611590)

The State Government may, by notification in the official Gazette, make rules, for the purposes of carrying out the provisions of this Act. ( )b In particular and without prejudice to the generality of the foregoing provision, such rules may provide for all matters expressly required or allowed by this Act to be prescribed by rules. ( )c The power to make rules conferred by this section is subject to the condition of the rules being made after previous publication. ( )d All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as possible after they are made, and shall be subject to rescission by the State Legislature or to such modifications as the State Legislature may make during the session in which they are so laid or the session immediately following. ( )e (e) Any rescission or modification so made by the State Legislature shall be published in the official Gazette and shall thereupon take effect.

**95%**

## MATCHING BLOCK 208/527

SA child issues thesis 2018.docx (D40611590)

Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act In 1988, the state of Maharashtra became the first in the country to ban pre-natal sex determination through the enactment of the Maharashtra Regulation of Prenatal Diagnostics Techniques Act. At the national level

100%

## MATCHING BLOCK 209/527

SA child issues thesis 2018.docx (D40611590)

the Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act (PNDT Act)

was enacted on September 20, 1994. The 1994 Act provided for the “regulation of

the use of prenatal 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 foeticide

and for matters connected therewith or incidental thereto.” Except under certain specific conditions, no individual or genetic counselling center or genetic laboratory or genetic clinic shall conduct or allow the conduct in its facility of, prenatal

diagnostic techniques including ultra-sonography for the purpose of determining the sex of the foetus;

and “no 67

Children and Human Rights person conducting prenatal diagnostic procedures shall communicate to the pregnant women concerned or her relatives the sex of the foetus by words, signs or in any other manner.”

The Act provides for the constitution of a Central Supervisory Board (CSB) whose function is mainly advisory and for the appointment of an Appropriate Authorities (AAs) in States and Union Territories to enforce the law and penalize defaulters and Advisory Committees (ACs) to aid and advise the AAs. The law was amended in 2003 following a Public interest Litigation (PIL) filed in 2000 to improve regulation of technology capable of sex selection and to arrest the startling decline in the child sex ratio as revealed by the Census 2001. The amended Act “

The Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act”

not only prohibits determination and disclosure of the sex of the foetus but also bans advertisements related to preconception and pre-natal determination of sex. All the technologies of sex determination, including the new chromosome separation technique have come under the ambit of the Act. The Act has also made mandatory in all ultrasonography units, the prominent display of a signboard that clearly indicates that detection/revelation of the sex of the foetus is illegal. Further, all ultrasound scanning machines have to be registered and the manufacturers are required to furnish information about the clinics and practitioners to whom the ultrasound machinery has been sold.

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## MATCHING BLOCK 210/527



**SA** child issues thesis 2018.docx (D40611590)

The Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act 1994 has since been amended with effect from 14.2.2003. Amendments to the Act mainly cover to: 1. bring the technique of pre-conception sex selection within the ambit of this Act so as to preempt the use of such technologies which significantly contribute to the declining sex ratio. 2. bring the use of ultrasound machines within the purview of this Act more explicitly so as to curb their misuse for detection and disclosure of sex of the foetus lest it should lead to female foeticide. 3. further empower the Central Supervisory Board for monitoring the implementation of the Act. 4. Introduce State level Supervisory Board for monitoring and reviewing the implementation of the Act in States/UTs 5. constitute a multi member State Appropriate Authority for better implementation and monitoring of the Act in the States 6. make punishments prescribed under the Act more stringent so as to serve as a deterrent for minimizing violations of the Act 7. empower the Appropriate Authorities with the powers of Civil Court for search, seizure and sealing the machines, equipments and records of the violators of law including sealing of premises and commissioning of witnesses 8. making mandatory the maintenance of proper records in respect of the use of ultrasound machines and other equipments capable of detection of sex of foetus and also in respect of tests and procedures leading to preconception selection of sex 9. regulate the sale of ultrasound machines only to the bodies registered under the Act. Based on the amendments made to the Act, the Rules framed there under have also been amended, under the amended Rules: 1. A provision for appeal has been made: Any person having grievance against the sub-district level Appropriate Authority can make an appeal to the district level Appropriate Authority and similarly for grievance against the district level Appropriate Authority an appeal can be made to the state/UT level Appropriate Authority. 2. indications, prescribed by ICMR, have been included in the PNDT Rules for which ultrasound scanning can be conducted during pregnancy for the well being of the pregnant woman and her foetus. 3. Forms have been simplified. Consent is required only in case of invasive techniques. Prior to the disposal of the PIL, among other things, the Supreme Court in its order dated December 11, 2001 directed 9 companies to supply the information of the machines sold to various clinics in the last 5 years. Details of about 11,200 machines from all these companies was fed into a common database. Addresses received from the manufacturers were also sent to concerned States and UTs to launch prosecution against those bodies using ultrasound machines who had failed to get themselves registered under the Act. The Court in its order dated January 9, 2002 directed that ultrasound machines/scanners be sealed and seized if they were being used without registration. Three associations viz. the Indian Medical Association (IMA), Indian Radiologists Association (IRA) and the Federation of Obstetricians and Gynaecologists Societies of India (FOGSI) were asked to furnish details of members using these machines. Since the Supreme Court directive of 2001 to March 2006, 28,422 facilities offering ultrasound tests have 68 Children and Human Rights been registered across the country as per information received. 384 cases are currently filed for various violations under the Act, including the communication of the sex of the foetus, non-maintenance of records and non-registration.

**100%**

## **MATCHING BLOCK 211/527**

**SA** child issues thesis 2018.docx (D40611590)

Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994  
This Act provides for the  
regulation  
of



the use of pre-natal diagnostic techniques for the purpose of detecting genetic or metabolic disorders or chromosomal abnormalities or certain congenital malformations or sex-linked disorders

and

for the prevention of the misuse of such techniques for the purpose of pre-natal sex determination leading to female foeticide;

and, for matters connected there with

**100%**

## **MATCHING BLOCK 213/527**

**SA** Mridula Barman\_LAW.docx (D15441512)

or incidental thereto. It extends to the whole of India except the State of Jammu and Kashmir.

**100%**

## **MATCHING BLOCK 212/527**

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to the whole of India except the State of Jammu and Kashmir.

Regulation of

Genetic Counselling Centres, Genetic Laboratories and Genetic Clinics This Act states that no Genetic Counselling Centre, Genetic Laboratory or Genetic Clinic unless registered under this Act, shall conduct or associate with, or help in, conducting activities relating to pre-natal diagnostic techniques ; shall employ or cause to be employed any person who does not possess the prescribed qualifications. Also, no medical geneticist, gynaecologist, paediatrician, registered medical practitioner or any other person shall conduct or cause to be conducted or aid in conducting by himself or through any other person, any pre-natal diagnostic techniques at a place other than a place registered under this Act. Regulation of pre-natal diagnostic technique: As per the regulations under this Act, no place including a registered Genetic Counselling Centre or Genetic Laboratory or Genetic Clinic shall be used or caused to be used by any person for conducting pre-natal diagnostic techniques except for the purposes of detection of any of the following abnormalities, namely: • chromosomal abnormalities; • genetic metabolic diseases; • haemoglobinopathies; • sex-linked genetic diseases; • congenital anomalies; • any other abnormalities or diseases as may be specified by the Central Supervisory Board. Also, no pre-natal diagnostic techniques shall be used or conducted unless the person qualified to do so is satisfied that any of the following conditions are fulfilled: • age of the pregnant woman is above thirty-five years; • the pregnant woman has undergone of two or more spontaneous abortions or foetal loss; • the pregnant woman had been exposed to potentially teratogenic agents such as drugs, radiation, infection or chemicals; • the pregnant woman has a family history of mental retardation or physical deformities such as spasticity or any other genetic disease; • any other condition as may be specified by the Central Supervisory Board No person, being a relative or the husband of the pregnant woman shall seek or encourage the conduct of any pre-natal diagnostic techniques on her except for the purpose specified. The written consent of pregnant woman and prohibition of communicating the sex of foetus is necessary to conduct the pre-natal diagnostic procedures. It is important to explain all known side and after effects of such procedures to the pregnant woman concerned; obtain in the prescribed form her written consent to undergo such procedures in the language which she understands; and a copy of her written consent obtained under is given to the pregnant woman. No person conducting pre-natal diagnostic



procedures is allowed to communicate to the pregnant woman concerned or her relatives the sex of the foetus by words, signs or in any other manner. (6) Determination of sex prohibited: On and from the commencement of this Act, 69

Children and Human Rights • no Genetic Counselling Centre or Genetic Laboratory or Genetic Clinic shall conduct or cause to be conducted in its Centre, Laboratory or Clinic, pre-natal diagnostic techniques including ultrasonography, for the purpose of determining the sex of a foetus; •

no person shall conduct or cause to be conducted any pre-natal diagnostic techniques including ultrasonography for the purpose of determining the sex of a foetus.

Constitution of Central Supervisory Board. The Central

**47%**

## **MATCHING BLOCK 214/527**

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Government shall constitute a Board to be known as the Central Supervisory Board to exercise the powers and perform the functions conferred on the Board under this Act. The Board shall consist of the Minister in charge of the Ministry or Department of Family Welfare, who shall be the Chairman, ex-officio; the Secretary to the Government of India in charge of the Department of Family Welfare, who shall be the Vice-Chairman, ex-officio; two members to be appointed by the Central Government to represent the Ministries of Central Government in charge of Woman and Child Development and of Law and Justice, ex-officio; the Director General of Health Services of the Central Government, ex officio; ten members to be appointed by the Central Government, two each from amongst eminent medical geneticists; eminent gynaecologists and obstetricians; eminent paediatricians; eminent social scientists; and representatives of women welfare organisations; three women Members of Parliament, of whom two shall be elected by the House of the People and one by the Council of States. Also, four members are to be appointed by the Central Government by rotation to represent the States and the Union territories, two in the alphabetical order and two in the reverse alphabetical order; provided that no appointment under this clause shall be made except on the recommendation of the State Government or, as the case may be, the Union territory; an officer, not below the rank of a Joint Secretary or equivalent of the Central Government, in charge of Family Welfare, who shall be the Member-Secretary, ex officio. Term of office of members: The term of office of a member, other than an ex officio member, shall be one year. If a casual vacancy occurs in the office of any other members, whether by reason of his death, resignation or inability to discharge his functions owing to illness or other incapacity, such vacancy shall be filled by the Central Government by making a fresh appointment

**86%**

## **MATCHING BLOCK 215/527**

**SA** Mridula Barman\_LAW.docx (D15441512)

and the member so appointed shall hold office for the remainder of the term of office of the person in whose place he is so appointed. The Vice-Chairman shall perform such functions as may be assigned to him by the Chairman from time to time. Meetings of the Board: The Board shall meet at such time and place, and shall observe such rules of procedure in regard to the transaction of business at its meetings (including the quorum at such meetings) as may be provided by regulations: The Chairman and in



his absence the Vice-Chairman shall preside at the meetings of the Board. If for any reason the Chairman or the Vice-Chairman is unable to attend any meeting of the Board, any other member chosen by the members present at the meeting shall preside at the meeting. All questions which come up before any meeting of the Board shall be decided by a majority of the

**78%**

### **MATCHING BLOCK 216/527**

**SA** Mridula Barman\_LAW.docx (D15441512)

votes of the members present and voting, and in the event of an equality of votes, the Chairman, or in his absence, the person presiding, shall have and exercise a second or casting vote. Members other than ex officio members shall receive such allowances, if any, from the Board as may be prescribed. Temporary association of persons with the Board for particular purpose: The Board may associate with itself, in such manner and for such purposes as may be determined by regulations, any person whose assistance or advice it may desire in carrying out any of the provisions of this Act. A person associated with it by the Board for any purpose shall have a right to take part in the discussions relevant to that purpose, but shall not have a right to vote at a meeting of the Board and shall not be a member for any other purpose. Appointment of officers and other employees of the Board- For the purpose of enabling it efficiently to discharge its functions under this Act, the Board may, subject to such regulations as may be made in this behalf, appoint (whether on deputation or otherwise) such number of officers and other employees as it may consider necessary; provided that the appointment of such category of officers, as may be specified in such regulations, shall be subject to the approval of the Central Government. 70  
Children and Human Rights Every officer or other employee appointed by the Board shall be subject to such conditions of service and shall be entitled to such remuneration as may be specified in the regulations.  
Authentication of orders and other instruments of the Board:

**83%**

### **MATCHING BLOCK 217/527**

**SA** Mridula Barman\_LAW.docx (D15441512)

All orders and decisions of the Board shall be authenticated by the signature of the Chairman or any other member authorized by the Board in this behalf, and all other instruments issued by the Board shall be authenticated by the signature of the Member-Secretary or any other officer of the Board authorised in like manner in this behalf. Disqualifications for appointment as member: A person shall be disqualified for being appointed as a member if, he has been convicted and sentenced to imprisonment for an

**96%**

### **MATCHING BLOCK 218/527**

**SA** Mridula Barman\_LAW.docx (D15441512)

offence which, in the opinion of the Central Government, involves moral turpitude; or is



an undischarged insolvent; or is of unsound mind and stands so declared by a competent court; or has been removed or dismissed from the service of the Government or a Corporation owned or controlled by the Government; or has, in the opinion of the Central Government, such financial or other interest in the Board as is likely to affect prejudicially the discharge by him of his functions as a member; or has, in the opinion of the Central Government, been associated with the use or promotion of pre-natal diagnostic technique for determination of sex. Eligibility of member for reappointment. Subject to the other terms and conditions of service as may be prescribed, any person ceasing to be a member shall be eligible for reappointment as such member. Functions of the Board.: The Board advises the Government on policy matters relating to use of pre-natal diagnostic techniques; reviews implementation of the Act and the rules made there under and recommend changes in the said Act and rules to

**80%**

## **MATCHING BLOCK 219/527**

**SA** child issues thesis 2018.docx (D40611590)

the Central Government; creates public awareness against the practice of pre-natal determination of sex and female foeticide; lays down code of conduct to be observed by persons working at Genetic Counselling Centres, Genetic Laboratories and Genetic Clinics; and any other functions as may be specified under the Act. Appropriate Authority and Advisory Committee: The Central Government shall appoint one or more Appropriate Authorities for each of the Union territories for the purposes of this Act. The State Government shall appoint, by notification in the Official Gazette, one or more Appropriate Authorities for the whole or part of the State for the purposes of this Act having regard to the intensity of the problem of pre-natal sex determination leading to female foeticide. The Appropriate Authority can grant, suspend or cancel registration of a Genetic Counselling Centre, Genetic Laboratory or Genetic Clinic; enforce standards prescribed for the Genetic Counselling Centre, Genetic Laboratory and Genetic Clinic; investigate complaints of breach of the provisions of this Act or the rules made and take immediate action; and seek and consider the advice of the Advisory Committee, on application for registration and on complaints for suspension or cancellation of registration. The Central Government or the State Government, as the case may be, shall constitute an Advisory Committee for each Appropriate Authority to aid and advise the Appropriate Authority in the discharge of its functions, and shall appoint one of the members of the Advisory Committee to be its Chairman. The Advisory Committee shall consist of three medical experts from amongst gynaecologists, obstetricians, paediatricians and medical geneticists, one legal expert, one officer to represent the department dealing with information and publicity of the State Government or the Union territory, as the case may be and three eminent social workers of whom not less than one shall be from amongst representatives of women's organisations. No person who, in the opinion of the Central Government or the State Government, as the case may be, has been associated with the use or promotion of pre-natal diagnostic technique for determination of sex shall be appointed as a member of the Advisory Committee. The Advisory Committee may meet as and when it thinks fit or on the request of the Appropriate Authority for consideration of any application for registration or any complaint for suspension or cancellation of registration and to give advice. 71

Children and Human Rights Registration of Genetic Counselling Centres, Genetic Laboratories or Genetic Clinics. Every Genetic Counselling Centre, Genetic Laboratory or Genetic Clinic should be duly registered separately or jointly under this Act. Every application for registration shall be made to the Appropriate Authority in such form and in such manner and shall be accompanied by such fees as may be prescribed. Every Genetic Counselling Centre, Genetic Laboratory or Genetic Clinic engaged, either partly or exclusively, in counselling or conducting pre-natal diagnostic techniques, immediately before the commencement of this Act, shall apply for registration within sixty days from the date of such



commencement. Every Genetic Counselling Centre, Genetic Laboratory or Genetic Clinic engaged in counselling or conducting pre-natal diagnostic techniques shall cease to conduct any such counselling or technique on the expiry of six months from the date of commencement of this Act unless such Centre, Laboratory or Clinic has applied for registration and is so registered separately or jointly or till such application is disposed of, whichever is earlier. No Genetic Counselling Centre, Genetic Laboratory or Genetic Clinic shall be registered under this Act unless the Appropriate Authority is satisfied that such Centre, Laboratory or Clinic is in a position to provide such facilities, maintain such equipment and standards as may be prescribed. Certificate of Registration: The Appropriate Authority shall, after holding an inquiry and after satisfying itself that the applicant has complied with all the requirements of this Act and the rules made there under and having regard to the advice of the Advisory Committee in this behalf, grant a certificate of registration in the prescribed form jointly or separately to the Genetic Counselling Centre, Genetic Laboratory or Genetic Clinic, as the case may be. If, after the inquiry and after giving an opportunity of being heard to the applicant and having regard to the advice of the Advisory Committee, the Appropriate Authority is satisfied that the applicant has not complied with the requirements of this Act or the rules, it shall, for reasons to be recorded in writing, reject the application for registration. Every certificate of registration shall be renewed in such manner and after such period and on payment of such fees as may be prescribed. The certificate of registration shall be displayed by the registered Genetic Counselling Centre, Genetic Laboratory or Genetic Clinic in a conspicuous place at its place of business. Cancellation or suspension of registration: The Appropriate Authority may suo moto, or on complaint, issue a notice to the Genetic Counselling Centre, Genetic Laboratory or Genetic Clinic to show cause why its registration should not be suspended or cancelled for the reasons mentioned in the notice. If, after giving a reasonable opportunity of being heard to the Genetic Counselling Centre, Genetic Laboratory or Genetic Clinic and having regard to the advice of the Advisory Committee, the Appropriate Authority is satisfied that there has been a breach of the provisions of this Act or the rules, it may, without prejudice to any criminal action that it may take against such Centre, Laboratory or Clinic, suspend its registration for such period as it may think fit or cancel its registration, as the case may be. If the Appropriate Authority is, of the opinion that it is necessary or expedient so to do in the public interest, it may, for reasons to be recorded in writing, suspend the registration of any Genetic Counselling Centre, Genetic Laboratory or Genetic Clinic without issuing Notice. Appeal The Genetic Counselling Centre, Genetic Laboratory or Genetic Clinic may, within thirty days from the date of receipt of the order of suspension or cancellation of registration passed by the Appropriate Authority under section 20, prefer an appeal against such order to the Central Government, where the appeal is against the order of the Central Appropriate Authority; and the State Government, where the appeal is against the order of the State Appropriate Authority, in the prescribed manner. Prohibition of advertisement relating to pre-natal determination of sex and punishment for contravention: No person, organisation, Genetic Counselling Centre, Genetic Laboratory or Genetic Clinic shall issue or cause to be issued, or cause to be published or distributed any advertisement in any manner regarding facilities of pre-natal determination of sex available at such Centre, Laboratory, Clinic or any other place. Any person who this, shall be punishable

**81%**

**MATCHING BLOCK 220/527**

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with imprisonment for a term which may extend to three years and with fine which may extend to ten 72 Children and Human Rights thousand rupees. Advertisement hereby includes any notice, circular, label wrapper or other document and also includes any visible representation made by means of any light, sound,





smoke or gas. Offences and Penalties: Any medical geneticist, gynaecologist, registered medical practitioner or any person who owns a Genetic Counselling Centre, a Genetic Laboratory or a Genetic Clinic or is employed in such a Centre, Laboratory or Clinic and renders his professional or technical services to or at such a Centre, Laboratory or Clinic, whether on an honorary basis or otherwise, and who contravenes any of the provisions of this Act or rules made thereunder shall be punishable

**63%**

### **MATCHING BLOCK 221/527**

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with imprisonment for a term which may extend to three years and with fine which may extend to ten thousand rupees and on any subsequent conviction, with imprisonment which may extend to five years and with fine which may extend to fifty thousand rupees. The name of the registered medical practitioner who has been convicted by the shall be reported by the Appropriate Authority to the respective State Medical Council for taking necessary action including the removal of his name from the register of the Council for a period of two years for the first offence and permanently for the subsequent offence. Any person who seeks the aid of a Genetic Counselling Centre, Genetic Laboratory or Genetic Clinic or of a medical geneticist, gynaecologist or registered medical practitioner for conducting pre- natal diagnostic techniques on any pregnant woman (including such woman unless she was compelled to undergo such diagnostic techniques) shall be punishable

**65%**

### **MATCHING BLOCK 222/527**

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with imprisonment for a term which may extend to three years and with fine which may extend to ten thousand rupees and on any subsequent conviction with imprisonment which may extend to five years and with fine which may extend to fifty thousand rupees.

Presumption in the case of

conduct of pre-natal diagnostic techniques Notwithstanding anything in the Indian Evidence Act, 1872 (1 of 1872), the court shall presume unless the contrary is proved that the pregnant woman has been compelled by her husband or the relative to undergo pre-natal diagnostic technique and such person shall be liable for abetment of offence under sub-section (3) of section 23 and shall be punishable for the offence specified under that section. Penalty for contravention of the provisions of the Act or rules for which no specific punishment is provided.: Whoever contravenes any of the provisions of this Act or any rules made thereunder, for which no penalty has been elsewhere provided in this Act,

**89%**

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shall be punishable with imprisonment for a term which may extend to three months or with fine, which may extend to one thousand rupees or with both and

in the case of continuing contravention with an additional fine which may extend to five hundred rupees for every day during which such contravention continues after conviction for the first such contravention.

Offences by companies: Where any offence, punishable under this Act has been committed by a company, every person who, at the time the offence was committed was in charge of, and was responsible to the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly: Any person shall not be liable to punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence. If the offence has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly. Offence to be cognizable, non-bailable and non-compoundable. Every offence under this Act shall be cognizable, non-bailable and non-compoundable.

Cognizance of offences. No court shall take cognizance of an offence under this Act except on a complaint made by the Appropriate Authority concerned, or any officer authorised in this behalf by the Central Government or State Government, as the case may be, 73

Children and Human Rights or the Appropriate Authority; or a person who has given notice of not less than thirty days in the manner prescribed, to the Appropriate Authority, of the alleged offence and of his intention to make a complaint to the court. Only

**80%**

## **MATCHING BLOCK 224/527**

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a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence punishable under this Act.

Maintenance of records All records, charts, forms, reports, consent letters and all other documents required to be maintained under this Act and the rules shall be preserved for a period of two years or for such period as may be prescribed: If any criminal or other proceedings are instituted against any Genetic Counselling Centre, Genetic Laboratory or Genetic Clinic, the records and all other documents of such Centre, Laboratory or Clinic shall be preserved till the final disposal of such proceedings. All such records shall, at all reasonable times, be made available for inspection to the Appropriate Authority or to any other person authorised by the Appropriate Authority in this behalf. Power to search and seize records: If the Appropriate Authority has reason to believe that an offence under this Act has been or is being committed at any Genetic Counselling Centre, Genetic Laboratory or Genetic Clinic, such Authority or any officer authorised thereof in this behalf may, subject to such rules as may be prescribed, enter and search at all reasonable times with such assistance, if any, as such authority or officer considers necessary, such Genetic Counselling Centre, Genetic Laboratory or Genetic Clinic and examine any record, register, document, book, pamphlet, advertisement or any other material object found therein and seize the same if such Authority or officer has reason to believe that it may furnish evidence of the commission of an offence punishable under this Act. The provisions of the Code of Criminal Procedure, 1973 (2 of 1974) relating to searches and seizures shall be applied to every search or seizure made under this Act. Protection of action taken in good faith: No suit, prosecution or other legal proceeding shall lie against the Central or the State Government or the Appropriate Authority or any officer authorised by the Central or State Government or by the Authority

for anything which is in good faith done or intended to be done in pursuance of the provisions of this Act. Power to make rules: The Central Government may make rules for carrying out the provisions of this Act. Such rules are to provide for • the minimum qualifications for persons employed at a registered Genetic Counselling Centre, Genetic Laboratory or Genetic Clinic. • the form in which consent of a pregnant woman has to be obtained. • the procedure to be followed by the members of the Central Supervisory Board in the discharge of their functions. • allowances for members other than ex officio members • the period intervening between any two meetings of the Advisory Committee • the terms and conditions subject to which a person may be appointed to the Advisory Committee and the procedure to be followed by such Committee • the form and manner in which an application shall be made for registration and the fee payable • the facilities to be provided, equipment and other standards to be maintained by the Genetic Counselling Centre, Genetic Laboratory or Genetic Clinic • the form in which a certificate of registration shall be issued • the manner in which and the period after which a certificate of registration shall be renewed and the fee payable for such renewal • the period up to which records, charts, etc. • the manner in which the seizure of documents, records, objects, etc., shall be made and the manner in which seizure list shall be prepared and delivered to the person from whose custody such documents, records or objects were seized Power to make regulations: 74

Children and Human Rights The Board with the previous sanction of the Central Government, by notification in the Official Gazette makes regulations not inconsistent with the provisions of this Act and the rules made thereunder to provide for the time and place of the meetings of the Board and the procedure to be followed for the transaction of business at such meetings and the number of members which shall form the quorum, the manner in which a person may be temporarily associated with the Board, the method of appointment, the conditions of service and the scales of pay and allowances of the officer and other employees of the Board appointed generally for the efficient conduct of the affairs of the Board. Rules and regulations to be laid before Parliament.: Every rule and every regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation. Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Amendment Act, 2002 • Amendment of Section 1 In section 1 of the principal Act, in sub-section (1), for the words and brackets”

**100%**

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the Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse)”,  
the words and brackets —

the Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection)”

shall be substituted. ? Amendment of Section 2 In section 2 of the principal Act, (i) after clause (b), the following clauses shall be inserted, namely:- (ba) “conceptus” means any product of conception at any stage of development from fertilisation until birth including extra embryonic membranes as well as the embryo or foetus; (bb) “embryo” means a developing human organism after fertilisation till the end of eight weeks (fifty-six days); (bc) “

**100%****MATCHING BLOCK 226/527****SA** child issues thesis 2018.docx (D40611590)

foetus” means a human organism during the period of its development beginning on the fifty-seventh day following fertilisation or creation (excluding any time

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in which its development has been suspended) and ending at the birth: ( ii) in clause(d), the following Explanation shall be added, namely: - (iii) for clause(g), the following clause shall be substituted, namely: - (g) “medical geneticist” includes a person who possesses a degree or diploma in genetic science in the fields of sex selection and pre-natal diagnostic techniques or has experience of not less than two years in any of these fields after obtaining – • any one of the medical qualifications recognised under the Indian Medical Council Act, 1956; or • a post-graduate degree in biological sciences; (iv) for clause (i), the following clause shall be substituted, namely:- (i) pre-natal diagnostic procedures means all gynecological or obstetrical or medical procedures such as ultrasonography, foetoscopy, taking or removing samples of amniotic fluid, chorionic villi, embryo, blood or any other tissue or fluid of a man, or of a woman before or after conception, for being sent to a Genetic Laboratory or Genetic Clinic for conducting any type of analysis or pre-natal diagnostic tests for selection of sex before or after conception; (v) for clause (k), the following clause shall be substituted, namely:- 75

Children and Human Rights (k) pre-natal diagnostic test means ultrasonography or any test or analysis of amniotic fluid, chorionic villi, blood or any tissue or fluid of a pregnant woman or conceptus conducted to detect genetic or metabolic disorders or chromosomal abnormalities or congenital anomalies or haemoglobinopathies or sex-linked diseases; (vi) after clause (n), the following clauses shall be inserted, namely:- (o) sex selection includes any procedure, technique, test or administration or prescription or provision of anything for the purpose of

ensuring or increasing the probability that an embryo will be of a particular sex; (

p) “sonologist or imaging specialist” means a person who possesses any one of the medical qualifications recognised under the Indian Medical Council Act, 1956 or who possesses a post-graduate qualification in ultrasonography or imaging techniques or radiology ; (q) “State Board” means a State Supervisory Board or a Union territory Supervisory Board constituted under section 16 A; ( r) State Government- in relation to Union territory with Legislature means the Administrator of that Union territory appointed by the President under article 239 of the Constitution. ? Amendment of Section 3 In section 3 of the principal Act, for clause (2), the following clause shall be substituted, namely: - (2) no Genetic Counselling Center or Genetic Laboratory or Genetic Clinic shall employ or cause to be employed or take services of any person, whether on honorary basis or on payment who does not possess the qualifications as may be prescribed. • Insertion of new Sections 3A and 3B After section 3 of the principal Act, the following sections shall be inserted, namely:- • Prohibition of sex-selection. 3A. No person, including a specialist or a team of specialists in the field of infertility, shall conduct or cause to be conducted or aid in conducting by himself or by any other person,



sex selection on a woman or a man or on both or on any tissue, embryo, conceptus, fluid or gametes derived from either or both of them.

Prohibition on sale of ultrasound machine etc. to persons, laboratories, clinics etc. not registered under the Act. 3B. No person shall sell any ultrasound machine or imaging machine or scanner

or any other equipment capable of detecting sex of foetus to

any Genetic Counselling Centre, Genetic Laboratory, Genetic Clinic or any other person not registered under the Act. ? Amendment of Section 4 In section 4 of the principal Act, for clauses (3) and (4), the following clauses shall be substituted, namely:- (3) no pre-natal diagnostic techniques shall be used or conducted unless the person qualified to do so is satisfied for reasons to be recorded in writing that any of the following conditions are fulfilled namely:- (a) age of the pregnant woman is above thirty-five years, (ii) the pregnant woman has undergone two or more spontaneous abortions or foetal loss; (1) the pregnant woman had been exposed to potentially teratogenic agents such as, drugs, radiation, infection or chemicals; (2) the pregnant woman or her spouse has a family history of mental retardation or physical deformities such as, spasticity or any other genetic disease; (3) any other condition as may be specified by the Board: 76 Children and Human Rights Provided that the person conducting ultrasonography on a pregnant woman shall keep complete record thereof in the clinic in such manner, as may be prescribed, and any deficiency or inaccuracy found therein shall amount to contravention of the provisions of section 5 or section 6 unless contrary is proved by the person conducting such ultrasonography; 1. no person including a relative or husband of the pregnant woman shall seek or encourage the conduct of any pre- natal diagnostic techniques on her except for the purposes specified in clause (2); 2. no person including a relative or husband of a woman shall seek or encourage the conduct of any sex-selection technique on her or him or both. ?

Amendment of Section 5 In section 5 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:- No person including the person conducting pre-natal diagnostic procedures shall communicate to the pregnant woman concerned or her relatives or any other person the sex of the foetus by words, signs, or in any other manner. ? Amendment of Section 6 In section 6 of the principal Act, after clause (b), the following clause shall be inserted, namely :- (c) no person shall, by whatever means, cause or allow to be caused selection of sex before or after conception ? Amendment of Section 7 In section 7 of the principal Act,- (i) in sub-section (2), for clause (c), the following clause shall be substituted,

namely:- "(c) three members to be appointed by the Central Government to represent the Ministeries of Central Government in charge of Women and Child Development, Department of Legal Affairs or Legislative Department in the Ministry of Law, Justice, and Indian System of Medicine and Homeopathy, ex officious;" (ii) in clause (e), for sub-clause (ii), the following sub-clause shall be substituted, namely:- (iii) "eminent gynaecologist and obstetrician or expert of stri-roga or prasuti-tantra." ? Amendment of section 14

In section 14 of the principal Act, for clause (f), the following clause shall be substituted, namely:- (f) has, in the opinion of the Central Government, been associated with the use or promotion of pre-natal diagnostic technique for determination of sex or with any sex selection technique. ? Amendment of section 15 In

section 15 of the principal Act, the following proviso shall be inserted, namely: - Provided that no member other than an ex-officio member shall be appointed for more than two consecutive terms. ? Substitution of

new section for section 16 For section 16 of the principal Act, the following section shall be substituted, namely:- Functions of the Board The Board shall have the following functions, namely:- a. to advise the Central Government on policy matters relating to use of pre-natal diagnostic techniques, sex selection techniques and against their misuse; b. to review and monitor implementation of the Act and rules made thereunder and recommend to the Central Government changes in the said Act and rules. c. to create public awareness against the practice of preconception sex selection and pre-natal determination of sex of foetus leading to female foeticide; 77

Children and Human Rights d. to lay down code of conduct to be observed by persons working at Genetic Counselling Centres, Genetic Laboratories and Genetic Clinics; e. to oversee the performance of various bodies constituted under the Act and take appropriate steps to ensure its proper and effective implementation; f. any other functions as may be prescribed under the Act. ? Insertion of new section 16A



After section 16 of the principal Act, the following section shall be inserted, namely: - Constitution of State Supervisory Board and Union territory Supervisory Board. 16A (1) Each State and Union territory having Legislature shall constitute a Board to be known as the State Supervisory Board or the Union territory Supervisory Board, as the case may be, which shall have the following functions: i. to create public awareness against the practice of pre-conception sex selection and pre-natal determination of sex of foetus leading to female foeticide in the State; ii. to review the activities of the Appropriate Authorities functioning in the State and recommend appropriate action against them; iii. to monitor the implementation of provisions of the Act and the rules and make suitable recommendations relating thereto, to the Board; iv. to send such consolidated reports as may be prescribed in respect of the various activities undertaken in the State under the Act to the Board and the Central Government; and v. any other functions as may be prescribed under the Act. (2) The State Board shall consist of: - a. the Minister in-charge of Health and Family Welfare in the State, who shall be the Chairperson, ex officio; b. Secretary in-charge of the Department of Health and Family Welfare who shall be the Vice-Chairperson, ex officio; c. Secretaries or Commissioners in charge of Departments of Women and Child Development, Social Welfare, Law and Indian System of Medicines and Homeopathy, ex officio, or their representatives; d. Director of Health and Family Welfare or Indian System of Medicines and Homeopathy of the State Government, ex officio; e. three women members of Legislative Assembly or Legislative Council; Ten members to be appointed by the State Government out of which two each shall be from the following categories:- i. eminent social scientists and legal experts; ii. eminent women activists from non-governmental organizations or otherwise; iii. eminent gynaecologists and obstetricians or experts of stri roga or prasuti-tantra; iv. eminent pediatricians or medical geneticists; v. eminent radiologists or sonologists; (3) an officer not below the rank of Joint Director in-charge of Family Welfare, who shall be the Member Secretary, ex officio (4) The State Board shall meet at least once in four months. (5) The term of office of a member, other than an ex officio member, shall be three years. (6) If a vacancy occurs in the office of any member other than an ex officio member, it shall be filled by making fresh appointment. (7) If a member of the Legislative Assembly or member of the Legislative Council who is a member of the State Board, becomes Minister or Speaker or Deputy Speaker of the Legislative Assembly or Chairperson or Deputy Chairperson of the Legislative Council, she shall cease to be a member of the State Board. (8) One-third of the total number of members of the State Board shall constitute the quorum. (9) The State Board may co-opt a member as and when required, provided that the number of co-opted members does not exceed one third of the total strength of the State Board. 78 Children and Human Rights (10)The co-opted members shall have the same powers and functions as other members, except the right to vote and shall abide by the rules and regulations. (11)In respect of matters not specified in this section, the State Board shall follow procedures and conditions as are applicable to the Board. ? Amendment of section 17 In section 17 of the principal Act,- (i) in sub-section (3), for clause (a), the following clause shall be substituted, namely:-— (a) when appointed for the whole of the State or the Union territory, consisting of the following three members - (1) an officer of or above the rank of the Joint Director of Health and Family Welfare – Chairperson; (2) an eminent woman representing women 's organisation; and (3) an officer of Law Department of the State or the Union territory concerned: Provided that it shall be the duty of the State or the Union territory concerned to constitute multi-member State or Union territory level Appropriate Authority within three months of the coming into force of

**87%**

**MATCHING BLOCK 228/527**

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the Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Amendment Act, 2002:



Provided further that any vacancy occurring therein shall be filled within three months of the occurrence.¶;  
(ii) in sub-section (4), after clause (d), the following clauses shall be inserted, namely:- (e) to take appropriate legal action against the use of any sex selection technique by any person at any place, suo-motu or brought to its notice and also to initiate independent investigations in such matter; (f) to create public awareness against the practice of sex selection or pre-natal determination of sex; (g) to supervise the implementation of the provisions of the Act and rules; (h) to recommend to the Board and State Boards modifications required in the rules in accordance with changes in technology or social conditions; (i) to take action on the recommendations of the Advisory Committee made after investigation of complaint for suspension or cancellation of registration. (ii) for sub-section (7), the following sub-section shall be substituted, namely:- (7) No person who has been associated with the use or promotion of pre-natal diagnostic techniques for determination of sex or sex selection shall be appointed as a member of the Advisory Committee. ? Insertion of new section 17A. After section 17 of the principal Act, the following section shall be inserted, namely :- Powers of Appropriate Authorities. “17A. The Appropriate Authority shall have the powers

**83%**

### **MATCHING BLOCK 229/527**

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in respect of the following matters, namely :- ( )a summoning of any person who is in possession of any information relating to violation of the provisions of this Act or the rules made thereunder; ( )b production of any document or material object relating to clause (a); ( )c issuing search warrant for any place suspected to be indulging in sex selection techniques or pre-natal sex determination; and ( )d any other matter which may be prescribed. ? Amendment of section 18 In section 18 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:- 79 Children and Human Rights “(1) No person shall open any Genetic Counselling Centre, Genetic Laboratory or Genetic Clinic, including clinic, laboratory or centre having ultrasound or imaging machine or scanner or any other technology capable of undertaking determination of sex of foetus and sex selection, or render services to any of them, after the commencement of

**87%**

### **MATCHING BLOCK 230/527**

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the Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Amendment Act, 2002 unless such centre, laboratory or clinic is duly registered under the Act.” ? Substitution of new section for section 22. For section 22 of the principal Act, the following section shall be substituted, namely:- Prohibition of advertisement relating to preconception and pre-natal determination of sex and punishment for contravention. 22. (1) No person, organisation, Genetic Counselling Centre, Genetic Laboratory or Genetic Clinic, including clinic, laboratory or centre having ultrasound machine or imaging machine or scanner or any other technology capable of undertaking determination of sex of the foetus or sex selection shall issue, publish, distribute, communicate or cause to be issued, published, distributed or communicated any advertisement, in any form, including internet, regarding facilities of pre-natal determination of sex or sex selection before conception available at such centre, laboratory, clinic or at any other place. (2) No



person or organisation including Genetic Counselling Centre, Genetic Laboratory or Genetic Clinic shall issue, publish, distribute, communicate or cause to be issued, published, distributed or communicated any advertisement in any manner regarding pre-natal determination or pre-conception selection of sex by any means whatsoever, scientific or otherwise. (3) Any person who contravenes the provisions of sub-section (1) or sub-section (2) shall be punishable

**78%**

### **MATCHING BLOCK 231/527**

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with imprisonment for a term which may extend to three years and with fine which may extend to ten thousand rupees.

Explanation- For

the purposes of this section, “advertisement” includes any notice, circular, label, wrapper or any other document including advertisement through internet or any other media in electronic or print form and also includes any visible representation made by means of any hoarding, wall-painting, signal, light, sound, smoke or gas. ? Amendment of section 23 In section 23 of the principal Act, for sub-sections (2) and (3), the following sub-sections shall be substituted, namely:- (2) The name of the registered medical practitioner shall be reported by the Appropriate Authority to the State Medical Council concerned for taking necessary action including suspension of the registration if the charges are framed by the court and till the case is disposed of and on conviction for removal of his name from the register of the Council for a period of five years for the first offence and permanently for the subsequent offence. (3) Any person who seeks the aid of any Genetic Counselling Centre, Genetic Laboratory, Genetic Clinic or ultrasound clinic or imaging clinic or of a medical geneticist, gynaecologist, sonologist or imaging specialist or registered medical practitioner or any other person for sex selection or for conducting pre-natal diagnostic techniques on any pregnant women for the purposes other than those specified in sub-section (2) of section 4, he shall, be punishable

**78%**

### **MATCHING BLOCK 232/527**

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with imprisonment for a term which may extend to three years and with fine which may extend to fifty thousand rupees

for

the first offence

and for any subsequent offence

with imprisonment

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### **MATCHING BLOCK 233/527**





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which may extend to five years and with fine which may extend to one lakh rupees. (4)

For the removal of doubts, it is hereby provided, that the provisions of sub-section (3) shall not apply to the woman who was compelled to undergo such diagnostic techniques or such selection. ? Substitution of new section for section 24 80

Children and Human Rights For section 24 of the principal Act, the following section shall be substituted, namely:-Presumption in the case of conduct of pre-natal diagnostic techniques. “24 Notwithstanding anything contained in the Indian Evidence Act, 1872, the court shall presume unless the contrary is proved that the pregnant woman was compelled by her husband or any other relative, as the case may be, to undergo pre-natal diagnostic technique for the purposes other than those specified in sub-section (2) of section 4 and such person shall be liable for abetment of offence under sub-section (3) of section 23 and shall be punishable for the offence specified under that section. ? Amendment of section 28 In section 28 of the principal Act, in sub-section (1), in clause (b), for the words —thirty days, the words —fifteen days shall be substituted. ? Amendment of section 30 In section 30 of the principal Act, for sub-section (1), the following sub section shall be substituted, namely (1) If the Appropriate Authority has reason to believe that an offence under this Act has been or is being committed at any Genetic Counselling Centre, Genetic Laboratory, Genetic Clinic or any other place, such Authority or any officer authorised in this behalf may, subject to such rules as may be prescribed, enter and search at all reasonable times with such assistance, if any, as such Authority or officer considers necessary, such Genetic Counselling Centre, Genetic Laboratory, Genetic Clinic or any other place and examine any record, register, document, book, pamphlet, advertisement or any other material object found therein and seize and seal the same if such Authority or officer has reason to believe that it may furnish evidence of the commission of an offence punishable under this Act. ? Insertion of new section 31 A After section 31 of the principal Act, the following section shall be inserted, namely:- Removal of difficulties. “31A. (1) If any difficulty arises in giving effect to the provisions of

**87%**

### **MATCHING BLOCK 234/527**

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the Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse ) Amendment Act, 2002, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of the said Act as appear to it to be necessary or expedient for removing the difficulty: Provided that no order shall be made under this section after the expiry of a period of three years from the date of commencement of

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### **MATCHING BLOCK 235/527**

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the Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Amendment Act, 2002. (2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament. ? Amendment of section 32 In section 32, in sub-section (2),- (i) for clause (i), the following



clauses shall be substituted, namely:- (i) the minimum qualifications for persons employed at a registered Genetic Counselling Centre, Genetic Laboratory or Genetic Clinic under clause (2) of section 3; (ia) the manner in which the person conducting ultrasonography on a pregnant woman shall keep record thereof in the Clinic under the proviso to sub-section (3) of section 4; (ii) after clause (iv), the following clauses shall be inserted, namely:- 81

Children and Human Rights (iva) code of conduct to be observed by persons working at Genetic Counselling Centres, Genetic Laboratories and Genetic Clinics to be laid down by the Central Supervisory Board under clause (iv) of section 16; (ivb) the manner in which reports shall be furnished by the State and Union territory Supervisory Boards to the Board and the Central Government in respect of various activities undertaken in the State under the Act under clause (iv) of sub-section (1) of section 16A; (ivc) empowering the Appropriate Authority in any other matter under clause (d) of section 17A; (ivd) Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Rules, 1996 Minimum requirements-

- The minimum qualifications of the employees, the minimum equipment and minimum place for a Genetic Counselling Centre, Genetic Laboratory and Genetic Clinic shall be as specified in Schedules I, II and III.
- Where an institute, hospital, nursing home, or any place, by whatever name called, provides services jointly of Genetic Counselling Centre, Genetic Laboratory and Genetic Clinic, or any combination of these, it shall conform to the requirements as specified in Schedules I, II and III.

Registration of Genetic Counselling Centre, Genetic Laboratory and Genetic Clinic An application for registration is to be made to the Appropriate Authority, in duplicate, in Form A. The Appropriate Authority, or any person in his office authorized in this behalf, shall acknowledge receipt of the application for registration, in the acknowledgement slip provided at the bottom of Form A, immediately if delivered at the office of the Appropriate Authority, or not later than the next working day if received by post. Application Fee: Every application for registration is to be accompanied by an application fee of:- (a) Rs.2000.00 for Genetic Counselling Centre; (b) Rs.3000.00 for Genetic Laboratory; (c) Rs.3000.00 for Genetic Clinic; and (d) Rs.4000.00 for an institute, hospital, nursing home, or any place providing jointly the services of a Genetic Counselling Centre, Genetic Laboratory and Genetic Clinic or any combination of such Centre, Laboratory or Clinic. The application fee shall be paid by a demand draft drawn in favour of the Appropriate Authority, on any scheduled bank located at the headquarters of the Appropriate Authority. Certificate of Registration: The Appropriate Authority shall, after making such enquiry and after satisfying itself that the applicant has complied with all the requirements, place the application before the Advisory Committee for its advice. Having regarded to the advice of the Advisory Committee the Appropriate Authority shall grant a certificate of registration, in duplicate, in Form B to the applicant. One copy of the certificate of registration shall be displayed by the registered Genetic Counselling Centre, Genetic Laboratory or Genetic Clinic at a conspicuous place at its place of business. The Appropriate Authority may grant a certificate of registration to a Genetic Laboratory or a Genetic Clinic to conduct one or more specified pre-natal diagnostic tests or procedures, depending on the availability of place, equipment and qualified employees, and standards maintained by such laboratory or clinic. If, after enquiry and after giving an opportunity of being heard to the applicant and having regard to the advice of the Advisory Committee, the Appropriate Authority is satisfied that the applicant has not complied with the requirements of the Act and these rules, it shall, for the reasons to be recorded in writing, reject the application for registration and communicate such rejection to the applicant as specified in Form C. An enquiry including inspection at the premises of the Genetic Counselling Centre, Genetic Laboratory or Genetic Clinic, shall, be carried out only after due notice is given to the applicant by the Appropriate Authority. Grant of certificate of registration or rejection of application for registration shall be communicated to the applicant as specified in Form B or Form C, as the case may be, within a period of ninety days from the date of receipt of application for registration. The certificate of registration shall be non-transferable. In the event of change of ownership or change of management or on ceasing to function as a Genetic Counselling Centre, Genetic Laboratory or Genetic Clinic, both 82

Children and Human Rights copies, of the certificate of registration shall be surrendered to the Appropriate Authority. In the event of change of ownership or change of management of the Genetic Counselling Centre,



Genetic Laboratory or Genetic Clinic, the new owner or manager of such Centre, Laboratory or Clinic shall apply afresh for grant of certificate of registration. Validity of Registration- Every certificate of registration shall be valid for a period of five years from the date of its issue. Renewal of registration: ? An application for renewal of certificate of registration shall be made in duplicate in Form A, to the Appropriate Authority thirty days before the date of expiry of the certificate of registration. Acknowledgment of receipt of such application shall be issued by the Appropriate Authority in the manner specified. ? The Appropriate Authority shall, after holding an enquiry and after satisfying itself that the applicant has complied with all the requirements of the Act and these rules and having regard to the advice of the Advisory Committee in this behalf, renew the certificate of registration, as specified in Form B, for a further period of five years from the date of expiry of the certificate of registration earlier granted. ? If, after enquiry and after giving an opportunity of being heard to the applicant and having regard to the advice of the Advisory Committee, the Appropriate Authority is satisfied that the applicant has not complied with the requirements of the Act and these rules, it shall, for reasons to be recorded in writing, reject the application for renewal of certificate of registration and communicate such rejection to the applicant as specified in Form C. ? The fees payable for renewal of certificate of registration shall be one half of the fees provided in sub-rule (1) of rule 5. ? On receipt of the renewed certificate of registration in duplicate or on receipt of communication of rejection of application for renewal, both copies of the earlier certificate of registration shall be surrendered immediately to the Appropriate Authority by the Genetic Counselling Centre, Genetic Laboratory or Genetic Clinic. ? In the event of failure of the Appropriate Authority to renew the certificate of registration or to communicate rejection of application for renewal of registration within a period of ninety days from the date of receipt of application for renewal of registration, the certificate of registration shall be deemed to have been renewed. Maintenance and preservation of records ? Every Genetic Counselling Centre, Genetic Laboratory and Genetic Clinic shall maintain a register showing, in serial order, the names and addresses of the women given genetic counseling, subjected to pre-natal diagnostic procedures or pre-natal diagnostic tests, the names of their husbands or fathers and the date on which they first reported for such counseling, procedure or test. The record to be maintained by every Genetic Counselling Centre, in respect of each woman counseled shall be as specified in Form D. The record to be maintained by every Genetic Laboratory, in respect of each woman subjected to any pre-natal diagnostic test, shall be as specified in Form E. The record to be maintained by every Genetic Clinic, in respect of each woman subjected to any pre-natal diagnostic procedure, shall be as specified in Form F. The Appropriate Authority shall maintain a permanent record of applications for grant or renewal of certificate of registration as specified in Form H. Letters of intimation of every change of employee, place, address and equipment installed shall also be preserved as permanent records. ? All case related records, forms of consent, laboratory results, microscopic pictures, sonographic plates or slides, recommendations and letters shall be preserved by the Genetic Counselling Centre, Genetic Laboratory or Genetic Clinic for a period of two years from the date of completion of counseling, pre-natal diagnostic procedure or pre-natal diagnostic test, as the case may be. In the event of any legal proceedings, the records shall be preserved till the final disposal of legal proceedings, or till the expiry of the said period of two years, whichever is later. In case the Genetic Counselling Centre or Genetic Laboratory or Genetic Clinic maintains records on computer or other electronic equipment, a printed copy of the record shall be taken and preserved after authentication by a person responsible for such record. Conditions for conducting pre-natal diagnostic procedures. 83

Children and Human Rights Before conducting any pre-natal diagnostic procedure, a written consent, as specified in Form G, in a language the pregnant woman understands, shall be taken from her. All the State Governments and Union Territories may issue translation of Form G in languages used in the State or Union Territory and where no official translation in a language understood by the pregnant woman is available, the Genetic Clinic may translate Form G into a language she understands. Facilities for inspection. Every Genetic Counselling Centre, Genetic Laboratory and Genetic Clinic shall afford reasonable facilities for inspection of the place, equipment and records to the Appropriate Authority or to any other person authorized by the Appropriate Authority in this behalf. Procedure for search and seizure: The Appropriate



Authority or any officer authorized in this behalf may enter and search at all reasonable times any Genetic Counselling Centre, Genetic Laboratory or Genetic Clinic, in the presence of two or more independent and respectable persons. A list of any document, record, register, book, pamphlet, advertisement or any other material object found in the Genetic Counselling Centre, Genetic Laboratory or Genetic Clinic and seized shall be prepared in duplicate at the place of effecting the seizure. Both copies of such list shall be signed on every page by the Appropriate Authority or the officer authorized in this behalf and by the witnesses to the seizure. One copy of the list shall be handed over, under acknowledgement, to the person from whose custody the document, record, register, book, pamphlet, advertisement or any other material object have been seized. A copy of the list of such document, record, register, book, pamphlet, advertisement or other material object seized may be delivered under acknowledgement, or sent by registered post to the owner or manager of the Genetic Counselling Centre, Genetic Laboratory or Genetic Clinic, if no person acknowledging custody of the document, record, register, book, pamphlet, advertisement or other material object seized is available at the place of effecting the seizure. If any material object seized is perishable in nature, the Appropriate Authority, or the officer authorized in this behalf shall make arrangements promptly for sealing, identification and preservation of the material object and also convey it to a facility for analysis or test, if analysis or test be required. Refrigerator or other equipment used by the Genetic Counselling Centre, Genetic Laboratory or Genetic Clinic for preserving such perishable material object may be sealed until such time as arrangements can be made for safe removal of such perishable material object and in such eventuality, mention of keeping the material object seized, on the premises of the Genetic Counselling Centre, Genetic Laboratory or Genetic Clinic shall be made in the list of seizure. In the case of non-completion of search and seizure operation, the Appropriate Authority or the officer authorized in this behalf may make arrangement, by way of mounting a guard or sealing of the premises of the Genetic Counselling Centre, Genetic Laboratory or Genetic Clinic, for safe keeping, listing and removal of documents, records, book or any other material object to be seized, and to prevent any tampering with such documents, records, books or any other material object. Intimation of changes in employees, place or equipment. Every Genetic Counselling Centre, Genetic Laboratory or Genetic Clinic shall intimate every change of employee, place, address and equipment installed, to the Appropriate Authority within a period of thirty days of such change. Conditions for analysis or test and pre-natal diagnostic procedures. - Every pre-natal diagnostic procedure shall invariably be immediately preceded by locating the foetus and placenta through ultrasonography, and the pre-natal diagnostic procedure shall be done under direct ultrasonographic monitoring so as to prevent any damage to the foetus and placenta. No Genetic Laboratory shall accept for analysis or test any sample, unless referred to it by a Genetic Clinic. Meetings of the Advisory Committees- The intervening period between any two meetings of Advisory Committees constituted to advise the Appropriate Authority shall not exceed sixty days. Allowances to members of the Central Supervisory Board. - The ex-officio members, and other Central and State Government officers appointed to the Board will be entitled to Travelling Allowance and Daily Allowance for attending the meetings of the Board as per the Travelling Allowance rules 84 Children and Human Rights applicable to them. The non-official members appointed to, and Members of Parliament elected to the Board will be entitled to Travelling Allowance and Daily Allowance for attending the meetings of the Board as admissible to non-official and Members of Parliament as the case may be, under the Travelling Allowances rules of the Central Government. Public Information ? Every Genetic Counselling Centre, Genetic Laboratory and Genetic Clinic shall prominently display on its premises a notice in English and in the local language or languages for the information of the public, to effect that disclosure of the sex of the foetus is prohibited under law. ? At least one copy each of the Act and these rules shall be available on the premises of every Genetic Counselling Centre, Genetic Laboratory and Genetic Clinic, and shall be made available to the clientele on demand for perusal. ? The Appropriate Authority, the Central Government, the State Government, and the Government/Administration of the Union Territory may publish periodically lists of registered Genetic Counselling Centres, Genetic Laboratories and Genetic ? Clinics and findings from the reports and other information in their possession, for the information of the public and for use by the experts in the field. Pre-Natal Diagnostic Techniques (Regulation and Prevention



of Misuse) Amendment Rules, 2003 In exercise of the powers conferred by section 32  
of

**100%**

### **MATCHING BLOCK 236/527**

**SA** child issues thesis 2018.docx (D40611590)  
the Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994,  
the Central Government made the following amendments to

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### **MATCHING BLOCK 237/527**

**SA** child issues thesis 2018.docx (D40611590)  
the Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse)  
Rules, 1996. Rule 3 - The qualifications of the employees, the requirement of equipment for a Genetic  
Counseling Centre, Genetic Laboratory, Genetic Clinic, Ultrasound Clinic and Imaging Centre. • In the said  
rules, in rule 2, clause (d) was omitted. • In the said rules, for rule 3 the following rule was substituted,  
namely:- The qualifications of the employees, the requirement of equipment etc. for a Genetic Counseling  
Centre, Genetic Laboratory, Genetic Clinic, Ultrasound Clinic and Imaging Centre shall be as under: (1)  
Any person being or employing (i) a gynaecologist or a paediatrician having six months experience or four  
weeks training in genetic counseling or (ii) a medical geneticists, having adequate space and educational  
charts/models/equipments for carrying out genetic counselling may set up a genetic counselling center and  
get it registered as a genetic counselling center. (2) (a) Any person having adequate space and being or  
employing (i) a Medical Geneticist and (ii) a laboratory technician, having a B.Sc. degree in Biological  
Sciences or a degree or diploma in medical laboratory course with at least one year experience in conducting  
appropriate prenatal diagnostic techniques, tests or procedures may set up a genetic laboratory. (b) Such  
laboratory should have or acquire such of the following equipments as may be necessary for carrying out  
chromosomal studies, bio-chemical studies and molecular studies:- (i) Chromosomal Studies: 1) Laminar  
flow hood with ultraviolet and fluorescent light or other suitable culture hood 2) Photo-microscope with  
fluorescent source of light 3) Inverted microscope 4) Incubator and oven 5) Carbon dioxide incubator or  
closed system with 5% CO<sub>2</sub> atmosphere 6) Autoclave 85  
Children and Human Rights 7) Refrigerator 8) Water bath 9) Centrifuge 10)Vortex mixer 11) Magnetic  
stirrer 12)pH Meter 13)A sensitive balance (preferably electronic) with sensitivity of 0.1 milligram  
14)Double distillation apparatus (glass) Such other equipments as may be necessary (ii) Biochemical  
Studies: (requirements according to tests to be carried out) 1) Laminar flow hood with ultraviolet and  
fluorescent light or other suitable culture hood 2) Inverted microscope 3) Incubator and oven 4) Carbon  
dioxide incubator or closed system with 5% CO<sub>2</sub> atmosphere 5) Autoclave 6) Refrigerator 7) Water bath 8)  
Centrifuge. 9) Electrophoresis apparatus and power supply. 10) Chromatography chamber. 11) Spectro-  
photometer and Elisa reader or Radio-immunoassay system (with gamma beta-counter) or fluorometer for  
various biochemical tests. 12) Vortex mixer. 13) Magnetic stirrer. 14) pH meter. 15) A sensitive balance  
(preferably electronic) with sensitivity of 0.1 milligram. 16) Double distillation apparatus (glass). 17) Liquid  
nitrogen tank. 18) Such other equipments as may be necessary. (iii) Molecular studies: 1) Inverted  
microscope. 2) Incubator. 3) Oven. 4) Autoclave. 5) Refrigerators (4 degree and minus 20 degree  
Centigrade). 6) Water bath. 7) Microcentrifuge. 8) Electrophoresis apparatus and power supply. 9) Vertex



mixer. 10) Magnetic stirrer. 11) pH meter. 12) A sensitive balance (preferably electronic) with sensitivity of 0.1 milligram. 13) Double distillation apparatus (glass). 14) P.C.R. machine. 15) Refrigerated centrifuge. 16) U.V. Illuminator with photographic attachment or other documentation system. 17) Precision micropipettes. 18) Such other equipments as may be necessary. 86

Children and Human Rights (3) (1) Any person having adequate space and being or employing a) Gynaecologist having experience of performing at least 20 procedures in chorionic villi aspirations per vagina or per abdomen, chorionic villi biopsy, amniocentesis, cordocentesis foetoscopy, foetal skin or organ biopsy or foetal blood sampling etc. under supervision of an experienced gynaecologist in these fields, or b) a Sonologist, Imaging Specialist, Radiologist or Registered Medical Practitioner having Post Graduate degree or diploma or six months training or one year experience in sonography or image scanning, or. c) A medical geneticist. may set up a genetic clinic/ultrasound clinic/imaging centre. (2) The Genetic Clinic/ultrasound clinic/imaging centre should have or acquire such of the following equipments, as may be necessary for carrying out the tests or procedures: a) Equipment and accessories necessary for carrying out clinical examination by an obstetrician or gynaecologist. b) An ultra-sonography machine including mobile ultrasound machine, imaging machine or any other equipment capable of conducting foetal ultrasonography. c) Appropriate catheters and equipment for carrying out chorionic villi aspirations per vagina or per abdomen. d) Appropriate sterile needles for amniocentesis or cordocentesis. e) A suitable foetoscope with appropriate accessories for foetoscopy, foetal skin or organ biopsy or foetal blood sampling shall be optional. f) Equipment for dry and wet sterilization. g) Equipment for carrying out emergency procedures such as evacuation of uterus or resuscitation in case of need. h) Genetic Works Station. New rule 3A: Sale of ultrasound machines/imaging machines In the said rules, after rule 3 a new rule 3A shall be inserted as follows, namely:- 3A. Sale of ultrasound machines/imaging machines: 1) No organization including a commercial organization or a person, including manufacturer, importer, dealer or supplier of ultrasound machines/imaging machines or any other equipment, capable of detecting sex of foetus, shall sell distribute, supply, rent, allow or authorize the use of any such machine or equipment in any manner, whether on payment or otherwise, to any Genetic Counselling Centre, Genetic Laboratory, Genetic Clinic, Ultrasound Clinic, Imaging Centre or any other body or person unless such Centre, Laboratory, Clinic, body or person is registered under the Act. 2) The provider of such machine/equipment to any person/body registered under the Act shall send to the concerned State/UT Appropriate Authority and to the Central Government, once in three months a list of those to whom the machine/equipment has been provided. 3) Any organization or person, including manufacturer, importer, dealer or supplier of ultrasound machines/imaging machines or any other equipment capable of detecting sex of foetus selling, distributing, supplying or authorizing, in any manner, the use of any such machine or equipment to any Genetic Counselling Centre, Genetic Laboratory, Genetic Clinic, Ultrasound Clinic, Imaging Centre or any other body or person registered under the Act shall take an affidavit from the Genetic Counselling Centre, Genetic Laboratory, Genetic Clinic, Ultrasound Clinic, Imaging Centre or any other body or person purchasing or getting authorization for using such machine /equipment that the machine/equipment shall not be used for detection of sex of foetus or selection of sex before or after conception. Rule 4 - An application for registration shall be made to the Appropriate Authority, in duplicate, in Form A, duly accompanied by an Affidavit In the said rules, in rule 4 for sub-rule (1) the following sub-rule was substituted, namely:— (1) An application for registration shall be made to the Appropriate Authority, in duplicate, in Form A, duly accompanied by an Affidavit containing: 87 Children and Human Rights i. an undertaking to the effect that the Genetic Centre/Laboratory/ Clinic/ Ultrasound Clinic/ Imaging Centre/ Combination thereof, as the case may be, shall not conduct any test or procedure, by whatever name called, for selection of sex before or after conception or for detection of sex of foetus except for diseases specified in Section 4(2) nor shall the sex of foetus be disclosed to any body; and ii. an undertaking to the effect that the Genetic Centre/Laboratory/ Clinic/ Combination thereof, as the case may be, shall display prominently a notice that they do not conduct any technique, test or procedure etc. by whatever name called, for detection of sex of foetus or for selection of sex before or after conception. Rule 5 - Application Fee In the said rules, for rule 5, the following rule was substituted, namely:- Application Fee –



1) Every application for registration under Rule 4 shall be accompanied by an application fee of:- (a) Rs.3000.00 for Genetic Counselling Centre, Genetic Laboratory, Genetic Clinic, Ultrasound Clinic or Imaging Centre. (b) Rs.4000.00 for an institute, hospital, nursing home, or any place providing jointly the service of a Genetic Counselling Centre, Genetic Laboratory and Genetic Clinic, Ultrasound Clinic or Imaging Centre or any combination thereof. Provided that if an application for registration of any Genetic Clinic/ Laboratory/ Centre etc. has been rejected by the Appropriate Authority, no fee shall be required to be paid on re-submission of the application by the applicant for the same body within 90 days of rejection. Provided further that any subsequent application shall be accompanied with the prescribed fee. Application fee once paid will not be refunded. 2) The application fee shall be paid by a demand draft drawn in favour of the Appropriate Authority, on any scheduled bank payable at the headquarters of the Appropriate Authority concerned. The fees collected by the Appropriate Authorities for registration of Genetic Counselling Centre, Genetic Laboratory, Genetic Clinic, Ultrasound Clinic and Imaging Centre or any other body or person under sub-rule (1), shall be deposited by the Appropriate Authority concerned in a bank account opened in the name of the official designation of the Appropriate Authority concerned and shall be utilized by the Appropriate Authority in connection with the activities connected with implementation of the provisions of the Act and these rules.¶. Rule 9 – With Reference to Rule 1, 3, 4, 7 In the said rules, in rule 9, - (a) for sub-rule (1), the following sub-rule was substituted, namely:- “(1) Every Genetic Counselling Centre, Genetic Laboratory, Genetic Clinic, Ultrasound Clinic and Imaging Centres shall maintain a register showing, in serial order, the names and addresses of the men or women given genetic counselling, subjected to pre-natal diagnostic procedures or pre-natal diagnostic tests, the names of their spouse or father and the date on which they first reported for such counselling, procedure or test.”; (b) for sub-rule (3), the following sub-rule shall be substituted, namely:- “(3) The record to be maintained by every Genetic Laboratory, in respect of each man or woman subjected to any pre-natal diagnostic procedure/technique/test, shall be as specified in Form E.”; (c) for sub-rule (4), the following sub-rule shall be substituted, namely:- “(4) The record to be maintained by every Genetic Clinic, in respect of each man or woman subjected to any pre- natal diagnostic procedure/technique/test, shall be as specified in Form F.”; 88 Children and Human Rights (d) after sub-rule (7), the following sub-rule shall be inserted, namely:- “(8) Every Genetic Counseling Centre, Genetic Laboratory, Genetic Clinic, Ultrasound Clinic and Imaging Centres shall send a complete report in respect of all pre-conception or pregnancy related procedures/ techniques/tests conducted by them in respect of each month by 5th day of the following month to the concerned Appropriate Authority.” Rule 10 – With Reference to Rule 1 In the said rules, in rule 10, - (a) for sub-rule (1), the following sub-rule shall be substituted, namely:- “(1) Before conducting preimplantation genetic diagnosis, or any pre-natal diagnostic technique/test/procedure such as amniocentesis, chorionic villi biopsy, foetoscopy, foetal skin or organ biopsy or cordocentesis, a written consent, as specified in Form G, in a language the person undergoing such procedure understands, shall be obtained from her/him.”; (b) after sub-rule (1), the following new sub-rule (1A) shall be inserted, namely:- “(1A) Any person conducting ultrasonography/image scanning on a pregnant woman shall give a declaration on each report on ultrasonography/image scanning that he/she has neither detected nor disclosed the sex of foetus of the pregnant woman to anybody. The pregnant woman shall before undergoing ultrasonography/image scanning declare that she does not want to know the sex of her foetus.” Rule 11 - Facilities for inspection In the said rules, for rule 11, the following rule shall be substituted, namely:- Facilities for inspection- (1) Every Genetic Counselling Centre, Genetic Laboratory, Genetic Clinic, Ultrasound Clinic, Imaging Centre, nursing home, hospital, institute or any other place where any of the machines or equipments capable of performing any procedure, technique or test capable of pre-natal determination of sex or selection of sex before or after conception is used, shall afford all reasonable facilities for inspection of the place, equipment and records to the Appropriate Authority or to any other person authorised by the Appropriate Authority in this behalf for registration of such institutions, by whatever name called, under the Act, or for detection of misuse of such facilities or advertisement therefore or for selection of sex before or after conception or for detection/disclosure of sex of foetus or for detection of cases of violation of the provisions of the Act in any



other manner. (2) The Appropriate Authority or the officer authorized by it may seal and seize any ultrasound machine, scanner or any other equipment, capable of detecting sex of foetus, used by any organisation if the organisation has not got itself registered under the Act. These machines of the organisations may be released if such organisation pays penalty equal to five times of the registration fee to the Appropriate Authority concerned and gives an undertaking that it shall not undertake detection of sex of foetus or selection of sex before or after conception.” ? Rule 12 - Procedure for search and seizure In the said rules, in rule 12 for sub-rule (1), the following sub-rule shall be substituted, namely:- “12. Procedure for search and seizure. - (1) The Appropriate Authority or any officer authorised in this behalf may enter and search at all reasonable times any Genetic Counselling Centre, Genetic Laboratory, Genetic Clinic, Imaging Centre or Ultrasound Clinic in the presence of two or more independent witnesses for the purposes of search and examination of any record, register, document, book, pamphlet, advertisement, or any other material object found therein and seal and 89

Children and Human Rights seize the same if there is reason to believe that it may furnish evidence of commission of an offence punishable under the Act. Explanation:- In these Rules : 1. 'Genetic Laboratory/Genetic Clinic/ Genetic Counselling Centre' would include an ultrasound centre/imaging centre/nursing home/hospital/institute or any other place, by whatever name called, where any of the machines or equipments capable of selection of sex before or after conception or performing any procedure, technique or test for pre-natal detection of sex of foetus, is used; 2. 'material object' would include records, machines and equipments; and 3. 'seize' and 'seizure' would include 'seal' and 'sealing' “respectively.” Code of Conduct In the said rules, after rule 17, the following rules shall be inserted, namely:- Code of Conduct to be observed by persons working at Genetic Counseling Centres, Genetic Laboratories, Genetic Clinics, Ultrasound Clinics. Imaging Centres etc. All persons including the owner, employee or any other persons associated with Genetic Counseling Centres, Genetic Laboratories, Genetic Clinics, Ultrasound Clinics, Imaging Centres registered under the Act/these Rules shall: (i)not conduct or associate with, or help in carrying out detection or disclosure of sex of foetus in any manner; (ii) not employ or cause to be employed any person not possessing qualifications necessary for carrying out pre- natal diagnostic techniques/ procedures, techniques and tests including ultrasonography; (iii) not conduct or cause to be conducted or aid in conducting by himself or through any other person any techniques or procedure for selection of sex before or after conception or for detection of sex of foetus except for the purposes specified in sub-section (2) of section 4 of the Act; (iv) not conduct or cause to be conducted or aid in conducting by himself or through any other person any techniques or test or procedure under the Act at a place other than a place registered under the Act/these Rules; (v) ensure that no provision of the Act and these Rules are violated in any manner; (vi) ensure that the person, conducting any techniques, test or procedure leading to detection of sex of foetus for purposes not covered under section 4(2) of the Act or selection of sex before or after conception, is informed that such procedures lead to violation of the Act and these Rules which are punishable offences; (vii) help the law enforcing agencies in bring to book the violators of the provisions of the Act and these Rules; (viii)display his/her name and designation prominently on the dress worn by him/her; (ix) write his/her name and designation in full under his/her signature; (x) on no account conduct or allow/cause to be conducted female foeticide; (xi) not commit any other act of professional misconduct.

Appeals: 1) Anybody aggrieved by the decision of the Appropriate Authority at sub-district level may appeal to the Appropriate Authority at district level within 30 days of the order of the sub-district level Appropriate Authority. 2) Anybody aggrieved by the decision of the Appropriate Authority at district level may appeal to the Appropriate Authority at State/UT level within 30 days of the order of the District level Appropriate Authority. 3) Each appeal shall be disposed of by the District Appropriate Authority or by the State/Union Territory Appropriate Authority, as the case may be, within 60 days of its receipt. 4) If an appeal is not made within the time as prescribed under sub-rule (1), (2) or (3), the Appropriate Authority under that sub-rule may condone the delay in case he/she is satisfied that appellant was prevented for sufficient cause from making such appeal”.

The Orphanages and Other Charitable Homes (Supervision and Control) Act, 1960 Act





No. 10 of 1960 [9th April, 1960.] 90

Children and Human Rights An Act to provide for the supervision and control of orphanages, homes for neglected women or children and other like institutions and for matters connected therewith. BE

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### **MATCHING BLOCK 238/527**

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it enacted by Parliament in the Eleventh Year of the Republic of India as follows: Chapter I : Preliminary 1. Short title, extent and commencement: 1) This Act may be called the Orphanages and other Charitable Homes (Supervision and Control) Act, 1960. 2)

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It extends to the whole of India except the State of Jammu and Kashmir. 3) It

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### **MATCHING BLOCK 239/527**

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to the whole of India except the State of Jammu and Kashmir. 3) It shall come into force in a State

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### **MATCHING BLOCK 241/527**

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on such date as the State Government may, by notification in the Official Gazette,

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### **MATCHING BLOCK 242/527**

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such date as the State Government may, by notification in the Official Gazette, appoint. 2. Definitions: In this Act, unless the context otherwise requires, (a) "Board" means the Board of Control established under section



5; (b) “certificate” means the certificate of recognition granted under section 15; (c) “child” means a boy or girl who has not completed the age of eighteen years; (d) “home” means an institution, whether called an orphanage, a home for neglected women or children, a widows’ home, or by any other name, maintained or intended to be maintained for the reception, care, protection and welfare of women or children; (e) “manager” means a member of the managing committee appointed as such by the committee under section 20; (f) “managing committee” means the committee of management referred to in section 20; (g) “recognised home” means a home in respect of which a certificate has been granted; (h) “prescribed” means prescribed by rules made under this Act (i) “woman” means a female who has completed the age of eighteen years. 3. Act not to apply to certain institutions—Nothing in this Act shall apply to: (a) any hostel or boarding house attached to, or controlled or recognised by, an educational institution; or (b) any protective home established under

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### **MATCHING BLOCK 243/527**

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the Suppression of Immoral Traffic in Women and Girls Act, 1956 (104 of 1956); or (c) any reformatory, certified or other school, or any home or workhouse governed by any enactment for the time being in force. 4. Effect of Act on instruments governing recognised homes—The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any instrument governing a recognised home. CHAPTER – II THE BOARD OF CONTROL AND ITS POWERS AND FUNCTIONS 5. Board of Control, its constitution, etc.— 1)

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The State Government may, by notification in the Official Gazette, establish a Board of Control for the supervision and control of homes in the State. 2) The Board shall consist of the following members, namely:— 91 Children and Human Rights (a) three members of the State Legislature to be elected by the members thereof; provided that where the State Legislature consist of two Houses, two members shall be elected by the members of the Legislative Assembly from among themselves and one member shall be elected by the members of the Legislative Council from among themselves; (b) five members of the managing committees in the State, to be elected by such committees from among themselves, each such committee having one vote only for this purpose; (c) the officer in charge of social welfare work in the State, to be nominated by the State Government; (d) six members to be nominated by the State Government, of whom not more than one shall be a member of Parliament from the State and not less than three shall be women. 3) If for any reason the officer referred to in clause (c) of sub-section (2) is unable to attend any meeting of the Board, he may depute any officer subordinate to him to attend such meeting. 4) The Chairman of the Board shall be elected by the members of the Board from among themselves: Provided that at the time of the first constitution of the Board, one of the members of the Board shall be nominated by the State Government to be its Chairman. 6. Term of office and casual vacancies— (1) Save as otherwise provided in this section, the term of office of a member of the Board shall be five years from the date of his election or nomination or until his successor has been duly elected or nominated, whichever is longer: Provided that the term of office



of a member elected under clause (a) or clause (b) of sub-section (2) of section 5, or of a member of Parliament nominated under clause (d) of sub-section (2) of section 5, shall come to an end as soon as he ceases to be a member of the House of the State Legislature which elected him, the managing committee or Parliament, as the case may be. (2) A member may at any time resign his office by giving notice in writing to the State Government and on such resignation being notified in the Official Gazette by that Government, the seat of such member shall become vacant. (3) A casual vacancy in the Board shall be filled by fresh election or nomination, as the case may be; and the term of office of a member elected or nominated to fill such vacancy shall be the remainder of the term of the member in whose place he is elected or nominated. (4) Members of the Board shall be eligible for re-election or re-nomination. (5) No act done or proceeding taken by the Board shall be questioned on the ground merely

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## **MATCHING BLOCK 245/527**

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of the existence of any vacancy in, or defect in the constitution of, the Board. 7. Functions of the Board.: (1) It shall be the duty of the Board to supervise and control generally all matters relating to the management of homes in accordance with the provisions of this Act; and exercise such other powers and perform such other functions as may be prescribed by or under this Act. (2) In the performance of its functions under this Act, the Board shall be bound by such directions as the State Government may give to it. 8. Power of the Board to give directions to manager of a recognised home.: Subject to the directions, if any, given under sub-section (2) of section 7, the Board may, from time to time, give such general or special directions to the manager of a recognised home as it thinks fit for the efficient management of the home and the manager shall comply with such directions. 92 Children and Human Rights 9. Power of inspection: Any member of the Board, or any officer of the Board authorised in writing by it in this behalf, by general or special order, may enter at all reasonable times any home for the purpose of ascertaining whether the provisions of this Act or of any rules, regulations, directions or orders thereunder are being complied with and may require the production, for his inspection, of any document, book, register or record kept therein and ask for any information relating to the working of the home: Provided that no such member or officer shall enter any home or part thereof where there are females, except in the presence of two respectable women of the locality. 10. Funds of the Board.: The funds of the Board shall consist of: (a) contributions, subscriptions, donations or bequests made to it by any person; and (b) grants made to it by the State Government or any local or other public body. 11. Staff of the Board. : Subject to such rules as may be made by the State Government in this behalf, the Board may, for the purpose of enabling it to perform efficiently its functions or exercise its powers under this Act, appoint such officers or other employees as it may think fit and determine their functions and conditions of service. 12. Delegation of powers.: Subject to the control of the State Government, the Board may, by general or special order in writing and subject to such conditions and limitations, if any, as may be specified therein, delegate to the Chairman or any other member or any officer thereof such of its powers and functions under this Act, as it may deem necessary, for the efficient carrying on of its administration. CHAPTER III: RECOGNITION OF HOMES 13. Homes not to be run without certificate.: After the commencement of this Act, no person shall maintain or conduct any home except under, and in accordance with, the conditions of a certificate of recognition granted under this Act. 14. Application for certificate.: Every person desiring to maintain or conduct a home shall make an application for a certificate of recognition to the Board in such form and containing such particulars as may be prescribed: Provided that a person maintaining or conducting a home at the commencement of this Act shall be allowed a period of three months from such commencement to make an application for such certificate. 15. Grant or refusal of certificate.: (1) On receipt of an application



under section 14, the Board after making such inquiry as it considers necessary, may, by order in writing, either grant a certificate or refuse to grant it. (2) No order refusing to grant a certificate shall be made until an opportunity is given to the applicant to be heard in the matter and where a certificate is refused, the grounds for such refusal shall be communicated to the applicant in the prescribed manner. (3) No fee shall be charged for the grant of a certificate. (4) A certificate shall not be transferable. 16. Contents of certificate.: (1) The certificate shall specify: (a) the name and location of the recognised home; (b) the name of the manager thereof; (c) the nature of the home, whether for women generally or for widows or for children generally or for orphans or for one or more of these classes; 93 Children and Human Rights (d) the number of inmates to be taken by the home; (e) the minimum standards regarding boarding, lodging, clothing, sanitation, health and hygiene which, having regard to the conditions of the locality in which the recognised home is situated and its resources, should be complied with in the home; (f) the standard of education or training to be provided for the inmates of the home, in case the education or training of its inmates is undertaken; and (g) such other conditions and particulars as may be prescribed: Provided that there shall be deemed to be included in the certificate granted in respect of a home for females a condition to the effect that the person incharge thereof, whether called superintendent or by any other name, shall ordinarily be a woman. (2) The Board shall not, ordinarily, permit any recognised home to admit as inmates, persons of different sexes, but may do so for reasons to be recorded and subject to such conditions and limitations as may appear to it to be in the public interest. (3) Without the previous written consent of the Board, no recognised home shall: (a) change its name or location as specified in the certificate in respect of it; or (b) alter the purpose of any service specified therein. 17. Revocation of certificate.: (1) The Board may, without prejudice to any other penalty to which a person to whom a certificate has been granted may be liable under this Act, revoke the certificate: (a) if it is satisfied that the home is not being conducted in accordance with the conditions laid down in the certificate; or (b) the management of the home is being persistently carried on in an unsatisfactory manner or is being carried on in a manner highly prejudicial to the moral and physical well-being of the inmates; or (c) the home has, in the opinion of the Board, otherwise rendered itself unsuitable for that purpose: Provided that no order of revocation shall be made under this sub-section until an opportunity is given to the person to show cause why the certificate should not be revoked; and in every case of revocation, the grounds therefor shall be communicated to the person in the prescribed manner. (2) Where a certificate in respect of a home is revoked under sub-section (1), such home shall cease to function: (a) where an appeal has not been preferred under section 18 against the order of revocation, immediately on the expiration of the period prescribed for such appeal; (b) where such appeal has been preferred, but the order of revocation is upheld, from the date of the appellate order. (3) On any home ceasing to function under sub-section (2), the Board may direct that any woman or child who is an inmate of such home shall be: (a) restored to the custody of her or his parent, husband or lawful guardian, as the case may be, or (b) transferred to another recognised home, or (c) entrusted to the care of any other fit person: Provided that no woman shall be entrusted to the care of any person other than a woman. 18. Appeals.: Any person aggrieved by an order of the Board refusing to grant a certificate or revoking a certificate may, in such manner and within such period as may be prescribed, prefer an appeal to the State Government or to such authority as may be specified by it against such refusal or revocation: 94

Children and Human Rights Provided that the State Government or the authority so specified, as the case may be, may admit an appeal after the expiry of the period so prescribed, if it is satisfied that the applicant was prevented by sufficient cause from preferring the appeal in time. 19. Surrender of certificate and its effect.: (1) The manager of a home, if specially authorised in this behalf by resolution of the managing committee, may, on giving six months' notice in writing to the Board of his intention so to do, apply for the withdrawal of the certificate granted in respect of that home and on the expiration of the said period from the date of notice, the certificate shall, unless before that time the notice is withdrawn, cease to have effect; and the home shall cease to function. (2) No woman or child shall be received into any such home after the date of such notice; but nothing in this section shall be construed to affect the obligation of the manager to



comply with all the requirements of this Act and the rules, regulations, directions and orders thereunder until the certificate ceases to take effect under sub-section (1). CHAPTER IV: MANAGEMENT OF RECOGNISED HOMES 20. Managing committee.: (1) There shall be a managing committee in charge of the management of every recognised home and the members of the managing committee shall appoint a member thereof to be the manager of such home for the purposes of this Act. (2) The constitution, powers and functions of the managing committee and the term of office of the members thereof shall be such as may be provided in the constitution pertaining to such home. 21. Duty of manager.: It shall be the duty of the manager to comply with all the requirements of this Act and the rules, regulations, directions and orders thereunder in respect of every woman or child admitted into the recognised home until the woman is rehabilitated or the child completes the age of eighteen years or until the certificate ceases to have effect. 22. Discharge of inmates of home.: (1) Subject to the regulations, if any, made by the Board, if the managing committee of a home is satisfied that an inmate of the home has become fit to earn his or her livelihood or is otherwise fit to be discharged from the home, the manager may discharge such inmate. (2) Notwithstanding anything contained in sub-section (1), no female inmate of a home shall be discharged or given in marriage or entrusted to the care of any other person unless such female has made a declaration before the Board or an officer specified by it in this behalf that she consents to such discharge, marriage or entrustment, as the case may be, and, if the inmate to be given in marriage is a minor, unless the Board or officer, as the case may be, has, after recording the reasons in writing, given its or his approval thereto. 23. Reports regarding deaths of inmates—The manager shall, immediately after the occurrence of any death among the inmates of the home, send a written report thereof to the Board explaining the cause of death to the best of his knowledge. CHAPTER V: MISCELLANEOUS 24. Penalties.—Any person who fails to comply with any of the provisions of this Act or of any rule, regulation, direction or order thereunder or any of the conditions of a certificate shall be punishable in the case of a first offence with imprisonment which may extend to three months or

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with fine which may extend to two hundred and fifty rupees or with both, and in the case of a second or subsequent offence, with imprisonment which may extend to six months or with fine which may extend to

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with imprisonment which may extend to six months or with fine which may extend to one thousand rupees or with both. 25.

Sanction for prosecutions.: No prosecution under this Act shall be instituted except with the previous sanction of the District Magistrate or the Chief Presidency Magistrate, as the case may be. 95

Children and Human Rights 26. Persons performing functions under Act to be public servants.: The members of the Board and every person empowered by the Board to exercise any of its powers under this Act

shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (45 of 1860). 27. Protection of acts done in good faith.:



No suit, prosecution or other legal proceeding shall lie against any person who performs any function under this Act for anything done or intended to be done in good faith under this Act or any rule, regulation direction or order thereunder. 28. Power of State Government to exempt homes.: (1) If, after consultation with the Board, the State Government is satisfied that the circumstances in relation to any class of homes or any home are such that it is necessary or expedient so to do, it may, by notification in the Official Gazette, and for reasons to be specified therein, exempt, subject to such conditions, restrictions or limitations, if any, as it may think fit to impose, such class of homes or home, as the case may be, from the operation of all or any of the provisions of this Act or of any rule or regulation made thereunder. (2) Every notification issued under this section granting an exemption shall be reviewed in consultation with the Board at intervals not exceeding two years, but nothing herein contained shall affect the power of the State Government to amend, vary or rescind any such notification at any time in consultation with the Board. 29. Power of State Government to make rules— (1)

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The State Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act. (2)

In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely: (

a) all matters relating to, or in connection with, elections, to the Board under clause (b) of sub-section (2) of section 5 and the election of the Chairman; (b) the disqualifications for membership of the Board and the procedure to be followed in removing a member who is or becomes subject to any disqualification; (c) the funds of the Board; (d) the travelling and other allowances to be drawn by members of the Board; (e) the appointment of staff for enabling the Board to perform its functions efficiently under this Act and their recruitment and conditions of service; (f) the calling of returns and other information by the State Government from the Board and the managing committees; (g) the form in which an application for certificate of recognition may be made, the particulars to be contained in such application and the form in which, and the conditions subject to which, such certificate may be granted; (h) the maintenance of registers and accounts by the Board and the audit of its accounts; (i) any other matter which is to be, or may be, prescribed. (3) All rules made under this Act shall, as soon as may be after they are made, be laid before the State Legislature. 30. Power of the Board to make regulations— (1) The Board may, with the previous approval of the State Government, by notification in the Official Gazette, make regulations not inconsistent with this Act and the rules made thereunder, for enabling it to perform its functions under this Act. (2)

In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely: (

a) the time and place of the meetings of the Board, the procedure to be followed in regard to the transaction of business at such meetings and the quorum necessary for the transaction of business at such meetings; 96 Children and Human Rights (b) the maintenance of the minutes of meetings of the Board and the transmission of copies thereof to the State Government; (c) the appointment of sub-committees and local committees and of persons by the Board for the purpose of assisting it in performing its functions under this Act; (d) the supervision and control of the management of recognised homes; (e) the inspection of homes; (f) the calling of returns and other information by the Board from managing committees; (g) the reception, care, treatment, maintenance, protection, training, welfare, instruction, control and discipline of inmates in recognised homes; (h) visits to, and communication with, inmates of recognised homes and the grant of permission to such inmates to absent themselves for short periods; (i) the discharge of inmates from



recognised homes, their transfer from one recognised home to another and the reports to be sent by managers to the Board; (j) any other matter in respect of which provision is, in the opinion of the Board, necessary for the efficient supervision and control of homes. (3)

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The State Government may, by notification in the Official Gazette, amend, vary or rescind any regulation which it has approved; and thereupon the regulation shall have effect accordingly, but without prejudice to the exercise of the powers of the Board under sub-section (1). 31.

Repeals and savings.: (1) As from the date of the coming into force in any State of this

Act, the Women's and Children's Institutions (Licensing) Act, 1956 (105

of 1956), or any other Act corresponding to this Act in force in that State immediately before such

commencement, shall stand repealed. (2) Notwithstanding such repeal, anything done or any action taken (including any direction given, any register or rule or order made or any restriction imposed) under the said Act shall, in so far as such thing or action is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the provisions aforesaid, as if they were in force when such thing was done or such action was taken, and shall continue in force accordingly until superseded by anything done or any action taken under this Act. Comparative Analysis of the Major Provisions of Children Acts, The Children Act,

The Juvenile Justice Act (All Repealed)

and

The Juvenile Justice (Care And Protection Of Children) Act

as Amended by Act

It is seen that the Apprentices Act, 1850 was passed for better enabling children, and specially orphans and poor children brought up by public charity, to learn trades, crafts and employment by which when come to full age, they may be able to gain a livelihood. The Act also attempted to keep the child out of prison.

Therefore, the ultimate object of the Act was to keep the children committing petty offences out of the prison and rehabilitate them. The competent authority used to be a magistrate. As the name suggests the Reformatory Schools Act 1897 established schools to prevent the children from being lodged in the jail. The authority under the act was a magistrate. The various Children Courts provided provisions for protection, treatment and rehabilitation of children and youthful offenders. The object of the Act was to rehabilitate the children in need of care and protection. It made provisions for establishment of juvenile courts. It prohibited legal practitioners before the juvenile court. However, children committing serious offences could be sent to jail at the order of the government. It also contained provisions for probation officers. Offences against children were made cognizable. The Act also contained the provisions for bail. The Children Act 1960 was also passed for treatment, training, care and rehabilitation of juvenile delinquent and neglected juveniles.

Under Section 2(e) it defines a child as a boy or girl who has not attained the age of 16 or 18 respectively.

Section 2(j) defines a delinquent child as a child who has been found to have committed an offence. Juvenile Justice Act 1986 was replica of the Children Act 1960 97

Children and Human Rights

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The Juvenile Justice Act 1986 was also passed to provide for the care, protection, treatment, development and rehabilitation of neglected or delinquent juvenile. It will not be wrong to say that the Juvenile Justice Act 1986 was a replica of the Children Act 1960 except with few changes in the terminology, for example, the term neglected juvenile was substituted for the term neglected child, the term juvenile welfare board was substituted for child welfare committee, the special homes was substituted for special schools and the term juvenile homes in place of children homes. Rest all the provisions of the Act 1986 in its theme and substances were same as in 1960. Not even that, the provisions of the Act 1986 were same section-wise also. Juvenile Justice (Care and Protection of Children) Act 2000 as amended in 2006, in theme and substance, is similar to Juvenile Justice Act 1986 The preamble to the Juvenile Justice (Care and Protection of Children) Act 2000 as amended in 2006 clearly reveals the fact that it was passed to provide a new law relating to juvenile in conflict with law and children in need of care and protection. The Act professes to provide special provisions for proper care, protection and treatment by catering to the developmental needs of children in need of care and protection. Thus, the preamble itself speaks of justice to juveniles and care, protection and treatment by catering to developmental needs of the children in need of care and protection. It will not be out of place to mention here that all the provisions of the enactment are in the direction of justice to juvenile and care, protection and treatment to children in need of care and protection, though separately under different sections, chapters and by different methods. On overall reading of the Act 2000, it appears that it differs from the Act 1986 only to the extent that it has abstractly incorporated some

**87%**

### **MATCHING BLOCK 250/527**

**W**

of the provisions of the Convention on the Rights of the Child.

**100%**

### **MATCHING BLOCK 252/527**

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the provisions of the Convention on the Rights of the Child.

Before the

Amendment 2006, preamble to the

Act contained that the rehabilitative process was to be carried out through the institutional set-up but after amendment, the same was deleted which shows that the institutional method of providing treatment, care and protection should be adopted by the state as a last resort. It should be noted here that, diversionary programmes or after-care services are not in existence in the Indian Juvenile Justice system as on date. As to



the infrastructure and the condition of care and protection services existing in India need no mention. Further changes in the Act 2000 can be gauged in terms of providing provisions for enhanced machinery to implement the Act and in terms of change in the terminology retaining the theme and substance of the earlier Act. The Act 2000 shows that there is no court, there is board; there is no juvenile offender or delinquent juvenile, there is juvenile in conflict with law; there is no neglected juvenile, there is children in need of care and protection; there is no arrest, there is custody; there is no remand, there is bail; there is no trial, there is adjudication; there is no police investigation, there is social investigation; there is no police, there is child welfare officer; there is no decision or judgment, there is disposition; there is no punishment, there is care and protection; there is no jail, there is home etc. The major provisions of Juvenile Justice (Care and Protection of Children) Act, 2000 as amended in 2006 are Juvenile Justice Board, Observation homes, Special homes, Child Welfare Committee, children homes, shelter homes, adoption, foster care, sponsorship, after-care organisation, linkage and coordination, Inspection Committee, social auditing, restoration, special offences against the juveniles. Enhanced machineries like Advisory Boards provided in section 62, child protection units provided in section 62A, special juvenile police units provided in section 63 and social auditing provided in section 36 have been provided in the new Act. The new chapter-4 had provided for rehabilitation and social reintegration particularly of children in need of care and protection by adoption, foster care, sponsorship programmes, linkage coordination provided in sections 41- 45 respectively. The Amendment Act 2006 has introduced some procedural changes like the date of determination of status of juvenility, registration of juvenile justice institutions etc. Rest all the provisions of the Act 2000 are similar to the Act 1986.

The Juvenile Justice Act, 1986 was enacted to provide for the care, protection, treatment, development and rehabilitation of neglected or delinquent juveniles and for the adjudication of such matters relating to disposition of delinquent juveniles.

The preexisting law was found inadequate to tie over social knowledge, instrument, delinquency or improvement of the child. The Act sought to achieve a uniform legal framework for juvenile justice in the country as a whole so as to ensure that no child, in any circumstance, is lodged in jail and police lock-up. The object of the Act, therefore, is to provide specialized approach towards the delinquent or neglected juvenile to prevent recurrence

of juvenile delinquency in its full range, keeping in view the developmental needs of the child found in the situation of social maladjustment. That aim is secured by establishing observation homes, juvenile houses, juvenile homes or neglected juvenile and special homes for delinquent or neglected juveniles. 98 Children and Human Rights

Juvenile Justice (Care and Protection of Children) Act, 2000 was passed to provide care and protection to children by catering to a child's development needs, adopting a child-friendly atmosphere and approach for adjudication of cases relating to juvenile and children, keeping the child's best interest in the mind and keeping rehabilitation of the child as a goal. The Act, 2000 applies to two categories of children known as juvenile

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in conflict with law and children in need of care and protection.



Juvenile or child has been defined as a person who is below the age of eighteen years.

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Juvenile in conflict with law is a child who is alleged to have committed an offence and has not completed eighteen years of age as on date of commission of such offence.

The definition of child in need of care and protection as provided in Section 2(d) is an inclusive definition which includes ten categories of children in it, for example, a child who is found without any home or settled place or abode and without any ostensible means of subsistence; a begging child; a street child; a working child; child living with a dangerous person in whose hand the child will be killed, abused or neglected; mentally or physically challenged child; child suffering from terminal or incurable disease having no one to support; child in the custody of unfit parents or guardian; the child whose parent is incapacitated to exercise control over him; a child without parent; an abandoned child; surrendered child; missing and runaway child; a child who is likely to be

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grossly abused, tortured or exploited for the purpose of sexual abuse or illegal acts; a vulnerable child likely to become the victim of drug abuse or trafficking; a child who is likely to be abused for unconscionable gains; and lastly, a child who is a victim of armed conflict, civil commotion or natural calamity.

Juvenile in conflict with law is to be handled by the state government and Juvenile Justice Board. The child in need of care and protection is to be looked after by state government and Child Welfare Committee. The primarily responsibility of implementing the act lies with the state government. The Act was amended

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in the year 2006 by Juvenile Justice (Care and Protection of Children) Amendment Act, 2006 [33 of 2006]. The Amendment Act has provided for greater intervention of non-governmental organisations and local authorities; special emphasis on social rehabilitation and social reintegration of the children; simplified procedure for adoption of children; registration of all child care institutions within six months of the amendment coming into force; setting up special juvenile police unit; setting up of juvenile welfare board and child welfare committee in every district; and recognizing all offences against a juvenile as cognizable



offence. For the offence of cruelty, it provides punishment up to six month of imprisonment or fine or both; for the offence of employment for begging, it provides sentence of imprisonment which may extend up to three years and also fine; for the offence of giving psychopathic substance, it provides punishment of imprisonment up to three years and fine. The Act has afforded protection to juvenile in conflict with law in the following manners: Handling by special juvenile police unit; no handcuffing of juvenile in conflict with law; police not to be in uniform while dealing with the children; abolition of death penalty and imprisonment; cannot be kept in jail or lockup; informal, participatory and private proceedings; deletion of records of juveniles after seven years; involvement of parents in juvenile processes; right to free legal aid; no joint trial with an adult; and no release of information about juvenile to media. In view of the above, there can never be a complete substitute to institutional method of providing care and protection for ultimate rehabilitation. Therefore, need of juvenile justice system institutions cannot be overemphasized. The features of Juvenile Justice Act, 1986 have been carried forward

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### **MATCHING BLOCK 257/527**

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in the Juvenile Justice (Care and Protection of Children) Act, 2000  
as amended in 2006 with some additional alternatives. The most important feature of this Act is that it makes institutional method of treatment as a last resort. It is seen from the above analysis that Children Act, 1960 contains total 53 sections, the Juvenile Justice Act, 1986 contained total 63 sections and Juvenile Justice (Care and Protection of Children) Act, 2000 as amended in 2006 contain total 70 sections. The Act, 1986 was almost replica to the Children Act, 1960 and the Act, 2000 retained the major features of the Act, 1986 with some important changes effected by amendment in 2006. However, except the changes in terminology and introducing some certainty in the procedure particulary

**76%**

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the status of juvenility, the Juvenile Justice (Care and Protection of Children) Act, 2000 more or less retain the feature of earlier legislation. Like the Juvenile Justice (Care and Protection of Children) Act, 2000, all the legislations in India were enacted with one sole apparent object and that is care and protection of both the categories of children, that is delinquent and non-delinquent. 99  
Children and Human Rights Some Comments on Welfare Legislations In the preamble, the words maintenance, welfare, training and education are substituted by the words 'treatment and development' signifying only a symbolic semantic change. Similarly, the word child has been replaced by the term juvenile. The word trial has been dropped in favour of the more benevolent and appropriate expression “ adjudication of certain matters relating to and disposition of. Before passing of the Juvenile Justice Act, 1986, the laws applicable to children were not uniform and did not uniformly prohibit the imprisonment of juveniles in jails. Some of the Children Acts permitted imprisonment of juvenile delinquents in exceptional circumstances. In areas where the Children Act had not been enforced, the delinquent juveniles were dealt

with by the ordinary criminal courts applying the general criminal law and were sent to imprisonment in the ordinary course along with adult offenders The Juvenile Justice Act, 1986 is virtually a verbatim reproduction of the Children Act, 1960 introducing only a few minor and non-vital changes here and there. Some new definitions have been provided in Section 2, that is fit person, fit institution and place of safety. The definition of neglected child has been expanded to include a juvenile

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who is being or is likely to be abused or exploited for illegal or immoral purposes or unconscionable gain.

Section 10 providing for special homes (formerly schools) has been given an additional clause enabling the state governments to make rules for the classification and separation of the delinquents on the basis of age and nature of offences committed by them. Act of 2000 provides for the creation of welfare and rehabilitation funds for juveniles, establishment of advisory boards and appointment of visitors to the juvenile institutions. The machinery for implementing the Act were, observation homes for temporary reception of juveniles during the pendency of any inquiry regarding them (section 11), juvenile homes for neglected juveniles to provide accommodation, maintenance, facilities for education, vocational training and rehabilitation (section 9), special homes for delinquent juveniles to provide accommodation, maintenance, facilities for education, vocational training and rehabilitation (section 10) and after-care organisation for the purpose of taking care of juveniles after they leave juvenile homes or special homes and for the purpose of enabling them to lead an honest, industrious and useful life (section 12). There are several Central and state government schemes and the non-governmental organisation interventions in the administration and implementation of the

Juvenile Justice Act 1986. The interventions are in the areas of preventive, institutional, non-institutional, as well as rehabilitative work. Observation homes, juvenile homes, special homes, and aftercare homes are run by the government as well as by the non-governmental organisations. The distinctive characteristics of juvenile courts under Juvenile Justice Act 1986 have been separate hearings for children's cases, informal hearing, private hearing, curtailed right to counsel, protection against legal consequences and stigma, appeals from the juvenile court's order, non-penal sanction. The features of the Juvenile Justice Boards under the Act, 2000 are separate hearings for children's cases, informal hearing, private hearing, curtailed right to counsel, protection against legal consequences and stigma, appeals from the juvenile court's order, non-penal sanction etc. It is said that the political freedom is incomplete without freedom from social and economic bondage. Want, disease, ignorance, squalor, and idleness are five giant enemies of human race. Social policy of a nation is concerned with a program to combat with them. In its content and philosophy, it tends to be an amalgam of principles of social justice, of ethical approach, of ameliorative measures to uplift the underprivileged, however, it has been found that the same has been enemical to the well-being of the society as a whole. However strong may be one's sentiment towards children, the analysis of juvenile delinquency by sociologists, social workers or lawyers should be clear-sighted and unsentimental. For an understanding of delinquency or an effective method of dealing with it through social action, critical detachment will serve better than the maudlin involvement that is so easy a substance for thinking where children are concerned. Poverty is the root cause of child neglect and the degree to which the state can improve the lot of neglected children by legislation is debatable. The legislators pass the law and leave the headache of implementing the several bits and pieces of it to bureaucracies, which mess up the whole process. Social Justice cannot be through force but only by non-violence and mutual cooperation. The Supreme Court, in a very recent judgment in Nandini Sundar & Ors.

v. State of Chattisgarh suggesting that the solution to the problem of poverty and destitution lies elsewhere, made the following observations. 100

Children and Human Rights The benefits of this paradigm have been disproportionately cornered by the dominant sections at the expense of the poor, who have borne most of the costs. Development which is insensitive to the needs of these communities has inevitably caused displacement and reduced them to a sub-human existence. The root cause of the problem and hence its solution, lies elsewhere. The culture of unrestrained selfishness and greed spawned by modern neo-liberal economic ideology, and the false promises of ever increasing spirals of consumption leading to economic growth that will lift everyone, under-gird this socially, politically and economically unsustainable set of circumstances in vast tracts of India. The child receives the worst of both worlds, that he gets neither protection accorded to adults nor the solicitous care and regenerative treatment postulated for children. The nations have sought to control youth, and have justified their actions in the name of concern for their eventual welfare. Neither research nor the present debate shows that there is an unequivocal effect upon youths as a result of their encounters with the juvenile justice system. In many respects, it is an unfair and paternalistic system that seeks to control aspects of children behaviour which are not clearly evil (*mala in se*). The statutes provide children with either substantive or procedural rights or combination of both. The law provides State protection of abused and neglected children, their representation by guardian ad litem and periodic judicial review of their placements in the institutions. Procedural protections have often failed to improve substantive outcomes. The statutes that sought to improve services have never been self-executive and can be targets of recession and elimination. The failure also highlights the confused and fragmented nature of approaches to legal issues affecting children. Poverty is the lot of the majority and, though there are millions of poor people who are law-abiding citizens, there is no doubt that poverty is an incentive to crime. According to Robert G. Schwartz, at every age, among all races and income groups, and in communities nationwide, many children are in jeopardy. They grow up in families whose lives are in turmoil. Their parents are too stressed and too drained to provide the nurturing, structure, and security that protect children and prepare them for adulthood. Some of these children are unloved and ill tended. Others are unsafe at home and in their neighbourhoods. Many are poor, and some homeless and hungry. Often, they lack the rudiments of basic health care and a quality education. Almost always, they lack hope and dreams, a vision of what their lives can become, and the support and guidance to make it reality. In its white paper on human rights published in 1991, China took the stand that for any country or nation, the right to subsistence is the most important of all human rights without which the other rights are out of question. India annually gets richer by 200 billion. India's foreign resources have exceeded 140 billion. Remember the country had to mortgage its gold in London because the foreign exchange coffers were dry. In the list of world's billionaires, 27 of the world's richest people are Indian, most of them staying in India. A large portion of the world's poorest people live in India too and you don't need to go Davos to meet them. Our country's poor live below a poverty line that seems to be drawn just this side of the funeral pyre. 250 million people living in conditions that are a blot on our individual collective consciences is too rava matter to be lightly dismissed. The following comments of Mr. Peter K. Manning made in the year 1983 on the functioning of juvenile justice system in America reflects a true picture of today's juvenile justice system across the country. It should be noted that like the problem of poverty, juvenile conduct is a universal focus of adult concern. The ways in which society has dealt with juvenile misconduct vary historically, culturally and societally. This suggests that it is a universal problem to which solution will always be applied and for which in fact no true solution will ever be devised. It is tried on, pulled, and shrugged into position, gazed at in the mirror, seen from one and another perspective, and then cast off for yet another garment. Some of the garments, or policies will be placed in a pile to be tried on again. And they will be tried on again as the history of approaches to poverty. Juvenile justice after the onset of delinquency referred to justice in its normal juridical sense and that juvenile justice before the onset of delinquency referred to social justice. Thus, the concept of social justice was to be seen as relevant to the development of children and young persons generally and to endangered or adjudicated young offenders. The two were closely related but could be separated for purposes of discussion and training. The protection



of women and children has become so serious that the Committee has recommended for creation of a new constitutional authority having power and jurisdiction akin to the Comptroller and Auditor-General of India for education, non-discrimination in respect of women and children. 101

Children and Human Rights Justice Verma Committee has recommended that the time has come where the judiciary, on the principle of *parens patriae*, should act as an immediate and ultimate guardian of children, women, persons with disabilities, inmates of mental homes and widows for their safety and physical security. The Committee also recommended that monitoring of homes should be left in the hands of judiciary. Accordingly, it recommended that, the Chief Justice of the High Court in every state could devise the appropriate machinery for the administration and supervision of these homes in conjugation with experts in the field. The Supreme Court in has expressed its grief over the poor plight of the farmers in Maharashtra in the following words We cannot shut our eyes to the stark realities. From the National Crime Records Bureau (NCRB), it is clear that close to two lakh farmers committed suicide in India between 1997 and 2008. This is the largest sustained wave of suicides ever recorded in human history. Even though Maharashtra is one of the richest States in the country and in its capital Mumbai, twenty five thousand of India's one lakh dollar millionaires reside, the Vidarbha region of Maharashtra, is today the worst place in the whole country for farmers. The position was so pathetic in Vidarbha region that families are holding funerals and weddings at the same time on the same day. The gap between haves and have-nots of the society which existed even in pre-Independence India has widened to such an extent that it may take many decades before even a token equality is restored. In the last 63 years, the execution of the Parliament enacted laws has been extremely inadequate and tardy and benefit of welfare measures enshrined in those legislations has not reached millions of poor, downtrodden and disadvantaged sections of the society and the efforts to bridge the gap between the haves and have-nots have not yielded the desired result. Unfortunately, when the judiciary has issued directions for implementation of the laws enacted for the poor and illiterate, a theoretical debate is started by raising the bogey of judicial activism or judicial overreach. Cardinal virtues such as compassion and tolerance have taken the backseat in the rat race for success at any cost. When money becomes the sole determining factor of power, position and status, and when corruption is eulogized as the order of the day, it is hardly surprising that our children-whose young minds are constantly fed on the lure of the lucre, violence and sex- should be trying to emulate their peers. Where man has lost belief in the Supreme Being, where man believes only in a material existence, where man is lured by the desire for power and the craving for possessions at all and any costs, where man has no belief in the existence-to-come-hereafter, where man has forgotten completely his inner and finer being, where the true self is lost, and the longings of matter alone become conspicuously dominant in the desires of man, there is no wonder that there is, and would be, social disorganization and maladjustment leading to conflict of interests and crime. The recommendations and observations made by Mrs. Violet Alva, the then Deputy Minister for Home Affairs, Government of India in the year 1959 are worth-mentioning here below Various facilities should be made available to strengthen the family and the home. If the family does not become the care of every industrialist in the private and the public sector, the child delinquency, prostitution, crimes of all degrees of evil will also become highly developed. A home here and a home there in the city for children is like an oasis in a desert. We need a revolution within us for an evolution in society, and unless that revolution comes from within you and me, social legislation even though it expands in every field, will not achieve results. The highly discretionary nature of Juvenile Justice system is a double-edged sword. This subjective design has traditionally been in place in order to be able to focus on the best interests and rehabilitative potential of each child. Yet the discretionary attribute also allow the operation of unconscious biases towards harsher alternative at various points in the system. Traditional equal protection doctrine falls short in several respects. In the juvenile justice system conscious racial biases and stereotypes are a serious problem. A specialized cadre of judicial officers may be evolved to exclusively deal with neglected and delinquent children by entrusting the work under the Juvenile Justice (Care and Protection of Children) Act, 2000 to one or more magistrates on a permanent basis. Uniform delinquency and crime reporting and of criminal and



correctional statistics as the pre-requisite of sound correctional policies, of foundations of behaviour research, and of follow-up of after conduct of discharged offenders. In no other country are children so much neglected in spite of all love and affection bestowed on them as in India. No attention is paid in an average Indian home even to the legitimate requirements of the child. To solve the problem of neglected and dependent children, it is left to the State to solve the major social problems or else it will not be possible to rehabilitate these unfortunate ones. 102

Children and Human Rights Lack of benevolent and humanitarian principles among wealthy citizens, failure to realize the needs of neglected and dependent children and want of willingness to help them are some of the causes and hurdles that exist and retard the immediate care of the neglected and dependent child. In general, such children usually live in a house of ill-fame or in a defective, broken or poor home. A specialized cadre of judicial officers may be evolved to exclusively deal with neglected and delinquent children by entrusting the work under

the Juvenile Justice (Care and Protection of Children) Act, 2000 to

one or more magistrates on a permanent basis. Sweden, with its progressive methods of dealing with the young delinquents, does not find it even necessary for the child welfare councils to prove the offence. The Scandinavian Child Welfare councils designed to keep children out of official Children's courts are performing valuable function in discouraging unnecessary arrests and court appearances. Many of the children's lawyers and academics who came together have spent their careers speaking of children and the law in terms of children's rights. Indeed, children's rights have been asserted and assailed so often in recent decades that one might think of them, incorrectly as clear, known and easily stated. It is tempting to believe that once we find the appropriate unifying theory, children's rights will quickly move forward. As we review the multitudes of children's rights and issues, however we are struck by their substantive and procedural varieties and extent to which they are disputed. The aspect of 'human contact' with the children, the main beneficiaries of the juvenile justice system is completely missing. In fact, it is the regular personal contact with both the categories of

children,

juvenile

in conflict with law and children in need of care and protection

inside and outside the institutions with suitable care and protection services by all the stakeholders in the field appears to be the proper solution to the 'prevention' and 'control' of the problems of delinquency and destitution. Mr. T. Thomas also observed the same in the year 1980 in the following words It is a human contact which keeps one sensitive and interested. Without them, one might as well be operating a huge machine. This is a befitting example in the context of juvenile justice system in India where the majority of personnel in the discipline show their serious concern for the cause of children without having any personal contact with those children. They are not regularly visited either in the institutions or outside the institutions to afford suitable help to them. Therefore, the majority of the personnel concerned in the field are operating a huge machine without any sensitivity and interest. The result is ongoing failure of the system. The penal approach was more visible in the buildings of special homes characterized by high walls and barred doors and windows. These penal undercurrents were visible in the nature of institutions that changed from open to closed institutions when delinquents were housed with others in the same home. Some of the District Judges found a very small number of juveniles, or none, in the homes visited by them. All these facts together suggest that the homes have been functioning more for the benefit of the employees than that of the children. The basic data relating to the number of juveniles in need of care and protection and their location continues to be non-existent. Therefore, it is difficult to ascertain the criteria by reference to which the number of juvenile courts/Juvenile Justice Boards or juvenile welfare boards/Juvenile Welfare Committees, homes, and other services at various places may be determined. According to UNICEF, juvenile justice is not founded on a lenient approach as such but on responses to juvenile offending that encourage a process of behaviour change by helping the child or young person to feel accountable for his or her actions and understand their impact on others; foster integration rather than alienation avoiding the environment of the formal court

system or to purely punitive responses such as deprivation of liberty wherever possible and give special importance to constructive community-based solutions. An examination of the rights of children under various Indian laws and the United Nations Convention on Rights of Children, which India uses as a guiding principle, show a wide gap between law in the books and law in action. There is very little awareness both in the general public and among human service professionals about the constant and severity of abuse among children in India. Only after the problem comes to the forefront as a matter of national concern, will policy makers and professionals responsible for delivering services see the need for intervening aggressively on behalf of abused and neglected children. 103

Children and Human Rights In Sheela Barse case, the Supreme Court, the highest court of the land almost appeared frustrated at the prevailing situation and passed orders after making a thorough dissection of the Children Act, 1960 and the Children Act(s) enacted in different states. This decision of the Supreme Court has hastened the legislature to come out with the Juvenile Justice Act, 1986. The Indian jurisprudence of Juvenile Justice is the wayward victim of legislative chaos and statutory slumber. The transition from the colonial to the post-colonial leaves the structures of state and law 'concerns' for the Juvenile Justice system almost intact. Somewhere in the Indian official discourse, lies undisclosed the notion and the logic that insistently and abundantly forfeits the constitutionally and the internationally enshrined human rights of the child, and consigns them to the realm of life not worthy of any serious protection. An overview of literature on the operations under the Children Acts reveals a wide gap between the theory and practice of juvenile justice in India. Even judiciary has failed to deliver a humane and just juvenile justice system. No child has ever challenged before any higher court the finding of the lower court holding that he had committed the offence. It is hard to believe that it is reflective of the righteousness of the decisions of the lower courts in all cases. The answer may perhaps be found in the non-penal nature of consequences attached to such a finding dissuading a child with meagre means to approach the higher courts, or it may be due to the absence of proper legal representation. The parallel welfare schemes for neglected children outside the juvenile justice system did very little to clarify the number of children covered under the schemes. The Juvenile Justice system in India can be described in terms of combination of features of welfare, modified justice, justice, and crime control models. In the crime control and justice models, the law in relation to delinquent children in India, focuses on their criminal offences and police, lawyers, and judges are the prime actors. For children in need of care, the law is closer to the welfare and modified justice models, doing away with lawyers and judicial officers. In its wider perspective it includes provisions for the welfare and well-being of all the children in need of care and protection, while the formal system of juvenile actually deals with those who are already in conflict with law or are likely to be so. The term juvenile justice was sought to be clarified for the Sixth UN

Congress on the Prevention of Crime and the Treatment of Offenders

as follows Due attention has not been given to the development of preventive measures like assistance to families in trouble which is one of the major contributory factors leading to delinquency and maladjustment among children. Very few after-care services are available. The cases before the higher courts do not indicate the problems relating to the creation of the infrastructures under the law, or to the roles and responsibilities of various bodies and persons under it. The invisibility of operations under the juvenile justice system does little to change the negative attitude of the general public. The periodical reports of mismanagement, exploitation, or abuse of children in the state institutions generate criticism of the state but not an outcry for protection of children. Further Readings: ➤ Agrawal, Amita, (1992), and Handbook on Child, Concept Publishing Company, New Delhi ➤ Diwan, Paras and Peeyushi Diwan, (1994), Children and Legal Protection, Deep and Deep, New Delhi: ➤ Khanna, S.K., (1998), Children and the Human Rights, Commonwealth, New Delhi, ➤ Kumar, Bindal, (2000), Problems of Working Children, APH Publications, New Delhi ➤ UN Centre for Human Rights (1995), Practices Harmful Traditional Affecting the Health of Women and Children, Geneva: World Campaign for Human Rights ➤ Mookerjee, A, (2007), Commentaries on the Juvenile (Care and protection of Children, Act 2000), Kamal Law House Kolkatta 104





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Children and Human Rights Unit: IV International Norms In this unit, you will learn about, • International Labour Organization (ILO) on Child • Freedom from Child Labour as a Fundamental Human Right • Combating Child Traffic:

**100%**

### **MATCHING BLOCK 259/527**

**W**

the ILO's International Programme for the Elimination of Child Labour (IPEC) • The

**50%**

### **MATCHING BLOCK 262/527**

**SA**

child issues thesis 2018.docx (D40611590)  
United Nations Organisation on Child Labour • Convention on the Rights of the Child Adopted by the General Assembly of the United Nations of 1966 which came into force

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### **MATCHING BLOCK 261/527**

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Mridula Barman\_LAW.docx (D15441512)  
Convention on the Rights of the Child Adopted by the General Assembly of the United Nations in 1976 • United Nations Convention on the Rights of Children, 1989 • United Nation's General Assembly's Resolution on May 2002 • International Conventions and India •

Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict •

Optional Protocol Child Pornography • The Rights of Child

Victims Introduction Children are the most important asset of a society and future of a nation depends upon how the children are educated and trained and how their physical and mental development is taken care. It is indeed unfortunate that the energy of the growing children which should go into their physical and mental growth and development, is exploited by the owners of capital assets owing to unfavorable social economic setting of the country. Various International Conventions and recommendations are adopted by International Organizations for the elimination of child labour. In the early 21 st century, child labour remains a serious problem in many parts of the world. Studies carried out in 1979, the International year of the child, show



that more than 50 million children below the age of 15 were working in various jobs often under hazardous conditions. Many of these children live in under developed countries. Their living conditions are miserable and their chances for education minimal. Frequently, these families lack the basic necessities of life adequate food, clothing and shelter, and even water for bothing. In India, for example some 20,000 children work 16-hours days in match factories. Child Labour problems are not, limited to developing nations. International Labour Organisation (ILO) on Child Labour One of the ILO's major strengths is its role as a standard-setting organization, together with its supervisory mechanisms for the application of these standards. Since its inception in 1919, the ILO has adopted over 180 Conventions (which have force of domestic law, once a Member States ratifies an individual Convention), and a similar number of non- binding Recommendations. Some of these instruments are of direct relevance to the fight against trafficking. Others can usefully be harnessed, to provide guidance for preventive measures and law enforcement against trafficking. A benchmark Convention, one of the most widely ratified of all ILO instruments, is its Forced Labour Convention, No. 29 of 1930. This provides a basic definition of forced labour, which is still applicable to such present-day international instruments as the Palermo protocols against smuggling and trafficking. Under the ILO's Convention No. 29,

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the term forced or compulsory labour shall mean "all work or service which is exacted from any person under the menace of any penalty, and for which the said person has not offered himself voluntarily". The

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### **MATCHING BLOCK 266/527**

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forced or compulsory labour shall mean "all work or service which is exacted from any person under the menace of any penalty, and for which the said person has not offered himself voluntarily".

Convention requires the suppression of the use of forced or compulsory labour in all its forms within the shortest possible

time. A quarter of a century later - at a time when there had been growing use of forced labour for political purposes - the ILO adopted an additional instrument on the subject. Its Abolition of Forced Labour Convention, (No . 105 of 1957), calls for the suppression of forced labour as a means of political coercion, labour discipline, or racial, social, national or religious discrimination; as a method of mobilizing and using labour for purposes of economic development; and as punishment for having participated in strikes.

Convention No. 105 has also been ratified by the vast majority of ILO Member States. 106

Children and Human Rights The activities of the ILO in this area fall under three main headings: (1) Prohibition and limitation of child labour in the framework of international instruments concerning minimum age of admission to employment. (2) protection of children at work through regulation and supervision of working conditions. (3) Development of fitness for work through pre-vocational training. One of the principal ways for ILO has also contributed to the cause through study and research as well as technical assistance. The ILO has adopted several conventions and made special recommendations concerning minimum age, working conditions, and medical examination of child labour. There are several



others relating to health and safety of workers also. The other main conventions which deal with child labour are: 1. Minimum Age Convention. 2. Worst Forms of Child Labour Convention. Both have been adopted by I.L.O. "The Minimum Age convention" (1973) (No. 138) is based on the principle that children should not start work before reaching minimum age. Between 1919, when ILO was set up, and 1970's; it adopted 10 separate conventions specifying the minimum age at which children could start various jobs. In 1973, a general minimum age convention (Convention No. 138) was adopted to apply to every type of employment in every country. Minimum age convention (No. 138) 1973 - The foundations of the International Labour Organization's policy on child labour are set out in the Preamble of the Constitution, the Declaration of Philadelphia and relevant international labour standards, as well as in resolutions adopted by the International Labour Conference and in decisions taken by the ILO Governing Body. The basic minimum age defined by ILO is 15 years and not lesser than 15 years. Although it has allowed various members state to set up their own minimum age for employment, but in no case the minimum age should be lesser than 15 years age or 14 years on a temporal basis. The convention had been ratified by 135 states by the end of 2004. 1. The fundamental objective of ILO policy in this matter is the abolition of child labour. The International Labour Organization set this as the goal in the very year of its creation, by adopting Convention No. 5, prohibiting work done by children less than 14 years of age in industrial undertakings. Sectoral

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### **MATCHING BLOCK 264/527**

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Conventions and Recommendations on the minimum age for admission to employment which were adopted after 1919 (employment at sea, agriculture, trimmers and stokers, non-industrial employment, industry, fishing and underground work) also adopted this perspective, as did the most recent ILO instruments on this subject, the Minimum Age Convention (No. 138) and Recommendation (No. 146), 1973. The International Labour Conference,

**89%**

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in the preamble of Convention No. 138, considered that "the time has come to establish a general instrument on the subject, which would gradually replace the existing ones applicable to limited economic sectors, with a view to achieving the total abolition of child labour". 2.

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### **MATCHING BLOCK 268/527**

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with a view to achieving the total abolition of child labour". 2.

The emphasis placed by international labour standards on the abolition of child labour attests to

**59%****MATCHING BLOCK 267/527****W**

the conviction of the ILO's constituents that childhood is a period of life which should be consecrated not to work but to education and development; that child labour, by its nature or because of the conditions in which it is undertaken, often jeopardizes children's possibilities of becoming productive adults, able to take their place in the community, and finally that child labour is not inevitable and that progress towards its reduction and even its elimination is possible when the political will to fight it exists. 3. This conviction is especially reflected in Convention No. 138 which

**80%****MATCHING BLOCK 273/527****SA** Mridula Barman\_LAW.docx (D15441512)

requires member States to pursue a national policy designed to ensure the effective abolition of child labour, to set a minimum age for admission to employment or work

**80%****MATCHING BLOCK 270/527****SA** child issues thesis 2018.docx (D40611590)

member States to pursue a national policy designed to ensure the effective abolition of child labour, to set a minimum age for admission to employment

**82%****MATCHING BLOCK 269/527****W**

to pursue a national policy designed to ensure the effective abolition of child labour, to set a minimum age for admission to employment or work and to raise this progressively

**100%****MATCHING BLOCK 271/527****W**



to a level consistent with the fullest physical and mental development of young people. This minimum age must

**94%**

### **MATCHING BLOCK 272/527**

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not be less than the age of completion of compulsory schooling and, in any case, not less than 15 years. It should be noted that Convention No. 138 applies to

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### **MATCHING BLOCK 277/527**

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work done by children both for another person (wage employment) and on their own behalf (self-employment). 107

Children and Human Rights 4. Convention No. 138 is a flexible instrument. This flexibility is illustrated by provisions which: a. permit employment or work by children on light work from 13 years of age; b. allow for lower minimum ages (14 years in general and 12 years for light work) in the case of countries whose economy and educational facilities are insufficiently developed (for as long as this situation lasts); c. permit exclusion from the Convention's application for

**100%**

### **MATCHING BLOCK 274/527**

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limited categories of employment or work in respect of which special and substantial problems of application arise ( for as long as these problems exist); d. authorize member States whose economy and administrative facilities are insufficiently developed to initially limit the scope of application

**82%**

### **MATCHING BLOCK 275/527**

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of the Convention, provided that it should be applicable as a minimum to : mining and quarrying; manufacturing; construction; electricity, gas and water; sanitary services; transport, storage and communication; and plantations and other agricultural undertakings mainly producing for commercial purposes. 5.



Convention No. 138 and especially Recommendation No. 146 also contain some visions concerning the protection of working children. It should be noted that: ? these provisions apply only in the following cases, which are provided for in the Convention : light work; limited categories of employment or work excluded because the application to them of the Convention would give rise to special and substantial problems; and branches of activity and types of enterprise excluded pursuant to the option granted to member States to initially limit the scope of application of the Convention ? Protection basically concerns conditions of work (remuneration; hours of work, rest and leave; social security; and occupational safety and health). Worst Forms of Child Labour Convention, 1999 (Convention No. 182): In the midst of 1990s, there was evidence that vast numbers of children below the age of 14 were working full time. Then I.L.O. began to draft a new convention, that is, '

**95%**

### **MATCHING BLOCK 276/527**

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Worst forms of Child Labour'. The worst forms of child labour

**95%**

### **MATCHING BLOCK 279/527**

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Worst forms of Child Labour'. The worst forms of child labour include children of any age below 18 who are involved in forms of slavery, forced labour, hazardous work. The type of work regarded as 'Hazardous' is : ?

**77%**

### **MATCHING BLOCK 278/527**

**W**

Physical, psychological or sexual abuse ? Work under ground, underwater, at dangerous heights or in confined spaces. ? Work with dangerous machinery, equipment and tools. ?

**96%**

### **MATCHING BLOCK 280/527**

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dangerous heights or in confined spaces. ? Work with dangerous machinery, equipment and tools. ?  
Work

in an unhealthy environment which would expose children to hazardous substances. Further I.L.O. has adopted 12 major conventions concerning child labour, which either prohibits the employment of children or set basic standard and conditions.

**99%****MATCHING BLOCK 283/527****W**

The General Conference of the International Labour Organization having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 87 th Session on 1 June 1999 and Considering the need to adopt new instruments for the prohibition and elimination of the worst forms of child labour, as the main priority for national and international action, including international cooperation and assistance, to complement the Convention and the Recommendation concerning Minimum Age for Admission to Employment, 1973, which remain fundamental instruments on child labour, and Considering that the effective elimination of the worst forms of child labour requires immediate and comprehensive action, taking into account the importance of free basic education and the need to remove the children concerned from all such work and to provide for their rehabilitation and social integration while addressing the needs of their families, and Recalling the resolution concerning the elimination of child labour adopted by the International Labour Conference at its 83 rd Session in 1996, and Recognizing that child labour is to a great extent caused by poverty and that the long-term solution lies in sustained economic growth leading to social progress, in particular poverty alleviation and universal education, and Recalling the Convention on the Rights of the Child adopted by the United Nations General Assembly on 20 th November 1989, and 108

**100%****MATCHING BLOCK 282/527****SA** child issues thesis 2018.docx (D40611590)

Considering the need to adopt new instruments for the prohibition and elimination of the worst forms of child labour, as the main priority for national and international action, including international cooperation and assistance, to complement the Convention and

**100%****MATCHING BLOCK 281/527****SA** Mridula Barman\_LAW.docx (D15441512)

the need to adopt new instruments for the prohibition and elimination of the worst forms of child labour,

**96%****MATCHING BLOCK 287/527****SA** child issues thesis 2018.docx (D40611590)

Recommendation concerning Minimum Age for Admission to Employment, 1973, which remain fundamental instruments on child labour, and Considering that the effective elimination of the worst forms of child labour requires immediate and comprehensive action, taking into account the importance of free basic education and the need to remove the children concerned from all such work and to provide for their



rehabilitation and social integration

Children and Human Rights Recalling the ILO Declaration on Fundamental Principles

**95%**

### **MATCHING BLOCK 284/527**

**W**

Rights Work and its Follow-up, adopted by the International Labour Conference its 86 th Session in 1998, and Recalling that some of the worst forms of child labour are covered by other international instruments, in particular the Forced Labour Convention, 1930, and the United Nations Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Protections Similar to Slavery, 1956, and Having decided upon the adoption of certain proposals with regard to child labour, which is the fourth item on the agenda of the session, and Having determined that these proposals shall take the form of an international Convention; adopts this seventeenth day of June of the year one thousand nine hundred and ninety-nine the following Convention, which may be cited as the Worst Forms of Child Labour Convention, 1999.

On June 17, 1999, this ILO Convention was adopted. The new Convention defines for the first time what constitutes the '

worst forms of child labour', and includes a ban on forced

or

compulsory recruitment of child soldiers. It calls for international cooperation on social and economic development, poverty eradication, and education

to realize its terms, and

**91%**

### **MATCHING BLOCK 285/527**

**W**

provides for broad consultations among governments, workers, and employers-the 'social partners' in the ILO's tripartite structure.

It

defines

**89%**

### **MATCHING BLOCK 286/527**

**W**

the worst forms of child labour as: ? All forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage, serfdom, and forced or compulsory labour; ? Forced or compulsory recruitment of children for use in armed conflict; ? Use of a child for prostitution, production of pornography or pornographic performances; ? Use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs;

**89%**



**MATCHING BLOCK 289/527**

**SA** child issues thesis 2018.docx (D40611590)

the worst forms of child labour as: ? All forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage, serfdom, and forced or compulsory labour; ? Forced or compulsory recruitment of children for use in armed conflict; ? Use of a child for prostitution, production of pornography or pornographic performances; ? Use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs; and ?  
Work which

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**MATCHING BLOCK 291/527**

**SA** child issues thesis 2018.docx (D40611590)

is likely to harm the health, safety, or morals of children. The Convention requires ratifying States to 'design and implement programmes of action to eliminate the worst forms of child labour

**100%**

**MATCHING BLOCK 288/527**

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requires ratifying States to 'design and implement programmes of action to eliminate the worst forms as a priority and to '

**95%**

**MATCHING BLOCK 290/527**

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establish or designate appropriate mechanisms' for monitoring implementation of the Convention, in consultation with employers' and workers' organizations. It also says that the ratifying States should '  
provide support

**88%**

**MATCHING BLOCK 292/527**

**W**



for the removal of children from the worst forms of child labour, and their rehabilitation; ensure access to free basic education

**88%**

### **MATCHING BLOCK 294/527**

**SA** child issues thesis 2018.docx (D40611590)

for the removal of children from the worst forms of child labour, and their rehabilitation; ensure access or

**81%**

### **MATCHING BLOCK 293/527**

**W**

vocational training for all children removed from the worst forms of child labour; identify children at special risk; and take into account the special situation of girls'.

**81%**

### **MATCHING BLOCK 300/527**

**SA** child issues thesis 2018.docx (D40611590)

vocational training for all children removed from the worst forms of child labour; identify children at special risk; and take into account the special situation of girls'.

The ILO has elaborated supervisory machinery for the application of its Conventions and Recommendations. These include a regular reporting system by Member States, supervised by an independent Committee of Experts : a tripartite Conference Committee on the same subject, which meets at the ILO's annual Conference : and special procedures for representations and complaints. In recent years there has been a growing tendency of the Committee of Experts to refer to trafficking in persons (sometimes, in particular the trafficking of women and children) in its comments under Convention No. 29. At its 71<sup>st</sup> Session in 2000 for example, the Committee formulated a general observation on Trafficking in persons under the Forced Labour Convention, No. 29. It noted the growing awareness of present-day trafficking in persons, which affects "developing countries, countries in transition and industrialized market economy countries, as countries of origin of destination of victims, or both". The Committee observed, moreover, "While the magnitude of the problem is thus generally recognized, it has found little reflection so far in government reports under the Forced Labour. Convention, in particular as regards industrialized market economy countries, which are choice destinations of the trafficking in persons. Reasons for this may be found, in part, in the efficiency with which organized crime shields its activities from interference by the authorities, inter alia, through intimidation of the victims; but part of the reason may also lie in the fact that the victims are all too often likely to be perceived by the authorities as illegal aliens rather than as victims of organized crime" The Committee noted that the penal legislation of countries having ratified Convention No. 29 provides in some cases for specific sanction aimed at the trafficking in persons. However, the persistence of trafficking in persons tends to show that in actual practice the enforcement of the legislation is "often jeopardized by difficulties which remain to be analyzed". The Committee thus formulated this general



observation intended to elicit information from all States bound by the Forced Labour Convention on measures taken or contemplated to ensure that, in practice, those responsible for the trafficking in persons could and would indeed be strictly punished, and that the trafficking in persons was really suppressed. This kind of regular supervision, under Conventions Nos. 29 and 182 can provide useful guidance for Member States. Furthermore, recommendations by an independent Committee of Experts can also provide the basis for specific 109

Children and Human Rights programmes of technical assistance, either by the ILO or its partners in the UN system. The important thing is that information of this kind be widely circulated beyond the ILO's normal social partners and be made available to other governmental and non-governmental actors involved in the fight against human trafficking. Further Steps taken by ILO towards

**94%**

### **MATCHING BLOCK 295/527**

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the abolition of Child Labour In its first global report on the subject in 2002, the ILO reported that child labour is a stubborn phenomenon, whose complete elimination has not yet been accomplished in any economic sector or in any region of the world. The second global report, in 2006, significantly titled The End of Child Labour : Within Reach, reported an 11 percent decrease in the number of working children worldwide between 2000 and 2004. This led the Director - General to claim that the goal of 'eliminating the worst forms of child labour within the next ten year's was 'ambitious but achievable '. There are many reasons to be skeptical about the ILO's optimism. The scale of the problem remains uncertain. Child labour tends to be hidden in the informal economy and in illegal and clandestine activities. There are doubts about the reliability of statistical estimates based on extrapolation of available information in a limited number of countries.

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### **MATCHING BLOCK 296/527**

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There have been real achievements in the fight against exploitative child labour since 1992 when the International Programme for the Elimination of Child Labour (IPEC) was launched. The conception of child labour has been transformed into a fundamental

**100%**

### **MATCHING BLOCK 297/527**

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human right of children against exploitative labour and this is now (arguably) enshrined in customary international law. Positive duties to protect the rights of children have been developed. The elimination of exploitative child labour has been brought from the margins into the mainstream of socio-economic development policies. Yet these achievements are not guaranteed, and serious challenges remain. There are undoubtedly still millions of child labourers, whatever the precise numbers. Countries are reluctant to



introduce a minimum age for access to employment. There is defective application of international standards and a lack of effective enforcement. Children in many countries are still not getting to school and some are even conscripted into armed conflicts. Above all, poverty remains a root cause of child labour in developing countries, and the rights of the child have not yet been embedded into the world trade systems. So the elimination of exploitative child labour - characterized by the Director - General of the ILO in 1983 as an affront to the conscience of the international community remains an urgent project.

**98%**

### **MATCHING BLOCK 298/527**

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Freedom from child labour as a Fundamental Human Right The most conspicuous achievement has been the transformation of concerns about child labour into a fundamental human right of children. The earliest laws on the employment of children were essentially public health measures. When the first industrial revolution started in cotton manufacturing in 18 th century Britain, children were regarded as the best operatives because of their small size and the delicacy of their touch. They were a cheap source of labour, often 'apprenticed' to factory owners by local communities who had the responsibility to support pauper children. When epidemics of fever broke out in 1784 and 1796 in Manchester, agitation led to the Health and Morals of Apprentices Act in 1802, aimed at preventing abuses which endangered not only children but also the health of the community. Humanitarian concerns of entrepreneurs like Robert Owen led to the British Act of 1819 limiting the hours of work of children in factories was the real beginning of industrial legislation. The

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### **MATCHING BLOCK 299/527**

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ambition of international labour legislation was never achieved, but in 1919, Article 427 of the Treaty of Versailles declared that one of the 'methods and principles' of 'special and urgent importance' for the new ILO would be 'the abolition of child labour and the imposition of such limitations on the labour of young persons as shall permit the continuance of their education and ensure their proper physical development'. True to the spirit of Article 427, the ILO gave a high priority to setting standards, from 1919 onwards, on the minimum age for access to employment.

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### **MATCHING BLOCK 301/527**

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The 1998 Declaration of Fundamental Principles and Rights at Work symbolized the transformation of humanitarian concerns into human rights. Convention 182 and Recommendation 190 gave concrete expression to those rights in the context of the worst forms of exploitation. Children were no longer simply 'victims' but were turned into rights-holders. This was not a sudden or unexpected development. Since the 1960s the children's rights movement has campaigned for the recognition of children as rights - holders. This rests on a developmental model of childhood : every child has the right to be prepared to have an individual



life in society and to be brought up in the spirit of the ideals proclaimed in the Charter of the UN. This right - based approach finds its expression in the crucially important UN Convention on the Rights of the Child (1989) (CRC). This sets out a number of rights of the child including 'the right of children to be protected from economic exploitation and from performing any work that is likely to be hazardous or to 110

**100%**

### **MATCHING BLOCK 302/527**

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brought up in the spirit of the ideals proclaimed in the Charter of the Children and Human Rights

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### **MATCHING BLOCK 303/527**

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interfere with the child's education or be harmful to the child's health or physical, mental, spiritual, moral or social development' (article 32). The CRC and Convention 182 together constitute a striking rejection of the notion that children are too young, immature or incompetent to claim rights. However, a problem

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interfere with the child's education or be harmful to the child's health or physical, mental, spiritual, moral or social development' (

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with this right - based approach is that children are often dependent on those who may be acting in breach of their rights. Moreover, the mere fact that international treaties and conventions assert children's rights does not mean that children have enforceable rights in practice. Indeed, some argue that by declaring children's 'rights' in formal terms, States are able to cloak their inactivity behind a smokescreen of rhetoric. In domestic contexts, many assertions of children's rights are simply aspirations and not reality. The rhetoric of rights is no more than a hollow promise unless matched by effective international supervision and domestic enforcement of these rights by the state, trade unions, NGOs and other agencies. A question which arises is how we should classify children's rights as they appear in the various international instruments. Hammerberg suggests a classification based on the four Ps: participation, protection against discrimination, protection against harm, and provision for assistance with basic needs. Participation is recognized in respect



of the rights of the child to freedom of association (CRC, article 15), and children are clearly 'workers' protected in their rights to freedom of association and collective bargaining under ILO Conventions 87 and 98. Protection against discrimination is specifically recognized in article 2(1) of the CRC, and children as workers are covered by the ILO conventions on discrimination. Protection against harm is recognized in both the CRC and in C182's provisions on hazardous work. Provision for assistance with basic needs is to be found mainly in the CRC. This shows the importance of the links between these international instruments in creating children's rights. Rights against exploitative Child Labour are being transformed into Customary International Law. The unique character of the 1998 Declaration is that the obligations to provide minimum ages for employment and to eliminate the worst forms of child labour are placed on all ILO member States not by reason of their ratification of named conventions but 'from the very fact of membership'. This is a constitutional obligation and not one which rests upon voluntary acceptance. It might be argued that those few countries that have failed to ratify C182 are bound by the principles of the relevant conventions by virtue of their membership of the ILO. Such an argument is unlikely to make any practical difference, however, because the Declaration is purely promotional. The more interesting question, from a legal perspective, is whether the rights embodied in C182 have become a part of customary international law.

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### **MATCHING BLOCK 305/527**

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If exploitative child labour is to be treated as universally contrary to international law, in the same way as piracy, slavery and forced labour, it would need to be shown

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### **MATCHING BLOCK 306/527**

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that standards on child form part of 'habitual state practice' and that States appreciate that this practice is required by international law. The state practices must be 'broadly consistent'. These criteria clearly cannot be met in respect of the minimum age for employment. Despite the significant increase since 1998 in the number of ratifications of C138, only 150 out of 181 ILO member States had done so by 2007.

**93%**

### **MATCHING BLOCK 307/527**

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However, by 2007 there had been 165 ratifications of C182, which became the most rapidly and widely ratified of all ILO conventions. The conclusions are that C182 has had demonstrable positive effects in bringing down the extent of exploited child labour - particularly in regard to trafficking and commercial sexual exploitation and hazardous work - and that there is a major

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## MATCHING BLOCK 310/527

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a long way towards habitual and consistent practices to eliminate the worst forms of child labour. This supports the case for arguing that the elimination of the worst forms of child labour (as identified in C182) can now be recognized, or may soon be recognized, as part of customary international law.

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## MATCHING BLOCK 309/527

**SA** child issues thesis 2018.docx (D40611590)

the worst forms of child labour. This supports the case for arguing that the elimination of the worst forms of child labour (as

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## MATCHING BLOCK 312/527

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the elimination of the worst forms of child labour (as  
Combating  
Child Trafficking:

**100%**

## MATCHING BLOCK 311/527

**W**

the ILO's International Programme for the Elimination of Child Labour (IPEC)

**68%**

## MATCHING BLOCK 313/527

**SA** Mridula Barman\_LAW.docx (D15441512)

Elimination of Child Labour (IPEC) The International Program on the Elimination of Child Labour is a global

program launched by the International Labour Organization in December 1991. India was the first country to join it in 1992 when it signed a Memorandum of Understanding with the ILO.

India has during the period 1992-2002, supported over 165 action programme. The government of India and the U.S. department of Labour have also initiated a U.S.\$ 40 million

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## MATCHING BLOCK 314/527

**SA** child issues thesis 2018.docx (D40611590)

project aimed at eliminating child labour in 10 hazardous sectors across 21 districts in five states namely Maharashtra, Madhya Pradesh, Tamil Nadu, Uttar Pradesh and NCT of Delhi. This project popularly known as INDUS is being implemented by ILO. An estimated 80,000 children will be withdrawn and rehabilitated through this project. 111 Children and Human Rights

**76%**

## MATCHING BLOCK 316/527

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The long-term objective of IPEC is to contribute to the effective abolition of child labour. Its immediate objectives are: ? Elimination of the capability of ILO constituents and Non-Government Organizations to design, implement and evaluate programs for Child Labour Elimination; ? To identify interventions at community and national levels which could serve as models for replication; and ? Creation of awareness and social mobilization for securing elimination of child labour.

At the International level, IPEC has a Program Steering Committee consisting of representatives of the ILO, the donors and participating countries. At the national level in India, there is a National Steering Committee of which the Labour Secretary is the Chairman. This is tripartite in its composition with representation from NGOs as well. There is a National Program Coordinator based at New Delhi who coordinates between IPEC work

and

the Ministry of Labour, the agencies receiving assistance and ILO

Headquarters. ILO has made an allocation of \$ 4.15 million between 1992 and 1996 for the IPEC program in India. In recent years the ILO has given particular attention to the serious problem of child trafficking. The activities of its International Programme for the Elimination of Child Labour (IPEC) commenced in Asia in the mid 1990s. Following the World Congress against Commercial Sexual Exploitation in Children, held in Stockholm in 1996, IPEC expanded its activities to combat trafficking in children worldwide. Its programmes now cover some 30 countries in Africa, Asia and Latin America. It has recently given attention also to Central and Eastern Europe, in the first stage developing a methodology to assess the nature and dynamics of child trafficking in several Balkan countries and the Ukraine. This methodology is based on an adaptation of the ILO/UNICEF Rapid Assessment Manual on the worst forms of child labour to the specific situation of trafficked children. The aim of the country assessments is to come up with effective prevention and rehabilitation strategies to reduce the vulnerability of children at risk and meet the needs of those who have been trafficked. IPEC's prevention framework has been built around four major components: data collection and analysis, policy development and direct support including educational opportunities, community mobilization, and outreach. Its data collection and analysis has included mapping not only of the problems of trafficking per se and the victims, but also of responses by government and judicial agencies, and of the resources made available by different donors, governments and non-governmental agencies. IPEC has had some success in the use of its rapid assessment methodology, developed together with UNICEF, which relies on small but reliable samples of (i) children at risk; and victims or recovering victims of trafficking for sexual or labour exploitation (ii) traffickers and exploiters, and (iii) Workers and other interested parties who have first-hand knowledge of the situation in the chosen research site. As regards policy development, a key feature of the IPEC approach has been the use of the Time-Bound Programme





(TBP), as a tool for implementing the provisions of the ILO standards on eliminating the worst forms of child labour. In brief, the TBPs involve a set of integrated policies and programmes

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### **MATCHING BLOCK 315/527**

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to prevent and eliminate the worst forms of child labour within a defined time-frame. The TBPs aim to address the root causes of child labour, linking actions against it to national development efforts, with a particular emphasis on economic and Trafficking in Human Beings in Southeastern Europe, UNICEF, UNOHCHR, OSCE/ODIHR, June 2002, social policies to combat poverty and to promote universal basic education and social mobilization. At the national level, all TBPs support the creation of an enabling policy environment, addressing such issues as employment creation and health policies within the framework of overall poverty reduction programmes. At the secondary level, they comprise also a series of targeted direct interventions aimed at highly vulnerable groups of children, families and communities. Some participating countries have also designed action frameworks at the local level. In Chiang Rai province of Thailand, for example, the plan emphasizes surveillance networks to monitor children in hazardous work and those at risk. It includes direct actions such as scholarship programmes to keep children at school, skills training in a wide range of employment sectors, job training for border communities, non- formal education, community-based income generation schemes, job placement schemes, and labour inspection services. Direct action can take many different forms, adapted to the national context. A constant challenge for the IPEC programme has been overcoming the fact that young people especially are attracted to work in sectors where they can earn more than in agricultural, light industry or other similar work near their homes. The indications that many children, 112

Children and Human Rights as well as young women, are prepared to endure what they see as short-term exploitation and even abuse if this means that they can earn significant sums of money. They are unaware of the severity of the hardship, the long-term repercussions, and the likelihood that the remuneration will be below their expectations. It is for this reason that skills training and income-generation projects must aim to equip children with marketable skills linked wherever possible to their aspirations. This means undertaking surveys in the home and neighbouring communities, identifying changing demands for skills and labour and providing appropriate skills while at the same time improving the general educational level where possible. In the Mekong countries of Asia, IPEC has supported community-level prevention programmes that combine all of these features. Moreover, community-based organizations and groups have been mobilized and strengthened, to participate actively in the planning and implementation of these programmes. Such community mobilization is essential for the effective prevention of trafficking. Asian examples can once again be useful. In the Philippines for example, the organization of society into community-level structures of governance known as barangays a noteworthy role. Impact of ILO's Conventions No. 138 and 182 International

**98%**

### **MATCHING BLOCK 317/527**

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legal obligations are generally framed as duties on States to 'recognize' or to 'protect' certain rights, in this case those of children. The special feature of C182, as he indicates, is that States are obliged to 'design and



implement programmes of action to eliminate as a priority the worst forms of child labour'. This marks a shift of international legal obligations from a negative to positive duty. The

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### **MATCHING BLOCK 322/527**

**SA** child issues thesis 2018.docx (D40611590)

to 'design and implement programmes of action to eliminate as a priority the worst forms of child labour'.

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The elimination of child labour as a development goal The campaign against child labour has, in the past, suffered from a Western - centric approach. This was a legacy of the early history of industrial legislation which started in Europe and was reflected in ILO conventions on child labour from 1919. Attempts to extend the Western levels of minimum ages for access to employment to developing countries, emerging from colonialism, were seen as 'social imperialism', an attempt by developed countries to seek to exclude competition by imposing standards that they themselves ignored in the process of industrialization. It is no surprise, therefore, that there were relatively few ratifications of C138 before the adoption of the ILO Declaration in 1998, and of C182 in 1999.

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### **MATCHING BLOCK 319/527**

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in 1999. Achievement of a minimum age for access to employment One of the most effective ways of eliminating abuses of child labour would be the adoption and enforcement of minimum ages for admission to employment. However, the history of C138 shows that it is too prescriptive and inflexible to take account of the circumstance of both developed and developing countries, and it lacks priorities for national policy C182 has proved to be more effective because it emphasizes the shared values of all countries in eliminating the worst forms of child labour. The new convention concentrates on the most intolerable forms of child labour and it provides for progressive implementation of its norms. However, the International Labour Conference decided not to abandon or revise C138, but instead to list it alongside C182, as a core convention for purposes of the Declaration of Fundamental Principles and Rights at Work in 1998. This has led to an extraordinary increase in ratifications of C138, but there are few signs that this has resulted in widespread elimination of child labour. A new approach is needed. This would involve a revision of C182, going beyond the worst forms of child labour set out in C182 into a statement of more positive and longer - term objectives for the elimination of all forms of child labour. This integrated approach would indicate clearly the circumstances in which child labour is permitted.

Alternative Strategies

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The first important new strand is the social and employment dimensions of regional economic treaties. How effective the TNC directives and other measures have been in eliminating child labour, and how regional policies have also promoted fundamental rights of children in the foreign relations of the EU. A second strand is the culture of corporate social responsibility developing in transnational corporations (TNCs), mainly in the forms of voluntary codes of conduct and collective agreements. Most of these contain prohibitions on exploitative child Labour either expressly or by incorporation of ILO standards. These codes and agreements have the potential to harness processes within the market activities of TNCs that favour the raising of labour standards, that is a 'race to the top'. The essential point is that the internal labour markets of TNCs usually provide better labour standards 113

Children and Human Rights that

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## MATCHING BLOCK 321/527

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domestic firms. The enforcement of these codes needs to be strengthened, and national laws should place States under legal obligations to observe their own codes. There needs to be effective national and international complaints mechanisms. A thirds strand is the empowerment of local actors. Unions and new social movements - including the children's rights movement - need to build alliances with groups in developing countries. Social labeling and other campaigns have already raised public awareness of abuses of child labour. It is in this context selective trade boycotts by consumers and disinvestment in companies abusing child labour become relevant and important.

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## MATCHING BLOCK 323/527

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A fourth strand is to improve the application of international labour standards on child labour. The revision of C182 so as to integrate C138. The rights based approach to child labour, has been the most important achievement of the past 15 years, has not yet been matched by changes in the ILO's supervisory structure. The biggest gap in supervision is the absence of express linkage between the follow up mechanisms under the Declaration and the regular supervisory machinery of the ILO. A more satisfactory follow - up of the core conventions on child labour would be to create a Governing Body committee, similar to the Committee on Freedom of Association, to consider complaints of breaches of the core standards. This committee would report to the Governing Body which could then consider further action against defaulting States. Moreover the ILO should adopt methods of coordination of national policies similar to those of the EU's open method of coordination. This would require the targeting of specific groups of countries at a similar stage of development so as to maximize peer pressure, with an effective monitoring system, as an essential part of expanded ILO technical assistance.

The measures include a. Knowledge of the problem: little is known about the extent and distribution (by branch of activity or type of occupation) of child workers, about the conditions in which these children work



and about the effects of this work on their physical, intellectual, moral or social development. Because of this ignorance, most existing programmes of action have principally benefitted the most visible or "appealing" child workers (such as street children), and have helped very little those children who work out of the public eye (in domestic service, agriculture, or small workshops, as traders in the urban informal sector, or in home work). It is particularly urgent to identify the most dangerous forms of child labour. Likewise, a critical evaluation should be undertaken urgently of measures at the national level to combat child labour, so as to identify gaps and promising lines of intervention; b. mobilization of the public opinion around the issue of child labour, especially by supporting pressure groups (human rights or children's rights committees, for example) in their efforts to keep a systematic tally of abuses, to make them public and to highlight the breaches of their responsibilities by the public authorities; c. informing and sensitizing the general public, and in particular the actors in the struggle against child labour (governments, employers' and workers' circles, NGOs and other pressure groups), using the data gathered under (a) above and making wide use of the mass media (press, radio and TV); d. education of children and of those responsible for them (parents and teachers) on children's rights as workers, on the long-term costs of child labour and the possible alternatives; e. training of the people involved in the struggle against child labour (government ministry staff, labour inspectors, trade unionists, representatives of employers' organizations, NGO leaders, etc.); f. review of protective legislation and better supervision of its application: the substantial disappearance of child labour in the organized sector of the economy is mainly due to the existence of legislation prohibiting it. In many Third World countries there are gaps in legislation on child labour. Its scope does not include certain activities, occupations, or enterprises (agriculture, home work, domestic service, small enterprises) in which child labour is very widespread and often performed in dangerous conditions. Further, where work by children has not been outlawed their conditions of employment are often unregulated. These deficiencies should be corrected. Likewise, labour inspection has frequently not fully lived up to its responsibilities as regards supervision of protective legislation. Measures are needed to reinforce its effectiveness; g. implementation of programmes of action aimed at preventing child labour, at withdrawing children from dangers working situations, at facilitating their access to education, apprenticeship and vocational training services, or at improving their conditions of work and life; evaluation of the results of these programmes; their adaptation in the light of this evaluation, and their application on a larger scale; h. creation of an institutional mechanism within government, with responsibility for setting the main policy priorities, for coordinating the activities of the various Ministries and state institutions, for ensuring that the 114 Children and Human Rights measures taken by the public sector and those of the private sector complement each other, and for giving financial and technical support to the programmes of direct action referred to in clause (g) above. Since its foundation in 1919, the International Labour Organization was carrying out the work of a pioneer in the struggle against child labour. It has since been joined by other international organizations, either non-governmental or UN agencies, which strive together against the exploitation of children. The abolition of child labour one of the aims for which the ILO was created, and the promotion of well being of children in the fields within the ILO's competence have been the focal points of much of the organization's work throughout its existence. A major part of that work has been the adoption by the International conference of a series of conventions, recommendations and resolutions dealing with the employment of children. The ILO study entitled - children at work has emphasized that the problem of child labour cannot be solved through legislation. In the developing countries, it has not unfortunately been possible to put an end to child labour, despite the fact that almost all these countries have good legislation in this respect. India is a party to the ILO and as such has an obligation to adopt the ILO conventions on child labour. Some of the conventions have special provisions for countries like India; they lay down lower standards than those to be followed by developed countries. In the matter of labour laws relating to children, India tries to follow the standards set by ILO conventions. So far,

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## MATCHING BLOCK 325/527

**SA** child issues thesis 2018.docx (D40611590)

the ILO has adopted 18 conventions concerning their minimum age for admission to employment, medical examination

and night work. On these subjects nine recommendations have also been adopted by ILO. Limitations of I.L.O. Child labour falls broadly under the following types : (1) non-domestic, (2) non-monetary work, (3) tied or bonded labour, (4) marginal (5) semi-economic activities, and (6) others. The conventions and recommendations adopted by the ILO concern mainly wage labour although bulk of the children at work are employed in other types of activities. Some of the conventions also specifically exclude children's work in domestic occupations or in school as a part of the school curriculum. The scope of the conventions is therefore very limited. Appraisal of I.L.O. The ILO can contribute to their success by offering technical cooperation in the fields of employment and incomes, manpower training and social protection. In this regard, particular attention should be paid to ILO operational activities aimed at mitigating the negative social repercussions of structural adjustment policies, at promoting more balanced development between town and country (access of peasants to land, credit, improved seeds and better production techniques, as well as provision of drinkable water and education and health services in rural areas), or at enhancing the productivity of the urban informal sector and the conditions of work and life of the workers in it. At the international level, the ILO obviously has a leading role to assume in the struggle against child labour. Nonetheless, some of the action required to attack the underlying causes of child labour (poverty, insufficient economic growth and deficiencies in the education system) is within the competence of other international organizations (IMF, World Bank, GATT, UNESCO). UNICEF, for its part, is concerned with working children, especially those living or working on the streets, in the framework of its programme for children in particularly difficult circumstances. The UN's Human Rights Commission has a working group on modern forms of slavery, before which cases of forced labour or bonded labour are regularly exposed. The diversity of mandates for action in the struggle against child labour should therefore be reflected in strengthened cooperation between the ILO and these other organizations and, most importantly, by close collaboration with UNICEF. The United Nations Organisation on Child Labour The first point of reference to any discussion on international action concerning child labour is

**56%**

## MATCHING BLOCK 326/527

**SA** Mridula Barman\_LAW.docx (D15441512)

the Declaration of the Rights of the Child proclaimed by the United Nations General Assembly on 20 th November 1959. The Declaration of the Rights of the

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## MATCHING BLOCK 324/527

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the Rights of the Child proclaimed by the United Nations General Assembly on 20 th November 1959. The Declaration  
Child



is the name given to a series of related children's rights proclamations drafted by Save the Children founder Eglantyne Jebb in 1923. Jebb believed that the rights of a child should be especially protected and enforced, thus drafting the first stipulations for child's rights. Jebb's initial 1923 document consisted of the following criteria: 115

Children and Human Rights 1.

**89%**

### **MATCHING BLOCK 327/527**

**SA** Mridula Barman\_LAW.docx (D15441512)

The child must be given the means requisite for its normal development, both materially and spiritually. 2. The child that is hungry must be fed, the child that is sick must be nursed, the child that is backward must be helped, the delinquent child must be reclaimed, and the

**96%**

### **MATCHING BLOCK 328/527**

**SA** child issues thesis 2018.docx (D40611590)

spiritually. 2. The child that is hungry must be fed, the child that is sick must be nursed, the child that is backward must be helped, the delinquent child must be reclaimed, and the orphan and the waif must be sheltered and succored. 3. The child must be

**80%**

### **MATCHING BLOCK 329/527**

**SA** Mridula Barman\_LAW.docx (D15441512)

must be sheltered and succored. 3. The child must be the first to receive relief in times of distress. 4. The child must be put in a position to earn a livelihood, and must be protected against every form of exploitation. 5. The child must be brought up in the consciousness that its talents must be devoted to the service of its

**100%**

### **MATCHING BLOCK 330/527**

**SA** child issues thesis 2018.docx (D40611590)

The child must be put in a position to earn a livelihood, and must be protected against every form of exploitation. 5. The child must be brought up in the consciousness that its talents must be devoted to the service of its fellow

men. These ideas were adopted by the International Save the Children Union, in Geneva, on 23

**89%**

## **MATCHING BLOCK 331/527**

**SA** child issues thesis 2018.docx (D40611590)

February 1923 and endorsed by the League of Nations General Assembly on 26 November 1924 as the World Child Welfare Charter. However, these proclamations were not enforceable by international law, but rather only guidelines for countries to follow. The original document, in the archives of the city of Geneva, carries the signatures of various international delegates, including Jebb, Janusz Korczak, and Gustave Ador, a former President of the Swiss Confederation. The SCIU merged into the International Union of Child Welfare by 1946, and this group pressed the newly formed United Nations to continue to work for war-scarred children and for adoption of the World Child Welfare Charter. On 20 November 1959 the United Nations General Assembly adopted a much expanded version as its own Declaration of the Rights of the Child, adding ten principles in place of the original five. This date has been adopted as the Universal Children's Day. United Nations Declaration of the Rights of the child, 1959 and particularly Principle 9, stipulates that

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## **MATCHING BLOCK 332/527**

**SA** Mridula Barman\_LAW.docx (D15441512)

the child should be protected against all forms of neglect, cruelty and exploitation; that he should not be admitted to employment before and appropriate minimum age; and that

**90%**

## **MATCHING BLOCK 333/527**

**SA** Mridula Barman\_LAW.docx (D15441512)

he should in a case be caused or permitted to engage in any occupation or employment which would prejudice his health or education, or interfere with his physical, mental or moral development.

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## **MATCHING BLOCK 334/527**

**SA** Mridula Barman\_LAW.docx (D15441512)

Convention on the Rights of the Child Adopted by the General Assembly of the United Nations of 1966 - which came into force in 1976 The convention reaffirms the principles of the Universal declaration of Human Rights (1948) with regard to civil and political rights. It induces or encourages State parties to help to realize these rights. Article 8 states that no person should be kept in slavery or servitude or be required to perform forced or compulsory labour. It also reaffirms the principles of the Universal Declaration of Human Rights with regard to economic, social and cultural rights. Article 10 enjoins state parties to protect young people from exploitation and from employment in work which is harmful to their physical moral and mental lives.



It also commits state parties to set age limits by which child labour can be prohibited and punished by law. For effective implementation of the action plan, three important points were suggested: 1. All concessions and incentives given to industries should be withdrawn. 2. The District Magistrate should be empowered to take action against the units found violating the relevant laws. 3. National child labour elimination and protection

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### **MATCHING BLOCK 335/527**

**SA** child issues thesis 2018.docx (D40611590)  
of Human Rights, the United Nations has proclaimed that childhood is entitled to special care and assistance.

**97%**

### **MATCHING BLOCK 339/527**

**SA** Mridula Barman\_LAW.docx (D15441512)  
of Human Rights, the United Nations has proclaimed that childhood is entitled to special care and assistance. The family, as the fundamental group of society and the natural environment for the growth and well being of all its members particularly children should be afforded the necessary protection and assistance so that it can full assume its responsibilities within the community. Recognizing that the child, for the full and harmonious development of his or her personality should grow up in a family environment in an atmosphere of happiness love and understanding. Considering that the child should be fully prepared to live

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### **MATCHING BLOCK 336/527**

**SA** child issues thesis 2018.docx (D40611590)  
the natural environment for the growth and well being of

**75%**

### **MATCHING BLOCK 337/527**

**SA** child issues thesis 2018.docx (D40611590)  
assistance so that it can full assume its responsibilities within the community. Recognizing that the child, and

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### **MATCHING BLOCK 338/527**



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individual life in society and brought up in the spirit of the ideals proclaimed in the charter of the

**100%****MATCHING BLOCK 340/527****SA** Mridula Barman\_LAW.docx (D15441512)

individual life in society and brought up in the spirit of the ideals proclaimed in the charter of the United Nations, and in particular in the spirit of peace, dignity, tolerance, freedom, equality and solidarity. 116 Children and Human Rights

**91%****MATCHING BLOCK 350/527****SA** Mridula Barman\_LAW.docx (D15441512)

Bearing in mind that the need to extend particular care to the child has been stated in the Geneva declaration of the child of 1924 and in the Declaration of the Rights of the child adopted by general Assembly on 20 November 1959 and recognized in the Universal declaration of Human Rights in the international convenient on civil and political Rights (in particular in Article 23 & 24) in the International Covenant on Economic Social and Cultural Rights and in the statutes and relevant instruments of specialized agencies and international organizations concerned with the welfare of children, Bearing in mind that, as indicated in the Declaration of the child,- the child by reason of his physical and mental immaturity, needs special safe guards and care, including appropriate legal protection, before as well as after birth. Recalling the provisions of the declaration on social and legal principles relating to the protection and welfare of children, with special reference to Foster placement and Adoption Nationally and Internationally; the United Nations standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules); and the declaration of the protection of women and children in emergency and Armed conflict, Recognizing that, in all countries in the sold, there are children in exceptionally difficult conditions, and that such children need special consideration, taking due account of the importance of the traditions and cultural values of each people for protection and harmonies development of the child. Recognizing the importance of international cooperation improving the living conditions of children in every country in particular in developing countries.

**70%****MATCHING BLOCK 341/527****SA** child issues thesis 2018.docx (D40611590)

the Geneva declaration of the child of 1924 and in the Declaration of the Rights of the child

**80%****MATCHING BLOCK 342/527**



**SA** child issues thesis 2018.docx (D40611590)

the Universal declaration of Human Rights in the international convenient on civil and political Rights (

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### **MATCHING BLOCK 344/527**

**SA** child issues thesis 2018.docx (D40611590)

in the International Covenant on Economic Social and Cultural Rights

**100%**

### **MATCHING BLOCK 343/527**

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the International Covenant on Economic Social and Cultural Rights and

**80%**

### **MATCHING BLOCK 345/527**

**SA** child issues thesis 2018.docx (D40611590)

the child by reason of his physical and mental immaturity, needs special safe guards and care, including appropriate legal protection, before as well as after birth. Recalling the provisions of

**93%**

### **MATCHING BLOCK 346/527**

**SA** child issues thesis 2018.docx (D40611590)

the United Nations standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules); and the declaration of the protection of women and children in emergency and Armed conflict,

**83%**

### **MATCHING BLOCK 347/527**

**SA** child issues thesis 2018.docx (D40611590)

that, in all countries in the sold, there are children in exceptionally difficult conditions, and that such children need special consideration,

**78%**



## **MATCHING BLOCK 348/527**

**SA** child issues thesis 2018.docx (D40611590)

the importance of international cooperation improving the living conditions of children in every country in particular in developing countries.

**77%**

## **MATCHING BLOCK 354/527**

**SA** child issues thesis 2018.docx (D40611590)

United Nations Convention on the Rights of Children, 1989 The UN CONVENTION ON THE RIGHTS OF THE CHILD (1989) was

**89%**

## **MATCHING BLOCK 349/527**

**W**

on the Rights of Children, 1989 The UN CONVENTION ON THE RIGHTS OF THE CHILD (1989)

a

landmark

in International

law. It became an unprecedented success as it reached almost universal acceptance with 190 states ratifications in less than ten years. Although the question of child labour was dealt with in only a few of the convention's provisions, the massive political support for CHILDREN'S RIGHTS, as such, also enhanced the commitment to working children. In international law, labour issues have been reserved for the International Labour Organization (ILO). In the traditional perspective of the ILO, child labour must be eradicated from the labour market. Hence, from its establishment, the ILO strategy to combat child labour was to secure international agreements on a minimum working age for children. During the 1920s and 1930s a series of international treaties covering different sectors urged states to set a minimum working age. In 1973 these instruments combined into

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## **MATCHING BLOCK 351/527**

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the Convention concerning Minimum Age for Admission to Employment. The overall aim, as stated in Article 1, was to "ensure the effective abolition of childlabour." Parallel to the endeavors to regulate the (adult) labour market, the League of Nations and later the United Nations (UN) strived to abolish slavery and forced labour. Children were not dealt with specifically until the UN's Supplementary Convention on the Abolition of Slavery (1956), which included children "delivered ...

**100%**

## **MATCHING BLOCK 352/527**

**W**

to another person ... with a view to the exploitation of the child  
in a list of slavery-like practices (Article 1). Ten years later children were mentioned in one of the fundamental UN human rights treaties, the International Convention on Economic, Social and Cultural Rights (1966), which obliges state parties to criminalize employment of children under conditions "harmful to their morals or health" (Article 10). The perspective of the human rights treaties of the UN differed from that of the ILO, the former addressed the well-being and development of the child, and thus adopted the protective approach that had long prevailed in philanthropy and welfare legislation throughout the industrialized world. With the Convention on the Rights of the Child of 1989 a child-centered approach became popular. In line with the Convention on Economic, Social and Cultural Rights, it demands protection of the child against economic and social exploitation (Article 32). Furthermore, the 1989 convention included new aspects of protection against sexual and other forms of exploitation (Articles 34 and 36) and against recruiting children to any form of war activities (Article 38).  
The importance

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## **MATCHING BLOCK 353/527**

**W**

of the 1989 Convention on the Rights of the Child (CRC)  
is  
now widely accepted and recognized. The General Assembly of the United Nations adopted a

**75%**

## **MATCHING BLOCK 355/527**

**SA** child issues thesis 2018.docx (D40611590)

Declaration on the Rights of the Child in 1959 in which it declared that - the child by reason of his physical and mental immaturity, needs special safeguards and care including appropriate legal protection, before as well as after birth.

**69%**

## **MATCHING BLOCK 356/527**

**SA** Mridula Barman\_LAW.docx (D15441512)

Declaration on the Rights of the Child in 1959 in which it declared that - the child by reason of his physical and mental immaturity, needs special safeguards and care including appropriate legal protection, before as well as after birth.  
Taking into account the various efforts made in this direction,  
the



General Assembly adopted

**73%**

### **MATCHING BLOCK 357/527**

**SA** Mridula Barman\_LAW.docx (D15441512)  
the Convention on the Rights of the Child on November 20, 1989 which entered into force on September 2, 1990 after requisite ratifications made under Article 49. India is a party to this convention which was ratified by it on December 11, 1992. As on June 2005, the Convention had 192 state parties. In 1989,

**73%**

### **MATCHING BLOCK 358/527**

**W**  
the Convention on the Rights of the Child was adopted by UN General Assembly. On

**85%**

### **MATCHING BLOCK 359/527**

**SA** child issues thesis 2018.docx (D40611590)  
the Convention on the Rights of the Child was adopted by UN General Assembly. September 2, 1990 it became international law with one notable exception: the US signed the Charter but has not ratified it. The Convention consists of 54 articles that address the basic human rights to children everywhere and they are entitled: ? the right to survival; 117 Children and Human Rights ? the right to develop to the fullest; ? protection from harmful influences, abuse and exploitation; ? the right to participate fully in family, cultural and social life. The four core principles of the Convention are non-discrimination, devotion to the best interests of the child, the right to life, survival and development, and respect

**72%**

### **MATCHING BLOCK 361/527**

**SA** Mridula Barman\_LAW.docx (D15441512)  
for the views of the child. Under the Convention, a child is defined as “..... every human being below the age of eighteen years unless, under the law applicable to the child, majority is attained earlier”.

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## MATCHING BLOCK 360/527

**SA** child issues thesis 2018.docx (D40611590)

the views of the child. Under the Convention, a child is defined as “..... every human being below the age of eighteen years unless, under the law applicable to the child, majority is attained earlier”.

United Nation'

s General Assembly's Resolution on May 2002 'A World Fit for Children' The U.N. General Assembly has adopted a document entitled “A world fit for children'. The member nations have called upon

all members of society to join in a global movement that will help

to build a world fit for children by upholding the commitment

to the following principles and objectives: 1. Put children first. In all actions related to children,

**100%**

## MATCHING BLOCK 364/527

**SA** Mridula Barman\_LAW.docx (D15441512)

the best interests of the child shall be a primary consideration. 2.

**100%**

## MATCHING BLOCK 362/527

**SA** child issues thesis 2018.docx (D40611590)

best interests of the child shall be a primary consideration. 2.

Eradicate poverty : invest in children. WE reaffirm our vow to break the cycle of poverty within a single generation, united in the conviction that investments in children and the realization of their rights are among the most effective ways to eradicate poverty. Immediate action must be taken to eliminate the most forms of child labour. 3. Leave no child behind. Each girl and boy is born free and equal in dignity and rights; therefore, all forms of discrimination affecting children must end. 4. Care for every child. Children must get the best possible start in life. Their survival, protection, growth and development in good health and with proper nutrition are the essential foundation of human development. WE will make concerted efforts to fight infectious diseases, tackle major causes of malnutrition and nurture children in a safe environment that enables them to be physically healthy, mentally alert, emotionally secure, socially competent and able to learn. 5. Educate every child. All girls and boys must have access to and complete primary education that is free, compulsory and of good quality as a cornerstone of an inclusive basic education. Gender disparities in primary and secondary education must be eliminated. 6. Protecting children from harm and exploitation. Children must be protected against any acts of violence, abuse, exploitation and discrimination, as well as all forms of terrorism and hostage-taking. 7. Protect children from war. Children must be protected from the horrors of armed conflict. Children under foreign occupation must also be protected, in accordance with the provisions of international humanitarian law. 8. Combat HIV/AIDS. Children and their families must be protected from the devastating impact of the human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS). 9. Listen to children and ensure their participation. Children and adolescents are resourceful citizens capable of helping to build a better future for all. We must respect their right to express themselves and to participate in all matters affecting them, in accordance with their age and maturity. 10.



Protect the Earth for children. We must safeguard our natural environment, with its diversity of life, its beauty and its resources, all of which enhance the quality of life, for present and future generations. We will give every assistance to protect children and minimize the impact of natural disasters and environmental degradation on them. Other International Agencies' Role in Child Labour Abolition Among the major international agents in the field, the ILO, UNICEF, and the World Bank, a consensus has been reached to focus efforts to curb the worst forms of child labour. All three organizations assist governments in developing policies and strategies, and they also support implementation programs. 118

Children and Human Rights Though only a very small share of working children is involved in export businesses, trade mechanisms including sanctions are prominent in the public debates on the issue. In the World Trade Organization (WTO), however, binding statutes against trade involving child labour are being strongly opposed, particularly by developing countries that see protectionism as the underlying motive. There is a broad consensus that trade sanctions are a double-edged instrument that may have adverse effects on children. Collaborative initiatives between the human rights and business sectors are on the other hand a fast-expanding field. In 2000 the UN launched a program, Global Compact, to work directly with companies, with "effective abolition of child labour" as one of the goals. Regionally, under the North American Free Trade Agreement (NAFTA) there is a mechanism to monitor labour rights within member countries. The United States has a long tradition of unilaterally applying certain labour standards, encompassing prohibition of child labour, to trade agreements. In the early 2000s, both the United States and the European Union (EU) have a so-called General System of Preferences granting trade benefits to countries that live up to certain labour standards. While the U.S. system focuses solely on import goods, the EU system, installed in 1998, also focuses on applicant state policy to abolish child labour more broadly. Other measures to combat child labour have been developed by individual companies as well as business sectors, often in cooperation with nongovernmental organizations. These initiatives include the promotion of investment and trade principles, demands on suppliers in developing countries, and the labelling of products. Despite these efforts, given the many and complex interests embedded in child labour issues, strategies to combat the adverse effects of child labour must operate at many different levels and include all stakeholders, including children themselves. International Conventions and India The ILO has adopted 18 conventions related to child labour, of them 11 have not been ratified by India. Most of those, our country has not ratified related to minimum age and medical examination. India has also not ratified convention No. 138 of 1973, which calls for

**100%**

**MATCHING BLOCK 363/527**

**W**

the pursuit of a national policy designed to ensure the effective abolition of

**100%**

**MATCHING BLOCK 365/527**

**SA**

child issues thesis 2018.docx (D40611590)

a national policy designed to ensure the effective abolition of

**100%**



### **MATCHING BLOCK 367/527**

**SA** Mridula Barman\_LAW.docx (D15441512)  
a national policy designed to ensure the effective abolition of  
the child labour.  
India is a signatory  
to  
the United Nations

**73%**

### **MATCHING BLOCK 366/527**

**W**  
Convention on the Rights of the Child, which was adopted by the UN in 1989. It recognizes the Right of the  
child to be protected from economic exploitation and from performing any work that is likely to be  
hazardous or interferes with the child's education, or to be harmful to the child's health or physical, mental  
spiritual, moral

**95%**

### **MATCHING BLOCK 368/527**

**SA** Mridula Barman\_LAW.docx (D15441512)  
the Right of the child to be protected from economic exploitation and from performing any work that is  
likely to be hazardous or interferes with the child's education, or to be harmful to the child's health or  
physical, mental spiritual, moral  
and social development (Art. 32). But India's endorsement of Article 32 of the Convention is highly  
conditional. The text of India's declaration includes limitations like : "Certain rights of the child . .

**100%**

### **MATCHING BLOCK 369/527**

**SA** child issues thesis 2018.docx (D40611590)  
can only be progressively implemented in the developing countries, subject to the extent of available  
resources; . . .  
nothing

**100%**

### **MATCHING BLOCK 370/527**

**SA** child issues thesis 2018.docx (D40611590)





that for several reasons children of different ages do work in India;  
It is not practical immediately to prescribe minimum ages

**100%**

### **MATCHING BLOCK 371/527**

**SA** child issues thesis 2018.docx (D40611590)  
for admission to each and every area of employment in India . . .".  
Such conditions contradict the provisions of other Articles in the convention which emphasise the rights of the child in various areas of life, such as Article 6 says, -state

**100%**

### **MATCHING BLOCK 373/527**

**SA** Mridula Barman\_LAW.docx (D15441512)  
parties shall ensure to the maximum extent possible the survival and development of the child.  
ILO Minimum Age convention No. 138 supersedes prior instruments applicable to limited economic sectors.  
The

**79%**

### **MATCHING BLOCK 374/527**

**SA** child issues thesis 2018.docx (D40611590)  
convention obliges members states to pursue a national policy designed to ensure the effective abolition of child

**100%**

### **MATCHING BLOCK 372/527**

**W**  
states to pursue a national policy designed to ensure the effective abolition of child

**100%**

### **MATCHING BLOCK 375/527**

**SA** Mridula Barman\_LAW.docx (D15441512)  
states to pursue a national policy designed to ensure the effective abolition of child  
labours. In this connection it establishes that no child can be employed in any economic sector below the age designated for the completion of compulsory schooling, that is below 15 years. The minimum age for



admission to any work likely to jeopardize health, safety morals is 18 years. The Government of India is in the process of framing the second India Country Report to the UN Child Rights Committee. The Country CRC Report preparation process is underway since August 1999. There have been consultative- workshops a mix of community-based NGOs and those with experience of national/ global meetings on child rights and child representatives. There is a provision in the CRC for Non-Governmental Organizations in member countries to propose and undertake to submit Alternate Reports to those of the national governments. The first Alternate Report suggested that the Indian child is deprived and vulnerable in more ways than one. Wide consultations are on amongst the NGOs for framing the Second Alternate Report. As far as India is concerned, the UN Committee on the Rights of the Child observed that the State party should establish a statutory, independent National Commission for Children with the mandate of, inter alia, regularly monitoring and evaluating progress in the implementation of the Convention at the federal, State, and local levels. Further, such a Commission should be empowered to receive and address complaints of violations of child rights, including those with 119

Children and Human Rights respect to the security forces. Subsequent to the observations of the UN Committee, the Indian Government has established National Commission for Children. Since signing its agreement to the Convention, the Indian Government has made several attempts to bring the country up to the standard, such as organizing reviews of the existing laws pertaining to children, increasing publicity around children's issues by organizing conventions with key functionaries and the public, and so forth. Children's Code Bill 2000 A Children's Code Bill 2000 (CCB 2000) has been drafted for the setting up of a National Commission for Children (NCC) which is likely to be placed before Parliament any time. A draft National Policy and Charter for Children (NPC 2001) has been drawn up. Policy documents like the ninth Five-Year Plan and population and health policies have reiterated the government's commitment to protecting the child. During the 11 th Plan Period, three Projects viz., INDUS Project, Andhra Pradesh Phase-II & Karnataka Project were implemented in the country under ILO-IPEC. Jointly funded by the Ministry of Labour, Government of India and the Department of Labour, United States of America (USDOL), the INDUS Child Labour Project was implemented in ten hazardous sectors in 21 districts across five states. The project has also operationalised a beneficiary tracking system, for tracking and following up on the progress of all project beneficiaries. Through this project, an estimated 103, 152 children and adolescent workers were withdrawn and rehabilitated. The Project was concluded in March 2009. By December 2005, it was operational in 86 countries.

**100%**

## **MATCHING BLOCK 377/527**

**SA** child issues thesis 2018.docx (D40611590)

IPEC is the largest programme of its kind globally and the biggest single operational programme of the ILO. The number and the range of IPEC's partners has also expanded over the years and now includes other international, government agencies, employers, NGO's, etc. Their aim is progressively to eliminate child labour through education, social mobilization, awareness raising and legal enforcement. Right to Education and Relevant International Law Provisions The right to education is recognized in the Universal Declaration of Human Rights and guaranteed mother treaties like

**91%**

## **MATCHING BLOCK 376/527**

**W**

the International Covenant on Economic Social and Cultural Rights and the Convention on the Rights of the Child.

**75%****MATCHING BLOCK 380/527****SA** child issues thesis 2018.docx (D40611590)

the International Covenant on Economic Social and Cultural Rights and the Convention on the Rights of the Child.

Primary education must be "compulsory and available and free to all. Secondary education, including vocational education, must be "available and accessible to every child,"

with the progressive introduction of free secondary education. Under the CRC different forms of secondary education including vocational education must be accessible to all children and appropriate measures must be taken to in introduce free education and financial assistance in case of need. With regard to the connection between

**58%****MATCHING BLOCK 378/527****W**

child domestic labour and education, the Convention on the Rights of the Child explicitly guarantees children the right "to be protected from performing any work that is likely ... to interfere with the child's education .... ,Access to

secondary education also works to impede child labour because families, and children especially, might be willing to commit a few additional years of education for the greater freedom of career choice and greater remuneration possibilities it makes available. In addition,

**72%****MATCHING BLOCK 381/527****SA** child issues thesis 2018.docx (D40611590)

the International Covenant on Civil and Political Rights guarantees each child the right to "such measures of protection as are required by his status as a minor,"

**100%****MATCHING BLOCK 379/527****W**

the right to "such measures of protection as are required by his status as a minor,"  
a provision that the Human Rights Committee has interpreted to include education sufficient to enable each

child to develop his or her capacities and enjoy civil and political rights. Although the right to education is a right of progressive implementation, meaning that implementation may take place over a period of time, subject to limits on available resources, the right to education is predicated on the basis of equal opportunity. Thus Article 28 (1) places a duty on state parties to recognize the right of the child to education on the basis of equal opportunity. State parties also undertake to implement immediate measures to prohibit discrimination from arising and eliminating discrimination when it has already occurred when a state party to the International Covenant on Economic, Social and Cultural Rights agrees "to take steps . . .

**80%**

### **MATCHING BLOCK 383/527**

**SA** Mridula Barman\_LAW.docx (D15441512)

to the maximum of its available resources" to the full realization of the right to education. According to the General Comment No. 13 of on The Right to Education by the Committee on Economic, Social and Cultural Rights, both primary and secondary education must include the elements of "availability, accessibility, acceptability and adaptability". The CESCR defines availability to mean "functioning educational institutions and programmes... to be available in sufficient quantity within the jurisdiction." Educational institutions must be accessible to all without discrimination, to be within safe physical reach either by attendance at some reasonably convenient geographic location" and to be "affordable to all." The Committee stated that although primary education should be "free to all" states parties are "required to progressively introduce free secondary and higher education." 120 Children and Human Rights The CRC Committee also provides insights and concrete examples of how to combat child domestic labour using a gender perspective. The Committee has consistently referred to the need to strengthen rights of the child to access education. In the

**100%**

### **MATCHING BLOCK 382/527**

**W**

Concluding Observations of the Committee on the Rights of the Child

**95%**

### **MATCHING BLOCK 384/527**

**SA** Mridula Barman\_LAW.docx (D15441512)

of the Committee on the Rights of the Child to the Ethiopian State Party report, the CRC recommended that the State Party take urgent steps to provide, among other things, education, health care, nutritional aid and alternative care to children living or working in the streets. Further, the Committee was very concerned at the very low rates of primary and secondary school enrolment and was especially concerned at the low rate of enrolment among girls and the very high drop-out rates among girls. With regards to Pakistan, the CRC Committee has stated that eradication of child domestic labour should take place by addressing its root causes through poverty eradication and access to

labour. The CEDAW also clearly guarantees the equal access to education for the girl children and women. Article 10 of the CEDAW provides for the elimination of discrimination against girls in education, including access to schooling, reduction of female student drop-out rates, and programs for girls who have left school prematurely. The CEDAW also guarantees equal conditions for career and vocational guidance in educational establishments of all categories both in urban and rural areas. The Convention especially mentions that - this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training." Article 10 of CEDAW is extremely useful in guiding alternative policies to child domestic labour and providing the opportunities to escape the sometimes-intergenerational trap of domestic work. The Article provides for the elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of text books and school programs and the adoption of new teaching methods. Article 10 of the CEDAW is particularly important in the context of child domestic labour. This article guarantees equal access to education on a basis of equality of men and women. This right reiterates the rights guaranteed by

**73%**

### **MATCHING BLOCK 385/527**

**SA** child issues thesis 2018.docx (D40611590)

the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights. The

equality of women is to be ensured in pre-school, general, technical, professional and higher technical education, and all types of vocational training. Article 10 supports Article 2 of the CEDAW, which prohibits de facto and de jure discrimination and guarantees formal and substantive equality as well as relates to Article 5 of the CEDAW, which prohibits negative cultural traditions that devalue women. The CEDAW also recognizes women's and girls' equal opportunities to participate in sports and physical education and the equal resources available to promote those activities. Article 10 (g), which requires the same opportunities to participate actively in sports and physical education, is specially relevant to the girl child domestic worker who may not be able to exercise this right. The use of CEDAW in conjunction with the CRC and other conventions provide a strong base to prevent child domestic labour as well as to make sure that even child domestic workers have access to the enjoyment of their rights. The consideration of CEDAW will provide the analytical framework to examine the plight of the girl domestic worker. The CEDAW and CRC guarantees on education must be read with the UNESCO Convention and Recommendation against Discrimination in Education (1960), which defines educational discrimination as: Any distinction, exclusion limitation or preference ... based on race, colour, sex, language, and religion, political or other opinion ... and in particular: ? Of depriving any person or group of persons of access to education of any type or at any level; ? Of limiting any person or group of persons to education of an inferior standard; ? Of inflicting on any person or group of persons conditions which are incompatible with the dignity

**97%**

### **MATCHING BLOCK 387/527**

**SA** child issues thesis 2018.docx (D40611590)

of man. Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in



Armed Conflict The States Parties to the present Protocol, Encouraged by the overwhelming support for the Convention on the Rights of the Child, demonstrating the widespread commitment that exists to strive for the promotion and protection of the rights of the child, Reaffirming that the rights of children require special protection, and calling for continuous improvement of the situation of children without distinction, as well as for their development and education in conditions of peace and security, 121 Children and Human Rights Disturbed by the harmful and widespread impact of armed conflict on children and the long-term consequences this has for durable peace, security and development, Condemning the targeting of children in situations of armed conflict and direct attacks on objects protected under international law, including places generally having a significant presence of children, such as schools and hospitals, Noting the adoption of the Statute of the International Criminal Court and, in particular, its inclusion as a war crime of

**78%**

### **MATCHING BLOCK 386/527**

**W**

conscripting or enlisting children under the age of 15 years or using them to participate actively in hostilities in both international and non-international armed conflicts, Considering, therefore, that to strengthen further the implementation of rights recognized in the Convention on the Rights of the Child there is a need

**100%**

### **MATCHING BLOCK 388/527**

**SA** child issues thesis 2018.docx (D40611590)

to increase the protection of children from involvement in armed conflict, Noting that

**66%**

### **MATCHING BLOCK 389/527**

**SA** child issues thesis 2018.docx (D40611590)

article 1 of the Convention on the Rights of the Child specifies that, for the purposes of that Convention, a child means every human being below the age of 18 years unless, under the law applicable to the child, majority is attained earlier,

**72%****MATCHING BLOCK 391/527****SA** Mridula Barman\_LAW.docx (D15441512)

the Convention on the Rights of the Child specifies that, for the purposes of that Convention, a child means every human being below the age of 18 years unless, under the law applicable to the child, majority is attained earlier,  
Convinced that an optional protocol to the Convention raising the age of possible recruitment of persons into armed forces and their participation in hostilities will contribute effectively to the implementation of the principle that  
the  
best interests of the child are to be a primary consideration  
in all actions  
concerning children,  
Noting that  
the twenty-sixth international Conference of the Red Cross and Red Cres-cent in December 1995 recommended, inter alia, that

**45%****MATCHING BLOCK 392/527****W**

parties to conflict take every feasible step to ensure that children under the age of 18 years do not take part in hostilities, Welcoming the

**77%****MATCHING BLOCK 390/527****W**

take every feasible step to ensure that children under the age of 18 years do not take part in hostilities,

**55%****MATCHING BLOCK 394/527****SA** Mridula Barman\_LAW.docx (D15441512)

take every feasible step to ensure that children under the age of 18 years do not take part in hostilities, unanimous adoption, in June 1999, of  
International Labour Organization

**91%**

**MATCHING BLOCK 393/527****W**

Convention No. 182 on the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour,  
which prohibits, inter alia,

**100%****MATCHING BLOCK 395/527****W**

forced or compulsory recruitment of children for use in armed conflict,

**100%****MATCHING BLOCK 396/527****SA**

child issues thesis 2018.docx (D40611590)  
forced or compulsory recruitment of children for use in armed conflict,  
Condemning with  
the  
gravest concern the recruitment, training and use within and across national borders of children

**84%****MATCHING BLOCK 397/527****SA**

Mridula Barman\_LAW.docx (D15441512)  
in hostilities by armed groups distinct from the armed forces of a State,  
and recognizing the responsibility of those who recruit, train and use children in this regard, Recalling the  
obligation of each party to an armed conflict to abide by the provisions of international humanitarian law,  
Stressing that this Protocol is without prejudice  
to the purposes and principles contained in the Charter of the United Nations,  
including Article 51, and relevant norms of humanitarian law, Bearing in mind that conditions of peace and  
security based on full respect  
of  
the purposes and principles contained in the Charter and observance of applicable human rights instruments  
are indispensable for the full protection of children, in particular during armed conflicts and foreign  
occupation, Recognizing the special needs of those children who are particularly vulnerable to recruitment  
or use in hostilities contrary to this Protocol owing  
to  
their economic or social status or gender, Mindful of the necessity of taking into consideration the economic,  
social and political root causes of the involvement of children in armed conflicts, Convinced of the need to  
strengthen international cooperation in the implementation of this Protocol, as well as the physical and





psychosocial rehabilitation and social reintegration of children who are victims of armed conflict,  
Encouraging  
the participation of the community and children and child victims in  
the dissemination of informational and educational programmes concerning the implementation of the  
Protocol,  
Have agreed as follows: Article 1

**100%**

### **MATCHING BLOCK 400/527**

**SA** Mridula Barman\_LAW.docx (D15441512)  
States Parties shall take all feasible measures to ensure that

**89%**

### **MATCHING BLOCK 398/527**

**W**  
Parties shall take all feasible measures to ensure that members of their armed forces

**69%**

### **MATCHING BLOCK 401/527**

**SA** Mridula Barman\_LAW.docx (D15441512)  
who have not attained the age of 18 years do not take a direct part in hostilities. Article 2 States Parties shall  
ensure that persons who have not attained the age of 18 years

**100%**

### **MATCHING BLOCK 399/527**

**W**  
the age of 18 years do not take a direct part in hostilities. Article 2  
are not compulsorily recruited into their armed forces. Article 3 122  
Children and Human Rights 1. States Parties shall raise the minimum age for the voluntary recruitment of  
persons into their national armed forces from that set out in article 38, paragraph 3, of the Convention on the  
Rights of the Child, taking account of the principles contained in that article and recognizing that under the  
Convention persons under 18 are entitled to special protection. 2.

**95%**

### **MATCHING BLOCK 402/527**



**SA** child issues thesis 2018.docx (D40611590)

Each State Party shall deposit a binding declaration upon ratification of or accession to this Protocol that sets forth the minimum age at which it will permit voluntary recruitment into its national armed forces and a description of the safeguards that

**100%**

### **MATCHING BLOCK 403/527**

**SA** child issues thesis 2018.docx (D40611590)

it has adopted to ensure that such recruitment is not forced or coerced. 3. States Parties that permit voluntary recruitment into their national armed forces under the age of 18 shall maintain safeguards to ensure, as a minimum, that: 1. Such recruitment is genuinely voluntary; 2. Such recruitment is done with the informed consent of the person's parents or legal guardians; 3. Such persons are fully informed of the duties involved in such military service; 4. Such persons provide reliable proof of age prior to acceptance into national military service. 4. Each State Party may strengthen its declaration

**95%**

### **MATCHING BLOCK 404/527**

**SA** Mridula Barman\_LAW.docx (D15441512)

at any time by notification to that effect addressed to the Secretary- General of the United Nations, who shall inform all States Parties. Such notification shall take effect on the date on which it is received by the Secretary General. 5.

The requirement to raise the age in paragraph 1 of the present article does not apply to schools operated by or under the control of the armed forces of the States Parties, in keeping with articles 28 and 29 of the Convention on the Rights of the Child. Article 4 1.

**88%**

### **MATCHING BLOCK 405/527**

**W**

Armed groups that are distinct from the armed forces of a State should not, under any circumstances, recruit or use in hostilities persons under the age of 18 years. 2. States Parties shall take all feasible measures to prevent such recruitment and use,

**97%**

### **MATCHING BLOCK 406/527**



**SA** Mridula Barman\_LAW.docx (D15441512)

distinct from the armed forces of a State should not, under any circumstances, recruit or use in hostilities persons under the including the adoption of legal measures necessary to prohibit and criminalize such practices. 3. The application of the present article under this Protocol shall not affect the legal status of any party to an armed conflict. Article 5 Nothing in the present Protocol shall be construed as precluding provisions in the law of a State Party or in international instruments and international humanitarian law that

**100%**

### **MATCHING BLOCK 408/527**

**SA** Mridula Barman\_LAW.docx (D15441512)

are more conducive to the realization of the rights of the child. Article 6 1. Each State Party shall take all necessary legal, administrative and other

**100%**

### **MATCHING BLOCK 407/527**

**W**

measures to ensure the effective implementation and enforcement of the provisions of this Protocol within its jurisdiction. 2.

**100%**

### **MATCHING BLOCK 409/527**

**SA** Mridula Barman\_LAW.docx (D15441512)

States Parties undertake to make the principles and provisions of the present Protocol widely known and promoted by appropriate means, to adults and children alike. 3.

**100%**

### **MATCHING BLOCK 410/527**

**SA** Mridula Barman\_LAW.docx (D15441512)

States Parties shall take all feasible measures to ensure that persons within their jurisdiction recruited or used in hostilities contrary to this Protocol are demobilized or otherwise released from service. States Parties shall, when necessary, accord to these persons all appropriate assistance for their physical and psychological recovery and their social re-integration. Article 7 1. States Parties shall cooperate in the implementation of the present Protocol, including in the prevention of any activity contrary to the Protocol and in the rehabilitation and social reintegration of persons who are victims of acts contrary to this Protocol, including through technical cooperation and financial assistance. Such assistance and



cooperation will be undertaken in consultation with concerned States Parties and relevant international organizations. 2.

States Parties in a position to do so shall provide

such assistance through existing multilateral, bilateral or other programmes,

or, interracial, through a voluntary fund established in accordance with the rules of the General Assembly.

Article 8 123

Children and Human Rights 1. Each State Party shall submit,

**70%**

### **MATCHING BLOCK 411/527**

**SA** Mridula Barman\_LAW.docx (D15441512)

within two years following the entry into force of the Protocol for that State Party,

a

report to the Committee on the Rights of the Child providing comprehensive information on the measures it has taken to implement the provisions of the Protocol, including the measures taken to implement the provisions on participation and recruitment. 2.

Following the submission of the comprehensive report, each State Party shall include in the reports they submit

to the Committee on the Rights of the Child, in

accordance with article 44 of the Convention, any further information with respect to the implementation of the Protocol. Other States Parties to the Protocol shall submit a report every five years. 3. The Committee on the Rights of

**89%**

### **MATCHING BLOCK 412/527**

**SA** Mridula Barman\_LAW.docx (D15441512)

the Child may request from States Parties further information relevant to the implementation of

this Protocol. Article 9 1. The present Protocol is open for signature by any State that is a party to the

Convention or has signed it. 2. The present Protocol is subject to ratification and is open to accession by any State.

Instruments

of ratification or

**96%**

### **MATCHING BLOCK 413/527**

**SA** Mridula Barman\_LAW.docx (D15441512)

accession shall be deposited with the Secretary-General of the United Nations. 3. The

Secretary-General, in his capacity as depositary of the Convention and the Protocol, shall inform all States Parties to the Convention and all States that have signed the Convention

of each instrument of declaration pursuant to article 13.

**46%****MATCHING BLOCK 414/527****SA** Mridula Barman\_LAW.docx (D15441512)

Article 10 The present Protocol shall enter into force three months after the deposit of the tenth instrument of ratification or accession. For each State ratifying the present Protocol or acceding to it after its entry into force, the present Protocol

**54%****MATCHING BLOCK 415/527****SA** Mridula Barman\_LAW.docx (D15441512)

shall enter into force one month after the date of the deposit of its own instrument of ratification or accession. Article 11 1. Any State Party may denounce the present Protocol

**66%****MATCHING BLOCK 416/527****SA** Mridula Barman\_LAW.docx (D15441512)

at any time by written notification to the Secretary-General of the United Nations, who shall thereafter inform the other States Parties to the Convention and all States that have signed the Convention. The denunciation shall take effect

**100%****MATCHING BLOCK 417/527****SA** Mridula Barman\_LAW.docx (D15441512)

one year after the date of receipt of the notification by the Secretary- General. If, however, on the expiry of that year the denouncing State Party is engaged in armed conflict, the denunciation shall not take effect before the end of the armed conflict. 2. Such a denunciation shall not have the effect of releasing the State Party from its obligations under the present Protocol in regard to any act that occurs prior to the date on which the denunciation becomes effective. Nor shall such a denunciation prejudice in any way the continued consideration of any matter that is already under consideration by the Committee prior to the date on which the denunciation becomes effective.

**97%**

## MATCHING BLOCK 418/527

**SA** Mridula Barman\_LAW.docx (D15441512)

Article 12 1. Any State Party may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to States Parties, with a request that they indicate whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that, within four months from the date of such communication, at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of States Parties present and voting at the conference shall be submitted to the General Assembly for approval. 2. An amendment adopted in accordance with paragraph 1 of the present article shall enter into force when it has been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of States Parties. 3. When an amendment enters into force, it shall be binding on those States Parties that have accepted it, other States Parties still being bound by the provisions of the present Protocol and any earlier amendments that they have accepted. Article 13 1. The

**92%**

## MATCHING BLOCK 420/527

**SA** Mridula Barman\_LAW.docx (D15441512)

The present Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited

in the archives of the United Nations. 124

Children and Human Rights 2. The Secretary-General of the United Nations shall transmit certified copies of the present Protocol to all States Parties to the Convention and all States that have signed the Convention.

Optional Protocol Child Pornography Introduction

**51%**

## MATCHING BLOCK 419/527

**W**

The Convention on the Rights of the Child (CRC) is supplemented by two Optional Protocols; one addresses the sale of children, child prostitution and child pornography,

**44%**

## MATCHING BLOCK 422/527

**SA** child issues thesis 2018.docx (D40611590)

The Convention on the Rights of the Child (CRC) is supplemented by two Optional Protocols; one addresses the sale of children, child prostitution and child pornography, and the other the involvement of children in armed conflict.



It aims to improve the effectiveness of implementation

**91%**

### **MATCHING BLOCK 421/527**

**W**

of the Convention and its Optional Protocol on the sale of children, child prostitution and child pornography (OPSC), and to address the challenges that arise during this process. The Convention and the Optional Protocol The Convention on the Rights of the Child is the main international instrument for the protection of children's rights, including from all forms of abuse, violence, neglect and exploitation. A number of its provisions address these rights. Article 34 requires

**82%**

### **MATCHING BLOCK 425/527**

**SA**

Mridula Barman\_LAW.docx (D15441512)  
States Parties to protect children from "all forms of sexual exploitation and sexual abuse."

**83%**

### **MATCHING BLOCK 423/527**

**SA**

child issues thesis 2018.docx (D40611590)  
to protect children from "all forms of sexual exploitation and sexual abuse."

**71%**

### **MATCHING BLOCK 424/527**

**W**

to protect children from "all forms of sexual exploitation and sexual abuse." This includes the inducement or



coercion of a child to engage in any unlawful sexual activity, the exploitative use of children in prostitution or other unlawful sexual practices,

**100%**

### **MATCHING BLOCK 426/527**

**SA** child issues thesis 2018.docx (D40611590)  
the inducement or coercion of a child to engage in any unlawful sexual activity, the exploitative use of children in prostitution or other unlawful sexual practices,

**98%**

### **MATCHING BLOCK 428/527**

**SA** Mridula Barman\_LAW.docx (D15441512)  
the inducement or coercion of a child to engage in any unlawful sexual activity, the exploitative use of children in prostitution or other unlawful sexual practices,  
and the  
exploitative use of children in porno -graphic performances and materials. Also important is article 39, which requires States to provide

**78%**

### **MATCHING BLOCK 427/527**

**W**  
recovery and reintegration in an environment that fosters the health, self-respect and dignity of child

**78%**

### **MATCHING BLOCK 429/527**

**SA** Mridula Barman\_LAW.docx (D15441512)  
recovery and reintegration in an environment that fosters the health, self-respect and dignity of child victims of sexual exploitation. The CRC is the first international treaty to place a comprehensive legal obligation on

**76%**

### **MATCHING BLOCK 431/527**

**SA** Mridula Barman\_LAW.docx (D15441512)  
States Parties to protect children from all forms of sexual exploitation and abuse.





This obligation is also an important landmark because it implicitly recognizes that sexual exploitation of children is likely to occur in every country in the world. The first draft of the CRC contained no express mention of sexual exploitation of children. The earliest draft of the article that evolved into article 35 prohibited “neglect, cruelty and exploitation and traffic.” France suggested that reference to sale be added. In 1987, the NGO Ad Hoc Group

on the Drafting of the Convention on the Rights of the Child proposed language similar to the present text of articles 34 and 35. Mexico, Senegal, Venezuela (now the Bolivarian Republic of Venezuela) and the International Labour Organization (ILO) also supported this text and suggested that separate articles were needed. Article 35 was therefore drafted, and covered the sale, abduction and trafficking of children. The present text was finally adopted in 1989. The Optional Protocol criminalizes

specific acts relating to the sale of children, child prostitution and child pornography, including attempt and complicity. It lays down minimum standards for protecting child victims in criminal justice processes and recognizes the right of victims to seek compensation.

It encourages strengthening of international cooperation and assistance and the adoption of extra-territorial legislation, but it does not provide for exemption from the dual criminality principle. There are concerns that the OPSC does not protect children from victimization in criminal processes once they have been recognized as having had their rights violated.

Because the OPSC applies to specific forms of sexual exploitation, it is important to bear in mind that article 34

of the CRC gives children the right to protection from all forms of

sexual exploitation and abuse and that all exploited children have these rights recognized by the CRC. This includes the right to recovery and reintegration in the light of article 39. The general principles and general measures of implementation of the CRC are important tools in implementing the Convention and its Optional Protocols: General Principles Article 2: The right to non-discrimination Article 3: The best interests of the child Article 6: The right to survival and development 125

Children and Human Rights Article 12: The right to express opinions freely in matters affecting him/her and to have those views taken into consideration General measures of implementation ? The process of law reform calls on States Parties to ensure the compatibility of existing and new legislation and judicial practice with the Convention. ? Independent national institutions for children’s rights need to be developed – such as children’s ombuds offices, child rights commissioners and focal points within national human rights institutions. ? Comprehensive national agendas or strategies for implementation of the Convention are needed; their relationship to the follow-up process to the 1990 World Summit for Children and the 2002 United Nations General Assembly Special Session on Children is important. ? Child rights-focused permanent institutions and structures within government are required to ensure coordination and pursue implementation. ? Allocation of resources to children “to the maximum extent of their availability” is key in States Parties’ efforts to ensure implementation. ? Systematic monitoring of the implementation of the CRC is needed through effective child-related data collection, analysis, evaluation and dissemination. ? Education, training and awareness-raising on children’s rights need to be promoted. ? The involvement of civil society, including children, is critical if there is to be progress on implementation. ? International cooperation.

The Committee on the Rights of the Child Compliance with the Convention and its Optional Protocols is monitored by the Committee on the Rights of the Child,



a body of 18 independent experts elected by the States Parties to the CRC. In fulfilling this role, the Committee examines reports submitted by the States Parties, also taking into account information from other sources. This includes information provided by United Nations (UN) agencies, non-governmental organizations (NGOs, who sometimes submit alternative reports) and occasionally by ombudsmen, human rights commissions and other competent bodies.

States Parties to the OPSC must submit one report specifically on implementation of the Optional Protocol. Subsequently, information on its implementation must be incorporated into the periodic reports to the Committee on implementation of the CRC as a whole. By the end of the 49th session in October 2008, the Committee had considered 30 reports under the Optional Protocol. The Committee expresses views on the CRC and the OPSC in two main ways. After examining the reports of a State Party and discussing it with their representatives, the Committee adopts Concluding Observations that outline its views on the measures taken by the State Party. It makes recommendations on what further action it considers the State should take to fulfil its obligations.

The Committee also provides further guidance to States Parties through its General Comments and annual thematic discussions. Background to the Protocol The United Nations Commission on Human Rights, the main UN human rights forum until 2006, had a long history of concern with

**90%**

## **MATCHING BLOCK 430/527**

**W**

the sale of children, child prostitution and child pornography. In 1974, a Working Group on Slavery was established. Now called the Working Group on Contemporary Forms of Slavery, it holds annual hearings in which it considers, among other issues, severe forms of exploitation of children, including prostitution and trafficking. In 1992, the Commission on Human Rights adopted

**33%**

## **MATCHING BLOCK 432/527**

**SA** Mridula Barman\_LAW.docx (D15441512)

the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography prepared by the Working Group. In 1990 the Commission on Human Rights appointed a Special Rapporteur on the sale of children, child prostitution and child pornography.

The

Special Rapporteur,

whose mandate extends to all UN Member States, plays a key role in raising awareness of these phenomena.

The incumbent also works to combat sexual exploitation by publishing reports on specific cases, undertaking fact-finding missions to investigate trends and situations in a given country or region, and conducting national and regional workshops. The 1994 report of the Special Rapporteur called for strengthening of prevention strategies by States Parties and other actors. It also called for addressing the root causes of the sale of children, child



prostitution and child 126

Children and Human Rights

pornography. The same year, the Commission on Human Rights adopted a resolution on the need for effective international measures to prevent

**87%**

### **MATCHING BLOCK 436/527**

**SA** child issues thesis 2018.docx (D40611590)

and eradicate the sale of children, child prostitution and child pornography. The resolution recalled the 1993 Vienna Declaration and Programme of Action that called for effective measures against female infanticide, harmful child labour, the sale of children and their organs, child prostitution and pornography and other forms of sexual abuse. The Commission also recognized UNICEF's work in these areas, and the efforts of

**41%**

### **MATCHING BLOCK 433/527**

**W**

the Committee on the Rights of the Child and the Special Rapporteur. The standards set by the ILO on exploitative forms of child labour were noted, as was a report of the Second International Workshop on National Institutions for the Promotion and Protection of Human Rights. It called for a draft optional protocol to the CRC concerning elimination of sexual exploitation and trafficking of children. Ultimately, an open-ended working group of the Commission on Human Rights was established to draft a new optional protocol in cooperation with the Special Rapporteur and the Committee on the Rights of the Child. Thus began the thoughtful and deliberate process of drafting the Protocol. It was informed by the First World Congress against Commercial Sexual Exploitation of Children and by the efforts of the NGO community. In 1998, for example, a federation of child rights NGOs called for greater precision in terminology, the rejection of any notion of child 'consent' and recognition of the need for rehabilitation of victims. The Optional Protocol was adopted by the United Nations General Assembly on 25 May 2000 and entered into force on 18 January 2002. By October 2008, it had been ratified by 129 States. The Protocol and other international instruments The global concern with child exploitation that led to the adoption of this Protocol also led to the nearly simultaneous adoption of two other important instruments: the International Labour Organization

**90%**

## MATCHING BLOCK 434/527

W

Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour ('Worst Forms of Child Labour Convention' No. 182 of 17 June 1999)

and  
the

**100%**

## MATCHING BLOCK 435/527

W

Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (the 'Palermo Protocol' of 15 November 2000). As of July 2008, there were 169 States Parties to the 'Worst Forms of Child Labour Convention' and 124 States Parties to the 'Palermo Protocol'. The process of developing international standards continues. In 2005, the United Nations Economic and Social Council (ECOSOC) adopted a resolution that addresses an issue covered only in general terms by the OPSC – the treatment of child victims of crime in legal proceedings. In 2007, the Council of Europe adopted the Convention

on the Protection of Children against Sexual Exploitation and Sexual Abuse.

As of February 2009 the Convention had not yet entered into force. Most of the above-mentioned instruments are treaties and are therefore legally binding on States upon ratification. Many of the States that are parties to the OPSC are also parties to ILO Convention 182, or the 'Palermo Protocol', or both. Most of the 28 States that have signed the European Convention are States Parties to the OPSC. When a State is a party to two or more treaties that contain obligations on the same subject, it is obliged to fulfill all its obligations under each treaty. All of a State's treaty obligations, regardless of their source, are complementary. If a treaty contains a higher standard than another or addresses an issue not covered by another, the lower standard or the non-inclusion of the issue in the second treaty does not justify non-compliance with the complementary or higher standard recognized in the first. Of relevance is article 41 of the CRC, which calls on States to apply the “

**92%**

## MATCHING BLOCK 437/527

SA

Mridula Barman\_LAW.docx (D15441512)

provisions which are more conducive to the realization of the rights of the child” and that may be contained in

national and international law in force for that State. It is therefore important that States Parties ratify all relevant international instruments and adopt them into national law. Examples would be the obligation to criminalize the sale of children in the OPSC and the obligation to criminalize trafficking in children in the 'Palermo Protocol' and the United Nations Convention against Transnational Organized Crime. Most acts that meet the definition of sale also meet the definition of trafficking, but there are some situations of sale that are not trafficking and vice versa. A State that is a party to the OPSC and the 'Palermo Protocol' must



criminalize not only acts that meet both definitions – acts that are both sale and trafficking – but also all acts that meet either definition – those that are sale but not trafficking, and those that are trafficking but not sale. The 2005 UN resolution entitled *Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime* is not legally binding and does not codify customary international law. They are, however, closely related to various provisions of the CRC and the OPSC, including the right to be heard in legal and administrative proceedings and the principle of the best interests of the child (articles 12.2 and 3.1, respectively, of the CRC), the right of victims of 127 Children and Human Rights exploitation to recovery and reintegration (article 39 of the CRC) and the right to recovery of victims of sale and sexual exploitation (article 8 of the OPSC). It is therefore perfectly legitimate to take the Guidelines into account and to expect States to do so, in determining how these treaty provisions should be interpreted and applied in practice. The Committee on the Rights of the Child has endorsed these guidelines and encouraged States to take them into account in implementing the CRC and the OPSC. This is the legal position. As a matter of policy, a State should ratify and take all relevant international instruments into account when it undertakes law reform; develops strategies, programmes or policies; or creates new structures concerning matters addressed by the Protocol. This helps to ensure that the measures it adopts are comprehensive and coherent. It is not possible to identify here all the provisions of the instruments mentioned above that are complementary to the obligations contained in the Protocol. However, some particularly relevant examples must be mentioned. ILO ‘Worst Forms of Child Labour Convention’ (No. 182), which includes the trafficking, sale and prostitution of children, expressly applies to all people under age 18, eliminating the ambiguity caused

**88%**

### **MATCHING BLOCK 438/527**

**W**

by article 1 of the Convention on the Rights of the Child.States Parties

**95%**

### **MATCHING BLOCK 439/527**

**SA** child issues thesis 2018.docx (D40611590)

article 1 of the Convention on the Rights of the Child.States to Convention No.182 have a legal obligation to adopt programmes of action to eliminate all the practices it covers. They are also supposed to take preventive and protective measures that aim to achieve specific results by a certain date. The ‘Palermo Protocol’, which covers the trafficking of children, also applies without exception to all persons under 18. It expressly provides that the consent of persons under 18 is not relevant, eliminating the ambiguity that is sometimes inferred – correctly or not – from the silence of the CRC and the OPSC on the issue of the possible relevance of the ‘age of consent’ for child



prostitution and child pornography.

The Council of Europe

Convention

on the Protection of

Children against Sexual Exploitation and Sexual Abuse,

as its name indicates, covers sexual abuse as well as sexual exploitation. Concerning child prostitution and pornography, it contains obligations to criminalize conduct for which

criminalization is not expressly required by the OPSC, such as using the services of a child prostitute and possession of child pornography. The

Council of Europe Convention is also more detailed than the OPSC in terms of the kinds of preventive, repressive and restorative actions it obliges States Parties to take. To cite but one example, an article on corporate liability recognizes an obligation to adopt legislation making all persons within a corporation legally responsible for their actions. Conceptual clarity Some national legislation defines key terms such as sexual exploitation too narrowly and does not reflect the full scope of the international definitions.

Conceptual clarity is important for ensuring that all stakeholders define and interpret terms in the same way. Similarly legal concepts between states need to be compatible if bilateral and international cooperation are to be effective. The following terms are found in the OPSC or relate to its implementation. They have been officially defined by the Committee on the Rights of the Child, other treaty bodies and United Nations organizations. Given the need for conceptual clarity within, among and between states, the use of these official definitions is recommended.

**97%**

### **MATCHING BLOCK 440/527**

**SA** child issues thesis 2018.docx (D40611590)

Child: A child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier. (

**100%**

### **MATCHING BLOCK 445/527**

**SA** Mridula Barman\_LAW.docx (D15441512)

A child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier. (Article 1 of the

CRC, adopted in 1989, entered into force in 1990.) Children with disabilities (the definition provided in the Convention is for persons with disabilities, including children): Children who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others. (Article 1 of the Convention on the Rights of Persons with Disabilities adopted in 2006, entered into force in 2008.) Child Exploitation: [In the context of child trafficking],

exploitation shall include, at a minimum, the exploitation of the

**94%**

**MATCHING BLOCK 441/527****W**

prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs. (

Article 3

of the 'Palermo Protocol', adopted in 2000, entered into force in 2003.)

**97%****MATCHING BLOCK 442/527****W**

Child prostitution: 23 The use of a child in sexual activities for remuneration or any other form of consideration. (

Article 2 of the OPSC,

adopted in 2000, entered into force in 2002.) 128

Children and Human Rights

**98%****MATCHING BLOCK 443/527****W**

Child pornography: Any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes. (

Article 2

of the OPSC.)

Debt bondage:

**100%****MATCHING BLOCK 444/527****W**

The status or condition arising from a pledge by a debtor of his personal services or of those of a person under his control as security for a debt, if the value of those services as reasonably assessed is not applied towards the liquidation of the debt or the length and nature of those services are not respectively limited and defined. (Article 1

of

**100%****MATCHING BLOCK 446/527**

**W**

the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, adopted in 1956, entered into force in 1957.)

**93%****MATCHING BLOCK 447/527****W**

Forced or compulsory labour: All work or service which is exacted from any person under the menace of any penalty and for which the said person had not offered himself voluntarily. (

**93%****MATCHING BLOCK 448/527****SA** child issues thesis 2018.docx (D40611590)

Forced or compulsory labour: All work or service which is exacted from any person under the menace of any penalty and for which the said person had not offered himself voluntarily. (

Article 2 of ILO Convention Concerning Forced or Compulsory Labour

No. 29, adopted in 1930, entered into force in 1932.) Neglect: The failure of parents or carers to meet a child's physical and emotional needs when they have the means, knowledge and access to services to do so; or failure to protect her or him from exposure to danger. (United Nations, World Report on Violence against Children, 2006, p. 54.)

**94%****MATCHING BLOCK 449/527****W**

Sale of children: Any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration. (Article 2

**96%****MATCHING BLOCK 453/527****SA** child issues thesis 2018.docx (D40611590)

Sale of children: Any act or transaction whereby a child is transferred by any person of the OPSC.) Serfdom:

**100%**



## **MATCHING BLOCK 450/527**

**W**

The condition or status of a tenant who is by law, custom or agreement bound to live and labour on land belonging to another person and to render some determinate service to such other person, whether for reward or not, and is not free to change his status. (Article 1 of

**100%**

## **MATCHING BLOCK 451/527**

**W**

the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery.)

Slavery:

Slavery is

**83%**

## **MATCHING BLOCK 452/527**

**W**

the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised. (Article 1 of the Slavery Convention, adopted in 1926, entered into force in 1927.) Slave trade: The

**93%**

## **MATCHING BLOCK 454/527**

**W**

slave trade includes all acts involved in the capture, acquisition or disposal of a person with intent to reduce him to slavery;

all acts involved in the acquisition of a slave with a view to selling or exchanging him; all acts of disposal by sale or exchange of a slave acquired with a view to being sold or exchanged, and, in general, every act of trade or transport in slaves (

Article 1 of the Slavery Convention). This

means and includes

**100%**

## **MATCHING BLOCK 455/527**

**W**

all acts involved in the capture, acquisition or disposal of a person with intent to reduce him to slavery;  
 all acts involved in the acquisition of a slave with a view to selling or exchanging him; all acts of disposal by  
 sale or exchange of  
 a person acquired with a view to being sold or exchanged;  
 and, in general, every act of trade or transport in slaves by whatever means of conveyance. (  
 Article 7  
 of

**100%****MATCHING BLOCK 456/527****W**

the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices  
 Similar to Slavery.)

Torture: Any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a  
 person for such purposes as obtaining from him or a third person information or a confession, punishing him  
 for an act he or a third person has committed or is suspected of having committed, or intimidating or  
 coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or  
 suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or  
 other person acting in an official capacity... (Article 1

**89%****MATCHING BLOCK 457/527****SA** child issues thesis 2018.docx (D40611590)

of the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment,  
 adopted in 1984, entered into force in 1987.)

**88%****MATCHING BLOCK 460/527****SA** child issues thesis 2018.docx (D40611590)

Trafficking: (a) The recruitment, transpor tation, transfer, harbouring or receipt of persons, by means of the  
 threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power  
 or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent  
 of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at  
 a minimum, the exploitation of the prostitution  
 of others or 129

Children and Human Rights other forms of sexual exploitation,  
 forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;... (  
 b)

**95%****MATCHING BLOCK 458/527****W**

The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” even if this does not involve any of the means set forth in subparagraph (a) of this article; (

c) “Child” shall mean any person under eighteen years of age. (Article 3 of the Palermo Protocol) Violence: The UN Study on Violence against Children, the outcome of the first global attempt to describe the scale of all forms of violence against children and its impact, defines violence against children in accordance with article 19 of the CRC, but also draws upon the definition of the

**81%****MATCHING BLOCK 459/527****W**

World Report on Violence and Health , 2002. (United Nations Secretary- General’s Study on Violence against Children, 2006,

pp. 5-6.) The intentional use of physical force or power threatened or actual, against a child, by an individual or group, that either results in or has a high likelihood of

**100%****MATCHING BLOCK 463/527****SA** child issues thesis 2018.docx (D40611590)

resulting in actual or potential harm to the child’s health, survival, development or dignity. ( World Report on Violence and Health , 2002.) From article 2 of the Declaration on the Elimination of Violence against Women 1993: Violence against women shall be understood to encompass, but not be limited to, the following: (a) Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation; (b) Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution; (c) Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs. Violence is the most comprehensive term as it encompasses physical, sexual and psychological/mental forms of maltreatment, including abuse and assault.

**70%****MATCHING BLOCK 461/527**

**W**

Worst forms of child labour: From article 3 of the ILO ‘Worst Forms of Child Labour Convention’, No. 182, adopted in 1999, entered into force in 2000. (

**100%****MATCHING BLOCK 462/527****W**

a) All forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict; (b) The use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances; (c) The use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties; (d) Work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

**100%****MATCHING BLOCK 466/527****SA** child issues thesis 2018.docx (D40611590)

a) All forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict; (b) The use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances; (c) The use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties; (d) Work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

Content of  
the Optional Protocol  
Article 1  
of

**94%****MATCHING BLOCK 464/527****W**

the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (OPSC) provides that “

States Parties  
shall prohibit

**100%**

## MATCHING BLOCK 465/527

W

the sale of children, child prostitution and child pornography as provided for by the present Protocol.”

Article 2 defines the

conduct prohibited in the Protocol and must be considered together with article 3, which lists acts that, as a minimum, should be “fully covered” by the criminal or penal legislation of States Parties. The obligations of States Parties to the Optional Protocol also concern the repression of these crimes.

This includes issues such as

extraterritorial jurisdiction, extradition, mutual legal assistance and seizure and confiscation of proceeds and instrumentalities (articles 4 to 7, respectively). Article 8 concerns the protection of victims, article 9 addresses prevention and article 10 covers international cooperation.

This chapter addresses these definitions and the obligations of States Parties. It takes into account the way the Committee on the Rights of the Child has interpreted them in its examination of the reports submitted by Parties to the Protocol. 130

Children and Human Rights Sale of children The sale of children is defined by article 2 of

the Optional Protocol

100%

## MATCHING BLOCK 467/527

W

as “any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration.”

100%

## MATCHING BLOCK 469/527

SA

child issues thesis 2018.docx (D40611590)

as “any act or transaction whereby a child is transferred by any person

This broad definition is the outcome of a

long debate as to whether the OPSC should cover only sale for the purpose of sexual exploitation or sale for any purpose.

States tend to identify sale of children with trafficking in children. Indeed, many States Parties have legislation prohibiting trafficking in persons, but lack legislation specifically prohibiting the sale of children. However, although trafficking and sale of children are similar concepts, they are not identical,

100%

## MATCHING BLOCK 468/527

**W**

and article 35 of the Convention on the Rights of the Child (CRC)

**85%****MATCHING BLOCK 473/527****SA** child issues thesis 2018.docx (D40611590)

and article 35 of the Convention on the Rights of the Child (CRC) obliges States Parties to take measures to prevent both.

The Committee often reminds States Parties to the OPSC that their legislation must satisfy its obligations with regard to

the sale of children. The international definition of child trafficking provided

by

the

Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (‘Palermo Protocol’)

does not specifically refer to the sale of children, even though children can be sold at each stage of the trafficking process, as is clear from the definitions below: ? Recruitment: A child can be sold to a trafficker by parents or other caregivers, or by an institution. ? Transport, transfer, harbouring: During the movement of the child, the child can be sold by one trafficker to another. ? Receipt: The child can be sold by the trafficker to a final ‘buyer’. ? Exploitation: The child can at any time be sold to another trafficker or exploiter Experience shows that a child can be trafficked without any element of sale occurring throughout the entire process. The sale of children is therefore not a necessary element of the definition of child trafficking: Recruitment can take place using deceit, force or abduction, but may also occur without any of these elements being present. Nor does there need to be a commercial transaction or even any broader “remuneration or other consideration” when the child is transferred. Equally important is the fact that the same trafficker(s) may be involved during transportation and exploitation, so the child is not necessarily transferred from one to another for remuneration or other considerations. Additional differences between the sale of children and child trafficking pertain to movement and exploitation as defined in the ‘Palermo Protocol’. The sale of a child is not necessarily linked to the purpose of exploitation by those who pay for the child, as is the case for child trafficking. This is true even though the OPSC addresses the sale of children in connection with various forms of exploitation. The sale of a child can take place without physical movement of the child, while the concept of child trafficking always involves an element of movement.

Moving a person out of his or her social environment is a key element of the trafficking concept, as it enhances the vulnerability of the trafficked person. In some cases, child trafficking and the sale of children overlap, and differences in the definition do not have any effect on the actual experience of a child and his or her exploitation. However, the distinction is important with regard to the prosecution of perpetrators, creating indicators for identification and determining the best interests of the child, including with regard to the child’s repatriation to his or her family. Finally, in order to more effectively address the trafficking and sale of children, it is important to identify the root causes and to pinpoint any gaps in child protection systems. Legislation against trafficking in persons can be a valuable tool in implementing article 35 of the CRC and the OPSC. However, it is important that States Parties ensure that their legislation also prohibits forms of sale that do not constitute or are not related to child trafficking. While article 2

**76%**

## MATCHING BLOCK 470/527

**W**

of the OPSC defines the sale of children, child prostitution and child pornography, article 3 identifies specific acts that must be criminalized. In so far as sale is concerned, paragraph 1(

**75%**

## MATCHING BLOCK 471/527

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a) prohibits the “offering, delivering or accepting” of a child for the purpose of sexual exploitation, transfer of organs for profit, forced labour and adoption in violation of applicable legal instruments. No international instrument defines sexual exploitation, and opinions differ on the distinction between sexual exploitation and sexual abuse. In the context of the OPSC, sexual exploitation clearly includes child prostitution and child pornography, which includes the production of child pornography or participation of children in pornographic performances. Another practice that could be considered “sale for the purposes of sexual exploitation” is the so-called temporary marriage still practised in some parts of the world. Some types involve girls given in marriage to men – often older men – in exchange for money. These marriages may be for a few weeks or for several months, after which the girls are abandoned by their husbands and deprived of the rights acquired by marriage. In addition to the psychological 131

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trauma suffered, the victims are stigmatized by society and marginalized by their own families. The Committee on the Rights of the Child has discouraged this practice in several of its reports. The term sexual exploitation also includes some practices that are neither prostitution nor sale. They include sexual slavery and sexual

relations between an adult and a child under his or her control without compensation of any kind being given to the child. (Such practices would include sexual relations between a child in detention and a police officer or prison officer, a child domestic servant and his or her employer, or a child confined in a home for orphans or children with disabilities and staff members in the home.) If there is neither a sale nor compensation for sexual services, such practices may be considered as not falling within the scope of the OPSC. However, such practices are prohibited by the CRC and are a violation of a child’s rights. Article 3 of the OPSC specifically requires States Parties to prohibit

the offer, delivery or acceptance of children for purpose of “transfer of organs...for profit.”

This is a narrow obligation; it does not cover the sale of a child’s organs without sale of the child or the abduction of a child for the purpose of sale of organs. The term “organ” does not include blood or tissue. Although proof of this practice remains elusive, where the legislation of parties to the Protocol is deficient in this regard, the Committee encourages them to remedy the gap. Article 3 also specifically requires States Parties to prohibit the sale of children for the purpose of forced labour. The most widely accepted definition of forced labour is that contained in International Labour Organization (ILO) Convention concerning

Forced or Compulsory

Labour (No. 29), which states: “

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all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.”

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all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.”

ILO

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Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (‘Worst Forms of Child Labour Convention’ No. 182)

provides that the term includes

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the “forced or compulsory recruitment of children for use in armed conflict.” The

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forced or compulsory recruitment of children for use in armed conflict.” The

Committee has taken the position that sale of children for the purpose of engagement in armed conflict is covered by this provision of the OPSC.

It has also addressed the issue of sale of children for the purpose of camel racing under the prohibition of sale for the purpose of forced labour. In both cases, it has adopted a broad interpretation of the requirement of coercion that takes into account poverty, neglect and absence of opportunities. Finally, article 3 requires States Parties to criminalize

the act of “

improperly inducing consent, as an intermediary, for the adoption of

a



child  
in violation of applicable international legal instruments on adoption.”

Although

this provision applies only to the acts of intermediaries, the Committee has recommended that States Parties criminalize the activities of all those involved in the sale of children for the purpose of adoption.

This interpretation finds justification in the fifth paragraph of article 3, which obliges States Parties to take all appropriate legal and administrative measures to ensure that all persons involved in the adoption of a child “act in conformity with applicable international legal instruments.” Child Prostitution Article 2 of the OPSC

defines

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child prostitution as “the use of a child in sexual activities for remuneration or any other form of consideration.”

Meanwhile, article 3 obliges States Parties to criminalize “

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Offering, obtaining, procuring or providing a child for child prostitution.” The term “any other consideration” means that prostitution includes the provision of sexual services in exchange for goods, services or favours, as well as money. This would cover, for example, the exchange of sexual services for necessities such as food and shelter, or for drugs. Unlike the ‘Palermo Protocol’, the OPSC does not contain a definition of the term ‘child’. 38 However, the definition contained in article 1 of the CRC also applies to the OPSC. Some countries use varying ages – i.e. children younger than age 18 – in their legislation that defines child prostitution. In countries where prostitution is legal this may mean that the exploitation of children over the age of consent – often children aged 16 or 17 – is not a crime. Where prostitution is illegal and a child has not been identified as a victim of trafficking, it may mean that older children involved in prostitution are treated as offenders. In such cases, the Committee has consistently asked States Parties to set an age limit of 18 years

for defining a child for all the offences covered by the

OPSC. The issue of sexual exploitation of children in travel and tourism has often been raised by the Committee. Although this phenomenon is not identified as a distinct offence under article 3 of the OPSC, it is referred to in the Preamble as well as in article 10, which deals with international cooperation. ‘

Sex tourism’ is directly related to the offences covered by the Protocol, since it often involves child prostitution and child pornography (as those who exploit child prostitutes often record their activities on film), and may also involve the sale of children. For these reasons, the Committee recommends that States Parties strengthen efforts to prevent and combat sexual exploitation of children in 132

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travel and tourism. Such efforts include, in particular, promoting responsible tourism through awareness-raising campaigns directed at tourists and cooperating closely with travel operators, non-governmental organizations (NGOs) and civil society organizations. Child Pornography

Article 2 of

the

OPSC

defines

child pornography

as “

any representation, by whatever means, of a child engaged in real or simulated

explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes.”

Article 3

requires States Parties to criminalize “

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## **MATCHING BLOCK 479/527**

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producing, distributing, disseminating, importing, exporting, offering, selling or possessing for the above purposes child pornography as defined in article 2.”

Pornography can,

among other forms, be represented in

live performances, photographs, motion pictures, video recordings and the recording or broadcasting of digital images. The Committee is particularly concerned

about the widespread distribution and accessibility of child pornography through the Internet. It has strongly and consistently recommended that States Parties and the international community urgently tackle the issue. Specific recommendations have been made regarding adoption of legislation on the obligations of Internet service providers in relation to child pornography. Interpreted strictly, article 3(1)(c) of the OPSC obliges States Parties to punish the possession of child pornography only when this possession is “for the above purposes” – producing, distributing, disseminating, importing, exporting, offering or selling.

The Committee on the Rights of the Child has nevertheless encouraged countries to prohibit simple possession. Criminal, Civil and Administrative Responsibility Paragraphs 2 to 4 of article 3 of the OPSC

cover a number of issues concerning responsibility for participation in the offences defined in the first paragraph

of

the article. Paragraph 2 contains a provision that States Parties shall criminalize the commission of sale of children, child prostitution and child pornography. Parties are also compelled to criminalize an attempt to commit any of the acts listed in paragraph 1 of article 3 as well as complicity or participation in any of the acts. This is to be done in accordance with each State’s general legal provisions concerning attempt, complicity and participation. Paragraph 3 of article 3 provides that States Parties shall make the offences identified by the OPSC – including attempt and complicity – “punishable by appropriate penalties that take into account their grave nature.” To date, the Committee has not often addressed this provision of the Protocol, although it addressed one case in which light penalties for sexual offences against children precluded the exercise of extra-territorial jurisdiction. Paragraph 4 of article 3 is an unusual provision

concerning

the liability of legal persons for the offences defined in paragraph 1 (but not paragraph 2) of article 3. This provision is framed in obligatory language but is qualified by the words “as appropriate”.

Liability may be criminal, civil or administrative, depending on the legal principles recognized by the legislation of the State Party, since in many legal systems criminal responsibility cannot be imposed on enterprises or firms. The Committee has referred to this provision only in a limited number of cases. Article 7 of the OPSC is similar. It obliges States parties to take measures, subject to the provisions of their national law, to provide for seizure of instrumentalities used to commit or facilitate the offences covered by the Protocol and proceeds derived from such offences, and to take measures aimed at closing premises used for such purposes. This obligation applies to all the offences mentioned in article 3, including attempt and complicity.

Jurisdiction and extradition Article 4 of the OPSC

concerns jurisdiction over acts of sale of children, child prostitution and child pornography. Paragraph 2 provides that States Parties “may” establish jurisdiction over such offences according to the principles of

active personality (which means that the alleged offender is a national of the State in question or has habitual residence in its territory).

Another component is passive nationality,

and this means that the victim is a national of the State. Paragraph 3 of article 4 requires each State Party to give its courts jurisdiction over the sale of children, child prostitution and child pornography “when

the alleged offender

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is present in its territory and it does not extradite him or her to another State Party on the ground that the offence has been committed by one of its nationals.”

The

clause referring to the nationality of the offender is ambiguous. However, a similar provision of the Convention against Transnational Organized Crime, also adopted in 2000, clearly indicates that the relevant nationality is that of the

State 133

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where the alleged offender is present. 48 Comparative law tends to confirm this; legislation barring the extradition of citizens is not unusual, while legislation precluding the extradition of foreign nationals to their own country is unknown.

This paragraph must therefore mean that States Parties to the OPSC must adopt legislation to the effect

that, if they do not extradite one of their nationals to a country that requests his/her extradition for involvement

in the sale of children, child prostitution or child pornography – because the crime

took place in the territory of the requesting State, for example – its own courts must have jurisdiction to

prosecute. In effect this limits the discretion that the previous paragraph gives States regarding jurisdiction over offences committed by its nationals abroad. It should be noted that article 5, which concerns extradition, provides that a State Party that refuses a request for extradition on this ground must not only recognize the jurisdiction of its courts over the crime, but must also “submit the case to its competent authorities for the purpose of prosecution.” The Committee on the Rights of the Child often enquires whether States Parties prosecute their nationals for those crimes covered by the Protocol that are committed abroad. This is particularly important where children are exploited in travel and tourism. The Committee has expressed concern over the application of the principle of double criminality to the offences covered by the OPSC. Double criminality exists when an offence committed abroad can be punished only if it is considered a crime in both the country having jurisdiction over the suspect and the country where the offence was committed. The Committee has welcomed the abolition of the double criminality requirement with respect to these offences. Article 5 of the OPSC regulates extradition in considerable detail. Paragraph 1 provides that the offences “shall be deemed to be included as extraditable offences in any extradition treaty existing between States Parties and shall be included as extraditable offences in every extradition treaty subsequently concluded between them.” Paragraph 2 contains provision for a State Party to extradite upon receiving a request from another State Party to the Protocol with which it has no extradition treaty. Accordingly, the Protocol itself provides a sufficient legal basis for extradition for the offences that it defines. Paragraph 3 of article 5 concerns States Parties to the Protocol that do not make extradition conditional on the existence of a treaty. This paragraph provides that they shall recognize the offences defined in the Protocol as extraditable offences between themselves. The Committee has objected to the practice of States that limit extradition to the existence of bilateral agreements or conditions of reciprocity. Paragraph 4 of article 5 is somewhat complicated. It provides that, for purposes of extradition between States Parties, offences shall be treated as if they occurred in the territory of all parties required to assert jurisdiction in accordance with article 4. Two provisions of article 4 are obligatory: paragraphs 1 and 3. Paragraph 1 provides that States Parties shall establish their jurisdiction over these offences when they

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are committed in their territory or on board a ship or aircraft registered in that State.

Thus, for example, if State A has an obligation under article 4, paragraph 3, to assume jurisdiction over nationals who commit crimes abroad because its constitution prohibits the extradition of nationals, all parties to the OPSC must treat offences committed by nationals of that State as if they had been committed in State A, for purposes of extradition. For example, if a citizen of State A is located in State B and has committed child prostitution in State C, and State A requests State B to extradite him, State B must respond to the request as if the crime had been committed in the territory of State A. It should be noted that the provisions of article 5 concerning extradition address the offences defined in paragraph 1 of article 3. They do not cover attempt or complicity, which are covered by paragraph 2 of article 3. Mutual legal Assistance Article 6 of the OPSC requires that States Parties provide one another “the greatest measure of assistance in connection with investigations or criminal or extradition proceedings brought in respect of the

offences set forth in article 3, paragraph 1.”

Obligations of this kind are a common feature in treaties concerning internationally recognized crimes. The assistance covered by article 6 includes, in particular, assistance in obtaining evidence. Article 7 of the OPSC specifically requires States Parties to “

Execute requests from another State Party for seizure or confiscation of goods [i.e. instrumentalities used in the commission or facilitation of offences] or

proceeds.” The obligation to provide assistance contained in article 6 applies only to offences listed in paragraph 1 of article 3. Meanwhile, the obligation contained in article 7 applies to any offence covered by the OPSC. 134

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These provisions are reinforced by paragraph 1 of article 10, which recognizes a general obligation of States Parties to “

take all necessary steps to strengthen international cooperation by multilateral, regional and bilateral arrangements for the prevention, detection, investigation, prosecution and punishment of those responsible for acts

involving the sale of children, child prostitution, child pornography and child sex tourism.”

The Committee has not commented on the obligations contained in articles 6 and 7, but it does encourage States Parties to enter into bilateral and multilateral agreements

for the detection, investigation, prosecution and punishment of those responsible for acts involving the sale of children, child prostitution, child pornography and child sex tourism.

#### Prevention

Article 9 of the OPSC requires States Parties

to “adopt or strengthen, implement and disseminate laws, administrative measures, social

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policies and programmes to prevent the offences referred to in the present Protocol [giving] “particular attention...to protect children who are especially vulnerable to such practices.”

This article contains two paragraphs that describe specific kinds of preventive measures. Paragraph 5 requires States Parties

to “

take appropriate measures aimed at effectively prohibiting the production and dissemination of material advertising the offences described in the present Protocol.”

Paragraph 2 of article 9

sets forth a more general obligation to “promote awareness in the public at large, including children, through information by all appropriate means, education and training,

about

the preventive measures and harmful effects of the offences referred to in the present Protocol.”

The principle of participation is recognized as well. States Parties are obliged to “encourage the participation of the community and, in particular, children and child victims, in

such information and education and training programmes, including at the international level.” It is noteworthy that the Committee on the Rights of the Child puts considerable emphasis on the issue of prevention. It also places importance on adopting a holistic approach that addresses the root causes, such as poverty and underdevelopment, that contribute to the vulnerability of children to sale, prostitution,



pornography and sex tourism. States Parties are encouraged to pay particular attention to the protection of children. The Committee considers that children living on the street, in remote areas or those living in poverty are especially vulnerable to these crimes. In some cases, the Committee has emphasized the need to focus on children affected by war, drought and famine, including displaced children. The Committee also stresses the importance of the obligation to raise public awareness of the harmful effects of the offences referred to in the Protocol, especially among children and their parents. Likewise, it emphasizes the value of active participation of children, victims and their families. The Committee particularly insists on the importance of compliance with this obligation in countries where, for religious, social, cultural or other reasons, it is difficult to have public discussions on sale, prostitution and pornography. The Committee has welcomed dissemination of material drawing attention to the unlawful character of child prostitution, seeing it, in particular, as a contribution to the struggle against sexual exploitation of children in travel and tourism. Certain preventive measures not specifically mentioned by the Protocol have been identified by the Committee. These include effective birth registration systems to ensure that children do not fall into a legal limbo that makes them more vulnerable to the offences covered by the Protocol. The Rights of Child Victims Article 8 of the OPSC requires that States Parties “

adopt appropriate measures to protect the rights and interests of child victims of the practices prohibited under the present Protocol at all stages of the criminal justice process.” This detailed article contains 10 provisions on the treatment

to which child victims are entitled and

one provision on the rights of those who work with child victims. There is also a final paragraph safeguarding the rights of accused persons to a fair and impartial trial. Article 9 has two provisions on the rights of child victims.

Paragraph 3, like

article 39 of the CRC, recognizes

the right of victims

to assistance in achieving social reintegration and full physical and psychological recovery.

Additionally, paragraph 4 recognizes the right

of child victims to have “access to adequate procedures to seek, without discrimination, compensation for damages

from those legally responsible.”

Article 8 contains specific rights for children and duties for States. It gives children the right to: 135

Children and Human Rights ?

Procedures that recognize children’s

vulnerability and special needs, as witnesses and in general (article 8.1(a)); ? Be informed

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of their rights, their role, the scope, timing and progress of the proceedings and of the disposition of their cases (article 8.1(b)); ? Have their views, needs and concerns presented and considered in proceedings where their personal interests are affected in a manner consistent with the procedural rules of national law (

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in a manner consistent with the procedural rules of national law ( for child victims) (article 8.1(c)); ? Appropriate support services throughout the legal process (article 8.1(d)); ? Privacy and the confidentiality of information concerning their identity ( article 8.1(e)); ? Safety and protection against intimidation and retaliation (article 8.1(f)); ? Procedures free from unnecessary delays ( article 8.1(g)). Article 8 assigns States the duty to: ? Investigate, even when the age of the victim needs to be clarified (article 8.2); ? Consider the best interests of the child victim as a primary consideration (article 8.3); ? Provide appropriate training to all those who work with child victims ( article 8.4). Paragraph 5 of article 8 recognizes the right to protection of those who work with child victims or are involved in efforts to prevent sale, prostitution and pornography affecting children. In 2005, the United Nations Economic and Social Council adopted a resolution entitled Guidelines on Justice in Matters involving Child Victims and Witnesses of Crimes. The Guidelines cover in additional detail several of the issues addressed in article 8 of the OPSC, and the Committee on the Rights of the Child encourages States Parties to take these international standards into account. The Committee also specifically encourages States to use interview rooms designed for children and to avoid direct contact between child victims and witnesses and alleged perpetrators, for instance by using audio or video recordings of their statements. One of the Committee’s main concerns regarding treatment of such children is that they are not treated as offenders as a result of the exploitation they have suffered due to prostitution or other offences covered by the Protocol. The Committee also insists that ‘double victimization’ must be avoided. In one instance, for example, it urged a State Party “to apply child-sensitive procedures to protect children from hardship during the justice process, inter alia by using special interview rooms designed for children, child-sensitive methods of questioning; and by reducing the number of interviews, statements and hearings.” The Committee also stresses compliance with the obligation to assist children in social reintegration and physical and psychological recovery. In particular, it calls for ensuring that the relevant services are accessible throughout the country to all children who need them and that those persons providing such services have the necessary training. The ability of children who have been involved in sale, prostitution and pornography to bring their situation to the attention of agencies or to access services for assistance is another concern for the Committee. Telephone helplines have been an important measure recommended in this regard. More generally, the Committee recognizes the usefulness of independent human rights institutions for children and similar institutions that can help ensure respect for the rights of child victims of sale, prostitution and pornography. International Assistance and Cooperation Article 10 of the OPSC is devoted to international assistance and cooperation. Paragraph 1 makes a broad commitment for States Parties to promote “ international cooperation and coordination between their authorities, national and international non-governmental organizations and international organizations.” In addition, it contains an obligation to cooperate in law enforcement, as discussed in the paragraphs above. Paragraph 2 of article 10 encourages States Parties “to promote international cooperation to assist child victims in their physical and

psychological recovery, social reintegration and repatriation.”

Paragraph 3 emphasizes the need to address, at the international level, the root causes of these offences, such as poverty and underdevelopment. Finally, paragraph 4

calls upon

countries “in a position to do so” to provide financial, technical or other assistance through existing multilateral, regional, bilateral or other programmes.

For the Committee, international cooperation is integral to implementing the OPSC, and it particularly encourages the provision of technical assistance and aid aimed at combating the root causes of these offences. 136

Children and Human Rights Implementation of the Optional Protocol

Reports of States Parties to the Committee on the Rights of the Child are a useful source of information on implementation. However, one limitation is their tendency to focus mainly on actions taken by the States Party; they rarely contain information on the impact of those actions.

The ILO ‘Worst Forms of Child Labour Convention’ No. 182 obliges States Parties to take steps to eliminate the sale of children, child prostitution and child pornography. Since 1995, the organization’s

International Programme on the Elimination of Child Labour (IPEC)

has funded projects focused on eliminating these violations of child rights, and has published a study evaluating several of them. The organization has also published ‘Guidelines on the design of direct action strategies to combat commercial sexual exploitation of children’, which incorporates examples from IPEC projects. The scarcity of well-documented good practices is striking. Practices are often cited as positive examples based only on anecdotal evidence. Further efforts are urgently needed to identify good practices based on evidence of their impact.

Prevention of exploitation The ILO-IPEC evaluation of projects provides a number of lessons. Regarding prevention of child prostitution, it concludes that, while there is a relationship between poverty and child prostitution, other causal factors are at least as important, if not more so. These include family breakdown, parental substance abuse, sexual abuse in the home and peer pressure. The evaluation concludes, “It is important...to move beyond the uninformed assumption that the poorest children must by definition be the targets of programming ‘because they are at higher risk’.” The evaluation also challenges the effectiveness of education as a preventive measure. It cites data from Thailand that indicate that 76 percent of children in prostitution were enrolled in, or had completed, primary school, and some children had attended secondary school. According to this source, prevention programmes addressed to children, especially adolescent girls, should also take into account factors such as the importance of peer pressure and the glamour associated with some forms of prostitution, and the fact that some children enter into prostitution voluntarily.

Programmes designed to make children aware of the risks of sexual exploitation are common. Evaluations of these efforts are rare, however, and need to be encouraged. Some successful initiatives are described in the following sections Combating vulnerability Thai Women of Tomorrow, Thailand: This non-governmental organization (NGO) has established a volunteer force of current and former teachers. The volunteers inform girls and women in villages about the hazards of the commercial sex trade and the realities of life for those involved. Volunteers are recruited from the community and equipped with knowledge, advocacy skills and basic informational materials. Supervision is minimal but is provided on a continuous basis. The ILO’s 2000–2001 project evaluation concluded that the project could be replicated and adjusted to suit different cultural contexts. The volunteers were found to be well prepared and committed to the task. A likely part of the project’s success is the fact that, as the individuals are selected partly for their standing in their communities, their messages are more likely to be heard. The project also provides direct assistance to girls at risk. Young girls nominated by the volunteer teachers receive cash along with financial counselling. For



instance, the recipients are introduced to older girls who have used their money wisely. The evaluation found that this approach empowered the girls to finance their schoolwork and fend off pressure from their families to earn an income. The payments are financed by donors, including from the community, which also helps raise awareness of the issue of child prostitution among the wider community. The evaluation noted that it is impossible to reliably measure the impact on child prostitution, but growing community support and the increasing number of volunteers are valid indicators of success. Visayan Forum Foundation, the Philippines: The organization provides temporary shelter, information and referral services to children at risk. These children are identified largely through carefully developed linkages between its workers and the owners and operators of inter-island ferries. The ILO evaluation found that this approach, which identifies at-risk children and offers them services at the location where they are vulnerable, is an extremely effective protection mechanism. 137

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Although the programme aims to combat trafficking and child domestic labour, the evaluation found that this approach could also be used to prevent child prostitution. Spaces for Comprehensive Development, Mexico: The NGO Espacios de Desarrollo Integral (Spaces for Comprehensive Development) studies the needs and dynamics of a neighbourhood and then establishes clubs or centres that offer children and adolescents access to leisure activities, informal education and information on children's rights and sexual health. The clubs also promote community awareness of child prostitution and the participation of children in the community in raising awareness about the issue. The programme was praised

by  
the

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Special Rapporteur on the sale of children, child prostitution and child pornography in the report of his visit to Mexico from 4 to 15 May 2007. National Center for Missing & Exploited Children, United States: This non-governmental body, established in 1984, helps parents locate missing children, including runaways, abducted children and children lost in natural disasters or accidents. The centre operates a 24-hour telephone hotline that enables parents to report lost or missing children. An urgent alert is circulated when a child is reported abducted. The centre serves as a national clearing house on missing children and has received statutory status. It also publishes research, supports law reform, conducts awareness-raising campaigns on the dangers of sexual exploitation and abuse of children, and has trained more than 200,000 persons, mainly law enforcement officers. Efforts to locate missing children can be considered prevention activities because of the vulnerability of runaways to sexual exploitation. Fourteen other countries have established similar centres that participate in a global network. The Special Rapporteur has referred to the work of the organization as good practice. Village Safety Net Programme, Cambodia: Supported by Terre des Hommes and the Alliance for Conflict Transformation, this programme brings together local authorities and the public, including children, to participate in awareness-raising and education activities that highlight the risks to children and what each member of the community can do to help reduce those risks. It also encourages the establishment of local child protection networks. Children participate as peer and community educators, using techniques such as role play and theatre. Advocacy aimed at the police and other local officials encourages effective law enforcement, and is essential to the success of the programme and the safety of child participants. Centres for children at risk, Ukraine: The Special Rapporteur praised two centres for children during a mission to Kiev and surrounding areas of the Ukraine from 22 to 27 October 2006.



These included a residential facility operated by the city and a day care centre operated by religious groups. Although prevention of sexual exploitation is not a stated goal of the centres, they are designed to address situations that place children at risk of sexual abuse and exploitation. The residential facility houses boys and girls who have run away from home or been abandoned by their parents. The services offered are simple - shelter, health care, food, cultural and sporting activities, and enrolment in public schools. The Special Rapporteur praised the “human scale” of the facility and the professionalism and dedication of the staff. For at-risk children who live with their families and attend local schools, the non-residential facility offers meals and educational and social enrichment programmes, such as help with homework, access to computers, a library and sporting activities. Regional youth participation project, South Asia: The Youth Partnership Project works with child victims of commercial sexual exploitation in South Asia. It aims to reduce the vulnerability of children who have been trafficked and gives them the opportunity to participate in peer-support programmes, public advocacy and community awareness campaigns. The project involves collaboration between ECPAT International and various national NGOs – Aparajeyo in Bangladesh, SANLAAP in India and Maiti Nepal in Nepal. Children and staff of the three countries make regular visits to facilitate sharing of experiences. Youth trained in media and advocacy skills conduct awareness-raising campaigns geared towards source communities in an effort to reduce the numbers of children trafficked to other cities and neighbouring countries. The project also works with trained care givers and local organizations to teach them to provide quality psychosocial care for child survivors. The youth hope to improve the lives of child survivors and persuade adults at all levels to end the trafficking and sexual exploitation of children. 138

#### Children and Human Rights

Exploitation awareness programme, United Kingdom: From 2005 to 2007 the London Prevention Education programme was implemented in schools, pupil referral units and residential facilities for children aged 13 to 16. The activity consisted of single 45-minute sessions on awareness of risk (risky individuals and relationships, and techniques used to lure children into exploitation); the social, psychological and medical consequences of exploitation; and services for victims and those at risk. Its aim was to reduce the risk of involvement in any form of sexual exploitation, including relationships with older or abusive partners or the informal exchange of sexual services for favours, shelter or drugs, as well as ‘formal’ prostitution. The methodology included group discussion of case studies covering exploitation of children of both genders. The UK organization Barnardo’s evaluated the programme over the period 2005 to 2007. Since it would not have been feasible to measure the impact in terms of subsequent avoidance of sexual exploitation, the evaluation focused on the extent to which beneficiaries understood key messages and self-reported changes in attitude. The evidence suggests that most beneficiaries “found the programme useful, in terms of demonstrating the consequences of actions, like drug-taking and placing themselves in risky situations.” They were also “more aware of risky relationships and adults as a result of attending the sessions...[and] had a good awareness of services available to at-risk young people.” The ability to recall key messages some months after the activity was limited, however, leading the evaluators to recommend that messages be reinforced over time to improve knowledge retention. The participants said they appreciated the attitudes of the presenters, which, in turn, influenced how much the participants learned. One student told evaluators, “They listened to me. Once they said something, they gave me the opportunity to speak...there is no wrong answer. It was good for people to decide together.” Participants suggested that the presentations be longer and more interactive. Internet Safety The Internet has become a popular medium for those wishing to identify and contact children who may be vulnerable to sexual exploitation. A study published in 2003 concerning Internet use by students aged 9 to 16 in five European countries indicates that 24 per cent to 36 per cent of those who use the Internet have received unwanted sexual comments, 19 per cent to 39 per cent have been invited to meet face to face, and 12 per cent to 26 per cent have agreed to such meetings. In the Taiwan Province of China, 5 percent of secondary school students participate in ‘paid companionship’. This arrangement is facilitated by Internet dating services and often involves the provision of sexual services by the students. Programmes designed to make children aware of the risks of Internet communications and of



the precautions they should take have become commonplace. The European study noted above tends to confirm the effectiveness of such programmes: Two thirds of the students in Ireland had been exposed to awareness activities in school, and the students as a whole demonstrated higher awareness of basic Internet safety rules than students in Nordic countries. Their behaviour also revealed greater compliance with such rules. Only 12 percent of the Irish students had met in person someone they first met online, for example, as compared to 17 per cent to 26 per cent of the Nordic students. The Special Rapporteur also praised a project in Ireland that provides online self-help modules to aid the rehabilitation of persons who access and download child pornography from the Internet. Youth congress on online safety. In July 2008, the first International Youth Advisory Congress was held in London. The Congress focused on online safety and security. Nineteen countries were represented by a total of 148 children aged 14 to 17. The event was organized by the UK Child Exploitation and Online Protection Centre and supported by the Virtual Task Force, an international alliance of law enforcement agencies addressing child sexual exploitation. Comments from the young people included: "I have always been told not to talk to strangers that I meet on the street, but nobody told me not to talk to strangers on the Internet." "Restrictions alone do not work. Freedom to use the Internet, in combination with information on the risk and other protection measures, is the best combination." "Young people listen to other young people, therefore youth should be involved in developing safety messages on the Internet." 139

#### Children and Human Rights

In preparation for the Congress, 764 young people aged 11 to 17 from all over the world completed an online survey. 95 Some of the findings were as follows: ? Almost 40 per cent of respondents said they rarely speak about what they do online with their parents/guardians because they do not seem to take an interest. ? 73 per cent said they have access to the Internet whenever they want, with no restrictions on what they view. ? 44 per cent said they had come across images or content they thought were inappropriate for their age. During the Congress, the young people met with representatives from government, industry, law enforcement, education and the media. During a creative discussion on online security, the young people gave concrete suggestions on how to improve Internet safety, including: ? Broadcasters and advertisers should show films on online safety on television, the sides of buses, on billboards and in online pop-ups screens. ? Industry should develop a mandatory and universal 'report abuse' button on the toolbar of every browser and on all social networking sites. This would require only two clicks to report a problem, without users even having to leave the web page. ? An international online safety industry advisory panel should be established, made up of youth and industry leaders, to represent and report on current issues in their countries to government authorities. ? Governments should use their collective power to pressure the media and industry to promote online safety. ? Teachers, politicians, parents and other adults should be educated to enhance their understanding of online safety issues and to enable them to pass their wisdom on to other adults and young people. ? The term 'child pornography' should be replaced in the CRC with 'child abuse images'. ? Article 6 of the CRC (relating to survival and development) should be expanded to cover both the online and offline worlds. ? A global youth advisory online forum should be made accessible to registered users so that young people have a place to post their opinions and experiences. A complete summary of the recommendations can be found on the Congress website. The Congress was the beginning of a process that led to development of a Children and Young Persons Online Charter. It will be used as the basis for a submission to the United Nations as part of the Omnibus Resolution on the Rights of the Child, 2009. Reducing Demand in the Sex Trade Most prevention programmes focus on children at risk of sexual exploitation in the context of prostitution, and on their families. The evaluation done by IPEC suggests that prevention should also focus on reducing demand through advocacy with clients and potential clients, in particular men. According to the Special Rapporteur, this approach is based on the belief that "the majority of men who purchase sex from child prostitutes are probably 'situational offenders' who do not have a distinct preference for children but may use a situation or opportunity to sexually exploit an accessible child." A specialist in the field has pointed out that "the majority of the several million men who annually exploit prostitutes under the age of 18 are first and foremost prostitute users who become child sexual



abusers through their prostitute use, rather than the other way around.” There is also research indicating that many clients of prostitutes “were dissatisfied with the experience and wanted to stop.” The Special Rapporteur has endorsed programmes designed to reduce the demand for prostitutes and urges States to study programmes directed at clients and potential clients. A study cited by the Rapporteur contains information on a number of such programmes in Canada and the United States. Programmes aimed at reducing demand are quite diverse. Some have a religious orientation and address a wider variety of behaviours, including use of pornography and infidelity. Some shame clients through confrontations with former prostitutes, while others appeal to the user’s self-interest by educating clients about the health risks of commercial sex. Many are diversion programmes that allow participants to avoid prosecution, but some are for convicted offenders and still others are completely voluntary. Several of the programmes last for six to eight hours, but some are as long as eight weeks. 140

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Evaluations of such programmes address both self-reported changes in attitudes and beliefs and rates of recidivism. In one study that surveyed some 750 participants, 97 percent indicated that they do not intend to resume using the services of prostitutes. The beneficial impact was found to be less for habitual users. Rates of recidivism are very low, but the significance of this is unclear since rates of recidivism for sentenced clients who do not participate in such programmes is also very low. Below is a summary of a widely recognized programme mentioned by the Special Rapporteur in a report on a 1996 mission to the United States. First Offender Prostitution Program, California, United States: The First Offender Prostitution Program in San Francisco is a diversion programme for men arrested for soliciting a sexual act from a prostitute. Established by Standing Against Global Exploitation (The SAGE Project), an NGO that works with sex workers on rehabilitation, the programme was designed by former prostitutes. It aims to reduce the number of cases brought before the court, reduce crimes linked to prostitution (such as drug use and violence) and address the root causes of prostitution, including violence and misogyny. The programme is implemented with the support of the police, prosecutor, courts, probation department, Office of the Public Defender, Department of Public Health, Office of the Mayor and community groups. Approximately 75 per cent of the men who are arrested for soliciting the services of a prostitute enrol in the programme and pay for and attend an eight-hour course. First-time offenders are allowed to participate in lieu of prosecution. More than 550 men participate in the course each year. The curriculum includes: Laws and facts on prostitution; ? Prevention and treatment of HIV and AIDS and other sexually transmitted infections; ? Effects of prostitution on neighbourhoods; ? Survivor testimony on the effects of prostitution on women; ? Dynamics of pimping and child prostitution; ? Behaviour and expectations of clients, and challenges to men’s capacity for intimacy. The testimony of former prostitutes who disabuse men of myths concerning prostitution (for example, that prostitutes enjoy their work and that prostitutes are not all drug users) is a crucial part of the programme. In a survey of men completing the programme, 97 per cent said that it is unlikely or highly unlikely that they would solicit a prostitute again, and the recidivism rate of men who completed the course is under 1 per cent. Programmes based on this model have been adopted in many North American cities. Travel and Tourism Programmes

to prevent the sexual exploitation of children in travel and tourism, many focusing on prostitution, have proliferated in the recent past. The importance of sexual exploitation in travel and tourism is highlighted by data from some countries, which indicates that as many as 80 per cent of men who admit to using prostitutes have done so during business trips or tourism abroad. Such programmes often emphasize the criminal penalties attached to exploitation of children and the possibility of prosecution in a person’s own country for acts committed abroad, thanks to laws recognizing extraterritorial jurisdiction. Data on the effectiveness of such efforts are scarce, but the Special Rapporteur has reported that communication projects, such as in-flight videos and websites aimed at preventing sexual exploitation in travel and tourism, have been effective in raising awareness and potentially strengthening travellers’ willingness to take action when confronted with these violations. Sale of children/international adoption Documentation of good practices aimed at preventing the sale of children is rare. One exception is a

reference by the Special Rapporteur to action taken by Paraguay to end the irregularities that had plagued inter-country adoption. The Rapporteur noted that “Between 1990 and 1995, approximately 3,000 babies left the country as a result of inter-country adoptions that were riddled with irregularities.” He endorsed the adoption of legislation suspending international adoptions, thus “putting an end to trafficking in babies for inter-country adoptions.” Law Reform The OPSC imposes a number of legislative requirements. Article 2 obliges States Parties to incorporate certain offences in their criminal law and ensure that the corresponding penalties take

into account their gravity. Articles 4 and 5, 141

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concerning court jurisdiction over offences committed outside the territory of the State Party and extradition, requires review of legislation to ensure compliance, as does Article 7, which concerns the closure of facilities, seizure of materials used in the commission of relevant crimes and confiscation of proceeds. Some obligations, such as protecting the rights of exploited children in the criminal justice process, require a combination of law reform and other action, such as establishing and funding services or programmes. Other obligations, such as strengthening international cooperation, may be satisfied through legislation or other means – such as adoption of policies, guidelines or agreements – depending on the State’s legal and institutional traditions. There are gaps concerning child prostitution and pornography in the criminal laws of many States Parties. Common gaps are laws that only criminalize the prostitution of children below the ‘age of consent’ or that define prostitution in gender-specific terms, or exclude certain sexual acts. For example in South Asia, some national legislation on trafficking often focuses on sexual exploitation of women and girls, which neglects trafficking of boys for sexual exploitation. The laws of some countries focus on the immorality of sexual activities rather than the exploitation and abuse that have occurred. As a result, trafficking survivors may be held legally accountable for acts committed as a result of sexual exploitation. Laws that comply with all the requirements of the OPSC have not been identified, but there are examples of laws adopted in order to remedy some of the most important gaps in legislation. The child protection act adopted by the Philippines in 1992, for example, complies with many of the requirements of the OPSC. The Act criminalizes the prostitution of boys and girls below the age of 18, as well as the attempt to commit child prostitution and the use of children in pornographic performances. Child prostitution is broadly defined to include “lascivious conduct” as well as intercourse and providing sex under coercion or the influence of an adult, syndicate or group, even if payment or consideration is not involved. The law authorizes immediate closure of establishments that promote or facilitate child prostitution, child pornography or trafficking of children. In Japan, the

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law on Punishing Acts related to Child Prostitution and Child Pornography, and for Protecting Children, adopted in 1999 and amended in 2004, also complies with many of the requirements of the Optional Protocol. It prohibits the prostitution of any child below the age of 18 and defines prostitution broadly to include not only intercourse but also “similar” acts and acts “for the purpose of satisfying one’s sexual curiosity”. The use of child prostitutes is punishable by five years’ imprisonment and the facilitation of child prostitution by imprisonment for seven years. Production, distribution, sale, possession or transportation of child pornography as a business is



punishable by up to three years of imprisonment. Legal entities whose employees commit such crimes can be fined up to 10 million yen. The law gives Japanese courts jurisdiction over nationals involved in child prostitution and child prostitution abroad, and recognizes the duty to provide children who have suffered mental or physical damage, or both, as a result of prostitution or pornography, with protection and recovery assistance. According to ECPAT, the amendment to the law “has had a significant deterrent effect.” Both Japan and the Philippines have also adopted laws or rules to make participation in legal proceedings less of a burden for child survivors and witnesses. Japan’s code of criminal procedure was amended in 2000 to allow child witnesses to testify without being seen by the defendant, from behind a screen or via video link. In 2000, the Supreme Court of the Philippines adopted a Rule on Examination of a Child Witness that allows child witnesses to be questioned through an intermediary (‘facilitator’), recognizes the right to be accompanied by one or two support persons of his or her choice, imposes on the court a duty to “protect children from harassment or undue embarrassment”, authorizes testimony by video link and eliminates the requirement of corroboration. The Law against the

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Exploitation of Prostitution, Pornography and Sexual Tourism to the Detriment of Minors adopted by the parliament of Italy in 1998 prohibits the sexual exploitation of all children under the age of 18 (previous law protected only those under age 16) and increases applicable prison sentences. Some of the proceeds from fines and seizure of materials used in the commission of crimes involving the sexual exploitation of children are put into a fund for victim rehabilitation. Italian courts are given jurisdiction over child prostitution and pornography committed abroad. Italian legislation concerning child pornography was strengthened in 2006 with the adoption of Law No. 38 on Provisions to Fight the Sexual Exploitation of Children and Child Pornography. The use of children under 18 in the production of pornography and the sale of pornographic materials featuring children under 18 are now punishable by up to 12 years imprisonment and fines of up to €250,000. Distribution of child pornography, whether or not for remuneration, and possession of child pornography, are punishable by up to three years of imprisonment. The law covers computer-generated or modified images that resemble children as well as representations of actual children. The 142

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law also established a system for exchange of information between the banking system and the government to facilitate investigation of financial transactions related to child pornography. The OPSC obliges States Parties to criminalize the sale of children, including “improperly inducing consent to adoption.” The Hague Conference on Private International Law, which supervises implementation of

the 1993 Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption,

has pointed to legislation adopted by Chile and Lithuania as examples of good practice. In Chile , Adoption Act No. 19,620 of 1999 provides that “anyone who requests or accepts any form of consideration for facilitating the transfer of a minor for adoption” may be sentenced to a term of imprisonment of up to three years, or five years if the perpetrator is a public servant, attorney, physician, nurse, social worker or person having custody of the child acting in a public or professional capacity. In Lithuania , the Criminal Code of 2003 punishes the sale of children (for this or any other purpose) by up to eight years imprisonment. The



Hague Conference encourages States Parties to publicize the penalties for sale of children for purpose of adoption so as to maximize their deterrent effect. Law Enforcement Law enforcement is an essential part of efforts to combat the sale of children, child prostitution and child pornography.

The

Special Rapporteur

has pointed out that weak law enforcement leads to a “culture of impunity” that he considers one of the main causes of sexual exploitation of children: A culture of social and legal impunity for exploiters encouraged the demand for sexually exploitative services such as child prostitution. The problem generally does not seem to result from a lack of legal provisions criminalizing sexual exploitation, but rather from an implementation gap. Respondents pointed to a lack of effective law enforcement measures, difficulties in reporting crimes to the authorities and ensuring their effective investigation. Some respondents also stressed that not enough technical and human resources were dedicated to combating sexual exploitation. Non-governmental organizations operating in a range of countries also explained that corruption and the complicity of police and officials in cases of trafficking exacerbated the problem of impunity. In addition, a number of respondents noted a failure to adequately protect and assist victims in the criminal process, causing victims to refuse to testify. It is noteworthy that since the adoption

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of the Convention on the Rights of the Child in 1989, many

countries have undertaken programmes aimed at raising awareness of child rights for law enforcement personnel, prosecutors and judges. It is hoped that the training will raise these officials’ commitment to enforcement of legislation against the sale and sexual exploitation of children. The Special Rapporteur has also praised efforts towards the implementation of witness protection laws. Such programmes will be designed to encourage more witnesses to cooperate with law enforcement authorities in investigating and prosecuting such crimes.

The following are examples of noteworthy projects: In South Africa in 2002, the

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Special Rapporteur on the sale of children, child prostitution and child pornography visited

specialized police sections called Child Protection Units. The units were first established in the mid-1980s to ensure that exploited children were handled by specially trained police officers. The mandate of some officers was later expanded to include sexual crimes with adult victims. At the time of the mission, there



were 33 Child Protection Units and an additional 12 units providing specialized services to victims of sexual offences of all ages. Even where services are provided to both children and adults, efforts are made to make the premises child friendly. The children's section of the Johannesburg unit, for example, has a small playground. Upon arrival, all children are given a kit with personal care items. Police officers assigned to these units receive four weeks of special training. They are assisted by psychiatrists and social workers who help survivors deal with their trauma through an empowerment programme. Before a case comes to court, the children are able to familiarize themselves with the courtroom and are oriented on how to answer questions and on other practical matters regarding their participation in the proceedings. The Special Rapporteur called these practices "extremely impressive" and well designed to "increase public confidence that victims of sex offences will not be further traumatized by their decision to report an offence." After a mission to the United States, the Special Rapporteur praised a police programme that ensures interdisciplinary attention to the needs of children who have been sexually exploited. In San Francisco, the police department has experts on 24-hour call to respond to cases involving child prostitution and pornography. The subsequent investigation follows an approach, instituted in 1984, whereby a social worker, a doctor or nurse therapist 143

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and a police officer immediately attend to the child. The state then provides the child with psychological support and medical care, up to a value of \$15,000 over a lifetime. This is particularly important, since experience shows that most rehabilitated children can cope as long as they have counselling. Police officials also believe that it is key for trauma specialists to work with survivors of sexual abuse and rape. Since for survivors law enforcement is the first entry point into the criminal justice system and immediate confidence-building is needed, this is of particular importance. From 2003 to 2005 a research project in London, United Kingdom, commissioned and funded by the Bridge House Trust and carried out by Barnardo's Policy Research Unit, investigated the nature and need for services among young people at risk of sexual exploitation. Data were collected from over 100 people, including child protection coordinators and lead officers working on sexual exploitation in 30 boroughs of London. This included representatives from the police, health services and education departments, the voluntary sector and young people. The research presented a number of recommendations, including that governments should remove provisions to arrest and prosecute young people who are considered to "persistently and voluntarily return" to prostitution. It also recommended that the local authorities develop a protocol on how to deal with sexual exploitation and actively promote it among agencies for a proactive identification of young people at risk. It further suggested that authorities promote inter-agency capacity-building on providing responses to young people at risk of sexual exploitation. The research concluded that active investigation of cases of missing or runaway children often produces valuable information about sexual exploitation of children. Some countries have adopted policies that shift the law enforcement focus from prosecution of prostitutes to prosecution of clients. The Republic of Korea adopted this approach in 2004 and later informed the Special Rapporteur that a new law providing sentences of up to a year for the clients of sex workers "helped bring about changes in men's perception of prostitution as an act of violence against women and a matter of human rights violation." It added, "Tougher punishment has in turn resulted in a substantial decrease in the number of brothels (about a 36 per cent decrease from pre-enactment days) and in the number of men who purchase sex (about 86.7 percent were reported to have used sexual services less frequently)." Although the practice of prosecuting sex workers rather than clients does not apply to the sexual exploitation of children, reversing this practice and focusing on clients of sex work in general nevertheless has a beneficial impact on child prostitution to the extent that it is embedded in general sex work. In 2003 the Special Rapporteur carried out a mission to Brazil. He concluded that, although national implementation of the landmark 1990 law on child rights had been disappointing, valuable practices existed in some states and municipalities. One example is the specialized courts for prosecution of crimes against children and specialized prosecutor units established in three large municipalities. In one, the creation of a specialized court and prosecutor unit significantly reduced delays in adjudicating cases: "Previously, the delay between the reporting of a case and the decision





of the court was 3 to 16 years. In 2002, this was reduced to less than one year in 65 percent of cases.” In addition to steps taken to make the courtroom more child-friendly, one court has adopted a programme of outreach activities designed to bring it closer to the children of marginalized communities. Court staff visit the community each month, providing birth certificates, identity cards and work permits, and the judge invites children living or working on the street to lunch each week. The Special Rapporteur called such practices commendable and an “inspiring model” within the judiciary. During a mission to Albania , 31 October to 7 November 2005, the Special Rapporteur praised the creation of a special criminal court (the Court of Serious Crimes) and the specialized branch of the Prosecutor’s Office for serious crimes, which has competence over trafficking. The work of these institutions resulted in increased and more effective prosecution of those engaged in the trafficking of children and adults. In his report on a visit to Mexico , 4 to 15 May 2007, the Special Rapporteur welcomed the adoption of legislation giving federal law enforcement agencies jurisdiction over the sexual exploitation of children. He also praised efforts made by prosecutors to combat corruption and to increase awareness of the issue of sexual exploitation of children. These efforts will gain the confidence of the public, whose reluctance to report cases to the authorities has been a major obstacle to law enforcement. In 1997, the earlier mentioned National Center for Missing & Exploited Children in the United States established a unit to combat child pornography. Following initiation of an effort in 2002 to identify children through analysis of photos, more than 1,000 exploited children have been identified. The Special Rapporteur has praised a specialized police unit established in the Ukraine to combat child pornography by monitoring the Internet, mentioning in particular the importance of cooperation with international agencies such as Europol and INTERPOL. 144

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Assistance to survivors Key elements of IOM programmes On the basis of visits to many facilities and programmes for children who have been sexually exploited, the Special Rapporteur has commended the IOM Handbook on Direct Assistance for Victims of Trafficking

published by the International Organization for Migration in 2007. The handbook covers the following topics: Medical Care: The physical and mental well- being of child survivors is critical to their recovery. Health practitioners are responsible for employing health-promoting strategies that help children reclaim and develop their competencies for an active and meaningful life. Recognizing the risks children face in their home environment is essential to assessing health needs and options for integration and reintegration planning. The health and safety of all residents and staff in a shelter are also of the utmost importance. Psychological Assistance: Each shelter should have staff responsible for providing direct psychological assistance to those who have been trafficked. International standards state that children have

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the right to express their views freely in all matters concerning them, and their views should

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be “given due weight in accordance with the age and maturity of the child” (

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given due weight in accordance with the age and maturity of the child” ( article 12 of the CRC). Practitioners must provide full information at a level children can comprehend to allow them to participate in decisions affecting their well-being, and the children’s views must be taken seriously. It is also important to inform children about their rights and obligations vis-à-vis other residents of the shelter. Interviews: It is important to find out as much as possible about the child’s case prior to the interview, to make clear and friendly introductions, and to create a space that is safe and comfortable for conversation. Discussions with children about sexual abuse are best carried out by professionals or by an individual with whom the child has already established a strong rapport. Education: Learning is a cornerstone of child development. It is necessary to begin fostering learning by offering classes and tutorials or entering children in local school programmes, when safe and appropriate. Recreational activities: Shelters should plan daily recreational activities for residents, giving them the opportunity to work with others, undertake constructive tasks, regularize sleeping hours and so forth. Physical exercise enhances fitness, body control and confidence. Arts and crafts activities are therapeutic, foster skills and, like sports, enable children to interact with other children in a healthy environment. NGO programmes for survivors Non-governmental organizations are the main providers of services for survivors of sexual exploitation and other forms of abuse. Following are summaries of several such programmes in diverse countries around the world. In the United Kingdom , Barnardo’s operates voluntary non-residential programmes for children and young adults who have been sexually exploited and for those at high risk. The approach used by the agency’s 16 centres has four pillars: Access, assertive outreach, attention and advocacy. Access refers to provision of services in a safe, attractive atmosphere and to the awareness needed by service providers to identify exploited and at-risk children and refer them to the programme. Assertive outreach means persistent efforts to win the trust of potential beneficiaries in the community where they feel comfortable. This is necessary because most exploited children do not initially recognize their own exploitation and many have had negative experiences with service providers. Attention refers to staff members’ efforts to develop personal protective and supportive relationships with each child; typically they have been deprived of this type of relationship, which has increased their vulnerability to exploitation. Advocacy refers to assisting beneficiaries in obtaining needed assistance such as shelter, health care, education, employment, parenting skills, treatment of dependencies and legal services. Receiving the right kind of support at the right time can be a turning point in the lives of exploited and at-risk children. An evaluation of children under age 18 who had been sexually exploited and had been involved in the programme for at least 12 months found that 34 per cent “were in a currently stable situation and had completely exited exploitative relationships”, and 75 percent “showed a significantly reduced level of exploitation.” 145

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In Kolkata (India) the NGO Sanlaap, in cooperation with Terre des Hommes, operates a project designed mainly for children or minors who are victims of commercial sexual exploitation and trafficking. It also provides shelter to the children of prostitutes and children at risk. The programme follows a holistic, rights-based approach, emphasizing personal contact and compassion as key to protection and healing. Services provided include education, vocational training, counselling (individual, group and family) and legal assistance, as well as cultural activities in the form of traditional dance. Girls living in the shelters elect their



own leaders who are responsible for running the home, and some beneficiaries become peer counsellors. Around 250 girls live in four shelters, and follow-up services are provided to those who have returned to the community. This project is seen as a model of comprehensive, low-cost care that provides protection and assistance consistent with international standards of care. Guidelines for the operation of such facilities, based in part on the Sanlaap experience, were developed by the NGO Planète Enfants. Casa Alianza has established shelters for child victims of commercial sexual exploitation in Honduras. This programme provides assistance in social reintegration to some 80 to 90 children each year. Activities include legal assistance, drug rehabilitation, vocational training and counselling, sports, cultural activities and guidance in developing self-esteem and setting goals. Follow-up services are provided for some of the children who have been reintegrated into their families. A ‘transit home’ facilitates the reintegration of exploited children in the Taiwan Province of China. Children who have been released from residential programmes operated by the government may enter the home, which is operated by ECPAT. Participation is voluntary and based on a contract between ECPAT and the beneficiary. The duration of stay ranges from 1 month to 21 months. Paraguay has a programme for victims of sexual exploitation that the Special Rapporteur considers to be a model. Run by an NGO, girls are identified through outreach on the street and in brothels. When an outreach worker believes a girl is ready, she is invited to sign a ‘contract’ committing her to participate in what is called a multi-stage journey back to life. The process takes about three years and includes five stages: welcome, integration, exploration, life plans and training for life. In Romania the NGO Reaching Out operates a shelter for females aged 15 to 24 who have been trafficked. The programme’s philosophy is to “empower women and girls to restore respect and esteem for themselves through a personalized approach.” Vocational training provided through the programme allows participants to gain skills. The young women leave the programme only after getting jobs and some savings. Before returning to the community, they are expected to prepare a budget and have sufficient savings to meet their expenses for at least three months. Many shelters and rehabilitation programmes focus on girls and women, providing less protection for boys who have been sexually abused or exploited. The treatment of boys who have been sexually abused differs from the treatment of girls. Families may believe that boys, consistent with the stereotype of boys as being ‘strong’, are less affected by the abuse. The Special Rapporteur has developed a set of recommendations for shelters harbouring children who have been forced or sold into prostitution Frameworks for implementation The Committee on the Rights of the Child has emphasized the importance of the general measures of implementation for putting the CRC into effect. It has not commented on the importance of such measures for the OPSC. But the OPSC reporting guidelines contain a section on general measures, and there is no doubt about the importance of comprehensive national plans or strategies, coordinating mechanisms and other such measures as the framework for actions aimed at prevention, law enforcement and assistance to survivors. Delegates to

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the First World Congress against Commercial Sexual Exploitation of Children adopted

an Agenda for Action to “strengthen comprehensive, cross-sectoral and integrated strategies and measures” leading to “

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national agenda(s) for action and indicators of progress, with set goals and a time frame for implementation.”

The global commitment made by countries that participated in the Second World Congress includes closer networking between national and local authorities and other key governmental and non-governmental actors; adoption and implementation of national and regional agendas, strategies and plans of action; and allocation of adequate resources.

The Third World Congress against Sexual Exploitation of Children and Adolescents, which took place in Rio de Janeiro, Brazil, in November 2008, provided an opportunity to reconfirm those pledges and make new commitments to ratify and implement the OPSC through the general measures of implementation.

According to ECPAT, 28 countries have adopted 146

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comprehensive national plans of action for combating commercial sexual exploitation of children. ECPAT has developed a model plan of action that lists the following objectives: 1. Identify ongoing causes of vulnerability and patterns of exploitation among girls and boys experiencing commercial sexual exploitation, and gaps in existing legislation, policies and services that protect children. 2. Ensure public, political, community and official awareness of child abuse and commercial sexual exploitation of children. 3. Ensure international cooperation and coordination in prosecution of offenders and protection of children. 4. Ensure that there are comprehensive laws that cover all aspects of commercial sexual exploitation of children. 5. Enforce laws to protect children from commercial sexual exploitation. 6. Ensure that children are not victimized by the legal system. 7. Reduce factors that make children vulnerable to commercial sexual exploitation. 8. Ensure that children are educated to protect themselves against commercial sexual exploitation. 9. Prevent computer-literate children from being sexually exploited. 10. Provide health care and sex education for young people. 11. Encourage community understanding of the rights of the child, especially protection and prevention of commercial sexual exploitation. 12. Provide services to rescue and protect children from commercial sexual exploitation. ECPAT also recommends children’s active participation in policy and programme development. The Declaration and Agenda for Action of the First World Congress included child participation as a specific point of action (section 6), as follows: a) Promote the participation of children, including child victims, young people, their families, peers and others who are potential helpers of children so that they are able to express their views and to take action to prevent and protect children from commercial sexual exploitation and to assist child victims to be reintegrated into society; and b) Identify or establish and support networks of children and young people as advocates of child rights, and include children, according to their evolving capacity, in developing and implementing government and other programmes concerning them. Unfortunately, documenting positive practices on national frameworks for combating exploitation of children has not been a priority thus far for the relevant UN bodies. Only a small number of references to best practices have been identified. Among them is the Special Rapporteur’s favourable comments on the general measures of implementation of the OPSC in his reports on country visits. He has praised the Parliamentary Mixed Commission in Brazil for an investigation of violence and sexual exploitation of children and adolescents. Established in 2003, the Commission analyses legislation with a view to amending inadequate laws and filling gaps, assesses the impact of public policies to identify deficiencies and good practices, and investigates representative cases. The Special Rapporteur concluded that the Commission had done a great deal to raise awareness of the issue of sexual exploitation of children. In 2006, a seminar was held in Estonia to identify best practices in combating sexual exploitation of children in Estonia, the Netherlands and the United Kingdom. Participants concluded that key practices include early identification, immediate protection, harm reduction and long-term recovery assistance. They agreed that protection efforts are most



effective when implemented holistically through inter-agency mechanisms involving both child protection and criminal justice professionals. The value of national plans was also underlined, as follows: Every country needs a National Action Plan against child sexual exploitation which is regularly reviewed and fully implemented by national government. A Plan can identify specific appropriate legal and policy frameworks, how these should operate on local and regional levels and what resources are required to be effective. It is also necessary because such a plan can then inter-connect with other national/local strategies of specific relevance – e.g. crime reduction, substance misuse, child protection, sexual offending, education, health, anti-violence etc. Doing so will ensure that the issue of child sexual exploitation is kept more firmly and clearly on the agenda of diverse professional groupings and government departments who need to act in relation to combating child sexual exploitation. In situations of international trafficking for purposes of child prostitution, cooperation between and among countries is essential for prevention, law enforcement and assistance to child survivors. One positive example is a mechanism established with the support of ILO-IPEC in the area adjoining the borders of Argentina, Brazil and Paraguay. A committee was formed with representatives of groups fighting child prostitution from three municipalities, 147

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one in each country. It has carried out public-awareness activities and trained teachers, community workers, police, judges and prosecutors. 4.

**MONITORING SYSTEMS** It

addresses the tools and systems for monitoring of sexual exploitation of children, which are fundamental to prevention and protection. It also highlights sources of data in countries lacking comprehensive monitoring systems, as well as independent monitoring initiatives such as those undertaken by non-governmental organizations (NGOs). Monitoring occurs on two levels. Narrowly it assesses efforts designed to systematically register violations of human rights, and broadly it assesses progress in implementing international human rights standards, such as

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article 43 of the Convention on the Rights of the Child (CRC).

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article 43 of the Convention on the Rights of the Child (CRC).

It is possible, for example, to monitor sexual exploitation of children as well as implementation

of the obligations contained in

the

Optional Protocol

to the Convention on

the Rights of

the Child

on the sale of children, child prostitution and child pornography (



OPSC).

These types of monitoring overlap but are not identical. The importance of monitoring, especially in the broader sense of the term, is widely recognized. Accordingly, the Committee

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on the Rights of the Child made the following comment on the importance of monitoring implementation of the Convention on the Rights of the Child (CRC):

Collection of sufficient and reliable data on children, disaggregated to enable identification of discrimination and/or disparities in the realization of rights, is an essential part of implementation. The Committee reminds States parties that data collection needs to extend over the whole period of childhood, up to the age of 18 years. It also needs to be coordinated throughout the jurisdiction, ensuring nationally applicable indicators. States should collaborate with appropriate research institutes and aim to build up a complete picture of progress towards implementation, with qualitative as well as quantitative studies. The reporting guidelines for periodic reports call for detailed disaggregated statistical and other information covering all areas of the Convention. It is essential not merely to establish effective systems for data collection, but to ensure that the data collected are evaluated and used to assess progress in implementation, to identify problems and to inform all policy development for children. Evaluation requires the development of indicators related to all rights guaranteed by the Convention. It is important to recall the Committee's guidelines for States Parties on preparing obligatory reports concerning the OPSC. As with reports pertaining to implementation of the CRC itself, the guidelines give considerable emphasis to the kinds of data considered essential to evaluate implementation. The Agenda for Action adopted at

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the First World Congress against Commercial Sexual Exploitation of Children urges States to develop monitoring mechanisms and databases on "children vulnerable to commercial sexual exploitation, and on their exploiters, with relevant research and special attention to disaggregating data by age, gender, ethnicity ...[and] circumstances influencing commercial sexual exploitation." The Global Commitment made at the Second World Congress also recognizes the importance of "national monitoring mechanisms." Likewise, the 2006 United Nations Study on Violence against Children calls for establishing robust monitoring systems to track progress in protecting children from all forms of violence, abuse and neglect. The International Labour Organization (ILO)

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**MATCHING BLOCK 499/527****W**

Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour ('Worst Forms of Child Labour Convention') also requests that States Parties establish mechanisms to monitor the sale of children, child prostitution, child pornography and the other particularly grave forms of exploitation covered by the Convention. The recommendation related to

**78%****MATCHING BLOCK 504/527****SA** child issues thesis 2018.docx (D40611590)

the Convention (Recommendation concerning the prohibition and immediate action for the elimination of the worst forms of child labour) states, in

**91%****MATCHING BLOCK 502/527****SA** child issues thesis 2018.docx (D40611590)

Convention (Recommendation concerning the prohibition and immediate action for the elimination of the worst forms of child labour)

**100%****MATCHING BLOCK 500/527****W**

Recommendation concerning the prohibition and immediate action for the elimination of the worst forms of child labour)  
part:

**100%****MATCHING BLOCK 503/527****W**

Detailed information and statistical data on the nature and extent of child labour should be compiled and kept up to date to serve as a basis for determining priorities for national action for the abolition of child labour, in particular for the prohibition and elimination of its worst forms as a matter of urgency.

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for the prohibition and elimination of its worst forms as a matter of urgency.

Quantitative and Qualitative Indicators In 2006, the Committee on the Rights of the Child adopted revised guidelines for reporting on implementation of the OPSC. Many of the indicators are qualitative and refer to questions such as adoption of laws or policies, but many quantitative indicators are also used. They include: 1. Indicators on the extent and characteristics of sale of children, child prostitution and child pornography, such as: 148

Children and Human Rights ? Number of child victims of sale, disaggregated by the reason for the sale (sexual exploitation, transfer of organs for profit, forced labour, illegal adoption and other forms of sale); ? Number of child victims of trafficking, disaggregated by type of exploitation and whether or not the trafficking is international; ? Number of children engaged in any form of prostitution, disaggregated according to the nature of the prostitution (heterosexual or homosexual, commercial, linked to sex tourism, sexual slavery, sexual exploitation of child domestic workers, sexual exploitation of students by teachers, sexual exploitation linked to religious practices); ? Data on production, importation, distribution and consumption of child pornography within the territory, disaggregated according to the medium used (photographic images, video recordings, digital images distributed via the Internet, etc.); ? Data indicating increases or decreases of the above-mentioned practices or products over time. 2. Indicators regarding preventive measures, which include any available data on the impact and effectiveness of prevention measures. 3. Indicators regarding law enforcement, such as: ? Number of prosecutions and convictions for the offences defined by the OPSC, disaggregated by offence; ? Number of child victims of sexual exploitation placed in detention facilities during criminal investigations or proceedings; ? Number of child victims of sexual exploitation placed in the custody of foster parents, guardians or others; ? Number of programmes that assist child victims of sexual exploitation during criminal proceedings and the nature of the agencies offering such services (i.e. governmental vs. non-governmental); ? Number of requests for extradition made or received for any of the offences referred to by the Protocol and whether such requests have been honoured or denied; ? Results obtained through multilateral, regional and bilateral arrangements regarding mutual legal assistance. 4. Indicators on assistance to victims, such as: ? Number of agencies that provide assistance to child victims and their locations, disaggregated by the nature (public or private) of the agency; ? Number of children who receive such assistance by age and sex, type of abuse suffered and whether assistance is provided in a residential or non-residential setting; ? Unmet demand for such services, if any; ? Number and amount of any awards (compensation) made to victims of sale of children, child prostitution and child pornography as a result of legal or administrative proceedings or settlements supervised by legal or administrative bodies. The indicators used by the Committee to assess efforts by States Parties to comply with their obligations under the OPSC are also useful to the States. They can help in analysing the nature and extent of the practices prohibited by the OPSC within a State's territory and may be useful in developing plans, strategies and policies aimed at eliminating them and in evaluating the effectiveness of the measures taken. Criteria for disaggregating data Data used as a basis for developing plans, strategies and policies are more useful when disaggregated according to criteria that help the measures focus on those most in need. Similarly, data on the impact of measures are more useful when disaggregated to reveal details about where they are most and least effective. The Committee on the Rights of the Child has indicated that "Data included in the reports submitted pursuant to article 12 of the Protocol should be disaggregated, to the extent possible, by sex, region, age and by nationality and ethnicity, if relevant, and any other criteria that the State party considers relevant and that would help the Committee come to a more accurate understanding of the progress made in implementing the Protocol and any remaining gaps or challenges." Another 149

Children and Human Rights





provision of the guidelines specifically reinforces the importance of data on the number of child victims of sale, prostitution and pornography who are foreign or stateless.

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### **MATCHING BLOCK 505/527**

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The ILO's Recommendation concerning the prohibition and immediate action for the elimination of the worst forms of child labour

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concerning the prohibition and immediate action for the elimination of the worst forms of child labour likewise indicates that the data States collect on 'worst forms' of child exploitation should be disaggregated by, among other factors, geographical location and the sex and age of the child. Mechanisms for monitoring and data collection Few reports to the Committee describe national systems for monitoring or data collection

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on the sale of children, child prostitution and child pornography.

Neither are there many attempts to quantify the impact of measures taken to prevent such practices, enforce the law or assist child survivors. The report of Chile on the OPSC mentions that, in 2002 and 2003, a national study was carried out, supported by the

International Labour Organization/International Programme on the Elimination of Child Labour (ILO/IPEC) programme, on the extent and nature of child prostitution. The study concluded that some 3,700 children were involved in prostitution and that their average age was 12 to 13. This led to the establishment in 2004 of a permanent national inter-agency system for collecting data on cases of child prostitution and other 'worst forms of child labour'. The system is coordinated by Servicio Nacional de Menores (SENAME, the National Service for Minors). Sources of information include the national police, criminal investigative police and relevant units of the ministries of labour, education and health. Twenty-two percent of registered cases concern commercial sexual exploitation. The Office of the Public Prosecutor also keeps detailed records on several crimes involving the sexual exploitation of children: obtaining the sexual services of a person under the age of 18; promoting or facilitating the prostitution of persons under the age of 18; production of child pornography, sale of child pornography and acquisition or storage of child pornography. The data are disaggregated by the following criteria: ? Offence against and sex of the victim ? Offence and age of the offender ? Offence and sex of the offender ? Outcome of the proceeding (this includes, among others, acquittal, conviction, dismissal, decision not to proceed and temporary suspension) ? Sentence imposed (for those cases that result in a conviction). SENAME provides preventive services to children at



risk and rehabilitative services to children who have been exploited through or in prostitution and pornography. Data are disaggregated by region, sex and age, and the percentage of children who successfully complete rehabilitation programmes is documented. The data have been useful in identifying bottlenecks in the prosecution of cases and in presenting the case for expanding services for children who have been sexually exploited. In those countries that have not yet established such inter-agency monitoring mechanisms, law enforcement agencies can be useful sources of data, especially those agencies working towards development of more comprehensive data collection and monitoring systems. For example, in Bangladesh in 2004, the police established a national network that collects data on trafficking of persons with a view to monitoring the investigation and prosecution of this crime and the treatment of victims. Each of the 64 district headquarters compiles data and sends it to a 'monitoring cell' at national police headquarters, which in turn sends periodic reports to the Ministry of Home Affairs. Certain cases are selected for closer follow-up. The Ministry of Foreign Affairs also maintains data on the number of persons detained abroad who are awaiting repatriation. The information collected by the police monitoring system includes the number of: ? Case investigations opened ? Suspected traffickers involved ? Cases involving public officials ? Suspected traffickers (children and adults) arrested ? Traffickers convicted ? Suspected traffickers acquitted ? Victims recovered (disaggregated by age and gender) 150

Children

and Human Rights ?

Children/women/men returned to parents/guardians or admitted to safe homes operated by the Ministry of Social Welfare or NGOs. According to official sources, this system "is significantly contributing to combat the problem of trafficking in women and children more effectively and efficiently." Although the government recognizes that sexual exploitation of children and adolescents is "a significant problem," no similar system exists for compiling data on child prostitution and pornography. Other sources of data Even some countries lacking comprehensive national monitoring systems produce reports to the Committee containing information that illustrates the usefulness of baseline studies and rapid assessments. The value of such information in the design of prevention activities is self-evident. Effective implementation of the OPSC also requires monitoring the effectiveness of prevention and rehabilitation programmes. Costa Rica's report cites the results of a prevention programme designed to train unemployed adolescents for legitimate employment in the tourism sector. The data covered the number of graduates and dropouts who found employment in the tourism sector as well as the number of graduates and dropouts who did not find employment. Independent monitoring The Committee has also observed that, while "Self-monitoring and evaluation is an obligation for Governments... The Committee also regards as essential independent monitoring of progress towards implementation by, for example, parliamentary committees, NGOs, academic institutions, professional associations, youth groups and independent human rights institutions." Reports of the Special Rapporteur contain some examples of the value of data compiled by NGOs. A report on a mission to the Russian Federation, for example, contains interesting data compiled by Médecins du Monde through anonymous questionnaires completed by children seeking medical treatment. Seventy-seven percent of girls, of a sample of 56 girls aged 11 to 18, admitted receiving gifts and money in exchange for sexual services, but none of the girls considered themselves to be involved in "regular prostitution." Over half had suffered sexual violence before they had even started an active sex life. Most of the girls reported having had their first experience of sexual intercourse between the ages of 11 and 13, and only 36 percent had voluntarily agreed to the intercourse. Such data, although not necessarily representative of patterns in other parts of the country, provide valuable input into the design of policies and programmes on the local level. They also demonstrate the importance of further research and can be used to help build awareness and the political commitment needed to devote attention and resources to sexual exploitation of children. The organization ECPAT has published a series entitled Global Monitoring Reports on the status of action against commercial sexual exploitation of children, which covers 69 countries. Many of the national reports contained in the global overview contain valuable data on various forms of sexual exploitation of children.

Recommendations



A rights-based approach to implementation It aimed at helping those persons and organizations implementing and supporting implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (OPSC).

It is clear that preventing and responding to violence, exploitation and abuse are essential to ensuring the rights of all children – from survival to development, protection and participation – and to effective implementation of the OPSC. This chapter summarizes the recommendations made towards that end. It can be difficult to articulate the essence of the ‘rights-based approach’. In the context of the issues addressed by the OPSC, it focuses on prevention, law enforcement, protection, empowerment and participation of affected and at-risk children, their families and communities.

**76%**

### **MATCHING BLOCK 511/527**

**SA** child issues thesis 2018.docx (D40611590)  
Full application of the Convention on the Rights of the Child (CRC) and

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### **MATCHING BLOCK 508/527**

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application of the Convention on the Rights of the Child (

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### **MATCHING BLOCK 510/527**

**SA** child issues thesis 2018.docx (D40611590)  
of the Convention on the Rights of the Child (CRC)  
OPSC has the potential to eventually break the vicious cycle of exploitation and victimization that shatters the lives of children, families and communities. It will do so when individual human rights are fully respected and protected and vulnerable groups are empowered, preventing violations, or atleast stopping them before harm occurs. Approaches that respect human rights also call for cooperation among stakeholders and sectors. Multisectoral cooperation promotes collaboration between departments at national and sub-national levels, and among all 151



Children and Human Rights professionals working with and for children. The media and the private sector are also key – the media can raise awareness of the issues and report on them responsibly, while the private sector can help prevent sexual exploitation through corporate social responsibility. Examples can be seen especially in the travel and tourism sector. A child rights-based approach is not just about laws, but it does require a strong national legal framework together with international cooperation. Together they safeguard children's rights and help identify and punish those who exploit children. Two additional factors are critical: proper law enforcement and monitoring. Police and other law enforcement actors and institutions must be free from corruption. A strong monitoring system can identify children at risk of sexual exploitation as well as track those who have been assisted, ensuring effective rehabilitation. Many of the root causes of sexual exploitation can be found at the community level. Deep-rooted gender discrimination and patriarchal social structures can lead to a climate that tolerates exploitative relationships between men and women, and between adults and children. Lack of reliable and child-friendly reporting mechanisms; social stigma relating to the sale, sexual abuse and exploitation of boys and girls; and fear of reporting a neighbour or family member are other factors that may facilitate and perpetuate all forms of exploitation, including those covered by the OPSC. Many children are not aware that they are entitled to protection and are similarly unaware of mechanisms that offer help and encourage them to question what is happening to them. Equally problematic is the assumption that children identified as victims are helpless. While for some children this may be true, others have the capacity to deal with their situation and may have the key to finding solutions. This is an argument for learning from children – listening to and considering their views. Several provisions in the CRC reflect children's right to participation. Meaningful participation by children can raise their self-esteem and increase their confidence to challenge potential future abuses. In addition, consulting with children and adolescents and taking their views into account is important to ensure that relevant policies and other measures are child friendly, adequate and appropriate for children and adolescents. Components of a child protection system A child protection system is made up of a set of laws, policies, regulations and services, particularly social welfare, education, health, security and justice. Together they support preventative measures and responses to violence, abuse and exploitation of children. Coordination between and among sectors and levels of government, as well as agencies outside of government, is crucial. Strengthening this system requires policy reform, institutional capacity building, planning, resource allocation, monitoring and promotion of systems to store and analyse information. Families and communities also need to be supported and strengthened to address exclusion, separation of family members, violence and exploitation – before and after they occur. Establishing a child protection system is primarily the government's responsibility, although in many cases support from the private sector or non-governmental organizations (NGOs) may be needed. Regulatory mechanisms and standard setting are critically important. As the general principles of the CRC point out, the state must provide for and regulate the protection of all children under its jurisdiction from any kind of exploitation or abuse. Actions must be guided by the child's best interests, rights to protection from discrimination, survival and development, and to express a view and have it respected. As part of a systematic child protection response,

**75%**

## **MATCHING BLOCK 513/527**

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States Parties must take all appropriate bilateral and multilateral measures to prevent the abduction, sale or trafficking of children for any purpose or in any form (article 35)

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Parties must take all appropriate bilateral and multilateral measures to prevent the abduction, sale or trafficking of children for any purpose or in any form (article 35 of the CRC). Article 39 of the CRC requires States Parties to promote recovery and social reintegration of sexually exploited children, among others. Such pledges imply obligations that extend beyond national borders. Ratification of treaties: Every state, all the standards Since treaties inform, reinforce and complement each other, State Parties should ratify and adopt all relevant international and regional instruments on children's rights. They should adhere to the highest standards set in the treaties they ratify. States may, and should, even set national standards that exceed the international framework – given that it is only a required minimum. The Council of Europe Convention on the Protection of Children from Sexual Exploitation and Sexual Abuse is particularly pertinent to the OPSC. Member States of the Council of Europe as well as non-Member States may adhere to the Convention, which puts the child at the centre of state action, recognizes the child's right to a remedy, and prioritizes prevention, assistance to victims and appropriate responses for perpetrators. 152 Children and Human Rights

Once a State ratifies a treaty, it sets in motion a process of law reform. Implementation of these laws needs to be supported by the allocation of sufficient resources and the development of plans of action and coordination mechanisms.

These in turn need to be linked to robust monitoring systems, including a mandated and adequately funded independent human rights institution for children. Awareness-raising, training and the engagement of civil society – as well as children and adolescents – are all necessary to support the implementation process. These are all general measures of implementation of the CRC and are also relevant to the OPSC. Prevention Some social norms and traditional practices may contribute to an environment that increases children's vulnerability to abuse and exploitation. In such cases, it is important to support community mobilization and awareness-raising on child rights, specifically on matters covered by the OPSC, and on support services to ensure child protection. These actions are part of a holistic approach that also includes support for livelihood and income-generating activities. Mobilization among communities also helps empower them to assert the rights of children and women and to prevent abuse and exploitation. Commitment and pressure from communities can help promote social change and overcome harmful social norms. The focus on involving boys and men in efforts to prevent sexual exploitation is essential and needs to incorporate broader messages and reflections about masculinity and gender inequalities. It is also important to encourage community members – including men and boys – who take a stand against gender discrimination and sexual exploitation of children. The power of community leaders should also be harnessed in order to change harmful social norms. These actions will go a long way towards influencing others. The private sector has an important role to play by promoting responsible travel and tourism, among other things. Adopting codes of conduct (such as the tourism industry's voluntary Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism), is a small but important step. Awareness-raising campaigns directed at tourists who cooperate with travel operators, NGOs and civil society organizations are proving effective. Internet cafe owners and managers can also introduce safeguards for young people who utilize their services. Some innovation has occurred, not least the use of the Internet to raise awareness about the potential risks to children and adolescents. Ultimately, prevention efforts need to be documented, assessed and evaluated in order to have the greatest impact. Monitoring tools and indicators are critical, as is allocation of sufficient resources for prevention activities. Protection Governments have a responsibility to protect children from being sold, sexually abused and exploited, and from the effects of or involvement in the development of pornographic material. Effective



reporting mechanisms are needed that will lead to punishment of the perpetrators of such crimes. The prevailing ‘culture of impunity’ for perpetrators must be addressed. Victim support services are also necessary. Measures should be taken to ensure that an exploited child is never criminalized. Equal protection is key – for girls and boys and for children of different ages and backgrounds. It is essential that services are accessible to children with disabilities and that information is made available in all the languages understood by the children. Child survivors of sexual exploitation must be provided with short and long-term measures for their full recovery. These measures should take into account the child’s age, experiences and evolving capacities, and should be sensitive to the diversity of the child (e.g. ethnicity, ability status). A supportive network of child-friendly services should be established. This requires building the capacity of authorities and professionals who work with and for children – law enforcement personnel, prosecutors, judges and others. The training should include specific methods through which children who have been sexually exploited can be identified, consulted and supported. Judicial procedures must be child sensitive, taking the best interests of the child into consideration and providing children who have been exploited with access to legal remedies. To ensure their full recovery, it is essential that such children receive medical care, psycho- social assistance, education and recreational activities. All authorities involved in the justice process – from local police officers to judges in national courts - should be trained in child rights, child participation and protection. Children must be given a voice in all matters concerning them, including in judicial proceedings, when relevant and appropriate. They should be kept fully informed about their cases and their rights, and their views, needs and concerns should be considered in any proceeding that affects their personal interest. The judicial system must protect the child’s identity and privacy, provide the necessary protection to the child’s relatives, and avoid 153

#### Children and Human Rights

unnecessary delays in processing cases and remedies. Children’s views must be heard and taken into account, starting with the initial reporting to local authorities and ending with the final evaluation of the recovery and reintegration process. Other protection measures include creation of special criminal courts with competence over child trafficking, and establishment of specialized law enforcement units that work to stop online distribution of child pornography. Important components of a protection system include education and information, including life skills training for boys and girls, age- sensitive information about issues relating to sexuality, promotion of birth registration and provision of identity cards. These actions help build self-esteem and can also empower children who have been sexually exploited to make informed decisions. Empowerment Empowering sexually exploited children and children at risk is integral to prevention and protective initiatives, and national legal and policy frameworks need to recognize this. So far, it is fair to say that empowerment and the recognition of children as actors – albeit with evolving capacities – have received scant attention. Empowerment measures include building children’s self-esteem by educating them on child rights, sexuality, sexual exploitation and other protection concerns, and also by ensuring their meaningful participation in decision-making. Recognizing the exploited child as a victim of crime is essential to establishing both the innocence of the child and the accountability of the perpetrator.

However, limiting the focus to the child as ‘victim’ fails to take into account the agency and evolving capacities of the child. It leads to dealing with children as passive recipients of services and places decision-making solely with adults. A human rights-based approach recognizes children’s agency and capacity to make informed decisions, overcome challenges and plan for the future. In this perspective, children are seen as active participants in their own development and recovery from abuse and exploitation. This means that children must receive adequate support and assistance and participate in decisions regarding their recovery, reintegration and active participation in society, including in policy making. To be most effective, measures aimed at implementing laws should be part of comprehensive national plans and strategies involving international, national and local authorities. More efficient implementation of international standards for protecting children’s rights and additional resources and structures for implementing national plans of action are essential. Monitoring States Parties must develop monitoring systems that can assess the situation and



track progress in implementing international standards. Mechanisms for systematic and comprehensive data collection, analysis and dissemination are urgently needed. The data should be disaggregated by age, gender, nationality and form of exploitation so they can be compared across countries and over time. International cooperation is at the heart of the OPSC. Thus cooperation across and among States will need to become stronger and to be sustained if the OPSC is to be effective. There is a need for data that can clarify the dynamics of the phenomenon of child exploitation, given the complexity of the concepts of the sale of children, sexual exploitation, child pornography and child abuse. Quality data will enable more accurate monitoring of the effectiveness of activities aimed at prevention and providing assistance to exploited children. State Parties are putting measures in place, and it will become increasingly important that they analyse, monitor and share successful interventions with other governments, NGOs and civil society actors. Qualitative data are essential to understanding why some communities, families and children are more vulnerable than others. Such data will also provide useful information on children's perceptions of services and of their life options. Effective monitoring systems are critical to prevention, which needs to be prioritized over remedial actions. Finally, independent monitoring mechanisms are needed. The State is responsible for overseeing implementation of the OPSC, but other actors are also important. These include ombudsmen for children, human rights institutions, commissioners

for  
children,

and rapporteurs

on the sale of children, child prostitution and child pornography.

Operating nationally and internationally, these monitoring bodies can assist in identifying gaps in implementation

of

the

Optional Protocol

to the Convention on

the Rights of

the Child

on the sale of children, child prostitution and child pornography,

and

in the

documentation of

good efforts. They are also well placed to help develop more effective strategies to protect children from sale, child prostitution and child pornography. 154

Children and Human Rights

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**MATCHING BLOCK 514/527**

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Declaration on social and legal principles relating to the protection and welfare of children, with special reference to foster placement and adoption nationally and internationally The General Assembly ? Recalling

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the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the

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the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of all Forms of Racial Discrimination and the Convention on the Elimination of All Forms of Discrimination against women, ?

Recalling also the Declaration, which states that the child

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shall, wherever possible, grow up in the care and under the responsibility of his parents and, in any case, in an atmosphere of affection and of moral and material security, ?

Concerned at the large number of children who are abandoned or become orphans owing to violence, international disturbance, armed conflicts, natural disasters, economic crises or social problems, ? Bearing in mind that in all foster placement and adoption procedures the best interests of the child should be the paramount consideration, ? Recognizing that under the principle legal systems of the world, various valuable alternative institutions exists, such as the Kafala of Islamic Law, which provide substitute care to children who cannot be cared for by their own parents, ? Recognizing further that only where a particular institution is recognized and regulated by the domestic law of a State would the provisions of this Declaration relating to that institution be relevant and that such provisions would in no way affect the existing alternative institutions in other legal systems, ? Conscious of the need to proclaim universal principles to be taken into account in cases where procedures are instituted relating to foster placement or adoption of a child, either nationally or internationally, ?

Bearing in mind however, that the principles set forth hereunder do not impose on States such legal institutions as foster placement or adoption, Proclaims the following principles: A. General Family and Child Welfare Art.1. Every State should give a high priority to family and child welfare. Art.2. Child Welfare depends upon good family welfare. Art.3. The first priority for a child is to be cared for by his or her own parents. Art.4. When care by the child's own parents is unavailable or inappropriate, care by relatives of the child's parents, by another substitute-foster or adoptive - family or, if necessary, by an appropriate institution should be considered. Art.5.

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In all matters relating to the placement of a child outside the care of the child's own parents, the best interest of the child, particularly his or her need for affection and

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right to security and continuing care, should be the paramount consideration.

Art.6, Persons responsible for foster placement or adoption procedures should have professional or other appropriate training. Art.7. Government should determine the adequacy of their national child welfare services and consider appropriate actions. Art.8. The child should at all times have a name, a nationality and a legal representative. The child should not, as a result of foster placement, adoption or any alternative regime, be deprived of his or her name, nationality or legal representative unless the child thereby acquires a new name, nationality or legal representative. Art.9. The need of a foster or an adopted child to know about his or her background should be recognized by persons responsible for the child's care, unless this is contrary to the child's best interests. B. Foster Placement Art. 10. Foster placement should be regulated by law. Art.11. Foster family care, though temporary in nature, may continue, if necessary, until adulthood but should not preclude either prior return to the child's own parents or adoption. 155

Children and Human Rights Art. 12. In all matters of foster family care the prospective foster parents and, as appropriate, the child and his or her own parent should be properly involved. A competent authority or agency should be responsible for supervision to ensure the welfare of the child. C. Adoption Art.13. The Primary aim of adoption is to provide the child who cannot be cared for by his or her own parents with a permanent family. Art. 14 In considering possible adoption placements, persons responsible for them should select the most appropriate environment for the child. Art.15. Sufficient time and adequate counseling should be given to the child's own parents, the prospective adoptive parents and, as appropriate, the child in order to reach a decision on the child's future as early as possible. Art. 16.

The relationship between the child to be adopted and the prospective adoptive parents should be observed by the child welfare agencies of services prior to the adoption. Legislation should ensure that the child is recognized in law as a member of the adoptive family and enjoys all the rights pertinent thereto. Art. 17.

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child cannot be placed in a foster or an adoptive family or cannot in any suitable manner be cared for in the country of origin,

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inter-country adoption may be considered as an alternative means of providing the child with a family. Art.18. Governments should establish policy, legislation and effective supervision for the protection of children involved in inter-country adoption. Inter-country adoption should, wherever possible, only be undertaken when such measures have been established in the States concerned. Art.19. Policies should be established and laws enacted, where necessary, for the prohibition of abduction and of any other act for illicit placement of children. Art.20. In inter-country adoption, placements should, as a rule, be made through competent authorities or agencies with application of

**58%****MATCHING BLOCK 522/527****SA** Mridula Barman\_LAW.docx (D15441512)

safeguards and standards equivalent to those existing in respect of national adoption. In no case should the placement result in improper financial gain for those involved in it. Art.21. In inter-country adoption, through persons acting as agents for prospective adoptive parents, special precautions should be taken in order to protect the child's legal and social interests. Art.22. No inter-country adoption should be considered before it has been established that the child is legally free for adoption and that any pertinent documents necessary to complete the adoption, such as the consent of competent authorities, will become available. It must also be established that the child will be able to migrate and to join the prospective adoptive parents and may obtain their nationality. Art.23. In inter-country adoption, as a rule, the legal validity of the adoption should be assured in each of the countries involved. Art.24. Where the nationality of the child differs from that of the prospective adoptive parents, all due weight shall be given to both the law of the State of which the child is the national and the law of the prospective adoptive parents. In this connection, due regard shall be given to the child's cultural and religious background and interests.

**100%****MATCHING BLOCK 523/527****SA** Mridula Barman\_LAW.docx (D15441512)

DECLARATION ON SOCIAL AND LEGAL PRINCIPLES RELATING TO THE PROTECTION AND WELFARE OF CHILDREN, WITH SPECIAL REFERENCE TO FOSTER PLACEMENT AND ADOPTION NATIONALLY AND INTERNATIONALLY The General Assembly ? Recalling

**43%****MATCHING BLOCK 524/527**



**SA** child issues thesis 2018.docx (D40611590)

the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the

**90%**

### **MATCHING BLOCK 525/527**

**SA** Mridula Barman\_LAW.docx (D15441512)

the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of all Forms of Racial Discrimination and the Convention on the Elimination of All Forms of Discrimination against women, ?

Recalling also the Declaration, which states that the child

**97%**

### **MATCHING BLOCK 526/527**

**SA** Mridula Barman\_LAW.docx (D15441512)

shall, wherever possible, grow up in the care and under the responsibility of his parents and, in any case, in an atmosphere of affection and of moral and material security, ?

Concerned at the large number of children who are abandoned or become orphans owing to violence, international disturbance, armed conflicts, natural disasters, economic crises or social problems, ? Bearing in mind that in all foster placement and adoption procedures

**76%**

### **MATCHING BLOCK 527/527**

**SA** Mridula Barman\_LAW.docx (D15441512)

the best interests of the child should be the paramount consideration, 156 Children and Human Rights ? Recognizing that under the principle legal systems of the world, various valuable alternative institutions exists, such as the Kafala of Islamic Law, which provide substitute care to children who cannot be cared for by their own parents, ? Recognizing further that only where a particular institution is recognized and regulated by the domestic law of a State would the provisions of this Declaration relating to that institution be relevant and that such provisions would in no way affect the existing alternative institutions in other legal systems, ? Conscious of the need to proclaim universal principles to be taken into account in cases where procedures are instituted relating

to foster placement or adoption of a child, either nationally or internationally, ?

Bearing in mind however, that the principles set forth hereunder do not impose on States such legal institutions as foster placement or adoption, Further Readings: > Agrawal, Amita, (1992), and Handbook on Child, Concept Publishing Company, New Delhi > Diwan, Paras and Peeyushi Diwan, (1994), Children and Legal Protection, Deep and Deep, New Delhi: > Khanna, S.K., (1998), Children and the Human Rights,



Commonwealth, New Delhi, > Kumar, Bindal, (2000), Problems of Working Children, APH Publications, New Delhi > UN Centre for Human Rights (1995), Practices Harmful Traditional Affecting the Health of Women and Children, Geneva: World Campaign for Human Rights > Mookerjee, A, (2007), Commentaries on the Juvenile (Care and protection of Children, Act 2000), Kamal Law House Kolkatta > Bagula, A.M, (2006), Child and Crime, SBS publishing & Distributors, New Delhi > Bhnadra, Mita, (1999), Girl Child in Indian Society, Rawat, New Delhi > Bhargava, Vanita, (1996), Adoption in India, Sage Publication, New Delhi 157

## Hit and source - focused comparison, Side by Side

- Submitted text  
As student entered the text in the submitted document.
- Matching text  
As the text appears in the source.

**1/527**

### SUBMITTED TEXT

23 WORDS

no child below the age of 14 years shall be employed in any factory or mine or engaged in any other hazardous employment. The

**93%**

### MATCHING TEXT

23 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**2/527**

### SUBMITTED TEXT

25 WORDS

Growth deficiency is prevalent among working children, who tend to be shorter and lighter than other children; these deficiencies also impact on their adult life.

**100%**

### MATCHING TEXT

25 WORDS

**SA** child issues thesis 2018.docx (D40611590)



**3/527**

**SUBMITTED TEXT**

23 WORDS

no child below the age of 16 years shall be employed in any factory or mine or engaged in any other hazardous employment". The

**93%**

**MATCHING TEXT**

23 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**4/527**

**SUBMITTED TEXT**

46 WORDS

Child abuse or maltreatment constitutes all forms of physical and/or emotional ill-treatment, sexual abuse, neglect or negligent treatment or commercial or other exploitation, resulting in actual or potential harm to the child's health, survival, development or dignity in the context of a relationship responsibility, trust or power (

**99%**

**MATCHING TEXT**

46 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**5/527**

**SUBMITTED TEXT**

25 WORDS

The states of Andhra Pradesh, Assam, Bihar and Delhi have almost consistently reported higher rates of abuse in all forms as compared to other states. •

**94%**

**MATCHING TEXT**

25 WORDS



**SA** child issues thesis 2018.docx (D40611590)

**6/527**

### **SUBMITTED TEXT**

16 WORDS

the article 19 (1) of the United Nations convention on the right of the child (

**88%**

### **MATCHING TEXT**

16 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**7/527**

### **SUBMITTED TEXT**

14 WORDS

States parties shall take all appropriate legislative, administrative, social and educational measures to protect

**92%**

### **MATCHING TEXT**

14 WORDS

States Parties shall take all appropriate measures, legislative, administrative, social and educational measures, to protect

**W** <https://epdf.pub/child-labour-in-a-globalized-world.html>

**8/527**

### **SUBMITTED TEXT**

20 WORDS

all form of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse,

**92%**

### **MATCHING TEXT**

20 WORDS



**SA** child issues thesis 2018.docx (D40611590)

**9/527**

### **SUBMITTED TEXT**

22 WORDS

Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children,” 2000 under the UN Convention against Transnational Organized Crime (

**90%**

### **MATCHING TEXT**

22 WORDS

Protocol to prevent, suppress and punish trafficking in persons, especially women and children, the UN Convention against transnational organized crime,

**W** <https://epdf.pub/child-labour-in-a-globalized-world.html>

**10/527**

### **SUBMITTED TEXT**

60 WORDS

the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or of receiving of payments or benefits to achieve the consent of a person having control over another person’

**92%**

### **MATCHING TEXT**

60 WORDS

the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person,

**W** <https://epdf.pub/child-labour-in-a-globalized-world.html>

**11/527**

### **SUBMITTED TEXT**

23 WORDS

prostitution of others or other forms of sexual exploitation, forced labour services, slavery or practices



similar to slavery, servitude or the removal of organs;

**91%**

### **MATCHING TEXT**

23 WORDS

prostitution, of others or other form of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

**W** <https://epdf.pub/child-labour-in-a-globalized-world.html>

**12/527**

### **SUBMITTED TEXT**

33 WORDS

The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered ‘trafficking in persons’ even if this does not involve any of the means set forth

**90%**

### **MATCHING TEXT**

33 WORDS

the recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” even if this does not involve any of the means set forth’.

**W** <https://epdf.pub/child-labour-in-a-globalized-world.html>

**13/527**

### **SUBMITTED TEXT**

55 WORDS

States parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all form of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parents (s), legal guardians (s) or any other person who has the care of the child”.

**89%**

### **MATCHING TEXT**

55 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**14/527**





## SUBMITTED TEXT

11 WORDS

right against exploitation; prohibits traffic in human beings and forced labour

**90%**

## MATCHING TEXT

11 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**15/527**

## SUBMITTED TEXT

20 WORDS

Article 24 of the Constitution Prohibits employment of children below 14 years of age in factories, mines or other hazardous employment.

**71%**

## MATCHING TEXT

20 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**16/527**

## SUBMITTED TEXT

10 WORDS

the Suppression of Immoral Traffic in Women and Girls Act, 1956 (

**100%**

## MATCHING TEXT

10 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**17/527**

## SUBMITTED TEXT



11 WORDS

Detaining a person in premises where prostitution is carried on; •

**100%**

### **MATCHING TEXT**

11 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**18/527**

### **SUBMITTED TEXT**

22 WORDS

Child Labour (Prohibition and Regulation) Act, 1986 Prohibits employment of children in certain specified occupations and also lays down conditions of work of children.

**43%**

### **MATCHING TEXT**

22 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**19/527**

### **SUBMITTED TEXT**

33 WORDS

any material which is lascivious or appeals to prurient interest or if its effect is such as to tend to deprive and corrupt persons to read, see or hear the matter contained or embodied

**80%**

### **MATCHING TEXT**

33 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**20/527**

### **SUBMITTED TEXT**

26 WORDS



Declaration on Social and legal principles relating to the Protection and Welfare of Children, with special reference to Foster placement and adoption Nationally and Internationally, 3

**100%**

### **MATCHING TEXT**

26 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**21/527**

### **SUBMITTED TEXT**

26 WORDS

a parent or guardian to provide opportunities for education to his child or, as the case may be, ward between the age of six and fourteen years.

**100%**

### **MATCHING TEXT**

26 WORDS

a parent or guardian to provide opportunities for education to his child or, as the case may be, ward between the age of six and fourteen years.' 16

**W** <https://epdf.pub/child-labour-in-a-globalized-world.html>

**22/527**

### **SUBMITTED TEXT**

12 WORDS

SAARC Convention on Regional Arrangement for the Promotion of Child Welfare, 2002.

**100%**

### **MATCHING TEXT**

12 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**23/527**

### **SUBMITTED TEXT**



42 WORDS

The State shall strive to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice, social, economic and political, shall inform all the institutions of the national life. • The State shall,

**100%**

### **MATCHING TEXT**

42 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**24/527**

### **SUBMITTED TEXT**

12 WORDS

The State shall, in particular, direct its policy towards securing – °

**100%**

### **MATCHING TEXT**

12 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**25/527**

### **SUBMITTED TEXT**

17 WORDS

The State shall, in particular, direct its policy towards securing – ° That the citizens, men and

**89%**

### **MATCHING TEXT**

17 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**26/527**

### **SUBMITTED TEXT**

67 WORDS



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 avocations unsuited to their age or strength; ° Those 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. •

**90%**

### **MATCHING TEXT**

67 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**27/527**

### **SUBMITTED TEXT**

16 WORDS

secure that the operation of the legal system promotes justice, on a basis of equal opportunity,

**100%**

### **MATCHING TEXT**

16 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**28/527**

### **SUBMITTED TEXT**

20 WORDS

to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities. •

**100%**

### **MATCHING TEXT**

20 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**29/527**

### **SUBMITTED TEXT**



35 WORDS

The State shall, within the limits of its economic capacity and development, make effective provision for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement,

**95%**

### **MATCHING TEXT**

35 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**30/527**

### **SUBMITTED TEXT**

42 WORDS

The State shall, within the limits of its economic capacity and development, make effective provision for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement, and in other cases of undeserved want. •

**100%**

### **MATCHING TEXT**

42 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**31/527**

### **SUBMITTED TEXT**

14 WORDS

and in other cases of undeserved want. • The State shall make provision for

**88%**

### **MATCHING TEXT**

14 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**32/527**

### **SUBMITTED TEXT**



14 WORDS

just and humane conditions of work and for maternity relief. • The State shall

**88%**

### **MATCHING TEXT**

14 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**33/527**

### **SUBMITTED TEXT**

34 WORDS

The State shall endeavour to provide, within a period of ten years from the commencement of this Constitution, for free and compulsory education for all children until they complete the age of fourteen years. •

**86%**

### **MATCHING TEXT**

34 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**34/527**

### **SUBMITTED TEXT**

57 WORDS

The State shall promote with special care the educational and economic interests of the weaker sections of the people, and, in particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation. • The State shall regard the raising of the level of nutrition and the standard of living

**100%**

### **MATCHING TEXT**

57 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**35/527**



## SUBMITTED TEXT

51 WORDS

The State shall regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties and, in particular, the State shall endeavour to bring about prohibition of the consumption except for medicinal purposes of intoxicating drinks and

**97%**

## MATCHING TEXT

51 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**36/527**

## SUBMITTED TEXT

23 WORDS

social, economic and political justice, liberty of thought, expression, belief, faith and worship along with equality of status and opportunity. The concept of ‘

**54%**

## MATCHING TEXT

23 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**37/527**

## SUBMITTED TEXT

14 WORDS

provide free and compulsory education to all children below the age of fourteen years,

**82%**

## MATCHING TEXT

14 WORDS

provide free and compulsory education to all children of the age of six to fourteen years

**W** <https://epdf.pub/child-labour-in-a-globalized-world.html>

**38/527**





## SUBMITTED TEXT

16 WORDS

Nothing in this Article shall prevent state from making any special provisions for women and children.”

**87%**

## MATCHING TEXT

16 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**39/527**

## SUBMITTED TEXT

21 WORDS

the State duty bound to provide free and compulsory education to all children below the age of fourteen years, incorporating the

**59%**

## MATCHING TEXT

21 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**40/527**

## SUBMITTED TEXT

12 WORDS

traffic in human beings and beggar and other forms of forced labour.

**95%**

## MATCHING TEXT

12 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**41/527**

## SUBMITTED TEXT



16 WORDS

prohibits employment of children below the age of 14 years in any factory, mine or

**92%**

### **MATCHING TEXT**

16 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**42/527**

### **SUBMITTED TEXT**

14 WORDS

In Labourers Working on Salal Hydro Project v. State of J. & K.,7 the

**88%**

### **MATCHING TEXT**

14 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**43/527**

### **SUBMITTED TEXT**

38 WORDS

and exploitation.” In People’s Union for Democratic Rights v. Union of India,10 it was contented that ‘Employment of Children Act, 1938’ is not applicable in cases of employment of children in the construction work of Asiad Projects in Delhi.

**59%**

### **MATCHING TEXT**

38 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**44/527**

### **SUBMITTED TEXT**

12 WORDS



held that the construction work is hazardous employment and therefore no child

**95%**

**MATCHING TEXT**

12 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**45/527**

**SUBMITTED TEXT**

14 WORDS

strive to promote the welfare of the people by securing and protecting as effectively....

**100%**

**MATCHING TEXT**

14 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**46/527**

**SUBMITTED TEXT**

40 WORDS

Article 39(f) provides that children are given opportunities and facilities to develop in a healthy manner and in condition of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment. Article 41 asserts the

**92%**

**MATCHING TEXT**

40 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**47/527**

**SUBMITTED TEXT**

26 WORDS

make effective provisions for securing the right to... education and to public assistance in cases of.



...sickness and disablement and in other cases of undeserved want,

**84%**

### **MATCHING TEXT**

26 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**48/527**

### **SUBMITTED TEXT**

20 WORDS

the State to endeavour to provide free and compulsory education for all children until they complete the age of 14

**78%**

### **MATCHING TEXT**

20 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**49/527**

### **SUBMITTED TEXT**

21 WORDS

the State to endeavour to provide free and compulsory education for all children until they complete the age of 14 years,

**90%**

### **MATCHING TEXT**

21 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**50/527**

### **SUBMITTED TEXT**

12 WORDS

within a period of 10 years from the commencement of the constitution.



**95%**

**MATCHING TEXT**

12 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**51/527**

**SUBMITTED TEXT**

15 WORDS

The State responsibility to provide for just and humane conditions of work and maternity relief,

**70%**

**MATCHING TEXT**

15 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**52/527**

**SUBMITTED TEXT**

55 WORDS

the educational and economical interests of the weaker sections of the people, and in particular, of the Scheduled Castes and the Scheduled Tribes and for their protection from social injustice and all forms of exploitation. Article 47 castes upon the State the duty to raise the level of nutrition and the standard of living and to improve public health.

**69%**

**MATCHING TEXT**

55 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**53/527**

**SUBMITTED TEXT**

29 WORDS

right to education' being concomitant to the fundamental right to life, the State is under a constitutional mandate to provide educational institutions at all levels for the benefit of the



**65%**

**MATCHING TEXT**

29 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**54/527**

**SUBMITTED TEXT**

13 WORDS

in any factory or mine or engagement in other hazardous work and

**83%**

**MATCHING TEXT**

13 WORDS

in any factory or mine, or in any other hazardous work, and

**W** <https://epdf.pub/child-labour-in-a-globalized-world.html>

**55/527**

**SUBMITTED TEXT**

19 WORDS

the State is under a constitutional mandate to provide educational institutions at all levels for the benefit of the

**100%**

**MATCHING TEXT**

19 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**56/527**

**SUBMITTED TEXT**

39 WORDS

tender age of children is not abused and citizens are not forced by economic necessity to enter a vocation unsuited to their age, and if children are to be given opportunities and facilities to develop in a healthy manner and



**70%**

**MATCHING TEXT**

39 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**57/527**

**SUBMITTED TEXT**

11 WORDS

given opportunities and facilities to develop in a healthy manner and

**100%**

**MATCHING TEXT**

11 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**58/527**

**SUBMITTED TEXT**

20 WORDS

that 'the nation's children are a supremely important asset. Their nurture and solitude are our responsibility; children's programmes should find

**86%**

**MATCHING TEXT**

20 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**59/527**

**SUBMITTED TEXT**

64 WORDS

prominent part in our national plans for the development of human resources so that our children grow up to become robust citizens, physically fit, mentally alert and morally healthy, endowed with the skills and motivations needed by society.'20 Equal opportunities for development to all children during the period of growth should be our aim, for this would serve our larger purpose of reducing inequality and ensuring social



justice.

**93%**

### **MATCHING TEXT**

64 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**60/527**

### **SUBMITTED TEXT**

14 WORDS

The needs of children and our duties towards them have been expressed in

**100%**

### **MATCHING TEXT**

14 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**61/527**

### **SUBMITTED TEXT**

60 WORDS

constitution. The resolution on a National Policy on education, which has been adopted by Parliament, gives direction to state policy on the educational needs of the children. We are also party to the UN Declaration of the right of the child. The goals set out in these documents can reasonably be achieved by judicious and efficient use of the available national resources. 37

**72%**

### **MATCHING TEXT**

60 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**62/527**

### **SUBMITTED TEXT**

55 WORDS





to provide adequate services to children, both before and after birth and through the period of growth, to ensure their full physical, mental and social development. The State shall progressively increase the scope of such services so that, within a reasonable time, all children in the country enjoy optimum conditions for their balanced growth. The following measures

**98%**

## **MATCHING TEXT**

55 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**63/527**

## **SUBMITTED TEXT**

134 WORDS

be adopted towards the attainment of these objectives: i. All children shall be covered by a comprehensive health programme. ii. Programmes shall be implemented to provide nutrition services with the object of removing deficiencies in the diet of children. iii. Programmes will be undertaken for the general improvement of the health and for the care, nutrition and education of expectant and nursing mothers. iv. The State shall take steps to provide free and compulsory education for all children up to the age of 14 for which a time-bound programme will be drawn up consistent with the availability of resources. Special efforts will be made to reduce the prevailing wastage and stagnation in schools, particularly in the case of girls and children of the weaker sections of the society. The programme of informal education for preschool children from such section will also be taken up.

**94%**

## **MATCHING TEXT**

134 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**64/527**

## **SUBMITTED TEXT**

118 WORDS

Children who are not able to take full advantage of formal education shall be provided with other forms of education suited to their requirements. vi. Physical education, games, sports and other types of recreational as well as cultural and scientific activities shall be promoted in schools, community centres and such other institutions. vii. To ensure equality of opportunity, special assistance shall be provided to all children belonging to the weaker sections of the society, such as children belonging to the Scheduled Caste and Scheduled Tribes and those belonging to the economically weaker sections both in urban and rural areas. viii. Children who are socially handicapped, who have become delinquent or have been forced to take to



begging or are otherwise in distress, shall be provided

**91%**

### **MATCHING TEXT**

118 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**65/527**

### **SUBMITTED TEXT**

11 WORDS

education, training and rehabilitation and will be helped to become useful citizens.

**100%**

### **MATCHING TEXT**

11 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**66/527**

### **SUBMITTED TEXT**

131 WORDS

No child under 14 years shall be permitted to be engaged in any hazardous occupation or be made to undertake heavy work. xi. Facilities shall be provided for special treatment, education, rehabilitation and care of children who are physically handicapped, emotionally disturbed or mentally retarded. xii. Children shall be given priority for protection and relief in times of distress or natural calamity. xiii. Special programmes shall be formulated to spot, encourage and assist gifted children, particularly those belonging to the weaker sections of society. xiv. Existing laws should be amended so that in all legal disputes, whether between parents or institutions the interests of children are given paramount consideration. xv. In organising services for children, efforts would be directed to strengthen family ties so that full potentialities of growth of children are realised within the normal family, neighbourhood and community environment.

**90%**

### **MATCHING TEXT**

131 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**67/527**



## SUBMITTED TEXT

14 WORDS

In formulating programmes in different sectors, priority shall be given to programmes relating to: )

**100%**

## MATCHING TEXT

14 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**68/527**

## SUBMITTED TEXT

24 WORDS

Preventive and promotive aspects of child health; )b Nutrition for infants and children in the pre-school age along with nutrition for nursing and expectant mothers; )

**94%**

## MATCHING TEXT

24 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**69/527**

## SUBMITTED TEXT

42 WORDS

Maintenance, education and training of orphan and destitute children; )d Crèches and other facilities for the care of children of working or ailing mothers; and )e Care, education, training and rehabilitation of handicapped children )f The policy also aims at establishing National Children Board

**55%**

## MATCHING TEXT

42 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**70/527**



## **SUBMITTED TEXT**

30 WORDS

rising needs of children relating to health, nutrition, education and other welfare services and also to ensure at different levels continuous planning, review and coordination of all the essential services.

**88%**

## **MATCHING TEXT**

30 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**71/527**

## **SUBMITTED TEXT**

12 WORDS

in the field of education, health, recreation and social welfare services

**100%**

## **MATCHING TEXT**

12 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**72/527**

## **SUBMITTED TEXT**

10 WORDS

the opportunity to develop on their own or with State assistance.

**95%**

## **MATCHING TEXT**

10 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**73/527**

## **SUBMITTED TEXT**



14 WORDS

undertake all appropriate measures to address the problems of infanticide and foeticide, especially of

**100%**

### **MATCHING TEXT**

14 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**74/527**

### **SUBMITTED TEXT**

16 WORDS

female child and all other emerging manifestations which deprive the girl child of her right to

**90%**

### **MATCHING TEXT**

16 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**75/527**

### **SUBMITTED TEXT**

66 WORDS

health and nutrition respectively. Accordingly, the State shall take measures to ensure that all children enjoy the highest attainable standard of health and provide for preventive and curative facilities at all levels especially immunization and prevention of micronutrient deficiencies for all children. Primary health facilities, specialized care and treatment for all children of families below the poverty line, adequate prenatal and postnatal care for mothers, immunization against preventable diseases,

**67%**

### **MATCHING TEXT**

66 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**76/527**

### **SUBMITTED TEXT**



15 WORDS

from all practices that are likely to harm the child's physical and mental health

**90%**

### **MATCHING TEXT**

15 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**77/527**

### **SUBMITTED TEXT**

14 WORDS

to provide all children from families below the poverty line with adequate supplementary nutrition

**100%**

### **MATCHING TEXT**

14 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**78/527**

### **SUBMITTED TEXT**

23 WORDS

that fosters full development of the child's faculties. To ensure this, the State shall in partnership with the community, prepare a social security

**75%**

### **MATCHING TEXT**

23 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**79/527**

### **SUBMITTED TEXT**

21 WORDS

abandoned children and street children and shall provide them with infra structural and material support by



way of shelter, education, nutrition and recreation.

**50%**

### **MATCHING TEXT**

21 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**80/527**

### **SUBMITTED TEXT**

14 WORDS

to provide for educational facilities and services for children of all ages and social groups.

**90%**

### **MATCHING TEXT**

14 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**81/527**

### **SUBMITTED TEXT**

20 WORDS

provide early childhood care for all children and encourage programmes which will stimulate and develop their physical and cognitive capacities

**100%**

### **MATCHING TEXT**

20 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**82/527**

### **SUBMITTED TEXT**

33 WORDS

aim at providing a childcare centre in every village where infants and children of working mothers can be adequately cared for. The State will make special efforts to provide these facilities to children from



**92%**

**MATCHING TEXT**

33 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**83/527**

**SUBMITTED TEXT**

45 WORDS

shall be provided free of cost and special incentives should be provided to ensure that children from disadvantaged social groups are enrolled and retained in school and participate in schooling. At the secondary level, the State shall provide access to education for all and provide supportive facilities

**79%**

**MATCHING TEXT**

45 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**84/527**

**SUBMITTED TEXT**

33 WORDS

from the disadvantaged groups. The state shall, in partnership with the community, ensure that all educational institutions function efficiently and are able to reach universal enrolment, universal retention, universal participation and universal achievement. The

**95%**

**MATCHING TEXT**

33 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**85/527**

**SUBMITTED TEXT**

24 WORDS

The State shall formulate special programmes to spot, identify, encourage and assist the gifted children for





their development in the field of their excellence. 39

**100%**

### **MATCHING TEXT**

24 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**86/527**

### **SUBMITTED TEXT**

20 WORDS

the State to provide protection to children from economic exploitation and from performing tasks that are hazardous to their well-being

**92%**

### **MATCHING TEXT**

20 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**87/527**

### **SUBMITTED TEXT**

24 WORDS

ensure that there is appropriate regulation of conditions of work in occupations and processes where children perform work of a non-hazardous nature and that

**100%**

### **MATCHING TEXT**

24 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**88/527**

### **SUBMITTED TEXT**

13 WORDS

the State shall move towards a total ban of all forms of child labour.



**100%**

**MATCHING TEXT**

13 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**89/527**

**SUBMITTED TEXT**

24 WORDS

right to be protected against neglect, maltreatment, injury, trafficking, sexual and physical abuse of all kinds, corporal punishment, torture, exploitation, violence and degrading treatment

**100%**

**MATCHING TEXT**

24 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**90/527**

**SUBMITTED TEXT**

53 WORDS

The State shall take legal action against those committing such violations against children even if they were legal guardians of such children. The State shall in partnership with the community, set up mechanisms for identification, reporting, referral, investigation and follow up of such acts, while respecting the dignity and privacy of the child. The State shall

**82%**

**MATCHING TEXT**

53 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**91/527**

**SUBMITTED TEXT**

29 WORDS

take strict measures to ensure that children are not used in the conduct of any illegal activity, namely,



trafficking of narcotic drugs and psychotropic substances, begging, prostitution, pornography or

**100%**

### **MATCHING TEXT**

29 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**92/527**

### **SUBMITTED TEXT**

23 WORDS

The State, in partnership with the community, shall ensure that such children are rescued and immediately placed under appropriate care and protection. The State

**97%**

### **MATCHING TEXT**

23 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**93/527**

### **SUBMITTED TEXT**

13 WORDS

and community shall also ensure protection of children during the occurrence of natural calamities.

**89%**

### **MATCHING TEXT**

13 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**94/527**

### **SUBMITTED TEXT**

20 WORDS

Protection of the Girl Child The State shall ensure that offences against women including child marriage, forced prostitution and trafficking are



**50%**

**MATCHING TEXT**

20 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**95/527**

**SUBMITTED TEXT**

25 WORDS

The State shall, in partnership with the community, undertake measures, including social, educational and legal, to ensure that there is greater respect for the girl

**100%**

**MATCHING TEXT**

25 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**96/527**

**SUBMITTED TEXT**

31 WORDS

the State and the community to take all steps to provide the necessary education and skill to adolescent children so as to equip them to become economically productive citizens. Special programmes

**80%**

**MATCHING TEXT**

31 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**97/527**

**SUBMITTED TEXT**

12 WORDS

be undertaken to improve the health and nutritional status of the adolescent girl.

**100%**



## **MATCHING TEXT**

12 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**98/527**

## **SUBMITTED TEXT**

30 WORDS

of the child's or its parents' or legal guardian's race, colour, caste, sex, language, religion, political or other opinion, national, ethnic or social origin, disability, birth, political status, or any other

**66%**

## **MATCHING TEXT**

30 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**99/527**

## **SUBMITTED TEXT**

39 WORDS

that all children are treated equally without discrimination on grounds of the child's or its parents' or legal guardian's race, colour, caste, sex, language, religion, political or other opinion, national, ethnic or social origin, disability, birth, political status, or any other consideration.

**94%**

## **MATCHING TEXT**

39 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**100/527**

## **SUBMITTED TEXT**

21 WORDS

shall be given with every opportunity for all round development of their personality, including creativity of expression. Right to Seek and Receive Information

**60%**



## **MATCHING TEXT**

21 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**101/527**

## **SUBMITTED TEXT**

36 WORDS

Every child shall have the freedom to seek and receive information and ideas. The State and the community shall provide opportunities for the child to access information that will contribute to the child's development. The State and

**94%**

## **MATCHING TEXT**

36 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**102/527**

## **SUBMITTED TEXT**

34 WORDS

community shall undertake special measures to ensure that the linguistic needs of children are taken care of, and encourage the production and dissemination of child friendly information and material in various forms. The State and

**98%**

## **MATCHING TEXT**

34 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**103/527**

## **SUBMITTED TEXT**

21 WORDS

community shall be responsible for formulating guidelines for the mass media in order to ensure that children are protected from material



**100%**

**MATCHING TEXT**

21 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**104/527**

**SUBMITTED TEXT**

25 WORDS

all children enjoy freedom of association and peaceful assembly, subject to reasonable restrictions and in conformity with social and family values. Right to a Family &

**84%**

**MATCHING TEXT**

25 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**105/527**

**SUBMITTED TEXT**

102 WORDS

In case of separation of children from their families, the State shall ensure that priority is given to reuniting the child with the parents. In case, where the State perceives adverse impact of such a reunion, the State shall make alternative arrangements immediately, keeping in mind the best interests and their views of the child. All children have a right to maintain contact with their families, even when they are within the custody of the State for various reasons.<sup>27</sup> The State shall undertake measures to ensure that children without families are either placed for adoption, preferably intra-country adoption or foster care, or any other family substitute services.

**82%**

**MATCHING TEXT**

102 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**106/527**

**SUBMITTED TEXT**



30 WORDS

All children shall have the right to meet their parents and other family members who may be in custody. The State has also specifically recognised the common responsibilities of both

**78%**

### **MATCHING TEXT**

30 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**107/527**

### **SUBMITTED TEXT**

36 WORDS

to lead a full life with dignity and respect. All measures should be undertaken to ensure that children with disabilities are encouraged to be integrated into the mainstream society and actively participate in all walks of life.

**95%**

### **MATCHING TEXT**

36 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**108/527**

### **SUBMITTED TEXT**

69 WORDS

recreation in a manner that will contribute to their overall growth and development. State and community shall launch preventive programmes against disabilities and early detection of disabilities so as to ensure that the families with disabled children receive adequate support and assistance in bringing up their children. The state shall encourage research and development in the field of prevention, treatment and rehabilitation of disabilities. Rights of Children from Marginalized and Disadvantaged Communities The

**89%**

### **MATCHING TEXT**

69 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**109/527**



**SUBMITTED TEXT**

13 WORDS

to draw up plans for the identification and rehabilitation of child victims

**87%****MATCHING TEXT**

13 WORDS

**SA** child issues thesis 2018.docx (D40611590)**110/527****SUBMITTED TEXT**

13 WORDS

that they are able to recover physically, socially and psychologically and reintegrate into society.

**85%****MATCHING TEXT**

13 WORDS

**SA** child issues thesis 2018.docx (D40611590)**111/527****SUBMITTED TEXT**

16 WORDS

Child-Friendly Procedures All matters relating to children i.e., judicial, administrative, educational or social should be child-friendly.

**86%****MATCHING TEXT**

16 WORDS

**SA** child issues thesis 2018.docx (D40611590)**112/527****SUBMITTED TEXT**



18 WORDS

in conflict with law and for children in need of special care and protection should also be child friendly.

**92%**

### **MATCHING TEXT**

18 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**113/527**

### **SUBMITTED TEXT**

38 WORDS

State, society, community and family, which must be viewed in the context of intrinsic and attendant duties towards children and inculcating in children a sound sense of values directed towards preserving and strengthening the family, society and the nation,

**87%**

### **MATCHING TEXT**

38 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**114/527**

### **SUBMITTED TEXT**

61 WORDS

community shall undertake all possible measures to ensure and protect the survival, life and liberty of all children. In particular, the State and community will undertake all appropriate measures to address the problems of infanticide and foeticide, especially of female child and all other emerging manifestations that deprive the girl child of her right to survive with dignity. Promoting High Standards of Health and Nutrition

**99%**

### **MATCHING TEXT**

61 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**115/527**



## SUBMITTED TEXT

186 WORDS

ensure that all children enjoy the highest attainable standards of health .ii provide for preventive and curative facilities at all levels especially immunisation and prevention of micronutrient deficiencies for all children .iii take measures to cover, under primary health facilities and specialised care and treatment, all children of families below the poverty line .iv take measures to provide adequate pre-natal and post-natal care for mothers along with immunization against preventable diseases .v undertake measures to provide for a national plan that will ensure that the mental health of all children is protected .vi take steps to ensure protection of children from all practices that are likely to harm the child's mental and physical health .vii take steps to provide all children from families below the poverty line with adequate supplementary nutrition and undertake adequate measures for ensuring access to safe drinking water and environmental sanitation and hygiene. Assuring Basic Minimum Needs and Security The State recognizes that the basic minimum needs of every child must be met, that foster full development of the child's faculties. In order to ensure this, the State shall, in partnership with the community, provide social security for children, especially for abandoned children and street children.

**89%**

## MATCHING TEXT

186 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**116/527**

## SUBMITTED TEXT

28 WORDS

remove the fundamental causes which result in abandoned children and children living on streets, and provide infrastructural and material support by way of shelter, education, nutrition and recreation

**100%**

## MATCHING TEXT

28 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**117/527**

## SUBMITTED TEXT

36 WORDS

Early Childhood Care for Survival, Growth and Development The duty to provide early childhood care for all children and encourage programmes, which will stimulate and develop their physical and cognitive



capacities, is caste upon the State.

**66%**

### **MATCHING TEXT**

36 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**118/527**

### **SUBMITTED TEXT**

15 WORDS

in every village, where infants and children of workingwomen can be adequately cared for.

**85%**

### **MATCHING TEXT**

15 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**119/527**

### **SUBMITTED TEXT**

10 WORDS

to children from SCs/Sts and marginalized sections of society.

**100%**

### **MATCHING TEXT**

10 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**120/527**

### **SUBMITTED TEXT**

17 WORDS

education at the elementary level shall be provided free of cost and special incentives should be

**100%**



## **MATCHING TEXT**

17 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**121/527**

## **SUBMITTED TEXT**

35 WORDS

be provided free of cost .iii special incentives should be provided to ensure that children from disadvantaged social groups are enrolled, retained and participate in schooling .iv at the secondary level access to education for all

**86%**

## **MATCHING TEXT**

35 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**122/527**

## **SUBMITTED TEXT**

20 WORDS

to ensure that education is sensitive to the healthy development of the girl child and to children of varied cultural backgrounds .

**100%**

## **MATCHING TEXT**

20 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**123/527**

## **SUBMITTED TEXT**

33 WORDS

ensure that school discipline and matters relating thereto do not result in physical, mental, psychological harm or trauma to the child .xii special programmes to spot, identify, encourage and assist the gifted children

**84%**



## **MATCHING TEXT**

33 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**124/527**

## **SUBMITTED TEXT**

37 WORDS

for their development in the field of their excellence Protection from Economic Exploitation and All Forms of Abuse The State shall provide protection to children from economic exploitation and from performing tasks that are hazardous to their well-being.

**98%**

## **MATCHING TEXT**

37 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**125/527**

## **SUBMITTED TEXT**

10 WORDS

in occupations and processes where children perform work of a

**100%**

## **MATCHING TEXT**

10 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**126/527**

## **SUBMITTED TEXT**

23 WORDS

to be protected against neglect, maltreatment, injury, trafficking, sexual and physical abuse of all kinds, corporal punishment, torture, exploitation, violence and degrading treatment

**100%**



## **MATCHING TEXT**

23 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**127/527**

## **SUBMITTED TEXT**

32 WORDS

against those committing such violations against children even if they be legal guardians of such children .v in partnership with the community, mechanisms for identification, reporting, referral, investigation and follow- up of such acts

**88%**

## **MATCHING TEXT**

32 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**128/527**

## **SUBMITTED TEXT**

26 WORDS

the dignity and privacy of the child shall be respected) .vi steps to draw up plans for the identification, care, protection, counselling and rehabilitation of child victims

**73%**

## **MATCHING TEXT**

26 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**129/527**

## **SUBMITTED TEXT**

13 WORDS

that they are able to recover, physically, socially and psychologically and reintegrate into society .

**85%**

**MATCHING TEXT**

13 WORDS

**SA** child issues thesis 2018.docx (D40611590)**130/527****SUBMITTED TEXT**

16 WORDS

to ensure that children are not used in the conduct of any illegal activity, namely, trafficking

**100%****MATCHING TEXT**

16 WORDS

**SA** child issues thesis 2018.docx (D40611590)**131/527****SUBMITTED TEXT**

10 WORDS

narcotic drugs and psychotropic substances, begging, prostitution, pornography or violence.

**100%****MATCHING TEXT**

10 WORDS

**SA** child issues thesis 2018.docx (D40611590)**132/527****SUBMITTED TEXT**

17 WORDS

for their welfare and all round development .ix protection of children during the occurrence of natural calamities

**73%****MATCHING TEXT**





17 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**133/527**

### **SUBMITTED TEXT**

19 WORDS

Equality, Freedom of Expression, Freedom to seek and Receive Information, freedom of Association and Peaceful Assembly The State shall ensure

**95%**

### **MATCHING TEXT**

19 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**134/527**

### **SUBMITTED TEXT**

29 WORDS

All children shall be given every opportunity for all round development of their personality, including expression of creativity. Every child shall have the freedom to seek and receive information and ideas

**98%**

### **MATCHING TEXT**

29 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**135/527**

### **SUBMITTED TEXT**

11 WORDS

that will contribute to the child's development. The State and

**95%**

### **MATCHING TEXT**

11 WORDS



**SA** child issues thesis 2018.docx (D40611590)

**136/527**

### **SUBMITTED TEXT**

36 WORDS

community shall undertake special measures to ensure that the linguistic needs of children are taken care of and encourage the production and dissemination of child friendly information and material in various forms. The State and

**98%**

### **MATCHING TEXT**

36 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**137/527**

### **SUBMITTED TEXT**

23 WORDS

community shall also be responsible for formulating guidelines for the mass media in order to ensure that children are protected from material

**93%**

### **MATCHING TEXT**

23 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**138/527**

### **SUBMITTED TEXT**

19 WORDS

freedom of association and peaceful ssembly, subject to reasonable restrictions and in conformity with social and family values

**91%**

### **MATCHING TEXT**



19 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**139/527**

### **SUBMITTED TEXT**

23 WORDS

All children have a right to maintain contact with their families, even when they are within the custody of the State for various reasons.46

**93%**

### **MATCHING TEXT**

23 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**140/527**

### **SUBMITTED TEXT**

18 WORDS

where such child is, by reason of any physical or mental abnormality or injury unable to maintain itself,

**100%**

### **MATCHING TEXT**

18 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**141/527**

### **SUBMITTED TEXT**

13 WORDS

sufficient maturity of understanding to judge the nature and consequences of his conduct,

**96%**

### **MATCHING TEXT**

13 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)



**142/527**

**SUBMITTED TEXT**

19 WORDS

such child, shall be punished with imprisonment of either description for a term which may extent to 7 years,

**80%**

**MATCHING TEXT**

19 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**143/527**

**SUBMITTED TEXT**

22 WORDS

shall be punished with imprisonment of either description for a term which may extent to 7 years, or with fine, or with both.

**77%**

**MATCHING TEXT**

22 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**144/527**

**SUBMITTED TEXT**

33 WORDS

whoever takes or entices any minor under 16 years of age if a male, or under 18 years of age if a female, out of the keeping of the lawful guardian of such minor,

**76%**

**MATCHING TEXT**

33 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**145/527**



## SUBMITTED TEXT

52 WORDS

whoever, by any means whatsoever, induces any minor girl under the age of 18 years, to go from any place or to do any act with intent that such girl may be, or knowing that it is likely that she will be, forced or seduced to illicit intercourse with another person, shall be

**99%**

## MATCHING TEXT

52 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**146/527**

## SUBMITTED TEXT

13 WORDS

that she will be forced or seduced to illicit intercourse with another person

**100%**

## MATCHING TEXT

13 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**147/527**

## SUBMITTED TEXT

13 WORDS

that she will be forced or seduced to illicit intercourse with another person

**100%**

## MATCHING TEXT

13 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**148/527**

## SUBMITTED TEXT



21 WORDS

Provision for maintenance and residence to female contracting party to child marriages, custody and maintenance of children born out of child marriages,

**61%**

### **MATCHING TEXT**

21 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**149/527**

### **SUBMITTED TEXT**

17 WORDS

simple imprisonment which may extent to three months and shall also be liable to fine. The

**87%**

### **MATCHING TEXT**

17 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**150/527**

### **SUBMITTED TEXT**

23 WORDS

in pursuance of the International Convention signed at New York on the 9th day of May, 1950, for the prevention of Immoral Traffic<sup>76</sup>.

**100%**

### **MATCHING TEXT**

23 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**151/527**

### **SUBMITTED TEXT**

36 WORDS



a child is found in a brothel, or on medical examination, detected to have been sexually abused, the presumption is that the child or the minor has been detained for purposes of prostitution or has been sexually exploited.

**59%**

### **MATCHING TEXT**

36 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**152/527**

### **SUBMITTED TEXT**

11 WORDS

The Juvenile Justice (Care and Protection of Children) Act, 2000 The

**100%**

### **MATCHING TEXT**

11 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**153/527**

### **SUBMITTED TEXT**

16 WORDS

Commission for Protection of Child Rights Act, 2005 The National Commission for Protection of Child Rights (

**83%**

### **MATCHING TEXT**

16 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**154/527**

### **SUBMITTED TEXT**

16 WORDS



for the whole or any part of the territory of India for implementing any treaty, agreement

**100%**

### **MATCHING TEXT**

16 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**155/527**

### **SUBMITTED TEXT**

13 WORDS

the contents of international conventions and norms are significant for the purpose of

**76%**

### **MATCHING TEXT**

13 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**156/527**

### **SUBMITTED TEXT**

25 WORDS

of the Constitution ... Any international convention not inconsistent with the fundamental rights and in harmony with its spirit must be read into these provisions

**60%**

### **MATCHING TEXT**

25 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**157/527**

### **SUBMITTED TEXT**

20 WORDS

Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act • Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994 •





**97%**

**MATCHING TEXT**

20 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**158/527**

**SUBMITTED TEXT**

20 WORDS

Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Amendment Act, 2002 • Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse)

**90%**

**MATCHING TEXT**

20 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**159/527**

**SUBMITTED TEXT**

55 WORDS

tender age of children should not be abused, and should not be forced by economic necessity to enter into avocations unsuited to their age or strength, that children should be given opportunities and facilities to develop in a healthy manner, in conditions of freedom and dignity, and that childhood and youth should be protected against exploitation

**67%**

**MATCHING TEXT**

55 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**160/527**

**SUBMITTED TEXT**

60 WORDS

the tender age of children should not be abused, and should not be forced by economic necessity to enter



into avocations unsuited to their age or strength, that children should be given opportunities and facilities to develop in a healthy manner, in conditions of freedom and dignity, and that childhood and youth should be protected against exploitation as well as moral and material abandonment.

**56%**

### **MATCHING TEXT**

60 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**161/527**

### **SUBMITTED TEXT**

60 WORDS

the tender age of children should not be abused, and should not be forced by economic necessity to enter into avocations unsuited to their age or strength, that children should be given opportunities and facilities to develop in a healthy manner, in conditions of freedom and dignity, and that childhood and youth should be protected against exploitation as well as moral and material abandonment.

**62%**

### **MATCHING TEXT**

60 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**162/527**

### **SUBMITTED TEXT**

21 WORDS

the state to endeavor to “provide free and compulsory education for all children until they complete the age of 14 years”.

**82%**

### **MATCHING TEXT**

21 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**163/527**

**SUBMITTED TEXT**

15 WORDS

The Child Labour (Prohibition and Regulation) Act, 1986 The Child Labour (Prohibition and Regulation) Act 1986

**92%****MATCHING TEXT**

15 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**164/527****SUBMITTED TEXT**

17 WORDS

to prohibit the employment of children in certain occupations and processes and to regulate conditions of work

**70%****MATCHING TEXT**

17 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**165/527****SUBMITTED TEXT**

10 WORDS

in certain occupations and processes and regulate the working conditions

**100%****MATCHING TEXT**

10 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**166/527****SUBMITTED TEXT**



12 WORDS

a person who has not completed his fourteenth year of age. 6.

**100%**

### **MATCHING TEXT**

12 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**167/527**

### **SUBMITTED TEXT**

18 WORDS

in which none of the occupations or process referred to section 3 is carried on. Hours and Period of Work (

**52%**

### **MATCHING TEXT**

18 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**168/527**

### **SUBMITTED TEXT**

14 WORDS

No child shall be required or permitted to work in any establishment in

**76%**

### **MATCHING TEXT**

14 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**169/527**

### **SUBMITTED TEXT**

47 WORDS

The period of work on each day shall be so fixed that no period shall exceed three hours and that no child shall work for more than three hours before he has had an interval for rest for at least one hour. (c) The



period of work of

**91%**

**MATCHING TEXT**

47 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**170/527**

**SUBMITTED TEXT**

20 WORDS

shall be required or permitted to work overtime. (f) No child shall be required or permitted to work in any

**57%**

**MATCHING TEXT**

20 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**171/527**

**SUBMITTED TEXT**

12 WORDS

on any day on which he has already been working in another

**100%**

**MATCHING TEXT**

12 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**172/527**

**SUBMITTED TEXT**

11 WORDS

in respect of children employed or permitted to work in

**100%**



## **MATCHING TEXT**

11 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**173/527**

## **SUBMITTED TEXT**

16 WORDS

every occupier in respect of children employed or permitted to work in any establishment a register

**90%**

## **MATCHING TEXT**

16 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**174/527**

## **SUBMITTED TEXT**

15 WORDS

nature of work of any such child, and (d) Such other particulars as may be prescribed.

**81%**

## **MATCHING TEXT**

15 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**175/527**

## **SUBMITTED TEXT**

21 WORDS

make rules for the health and safety of the children employed or permitted to work in any establishment or class of establishments.

**90%**

## **MATCHING TEXT**



21 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**176/527**

### **SUBMITTED TEXT**

23 WORDS

shall be possible with simple imprisonment which may extend to one month or with fine which may extend to ten thousand rupees or with both.

**60%**

### **MATCHING TEXT**

23 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**177/527**

### **SUBMITTED TEXT**

41 WORDS

State shall direct its policy towards securing the health and strength of workers, men and women and the tender age of children are not abused that citizens are not forced by economic necessity to enter vocations unsuited to their age or strength

**87%**

### **MATCHING TEXT**

41 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**178/527**

### **SUBMITTED TEXT**

25 WORDS

that children, particularly one given opportunities and facilities to develop in a healthy manner and in condition of freedom and dignity. Childhood and youth are

**76%**

### **MATCHING TEXT**



25 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**179/527**

### **SUBMITTED TEXT**

64 WORDS

health and strength of workers, men and women and the tender age of children are not abused that citizens are not forced by economic necessity to enter vocations unsuited to their age or strength and that children, particularly one given opportunities and facilities to develop in a healthy manner and in condition of freedom and dignity. Childhood and youth are to be protected against exploitation and

**74%**

### **MATCHING TEXT**

64 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**180/527**

### **SUBMITTED TEXT**

16 WORDS

no child below the age of 14 years shall be employed to work in any factory

**100%**

### **MATCHING TEXT**

16 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**181/527**

### **SUBMITTED TEXT**

12 WORDS

Free and compulsory education for children up to the age of 14,

**95%**

### **MATCHING TEXT**





12 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**182/527**

### **SUBMITTED TEXT**

13 WORDS

years shall be engaged in hazardous occupations or be made to undertake heavy work.

**75%**

### **MATCHING TEXT**

13 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**183/527**

### **SUBMITTED TEXT**

48 WORDS

child labour from exploitation or from being subjected to work in hazardous conditions, which endanger such children's physical and mental development. ( )b The need to ensure safety and health at their working places, that they should be protected from expressively long working hours and from right work; ( )c That

**63%**

### **MATCHING TEXT**

48 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**184/527**

### **SUBMITTED TEXT**

16 WORDS

Project based plan of action in areas of high concentration child labour engaged in wage

**96%**

### **MATCHING TEXT**

16 WORDS



**SA** child issues thesis 2018.docx (D40611590)

**185/527**

### **SUBMITTED TEXT**

17 WORDS

A Child Labour Technical Advisory Committee has been setup to advise the Central Government on addition

**78%**

### **MATCHING TEXT**

17 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**186/527**

### **SUBMITTED TEXT**

16 WORDS

to advise the Central Government on addition of occupation and processes to the schedule contained in

**87%**

### **MATCHING TEXT**

16 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**187/527**

### **SUBMITTED TEXT**

15 WORDS

and processes to the schedule contained in Child Labour (Prohibition and Regulation) Act, 1986,

**96%**

### **MATCHING TEXT**

15 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)



**188/527**

**SUBMITTED TEXT**

15 WORDS

enforcement of the Child Labour (P&R) Act, the Factories Act and the Mines Act,

**66%**

**MATCHING TEXT**

15 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**189/527**

**SUBMITTED TEXT**

20 WORDS

Coverage of families of child labour under the income / employment generating programmes under the overall aegis of anti-poverty programmes. 3.

**91%**

**MATCHING TEXT**

20 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**190/527**

**SUBMITTED TEXT**

14 WORDS

hazardous employments. Also, stepped up programme of adult education of the parents of the

**82%**

**MATCHING TEXT**

14 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**191/527**



## SUBMITTED TEXT

21 WORDS

Setting up of special school for child workers together with provision of vocational education training in such special schools, supplementing nutrition,

**85%**

## MATCHING TEXT

21 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**192/527**

## SUBMITTED TEXT

19 WORDS

stipend to the children taken out from prohibited employments and health care for all children attending at such special schools.

**95%**

## MATCHING TEXT

19 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**193/527**

## SUBMITTED TEXT

13 WORDS

or guardian of a child, in return for any payment or benefit

**83%**

## MATCHING TEXT

13 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**194/527**

## SUBMITTED TEXT



19 WORDS

contrary to the Act to be void. An agreement to pledge the labour of a child shall be void. 4.

**60%**

### **MATCHING TEXT**

19 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**195/527**

### **SUBMITTED TEXT**

15 WORDS

the labour of that child, shall be punished with fine which may extend to fifty

**83%**

### **MATCHING TEXT**

15 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**196/527**

### **SUBMITTED TEXT**

11 WORDS

whereby such parent or guardian pledges the labour of the child

**100%**

### **MATCHING TEXT**

11 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**197/527**

### **SUBMITTED TEXT**

13 WORDS

knowing or having reason to believe that an agreement has been made



**87%**

**MATCHING TEXT**

13 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**198/527**

**SUBMITTED TEXT**

17 WORDS

It extends to the whole of India except the State of Jammu and Kashmir and it

**90%**

**MATCHING TEXT**

17 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**199/527**

**SUBMITTED TEXT**

34 WORDS

the Child Marriage Restraint Act, 1929. ( )a It extends to the whole of India except the State of Jammu and Kashmir and it applies also to all citizens of India without and beyond India. ( )

**80%**

**MATCHING TEXT**

34 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**200/527**

**SUBMITTED TEXT**

14 WORDS

simple imprisonment which may extend to three months and shall also be liable to fine

**100%**



## **MATCHING TEXT**

14 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**201/527**

## **SUBMITTED TEXT**

21 WORDS

The Code of Criminal Procedure, 1973 (2 of 1974), shall apply to offences under this Act as if they were cognizable offences (

**66%**

## **MATCHING TEXT**

21 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**202/527**

## **SUBMITTED TEXT**

44 WORDS

Act. Notwithstanding anything contained in Section 190 of the [Code of Criminal Procedure, 1973 (2 of 1974),] no Court other than that of a [Metropolitan Magistrate or a Judicial Magistrate of the first class] shall take cognizance of, or try, any offence under this Act. 9.

**95%**

## **MATCHING TEXT**

44 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**203/527**

## **SUBMITTED TEXT**

36 WORDS

Mode of taking cognizance of offences. No Court shall take cognizance of any offence under this Act after the expiry of one year from the date on which the offence is alleged to have been committed. 10.

**90%**



## **MATCHING TEXT**

36 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**204/527**

## **SUBMITTED TEXT**

21 WORDS

for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both:

**86%**

## **MATCHING TEXT**

21 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**205/527**

## **SUBMITTED TEXT**

13 WORDS

The State Government may, by notification in the official Gazette, appoint for

**87%**

## **MATCHING TEXT**

13 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**206/527**

## **SUBMITTED TEXT**

11 WORDS

The State Government may, by notification in the official Gazette,

**100%**

## **MATCHING TEXT**





11 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**207/527**

### **SUBMITTED TEXT**

11 WORDS

The State Government may, by notification in the official Gazette,

**100%**

### **MATCHING TEXT**

11 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**208/527**

### **SUBMITTED TEXT**

12 WORDS

Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act In 1988, the

**95%**

### **MATCHING TEXT**

12 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**209/527**

### **SUBMITTED TEXT**

10 WORDS

the Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act (

**100%**

### **MATCHING TEXT**

10 WORDS

**SA** child issues thesis 2018.docx (D40611590)



**210/527**

**SUBMITTED TEXT**

11 WORDS

The Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act 1994

**100%**

**MATCHING TEXT**

11 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**211/527**

**SUBMITTED TEXT**

10 WORDS

Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994

**100%**

**MATCHING TEXT**

10 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**212/527**

**SUBMITTED TEXT**

11 WORDS

to the whole of India except the State of Jammu and Kashmir.

**100%**

**MATCHING TEXT**

11 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**213/527**

**SUBMITTED TEXT**



16 WORDS

or incidental thereto. It extends to the whole of India except the State of Jammu and Kashmir.

**100%**

### **MATCHING TEXT**

16 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**214/527**

### **SUBMITTED TEXT**

33 WORDS

Government shall constitute a Board to be known as the Central Supervisory Board to exercise the powers and perform the functions conferred on the Board under this Act. The Board shall consist of the

**47%**

### **MATCHING TEXT**

33 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**215/527**

### **SUBMITTED TEXT**

15 WORDS

and the member so appointed shall hold office for the remainder of the term of

**86%**

### **MATCHING TEXT**

15 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**216/527**

### **SUBMITTED TEXT**

25 WORDS

votes of the members present and voting, and in the event of an equality of votes, the Chairman, or in his



absence, the person presiding,

**78%**

### **MATCHING TEXT**

25 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**217/527**

### **SUBMITTED TEXT**

13 WORDS

All orders and decisions of the Board shall be authenticated by the

**83%**

### **MATCHING TEXT**

13 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**218/527**

### **SUBMITTED TEXT**

15 WORDS

offence which, in the opinion of the Central Government, involves moral turpitude; or is

**96%**

### **MATCHING TEXT**

15 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**219/527**

### **SUBMITTED TEXT**

14 WORDS

the Central Government; creates public awareness against the practice of pre-natal determination of sex

**80%**



## MATCHING TEXT

14 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**220/527**

## SUBMITTED TEXT

20 WORDS

with imprisonment for a term which may extend to three years and with fine which may extend to ten 72

**81%**

## MATCHING TEXT

20 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**221/527**

## SUBMITTED TEXT

44 WORDS

with imprisonment for a term which may extend to three years and with fine which may extend to ten thousand rupees and on any subsequent conviction, with imprisonment which may extend to five years and with fine which may extend to fifty thousand rupees. The name of

**63%**

## MATCHING TEXT

44 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**222/527**

## SUBMITTED TEXT

42 WORDS

with imprisonment for a term which may extend to three years and with fine which may extend to ten thousand rupees and on any subsequent conviction with imprisonment which may extend to five years and with fine which may extend to fifty thousand rupees.

**65%**



## **MATCHING TEXT**

42 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**223/527**

## **SUBMITTED TEXT**

28 WORDS

shall be punishable with imprisonment for a term which may extend to three months or with fine, which may extend to one thousand rupees or with both and

**89%**

## **MATCHING TEXT**

28 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**224/527**

## **SUBMITTED TEXT**

18 WORDS

a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence punishable under this Act.

**80%**

## **MATCHING TEXT**

18 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**225/527**

## **SUBMITTED TEXT**

9 WORDS

the Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse)",

**100%**

## **MATCHING TEXT**



9 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**226/527**

### **SUBMITTED TEXT**

21 WORDS

foetus” means a human organism during the period of its development beginning on the fifty-seventh day following fertilisation or creation (excluding

**100%**

### **MATCHING TEXT**

21 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**227/527**

### **SUBMITTED TEXT**

11 WORDS

in which its development has been suspended) and ending at the birth: (

**100%**

### **MATCHING TEXT**

11 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**228/527**

### **SUBMITTED TEXT**

11 WORDS

the Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Amendment Act, 2002:

**87%**

### **MATCHING TEXT**

11 WORDS

**SA** child issues thesis 2018.docx (D40611590)



**229/527**

**SUBMITTED TEXT**

14 WORDS

in respect of the following matters, namely :- ( )a summoning of any person

**83%**

**MATCHING TEXT**

14 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**230/527**

**SUBMITTED TEXT**

12 WORDS

the Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Amendment Act, 2002

**87%**

**MATCHING TEXT**

12 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**231/527**

**SUBMITTED TEXT**

20 WORDS

with imprisonment for a term which may extend to three years and with fine which may extend to ten thousand rupees.

**78%**

**MATCHING TEXT**

20 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**232/527**





## SUBMITTED TEXT

21 WORDS

with imprisonment for a term which may extend to three years and with fine which may extend to fifty thousand rupees

**78%**

## MATCHING TEXT

21 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**233/527**

## SUBMITTED TEXT

16 WORDS

which may extend to five years and with fine which may extend to one lakh rupees. (4)

**100%**

## MATCHING TEXT

16 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**234/527**

## SUBMITTED TEXT

13 WORDS

the Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse ) Amendment Act, 2002,

**87%**

## MATCHING TEXT

13 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**235/527**

## SUBMITTED TEXT



12 WORDS

the Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Amendment Act, 2002. (2)

**87%**

### **MATCHING TEXT**

12 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**236/527**

### **SUBMITTED TEXT**

11 WORDS

the Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994,

**100%**

### **MATCHING TEXT**

11 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**237/527**

### **SUBMITTED TEXT**

9 WORDS

the Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse)

**100%**

### **MATCHING TEXT**

9 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**238/527**

### **SUBMITTED TEXT**

14 WORDS

it enacted by Parliament in the Eleventh Year of the Republic of India



**80%**

**MATCHING TEXT**

14 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**239/527**

**SUBMITTED TEXT**

14 WORDS

to the whole of India except the State of Jammu and Kashmir. 3) It

**96%**

**MATCHING TEXT**

14 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**240/527**

**SUBMITTED TEXT**

16 WORDS

It extends to the whole of India except the State of Jammu and Kashmir. 3) It

**100%**

**MATCHING TEXT**

16 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**241/527**

**SUBMITTED TEXT**

14 WORDS

on such date as the State Government may, by notification in the Official Gazette,

**89%**

**MATCHING TEXT**



14 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**242/527**

### **SUBMITTED TEXT**

17 WORDS

such date as the State Government may, by notification in the Official Gazette, appoint. 2. Definitions: In this

**82%**

### **MATCHING TEXT**

17 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**243/527**

### **SUBMITTED TEXT**

14 WORDS

the Suppression of Immoral Traffic in Women and Girls Act, 1956 (104 of 1956);

**95%**

### **MATCHING TEXT**

14 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**244/527**

### **SUBMITTED TEXT**

11 WORDS

The State Government may, by notification in the Official Gazette,

**100%**

### **MATCHING TEXT**

11 WORDS

**SA** child issues thesis 2018.docx (D40611590)



**245/527**

**SUBMITTED TEXT**

14 WORDS

of the existence of any vacancy in, or defect in the constitution of, the

**96%**

**MATCHING TEXT**

14 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**246/527**

**SUBMITTED TEXT**

38 WORDS

with fine which may extend to two hundred and fifty rupees or with both, and in the case of a second or subsequent offence, with imprisonment which may extend to six months or with fine which may extend to

**48%**

**MATCHING TEXT**

38 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**247/527**

**SUBMITTED TEXT**

21 WORDS

with imprisonment which may extend to six months or with fine which may extend to one thousand rupees or with both. 25.

**78%**

**MATCHING TEXT**

21 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**248/527**



## SUBMITTED TEXT

11 WORDS

The State Government may, by notification in the Official Gazette,

**100%**

## MATCHING TEXT

11 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**249/527**

## SUBMITTED TEXT

11 WORDS

The State Government may, by notification in the Official Gazette,

**100%**

## MATCHING TEXT

11 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**250/527**

## SUBMITTED TEXT

12 WORDS

of the provisions of the Convention on the Rights of the Child.

**87%**

## MATCHING TEXT

12 WORDS

of the Impact of the Convention on the Rights of the Child (

**W** <https://epdf.pub/child-labour-in-a-globalized-world.html>

**251/527**

## SUBMITTED TEXT



22 WORDS

The Juvenile Justice Act 1986 was also passed to provide for the care, protection, treatment, development and rehabilitation of neglected or delinquent

**76%**

### **MATCHING TEXT**

22 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**252/527**

### **SUBMITTED TEXT**

11 WORDS

the provisions of the Convention on the Rights of the Child.

**100%**

### **MATCHING TEXT**

11 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**253/527**

### **SUBMITTED TEXT**

12 WORDS

in conflict with law and children in need of care and protection.

**100%**

### **MATCHING TEXT**

12 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**254/527**

### **SUBMITTED TEXT**

31 WORDS

Juvenile in conflict with law is a child who is alleged to have committed an offence and has not completed



eighteen years of age as on date of commission of such offence.

**73%**

### **MATCHING TEXT**

31 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**255/527**

### **SUBMITTED TEXT**

14 WORDS

grossly abused, tortured or exploited for the purpose of sexual abuse or illegal acts;

**85%**

### **MATCHING TEXT**

14 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**256/527**

### **SUBMITTED TEXT**

19 WORDS

in the year 2006 by Juvenile Justice (Care and Protection of Children) Amendment Act, 2006 [33 of 2006].  
The

**70%**

### **MATCHING TEXT**

19 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**257/527**

### **SUBMITTED TEXT**

11 WORDS

in the Juvenile Justice (Care and Protection of Children) Act, 2000





**100%**

**MATCHING TEXT**

11 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**258/527**

**SUBMITTED TEXT**

15 WORDS

the status of juvenility, the Juvenile Justice (Care and Protection of Children) Act, 2000

**76%**

**MATCHING TEXT**

15 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**259/527**

**SUBMITTED TEXT**

12 WORDS

the ILO's International Programme for the Elimination of Child Labour (IPEC) •

**100%**

**MATCHING TEXT**

12 WORDS

the ILO's International Programme for the Elimination of Child Labour (IPEC)

**W** <https://epdf.pub/child-labour-in-a-globalized-world.html>

**260/527**

**SUBMITTED TEXT**

16 WORDS

who is being or is likely to be abused or exploited for illegal or immoral purposes

**62%**



## **MATCHING TEXT**

16 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**261/527**

## **SUBMITTED TEXT**

17 WORDS

Convention on the Rights of the Child Adopted by the General Assembly of the United Nations

**100%**

## **MATCHING TEXT**

17 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**262/527**

## **SUBMITTED TEXT**

28 WORDS

United Nations Organisation on Child Labour • Convention on the Rights of the Child Adopted by the General Assembly of the United Nations of 1966 which came into force

**50%**

## **MATCHING TEXT**

28 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**263/527**

## **SUBMITTED TEXT**

36 WORDS

the term forced or compulsory labour shall mean "all work or service which is exacted from any person under the menace of any penalty, and for which the said person has not offered himself voluntarily". The

**100%**

## **MATCHING TEXT**



36 WORDS

The term “forced or compulsory labour” shall mean all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.’ The

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**264/527**

### **SUBMITTED TEXT**

11 WORDS

Conventions and Recommendations on the minimum age for admission to employment

**95%**

### **MATCHING TEXT**

11 WORDS

Conventions and four Recommendations on the minimum age for admission to employment

**W** <https://epdf.pub/child-labour-in-a-globalized-world.html>

**265/527**

### **SUBMITTED TEXT**

43 WORDS

in the preamble of Convention No. 138, considered that "the time has come to establish a general instrument on the subject, which would gradually replace the existing ones applicable to limited economic sectors, with a view to achieving the total abolition of child labour". 2.

**89%**

### **MATCHING TEXT**

43 WORDS

in the Preamble of C138, that ‘the time has come to establish a general instrument on the subject, which would gradually replace the existing ones applicable to limited economic sectors, with a view to achieving the total abolition of child labour’.

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**266/527**

### **SUBMITTED TEXT**

33 WORDS

forced or compulsory labour shall mean "all work or service which is exacted from any person under the menace of any penalty, and for which the said person has not offered himself voluntarily".



**90%**

**MATCHING TEXT**

33 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**267/527**

**SUBMITTED TEXT**

24 WORDS

the conviction of the ILO's constituents that childhood is a period of life which should be consecrated not to work but to education and development;

**59%**

**MATCHING TEXT**

24 WORDS

the conviction of ILO Member States that childhood is a period of life, which should not be devoted to work, but to the physical and mental development

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**268/527**

**SUBMITTED TEXT**

12 WORDS

with a view to achieving the total abolition of child labour". 2.

**100%**

**MATCHING TEXT**

12 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**269/527**

**SUBMITTED TEXT**

24 WORDS

to pursue a national policy designed to ensure the effective abolition of child labour, to set a minimum age for admission to employment or work



**82%**

**MATCHING TEXT**

24 WORDS

to pursue a national policy designed to ensure the effective abolition of child labour to raise Appendix 435 progressively the minimum for admission to employment or work

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**270/527**

**SUBMITTED TEXT**

25 WORDS

member States to pursue a national policy designed to ensure the effective abolition of child labour, to set a minimum age for admission to employment

**80%**

**MATCHING TEXT**

25 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**271/527**

**SUBMITTED TEXT**

14 WORDS

to a level consistent with the fullest physical and mental development of young

**100%**

**MATCHING TEXT**

14 WORDS

to a level consistent with the fullest physical and mental development of young

**W** <https://epdf.pub/child-labour-in-a-globalized-world.html>

**272/527**

**SUBMITTED TEXT**

20 WORDS

not be less than the age of completion of compulsory schooling and, in any case, not less than 15 years.



**94%**

**MATCHING TEXT**

20 WORDS

not be less than the age of completion of compulsory schooling and, in any case, not be than 15 years. 4.

**W** <https://epdf.pub/child-labour-in-a-globalized-world.html>

**273/527**

**SUBMITTED TEXT**

27 WORDS

requires member States to pursue a national policy designed to ensure the effective abolition of child labour, to set a minimum age for admission to employment or work

**80%**

**MATCHING TEXT**

27 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**274/527**

**SUBMITTED TEXT**

17 WORDS

limited categories of employment or work in respect of which special and substantial problems of application arise (

**100%**

**MATCHING TEXT**

17 WORDS

limited categories of employment or work in respect of which special and substantial problems of application arise. 2.

**W** <https://epdf.pub/child-labour-in-a-globalized-world.html>

**275/527**

**SUBMITTED TEXT**

39 WORDS



of the Convention, provided that it should be applicable as a minimum to : mining and quarrying; manufacturing; construction; electricity, gas and water; sanitary services; transport, storage and communication; and plantations and other agricultural undertakings mainly producing for commercial purposes. 5.

**82%**

### **MATCHING TEXT**

39 WORDS

of the Convention shall be applicable as a minimum to the mining and quarrying; manufacturing; construction; electricity, gas and water; sanitary services; transport, storage and communication; and plantations and other agricultural undertakings mainly producing for commercial purposes,

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**276/527**

### **SUBMITTED TEXT**

11 WORDS

Worst forms of Child Labour'. The worst forms of child labour

**95%**

### **MATCHING TEXT**

11 WORDS

worst forms of child labour. The following worst forms of child labour

**W** <https://epdf.pub/child-labour-in-a-globalized-world.html>

**277/527**

### **SUBMITTED TEXT**

16 WORDS

work done by children both for another person (wage employment) and on their own behalf (self-employment). 107

**82%**

### **MATCHING TEXT**

16 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**278/527**



## SUBMITTED TEXT

24 WORDS

Physical, psychological or sexual abuse ? Work under ground, underwater, at dangerous heights or in confined spaces. ? Work with dangerous machinery, equipment and tools. ?

**77%**

## MATCHING TEXT

24 WORDS

physical, psychological or sexual abuse [clause a]; work underground, under at dangerous heights or in confined spaces; [clause b]; work with dangerous machinery, equipment and tools,

**W** <https://epdf.pub/child-labour-in-a-globalized-world.html>

**279/527**

## SUBMITTED TEXT

11 WORDS

Worst forms of Child Labour<sup>c</sup>. The worst forms of child labour

**95%**

## MATCHING TEXT

11 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**280/527**

## SUBMITTED TEXT

14 WORDS

dangerous heights or in confined spaces. ? Work with dangerous machinery, equipment and tools. ?

**96%**

## MATCHING TEXT

14 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**281/527**





## SUBMITTED TEXT

18 WORDS

the need to adopt new instruments for the prohibition and elimination of the worst forms of child labour,

**100%**

## MATCHING TEXT

18 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**282/527**

## SUBMITTED TEXT

37 WORDS

Considering the need to adopt new instruments for the prohibition and elimination of the worst forms of child labour, as the main priority for national and international action, including international cooperation and assistance, to complement the Convention and

**100%**

## MATCHING TEXT

37 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**283/527**

## SUBMITTED TEXT

214 WORDS

The General Conference of the International Labour Organization having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 87 th Session on 1 June 1999 and Considering the need to adopt new instruments for the prohibition and elimination of the worst forms of child labour, as the main priority for national and international action, including international cooperation and assistance, to complement the Convention and the Recommendation concerning Minimum Age for Admission to Employment, 1973, which remain fundamental instruments on child labour, and Considering that the effective elimination of the worst forms of child labour requires immediate and comprehensive action, taking into account the importance of free basic education and the need to remove the children concerned from all such work and to provide for their rehabilitation and social integration while addressing the needs of their families, and Recalling the resolution concerning the elimination of child labour adopted by the International Labour Conference at its 83 rd Session in 1996, and Recognizing that child labour is to a great extent caused by poverty and that the long-term solution lies in sustained economic growth leading to social progress, in particular poverty alleviation and universal education, and Recalling the Convention on



the Rights of the Child adopted by the United Nations General Assembly on 20 th November 1989, and 108

**99%**

## **MATCHING TEXT**

214 WORDS

The General Conference of the International Labour Organization, Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 87th Session on 1 June 1999, and Considering the need to adopt new instruments for the prohibition and elimination of the worst forms of child labour, as the main priority for national and international action, including international cooperation and assistance, to complement the Convention and the Recommendation concerning Minimum Age for Admission to Employment, 1973, which remain fundamental instruments on child labour, and Considering that the effective elimination of the worst forms of child labour requires immediate and comprehensive action, taking into account the importance of free basic education and the need to remove the children concerned from all such work and to provide for their rehabilitation and social integration while addressing the needs of their families, and Recalling the resolution concerning the elimination of child labour adopted by the International Labour Conference at its 83rd Session in 1996, and Recognizing that child labour is to a great extent caused by poverty and that the long-term solution lies in sustained economic growth leading to social progress, in particular poverty alleviation and universal education, and Recalling the Convention on the Rights of the Child adopted by the United Nations General Assembly on 20 November 1989, and

**W** <https://epdf.pub/child-labour-in-a-globalized-world.html>

**284/527**

## **SUBMITTED TEXT**

127 WORDS

Rights Work and its Follow-up, adopted by the International Labour Conference its 86 th Session in 1998, and Recalling that some of the worst forms of child labour are covered by other international instruments, in particular the Forced Labour Convention, 1930, and the United Nations Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Protections Similar to Slavery, 1956, and Having decided upon the adoption of certain proposals with regard to child labour, which is the fourth item on the agenda of the session, and Having determined that these proposals shall take the form of an international Convention; adopts this seventeenth day of June of the year one thousand nine hundred and ninety-nine the following Convention, which may be cited as the Worst Forms of Child Labour Convention, 1999.

**95%**

## **MATCHING TEXT**

127 WORDS

Rights at Work and its Follow-up, adopted by the International Labour Conference at its 86th Session in 1998, and Recalling that some of the worst forms of child labour are covered by other international instruments, in particular the Forced Labour Convention, 1930, and the United Nations Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 1956, and Having decided upon the adoption of certain proposals with regard to child labour, which is the



fourth item on the agenda of the session, and Having determined that these proposals shall take the form of an international Convention; 430 Child Labour in a Globalized World adopts this seventeenth day of June of the year one thousand nine hundred and ninety-nine the following Convention, which may be cited as the Worst Forms of Child Labour Convention, 1999.

**W** <https://epdf.pub/child-labour-in-a-globalized-world.html>

**285/527**

## **SUBMITTED TEXT**

16 WORDS

provides for broad consultations among governments, workers, and employers-the 'social partners' in the ILO's tripartite structure.

**91%**

## **MATCHING TEXT**

16 WORDS

provides for broad consultation among governments, workers and employers – the 'social partners' in the ILO's tripartite structure.

**W** <https://epdf.pub/child-labour-in-a-globalized-world.html>

**286/527**

## **SUBMITTED TEXT**

78 WORDS

the worst forms of child labour as: ? All forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage, serfdom, and forced or compulsory labour; ? Forced or compulsory recruitment of children for use in armed conflict; ? Use of a child for prostitution, production of pornography or pornographic performances; ? Use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs;

**89%**

## **MATCHING TEXT**

78 WORDS

the worst forms of child labour comprises: (all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom forced or compulsory labour, forced or compulsory recruitment of children for use in armed conflict; (b) use, procuring or offering a child for prostitution, for the production pornography or for pornographic performances; (c) use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs

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**287/527****SUBMITTED TEXT**

61 WORDS

Recommendation concerning Minimum Age for Admission to Employment, 1973, which remain fundamental instruments on child labour, and Considering that the effective elimination of the worst forms of child labour requires immediate and comprehensive action, taking into account the importance of free basic education and the need to remove the children concerned from all such work and to provide for their rehabilitation and social integration

**96%****MATCHING TEXT**

61 WORDS

**SA** child issues thesis 2018.docx (D40611590)**288/527****SUBMITTED TEXT**

16 WORDS

requires ratifying States to 'design and implement programmes of action to eliminate the worst forms

**100%****MATCHING TEXT**

16 WORDS

requires ratifying States to design and implement programmes of action<sup>37</sup> to eliminate the worst forms

**W** <https://epdf.pub/child-labour-in-a-globalized-world.html>**289/527****SUBMITTED TEXT**

78 WORDS

the worst forms of child labour as: ? All forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage, serfdom, and forced or compulsory labour; ? Forced or compulsory recruitment of children for use in armed conflict; ? Use of a child for prostitution, production of pornography or pornographic performances; ? Use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs;

**89%**



## **MATCHING TEXT**

78 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**290/527**

## **SUBMITTED TEXT**

11 WORDS

establish or designate appropriate mechanisms' for monitoring implementation of the Convention,

**95%**

## **MATCHING TEXT**

11 WORDS

establish or designate appropriate mechanisms for monitoring<sup>38</sup> the implementation of the Convention.

**W** <https://epdf.pub/child-labour-in-a-globalized-world.html>

**291/527**

## **SUBMITTED TEXT**

30 WORDS

is likely to harm the health, safety, or morals of children. The Convention requires ratifying States to 'design and implement programmes of action to eliminate the worst forms of child labour

**69%**

## **MATCHING TEXT**

30 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**292/527**

## **SUBMITTED TEXT**

21 WORDS

for the removal of children from the worst forms of child labour, and their rehabilitation; ensure access to free basic education

**88%**



## MATCHING TEXT

21 WORDS

for the removal of children from the worst forms of child labour for their and social integration; (c) ensure access to free basic education,

**W** <https://epdf.pub/child-labour-in-a-globalized-world.html>

**293/527**

## SUBMITTED TEXT

26 WORDS

vocational training for all children removed from the worst forms of child labour; identify children at special risk; and take into account the special situation of girls'.

**81%**

## MATCHING TEXT

26 WORDS

vocational training, for all children removed from the worst forms of child labour; (d) identify reach out children at special risk; e) take account of the special situation of girls. 3.

**W** <https://epdf.pub/child-labour-in-a-globalized-world.html>

**294/527**

## SUBMITTED TEXT

17 WORDS

for the removal of children from the worst forms of child labour, and their rehabilitation; ensure access

**88%**

## MATCHING TEXT

17 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**295/527**

## SUBMITTED TEXT

152 WORDS

the abolition of Child Labour In its first global report on the subject in 2002, the ILO reported that child labour is a stubborn phenomenon, whose complete elimination has not yet been accomplished in any economic sector or in any region of the world. The second global report, in 2006, significantly titled The



End of Child Labour : Within Reach, reported an 11 percent decrease in the number of working children worldwide between 2000 and 2004. This led the Director - General to claim that the goal of 'eliminating the worst forms of child labour within the next ten year's was 'ambitious but achievable '. There are many reasons to be skeptical about the ILO's optimism. The scale of the problem remains uncertain. Child labour tends to be hidden in the informal economy and in illegal and clandestine activities. There are doubts about the reliability of statistical estimates based on extrapolation of available information in a limited number of countries.

**94%**

## **MATCHING TEXT**

152 WORDS

the prospect of eliminating exploitative child labour? In its first global report on the subject in 2002, the ILO reported that child labour 'is a stubborn phenomenon, whose complete elimination has not yet been accomplished in any economic sector or in any region of the world'.<sup>1</sup> The second global report, in 2006, significantly titled The End of Child Labour: Within Reach, reported an 11 per cent decrease in the number of working children worldwide between 2000 and 2004.<sup>2</sup> This led the Director-General to claim that the goal of 'eliminating the worst forms of child labour within the next ten years' was 'ambitious but achievable'.<sup>3</sup> There are many reasons to be sceptical about the ILO's optimism. The scale of the problem remains uncertain. Child labour tends to be hidden in the informal economy and in illegal and clandestine activities. There are doubts about the reliability of statistical estimates based on extrapolation of available information in a limited number of countries.<sup>4</sup>

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**296/527**

## **SUBMITTED TEXT**

37 WORDS

There have been real achievements in the fight against exploitative child labour since 1992 when the International Programme for the Elimination of Child Labour (IPEC) was launched. The conception of child labour has been transformed into a fundamental

**100%**

## **MATCHING TEXT**

37 WORDS

There have been real achievements in the fight against exploitative child labour since 1992 when the International Programme for the Elimination of Child Labour (IPEC) was launched. The conception of child labour has been transformed into a fundamental 1

**W** <https://epdf.pub/child-labour-in-a-globalized-world.html>

**297/527**

## SUBMITTED TEXT

164 WORDS

human right of children against exploitative labour and this is now (arguably) enshrined in customary international law. Positive duties to protect the rights of children have been developed. The elimination of exploitative child labour has been brought from the margins into the mainstream of socio-economic development policies. Yet these achievements are not guaranteed, and serious challenges remain. There are undoubtedly still millions of child labourers, whatever the precise numbers. Countries are reluctant to introduce a minimum age for access to employment. There is defective application of international standards and a lack of effective enforcement. Children in many countries are still not getting to school and some are even conscripted into armed conflicts. Above all, poverty remains a root cause of child labour in developing countries, and the rights of the child have not yet been embedded into the world trade systems. So the elimination of exploitative child labour - characterized by the Director - General of the ILO in 1983 as an affront to the conscience of the international community remains an urgent project.

**100%**

## MATCHING TEXT

164 WORDS

human right of children against exploitative labour and this is now (arguably) enshrined in customary international law. Positive duties to protect the rights of children have been developed. The elimination of exploitative child labour has been brought from the margins into the mainstream of socio-economic development policies. Yet these achievements are not guaranteed, and serious challenges remain. There are undoubtedly still millions of child labourers, whatever the precise numbers. Countries are reluctant to introduce a minimum age for access to employment. There is defective application of international standards and a lack of effective enforcement. Children in many countries are still not getting to school and some are even conscripted into armed conflicts. Above all, poverty remains a root cause of child labour in developing countries, and the rights of the child have not yet been embedded into the world trade systems. So the elimination of exploitative child labour – characterized by the Director-General of the ILO in 1983 as an affront to the conscience of the international community<sup>6</sup> – remains an urgent project.

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**298/527**

## SUBMITTED TEXT

161 WORDS

Freedom from child labour as a Fundamental Human Right The most conspicuous achievement has been the transformation of concerns about child labour into a fundamental human right of children. The earliest laws on the employment of children were essentially public health measures. When the first industrial revolution started in cotton manufacturing in 18 th century Britain, children were regarded as the best operatives because of their small size and the delicacy of their touch. They were a cheap source of labour, often 'apprenticed' to factory owners by local communities who had the responsibility to support pauper children. When epidemics of fever broke out in 1784 and 1796 in Manchester, agitation led to the Health and Morals of Apprentices Act in 1802, aimed at preventing abuses which endangered not only children but also the health of the community. Humanitarian concerns of entrepreneurs like Robert Owen led to the British Act of





1819 limiting the hours of work of children in factories was the real beginning of industrial legislation. The

**98%**

## **MATCHING TEXT**

161 WORDS

Freedom from child labour as a fundamental human right The most conspicuous achievement has been the transformation of concerns about child labour into a fundamental human right of children. The earliest laws on the employment of children were essentially public health measures. When the first industrial revolution started in cotton manufacturing in 18th-century Britain, children were regarded as the best operatives because of their small size and the delicacy of their touch. They were a cheap source of labour, often 'apprenticed' to factory owners by local communities who had the responsibility to support pauper children. When epidemics of fever broke out in 1784 and 1796 in Manchester, agitation led to the Health and Morals of Apprentices Act in 1802, aimed at preventing abuses which endangered not only children but also the health of the community. Humanitarian concerns of entrepreneurs like Robert Owen led to the British Act of 1819 limiting the hours of work of children in factories – 'the real beginnings of industrial legislation'.<sup>7</sup>  
The

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**299/527**

## **SUBMITTED TEXT**

90 WORDS

ambition of international labour legislation was never achieved, but in 1919, Article 427 of the Treaty of Versailles declared that one of the 'methods and principles' of 'special and urgent importance' for the new ILO would be 'the abolition of child labour and the imposition of such limitations on the labour of young persons as shall permit the continuance of their education and ensure their proper physical development'. True to the spirit of Article 427, the ILO gave a high priority to setting standards, from 1919 onwards, on the minimum age for access to employment.

**100%**

## **MATCHING TEXT**

90 WORDS

ambition of international labour legislation was never achieved, but in 1919, article 427 of the Treaty of Versailles declared that one of the 'methods and principles' of 'special and urgent importance' for the new ILO would be 'the abolition of child labour and the imposition of such limitations on the labour of young persons as shall permit the continuance of their education and ensure their proper physical development'. True to the spirit of article 427, the ILO gave a high priority to setting standards, from 1919 onwards, on the minimum age for access to employment,

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**300/527**



## SUBMITTED TEXT

26 WORDS

vocational training for all children removed from the worst forms of child labour; identify children at special risk; and take into account the special situation of girls'.

**81%**

## MATCHING TEXT

26 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**301/527**

## SUBMITTED TEXT

167 WORDS

The 1998 Declaration of Fundamental Principles and Rights at Work symbolized the transformation of humanitarian concerns into human rights. Convention 182 and Recommendation 190 gave concrete expression to those rights in the context of the worst forms of exploitation. Children were no longer simply 'victims' but were turned into rights-holders. This was not a sudden or unexpected development. Since the 1960s the children's rights movement has campaigned for the recognition of children as rights - holders. This rests on a developmental model of childhood : every child has the right to be prepared to have an individual life in society and to be brought up in the spirit of the ideals proclaimed in the Charter of the UN. This right - based approach finds its expression in the crucially important UN Convention on the Rights of the Child (1989) (CRC). This sets out a number of rights of the child including 'the right of children to be protected from economic exploitation and from performing any work that is likely to be hazardous or to 110

**98%**

## MATCHING TEXT

167 WORDS

The 1998 Declaration on Fundamental Principles and Rights at Work symbolized the transformation of humanitarian concerns into human rights. Convention 182 and Recommendation 190 gave concrete expression to those rights in the context of the worst forms of exploitation. Children were no longer simply 'victims' but were turned into rights-holders.<sup>10</sup> This was not a sudden or unexpected development. Since the 1960s the children's rights movement has campaigned for the recognition of children as rights-holders. This rests on a developmental model of childhood: every child has the right to be prepared to have an individual life in society and to be brought up in the spirit of the ideals proclaimed in the Charter of the UN. This rights-based approach finds its expression in the crucially important UN Convention on the Rights of the Child (1989) (CRC). This sets out a number of rights of the child including 'the right of children to be protected from economic exploitation and from performing any work that is likely to be hazardous or to

**W** <https://epdf.pub/child-labour-in-a-globalized-world.html>

**302/527****SUBMITTED TEXT**

14 WORDS

brought up in the spirit of the ideals proclaimed in the Charter of the

**100%****MATCHING TEXT**

14 WORDS

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**303/527****SUBMITTED TEXT**

47 WORDS

interfere with the child's education or be harmful to the child's health or physical, mental, spiritual, moral or social development' (article 32). The CRC and Convention 182 together constitute a striking rejection of the notion that children are too young, immature or incompetent to claim rights. However, a problem

**96%****MATCHING TEXT**

47 WORDS

interfere with the child's education or be harmful to the child's health or physical, mental, spiritual, moral or social development' (article 32). The CRC and C182 together constitute a striking rejection of the notion that children are too young, immature or incompetent to claim rights. However, a problem 8

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**304/527****SUBMITTED TEXT**

386 WORDS

with this right - based approach is that children are often dependent on those who may be acting in breach of their rights. Moreover, the mere fact that international treaties and conventions assert children's rights does not mean that children have enforceable rights in practice. Indeed, some argue that by declaring children's 'rights' in formal terms, States are able to cloak their inactivity behind a smokescreen of rhetoric. In domestic contexts, many assertions of children's rights are simply aspirations and not reality. The rhetoric of rights is no more than a hollow promise unless matched by effective international supervision and domestic enforcement of these rights by the state, trade unions, NGOs and other agencies. A question which arises is how we should classify children's rights as they appear in the various international instruments.

Hammerberg suggests a classification based on the four Ps: participation, protection against discrimination, protection against harm, and provision for assistance with basic needs. Participation is recognized in respect of the rights of the child to freedom of association (CRC, article 15), and children are clearly 'workers' protected in their rights to freedom of association and collective bargaining under ILO Conventions 87 and 98. Protection against discrimination is specifically recognized in article 2(1) of the CRC, and children as workers are covered by the ILO conventions on discrimination. Protection against harm is recognized in both the CRC and in C182's provisions on hazardous work. Provision for assistance with basic needs is to be found mainly in the CRC. This shows the importance of the links between these international instruments in creating children's rights. Rights against exploitative Child Labour are being transformed into Customary International Law The unique character of the 1998 Declaration is that the obligations to provide minimum ages for employment and to eliminate the worst forms of child labour are placed on all ILO member States not by reason of their ratification of named conventions but 'from the very fact of membership'. This is a constitutional obligation and not one which rests upon voluntary acceptance. It might be argued that those few countries that have failed to ratify C182 are bound by the principles of the relevant conventions by virtue of their membership of the ILO. Such an argument is unlikely to make any practical difference, however, because the Declaration is purely promotional. The more interesting question, from a legal perspective, is whether the rights embodied in C182 have become a part of customary international law.

**98%**

## **MATCHING TEXT**

386 WORDS

with this rights-based approach is that children are often dependent on those who may be acting in breach of their rights. Moreover, the mere fact that international treaties and conventions assert children's rights does not mean that children have enforceable rights in practice. Indeed, some argue that by declaring children's 'rights' in formal terms, States are able to cloak their inactivity behind a smokescreen of rhetoric.<sup>11</sup> In domestic contexts, many assertions of children's rights are simply aspirations and not reality. The rhetoric of rights is no more than a hollow promise unless matched by effective international supervision and domestic enforcement of these rights by the state, trade unions, NGOs and other agencies (see below). A question which arises is how we should classify children's rights as they appear in the various international instruments. Hammerberg<sup>12</sup> suggests a classification based on the four Ps: participation, protection against discrimination, protection against harm, and provision for assistance with basic needs. Participation is recognized in respect of the rights of the child to freedom of association (CRC, article 15), and children are clearly 'workers' protected in their rights to freedom of association and collective bargaining under ILO Conventions 87 and 98. Protection against discrimination is specifically recognized in article 2(1) of the CRC, and children as workers are covered by the ILO conventions on discrimination. Protection against harm is recognized in both the CRC and in C182's provisions on hazardous work. Provision for assistance with basic needs is to be found mainly in the CRC. This shows the importance of the links between these international instruments in creating children's rights. 19.2.2 Rights against exploitative child labour are being transformed into customary international law The unique character of the 1998 Declaration is that the obligations to provide minimum ages for employment and to eliminate the worst forms of child labour are placed on all ILO member States not by reason of their ratification of named conventions but 'from the very fact of membership'.<sup>13</sup> This is a constitutional obligation and not one which rests upon voluntary acceptance. It might be argued that those few countries that have failed to ratify C182 are bound by the principles of the relevant conventions by virtue of their membership of the ILO. Such an argument is unlikely to make any practical difference, however, because the Declaration is purely promotional. The more interesting question, from a legal perspective, is whether the rights embodied in C182 have become a part of



customary international law.

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**305/527**

## **SUBMITTED TEXT**

30 WORDS

If exploitative child labour is to be treated as universally contrary to international law, in the same way as piracy, slavery and forced labour, it would need to be shown

**100%**

## **MATCHING TEXT**

30 WORDS

If exploitative child labour is to be treated as universally contrary to international law, in the same way as piracy, slavery and forced labour, it would need to be shown 11

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**306/527**

## **SUBMITTED TEXT**

65 WORDS

that standards on child form part of 'habitual state practice' and that States appreciate that this practice is required by international law. The state practices must be 'broadly consistent'. These criteria clearly cannot be met in respect of the minimum age for employment. Despite the significant increase since 1998 in the number of ratifications of C138, only 150 out of 181 ILO member States had done so by 2007.

**99%**

## **MATCHING TEXT**

65 WORDS

that standards on child labour form part of 'habitual state practice' and that States appreciate that this practice is required by international law. The state practices must be 'broadly consistent'.<sup>14</sup> These criteria clearly cannot be met in respect of the minimum age for employment. Despite the significant increase since 1998 in the number of ratifications of C138, only 150 out of 181 ILO member States had done so by 2007.

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**307/527**

## **SUBMITTED TEXT**

59 WORDS



However, by 2007 there had been 165 ratifications of C182, which became the most rapidly and widely ratified of all ILO conventions. The conclusions are that C182 has had demonstrable positive effects in bringing down the extent of exploited child labour - particularly in regard to trafficking and commercial sexual exploitation and hazardous work - and that there is a major

**93%**

### **MATCHING TEXT**

59 WORDS

However, by 2007 there had been 165 ratifications of C182, which became the most rapidly and widely ratified of all ILO conventions. The conclusions by Rishikesh in Chapter 5 of this volume are that C182 has had demonstrable positive effects in bringing down the extent of exploited child labour – particularly in regard to trafficking and commercial sexual exploitation and hazardous work – and that there is a major

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**308/527**

### **SUBMITTED TEXT**

20 WORDS

interfere with the child's education or be harmful to the child's health or physical, mental, spiritual, moral or social development' (

**97%**

### **MATCHING TEXT**

20 WORDS

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**309/527**

### **SUBMITTED TEXT**

23 WORDS

the worst forms of child labour. This supports the case for arguing that the elimination of the worst forms of child labour (as

**52%**

### **MATCHING TEXT**

23 WORDS

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**310/527**

**SUBMITTED TEXT**

49 WORDS

a long way towards habitual and consistent practices to eliminate the worst forms of child labour. This supports the case for arguing that the elimination of the worst forms of child labour (as identified in C182) can now be recognized, or may soon be recognized, as part of customary international law.

**100%**

**MATCHING TEXT**

49 WORDS

a long way towards habitual and consistent practices to eliminate the worst forms of child labour. This supports the case for arguing that the elimination of the worst forms of child labour (as identified in C182) can now be recognized, or may soon be recognized, as part of customary international law. 19.2.3

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**311/527**

**SUBMITTED TEXT**

10 WORDS

the ILO's International Programme for the Elimination of Child Labour (IPEC)

**100%**

**MATCHING TEXT**

10 WORDS

the ILO's International Programme for the Elimination of Child Labour (IPEC)

**W** <https://epdf.pub/child-labour-in-a-globalized-world.html>

**312/527**

**SUBMITTED TEXT**

11 WORDS

the elimination of the worst forms of child labour (as

**100%**

**MATCHING TEXT**

11 WORDS



**SA** Mridula Barman\_LAW.docx (D15441512)

**313/527**

### **SUBMITTED TEXT**

15 WORDS

Elimination of Child Labour (IPEC) The International Program on the Elimination of Child Labour is a

**68%**

### **MATCHING TEXT**

15 WORDS

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**314/527**

### **SUBMITTED TEXT**

24 WORDS

project aimed at eliminating child labour in 10 hazardous sectors across 21 districts in five states namely Maharashtra, Madhya Pradesh, Tamil Nadu, Uttar Pradesh and

**67%**

### **MATCHING TEXT**

24 WORDS

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**315/527**

### **SUBMITTED TEXT**

10 WORDS

to prevent and eliminate the worst forms of child labour

**100%**

### **MATCHING TEXT**

10 WORDS

to prevent and eliminate the 'worst forms' of child labour.

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**316/527****SUBMITTED TEXT**

69 WORDS

The long-term objective of IPEC is to contribute to the effective abolition of child labour. Its immediate objectives are: ? Elimination of the capability of ILO constituents and Non-Government Organizations to design, implement and evaluate programs for Child Labour Elimination; ? To identify interventions at community and national levels which could serve as models for replication; and ? Creation of awareness and social mobilization for securing elimination of child labour.

**76%****MATCHING TEXT**

69 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**317/527****SUBMITTED TEXT**

65 WORDS

legal obligations are generally framed as duties on States to 'recognize' or to 'protect' certain rights, in this case those of children. The special feature of C182, as he indicates, is that States are obliged to 'design and implement programmes of action to eliminate as a priority the worst forms of child labour'. This marks a shift of international legal obligations from a negative to positive duty. The

**98%****MATCHING TEXT**

65 WORDS

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**318/527****SUBMITTED TEXT**

117 WORDS

The elimination of child labour as a development goal The campaign against child labour has, in the past, suffered from a Western - centric approach. This was a legacy of the early history of industrial legislation



which started in Europe and was reflected in ILO conventions on child labour from 1919. Attempts to extend the Western levels of minimum ages for access to employment to developing countries, emerging from colonialism, were seen as 'social imperialism', an attempt by developed countries to seek to exclude competition by imposing standards that they themselves ignored in the process of industrialization. It is no surprise, therefore, that there were relatively few ratifications of C138 before the adoption of the ILO Declaration in 1998, and of C182 in 1999.

**98%**

## **MATCHING TEXT**

117 WORDS

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**319/527**

## **SUBMITTED TEXT**

221 WORDS

in 1999. Achievement of a minimum age for access to employment One of the most effective ways of eliminating abuses of child labour would be the adoption and enforcement of minimum ages for admission to employment. However, the history of C138 shows that it is too prescriptive and inflexible to take account of the circumstance of both developed and developing countries, and it lacks priorities for national policy C182 has proved to be more effective because it emphasizes the shared values of all countries in eliminating the worst forms of child labour. The new convention concentrates on the most intolerable forms of child labour and it provides for progressive implementation of its norms. However, the International Labour Conference decided not to abandon or revise C138, but instead to list it alongside C182, as a core convention for purposes of the Declaration of Fundamental Principles and Rights at Work in 1998. This has led to an extraordinary increase in ratifications of C138, but there are few signs that this has resulted in widespread elimination of child labour. A new approach is needed. This would involve a revision of C182, going beyond the worst forms of child labour set out in C182 into a statement of more positive and longer-term objectives for the elimination of all forms of child labour. This integrated approach would indicate clearly the circumstances in which child labour is permitted.

**99%**

## **MATCHING TEXT**

221 WORDS



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**320/527**

## **SUBMITTED TEXT**

131 WORDS

The first important new strand is the social and employment dimensions of regional economic treaties. How effective the TNC directives and other measures have been in eliminating child labour, and how regional policies have also promoted fundamental rights of children in the foreign relations of the EU. A second strand is the culture of corporate social responsibility developing in transnational corporations (TNCs), mainly in the forms of voluntary codes of conduct and collective agreements. Most of these contain prohibitions on exploitative child Labour either expressly or by incorporation of ILO standards. These codes and agreements have the potential to harness processes within the market activities of TNCs that favour the raising of labour standards, that is a 'race to the top'. The essential point is that the internal labour markets of TNCs usually provide better labour standards 113

**97%**

## **MATCHING TEXT**

131 WORDS

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**321/527****SUBMITTED TEXT**

95 WORDS

domestic firms. The enforcement of these codes needs to be strengthened, and national laws should place States under legal obligations to observe their own codes. There needs to be effective national and international complaints mechanisms. A thirds strand is the empowerment of local actors. Unions and new social movements - including the children's rights movement - need to build alliances with groups in developing countries. Social labeling and other campaigns have already raised public awareness of abuses of child labour. It is in this context selective trade boycotts by consumers and disinvestment in companies abusing child labour become relevant and important.

**96%****MATCHING TEXT**

95 WORDS

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**322/527****SUBMITTED TEXT**

18 WORDS

to 'design and implement programmes of action to eliminate as a priority the worst forms of child labour'.

**100%****MATCHING TEXT**

18 WORDS

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**323/527****SUBMITTED TEXT**

184 WORDS



A fourth strand is to improve the application of international labour standards on child labour. The revision of C182 so as to integrate C138. The rights based approach to child labour, has been the most important achievement of the past 15 years, has not yet been matched by changes in the ILO's supervisory structure. The biggest gap in supervision is the absence of express linkage between the follow up mechanisms under the Declaration and the regular supervisory machinery of the ILO. A more satisfactory follow - up of the core conventions on child labour would be to create a Governing Body committee, similar to the Committee on Freedom of Association, to consider complaints of breaches of the core standards. This committee would report to the Governing Body which could then consider further action against defaulting States. Moreover the ILO should adopt methods of coordination of national policies similar to those of the EU's open method of coordination. This would require the targeting of specific groups of countries at a similar stage of development so as to maximize peer pressure, with an effective monitoring system, as an essential part of expanded ILO technical assistance.

**97%**

## **MATCHING TEXT**

184 WORDS

A fourth strand is to improve the application of international labour standards on child labour. I have already suggested (above) the revision of C182 so as to integrate C138. The rights-based approach to child labour which, in my view, has been the most important achievement of the past 15 years, has not yet been matched by changes in the ILO's supervisory structure. The biggest gap in supervision is the absence of express linkage between the follow-up mechanisms under the Declaration and the regular supervisory machinery of the ILO. A more satisfactory follow-up of the core conventions on child labour would be to create a Governing Body committee, similar to the Committee on Freedom of Association, to consider complaints of breaches of the core standards. This committee would report to the Governing Body which could then consider further action against defaulting States. Moreover the ILO should adopt methods of coordination of national policies similar to those of the EU's open method of coordination. This would require the targeting of specific groups of countries at a similar stage of development so as to maximize peer pressure, with an effective monitoring system, as an essential part of expanded ILO technical assistance.

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**324/527**

## **SUBMITTED TEXT**

20 WORDS

the Rights of the Child proclaimed by the United Nations General Assembly on 20 th November 1959. The Declaration

**73%**

## **MATCHING TEXT**

20 WORDS

the Rights of the Child by the United Nations General Assembly on 20 November 1989, and Recalling the ILO Declaration



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**325/527**

### **SUBMITTED TEXT**

16 WORDS

the ILO has adopted 18 conventions concerning their minimum age for admission to employment, medical examination

**90%**

### **MATCHING TEXT**

16 WORDS

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**326/527**

### **SUBMITTED TEXT**

28 WORDS

the Declaration of the Rights of the Child proclaimed by the United Nations General Assembly on 20 th November 1959. The Declaration of the Rights of the

**56%**

### **MATCHING TEXT**

28 WORDS

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**327/527**

### **SUBMITTED TEXT**

48 WORDS

The child must be given the means requisite for its normal development, both materially and spiritually. 2. The child that is hungry must be fed, the child that is sick must be nursed, the child that is backward must be helped, the delinquent child must be reclaimed, and the

**89%**

### **MATCHING TEXT**



48 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**328/527**

### **SUBMITTED TEXT**

46 WORDS

spiritually. 2. The child that is hungry must be fed, the child that is sick must be nursed, the child that is backward must be helped, the delinquent child must be reclaimed, and the orphan and the waif must be sheltered and succored. 3. The child must be

**96%**

### **MATCHING TEXT**

46 WORDS

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**329/527**

### **SUBMITTED TEXT**

59 WORDS

must be sheltered and succored. 3. The child must be the first to receive relief in times of distress. 4. The child must be put in a position to earn a livelihood, and must be protected against every form of exploitation. 5. The child must be brought up in the consciousness that its talents must be devoted to the service of its

**80%**

### **MATCHING TEXT**

59 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**330/527**

### **SUBMITTED TEXT**

42 WORDS

The child must be put in a position to earn a livelihood, and must be protected against every form of exploitation. 5. The child must be brought up in the consciousness that its talents must be devoted to the service of its fellow

**100%**



## **MATCHING TEXT**

42 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**331/527**

## **SUBMITTED TEXT**

17 WORDS

February 1923 and endorsed by the League of Nations General Assembly on 26 November 1924 as the

**89%**

## **MATCHING TEXT**

17 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**332/527**

## **SUBMITTED TEXT**

18 WORDS

the child should be protected against all forms of neglect, cruelty and exploitation; that he should not be

**66%**

## **MATCHING TEXT**

18 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**333/527**

## **SUBMITTED TEXT**

30 WORDS

he should in a case be caused or permitted to engage in any occupation or employment which would prejudice his health or education, or interfere with his physical, mental or moral development.

**90%**

## **MATCHING TEXT**





30 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**334/527**

### **SUBMITTED TEXT**

17 WORDS

Convention on the Rights of the Child Adopted by the General Assembly of the United Nations

**100%**

### **MATCHING TEXT**

17 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**335/527**

### **SUBMITTED TEXT**

16 WORDS

of Human Rights, the United Nations has proclaimed that childhood is entitled to special care and assistance.

**100%**

### **MATCHING TEXT**

16 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**336/527**

### **SUBMITTED TEXT**

11 WORDS

the natural environment for the growth and well being of

**100%**

### **MATCHING TEXT**

11 WORDS

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**337/527**

**SUBMITTED TEXT**

15 WORDS

assistance so that it can full assume its responsibilities within the community. Recognizing that the child,

**75%**

**MATCHING TEXT**

15 WORDS

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**338/527**

**SUBMITTED TEXT**

19 WORDS

individual life in society and brought up in the spirit of the ideals proclaimed in the charter of the

**94%**

**MATCHING TEXT**

19 WORDS

individual life in society and to be brought up in the spirit of the ideals proclaimed in the Charter of the

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**339/527**

**SUBMITTED TEXT**

94 WORDS

of Human Rights, the United Nations has proclaimed that childhood is entitled to special care and assistance. The family, as the fundamental group of society and the natural environment for the growth and well being of all its members particularly children should be afforded the necessary protection and assistance so that it can full assume its responsibilities within the community. Recognizing that the child, for the full and harmonious development of his or her personality should grow up in a family environment in an atmosphere of happiness love and understanding. Considering that the child should be fully prepared to live

**97%**

**MATCHING TEXT**

94 WORDS



**SA** Mridula Barman\_LAW.docx (D15441512)

**340/527**

### **SUBMITTED TEXT**

34 WORDS

individual life in society and brought up in the spirit of the ideals proclaimed in the charter of the United Nations, and in particular in the spirit of peace, dignity, tolerance, freedom, equality and solidarity. 116

**100%**

### **MATCHING TEXT**

34 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**341/527**

### **SUBMITTED TEXT**

18 WORDS

the Geneva declaration of the child of 1924 and in the Declaration of the Rights of the child

**70%**

### **MATCHING TEXT**

18 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**342/527**

### **SUBMITTED TEXT**

15 WORDS

the Universal declaration of Human Rights in the international convenient on civil and political Rights (

**80%**

### **MATCHING TEXT**

15 WORDS

**SA** child issues thesis 2018.docx (D40611590)



**343/527**

**SUBMITTED TEXT**

11 WORDS

the International Covenant on Economic Social and Cultural Rights and

**100%**

**MATCHING TEXT**

11 WORDS

the International Covenant on Economic, Social and Cultural Rights, and

**W** <https://epdf.pub/child-labour-in-a-globalized-world.html>

**344/527**

**SUBMITTED TEXT**

11 WORDS

in the International Covenant on Economic Social and Cultural Rights

**100%**

**MATCHING TEXT**

11 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**345/527**

**SUBMITTED TEXT**

29 WORDS

the child by reason of his physical and mental immaturity, needs special safe guards and care, including appropriate legal protection, before as well as after birth. Recalling the provisions of

**80%**

**MATCHING TEXT**

29 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**346/527**



## SUBMITTED TEXT

28 WORDS

the United Nations standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules); and the declaration of the protection of women and children in emergency and Armed conflict,

**93%**

## MATCHING TEXT

28 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**347/527**

## SUBMITTED TEXT

21 WORDS

that, in all countries in the sold, there are children in exceptionally difficult conditions, and that such children need special consideration,

**83%**

## MATCHING TEXT

21 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**348/527**

## SUBMITTED TEXT

18 WORDS

the importance of international cooperation improving the living conditions of children in every country in particular in developing countries.

**78%**

## MATCHING TEXT

18 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**349/527**



## SUBMITTED TEXT

16 WORDS

on the Rights of Children, 1989 The UN CONVENTION ON THE RIGHTS OF THE CHILD (1989)

**89%**

## MATCHING TEXT

16 WORDS

on the Rights of Children CRC UN Convention on the Rights of the Child

**W** <https://epdf.pub/child-labour-in-a-globalized-world.html>

**350/527**

## SUBMITTED TEXT

245 WORDS

Bearing in mind that the need to extend particular care to the child has been stated in the Geneva declaration of the child of 1924 and in the Declaration of the Rights of the child adopted by general Assembly on 20 November 1959 and recognized in the Universal declaration of Human Rights in the international convenient on civil and political Rights (in particular in Article 23 & 24) in the International Covenant on Economic Social and Cultural Rights and in the statutes and relevant instruments of specialized agencies and international organizations concerned with the welfare of children, Bearing in mind that, as indicated in the Declaration of the child,- the child by reason of his physical and mental immaturity, needs special safe guards and care, including appropriate legal protection, before as well as after birth. Recalling the provisions of the declaration on social and legal principles relating to the protection and welfare of children, with special reference to Foster placement and Adoption Nationally and Internationally; the United Nations standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules); and the declaration of the protection of women and children in emergency and Armed conflict, Recognizing that, in all countries in the sold, there are children in exceptionally difficult conditions, and that such children need special consideration, taking due account of the importance of the traditions and cultural values of each people for protection and harmonies development of the child. Recognizing the importance of international cooperation improving the living conditions of children in every country in particular in developing countries.

**91%**

## MATCHING TEXT

245 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**351/527**

## SUBMITTED TEXT



11 WORDS

the Convention concerning Minimum Age for Admission to Employment. The

**100%**

### **MATCHING TEXT**

11 WORDS

the Convention concerning Minimum Age for Admission to Employment.3 The

**W** <https://epdf.pub/child-labour-in-a-globalized-world.html>

**352/527**

### **SUBMITTED TEXT**

13 WORDS

to another person ... with a view to the exploitation of the child

**100%**

### **MATCHING TEXT**

13 WORDS

to another person, with a view to the exploitation of the child

**W** <https://epdf.pub/child-labour-in-a-globalized-world.html>

**353/527**

### **SUBMITTED TEXT**

12 WORDS

of the 1989 Convention on the Rights of the Child (CRC)

**100%**

### **MATCHING TEXT**

12 WORDS

of the Convention on the Rights of the Child (CRC).

**W** <https://epdf.pub/child-labour-in-a-globalized-world.html>

**354/527**

### **SUBMITTED TEXT**



20 WORDS

United Nations Convention on the Rights of Children, 1989 The UN CONVENTION ON THE RIGHTS OF THE CHILD (1989) was

**77%**

### **MATCHING TEXT**

20 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**355/527**

### **SUBMITTED TEXT**

39 WORDS

Declaration on the Rights of the Child in 1959 in which it declared that - the child by reason of his physical and mental immaturity, needs special safeguards and care including appropriate legal protection, before as well as after birth.

**75%**

### **MATCHING TEXT**

39 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**356/527**

### **SUBMITTED TEXT**

39 WORDS

Declaration on the Rights of the Child in 1959 in which it declared that - the child by reason of his physical and mental immaturity, needs special safeguards and care including appropriate legal protection, before as well as after birth.

**69%**

### **MATCHING TEXT**

39 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**357/527**





## SUBMITTED TEXT

17 WORDS

the Convention on the Rights of the Child on November 20, 1989 which entered into force on

**73%**

## MATCHING TEXT

17 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**358/527**

## SUBMITTED TEXT

16 WORDS

the Convention on the Rights of the Child was adopted by UN General Assembly. On

**73%**

## MATCHING TEXT

16 WORDS

the Convention on the Rights of the Child adopted the United Nations General Assembly on 20

**W** <https://epdf.pub/child-labour-in-a-globalized-world.html>

**359/527**

## SUBMITTED TEXT

15 WORDS

the Convention on the Rights of the Child was adopted by UN General Assembly.

**85%**

## MATCHING TEXT

15 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**360/527**

## SUBMITTED TEXT



33 WORDS

the views of the child. Under the Convention, a child is defined as “..... every human being below the age of eighteen years unless, under the law applicable to the child, majority is attained earlier”.

**71%**

### **MATCHING TEXT**

33 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**361/527**

### **SUBMITTED TEXT**

34 WORDS

for the views of the child. Under the Convention, a child is defined as “..... every human being below the age of eighteen years unless, under the law applicable to the child, majority is attained earlier”.

**72%**

### **MATCHING TEXT**

34 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**362/527**

### **SUBMITTED TEXT**

10 WORDS

best interests of the child shall be a primary consideration. 2.

**100%**

### **MATCHING TEXT**

10 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**363/527**

### **SUBMITTED TEXT**

14 WORDS



the pursuit of a national policy designed to ensure the effective abolition of

**100%**

### **MATCHING TEXT**

14 WORDS

the pursuit of a 'national policy designed to ensure the effective abolition of

**W** <https://epdf.pub/child-labour-in-a-globalized-world.html>

**364/527**

### **SUBMITTED TEXT**

11 WORDS

the best interests of the child shall be a primary consideration. 2.

**100%**

### **MATCHING TEXT**

11 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**365/527**

### **SUBMITTED TEXT**

11 WORDS

a national policy designed to ensure the effective abolition of

**100%**

### **MATCHING TEXT**

11 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**366/527**

### **SUBMITTED TEXT**

56 WORDS

Convention on the Rights of the Child, which was adopted by the UN in 1989. It recognizes the Right of the child to be protected from economic exploitation and from performing any work that is likely to be



hazardous or interferes with the child's education, or to be harmful to the child's health or physical, mental spiritual, moral

**73%**

### **MATCHING TEXT**

56 WORDS

Convention on the Rights of the Child ‘ recognize(s) the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child’s education, or to be harmful to the child’s health or physical, mental, spiritual, moral

**W** <https://epdf.pub/child-labour-in-a-globalized-world.html>

**367/527**

### **SUBMITTED TEXT**

11 WORDS

a national policy designed to ensure the effective abolition of

**100%**

### **MATCHING TEXT**

11 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**368/527**

### **SUBMITTED TEXT**

40 WORDS

the Right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or interferes with the child's education, or to be harmful to the child's health or physical, mental spiritual, moral

**95%**

### **MATCHING TEXT**

40 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**369/527**



## SUBMITTED TEXT

19 WORDS

can only be progressively implemented in the developing countries, subject to the extent of available resources; . . .

**100%**

## MATCHING TEXT

19 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**370/527**

## SUBMITTED TEXT

12 WORDS

that for several reasons children of different ages do work in India;

**100%**

## MATCHING TEXT

12 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**371/527**

## SUBMITTED TEXT

14 WORDS

for admission to each and every area of employment in India . . .".

**100%**

## MATCHING TEXT

14 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**372/527**

## SUBMITTED TEXT



14 WORDS

states to pursue a national policy designed to ensure the effective abolition of child

**100%**

### **MATCHING TEXT**

14 WORDS

States to 'pursue a national policy designed to ensure the effective abolition of child

**W** <https://epdf.pub/child-labour-in-a-globalized-world.html>

**373/527**

### **SUBMITTED TEXT**

14 WORDS

parties shall ensure to the maximum extent possible the survival and development of the child.

**100%**

### **MATCHING TEXT**

14 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**374/527**

### **SUBMITTED TEXT**

17 WORDS

convention obliges members states to pursue a national policy designed to ensure the effective abolition of child

**79%**

### **MATCHING TEXT**

17 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**375/527**

### **SUBMITTED TEXT**

14 WORDS



states to pursue a national policy designed to ensure the effective abolition of child

**100%**

**MATCHING TEXT**

14 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**376/527**

**SUBMITTED TEXT**

18 WORDS

the International Covenant on Economic Social and Cultural Rights and the Convention on the Rights of the Child.

**91%**

**MATCHING TEXT**

18 WORDS

the International Covenant on Economic Social and Cultural Rights (ICESCR) and article 32(1) of the Convention on the Rights of the Child (

**W** <https://epdf.pub/child-labour-in-a-globalized-world.html>

**377/527**

**SUBMITTED TEXT**

18 WORDS

IPEC is the largest programme of its kind globally and the biggest single operational programme of the ILO.

**100%**

**MATCHING TEXT**

18 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**378/527**

**SUBMITTED TEXT**

37 WORDS



child domestic labour and education, the Convention on the Rights of the Child explicitly guarantees children the right "to be protected from performing any work that is likely ... to interfere with the child's education .... ,Access to

**58%**

### **MATCHING TEXT**

37 WORDS

Child Labour Conventions 138 and 182. Art. 32 of the Convention on the Rights of the Child ‘ recognize(the right the child be protected from economic exploitation and performing any work that is likely to be hazardous or to interfere with the child’s education, or to

**W** <https://epdf.pub/child-labour-in-a-globalized-world.html>

**379/527**

### **SUBMITTED TEXT**

16 WORDS

the right to "such measures of protection as are required by his status as a minor,"

**100%**

### **MATCHING TEXT**

16 WORDS

the right to such measures of protection as are required by his status as a minor,

**W** <https://epdf.pub/child-labour-in-a-globalized-world.html>

**380/527**

### **SUBMITTED TEXT**

18 WORDS

the International Covenant on Economic Social and Cultural Rights and the Convention on the Rights of the Child.

**75%**

### **MATCHING TEXT**

18 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**381/527**





## SUBMITTED TEXT

27 WORDS

the International Covenant on Civil and Political Rights guarantees each child the right to "such measures of protection as are required by his status as a minor,"

**72%**

## MATCHING TEXT

27 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**382/527**

## SUBMITTED TEXT

12 WORDS

Concluding Observations of the Committee on the Rights of the Child

**100%**

## MATCHING TEXT

12 WORDS

Concluding observations of the Committee on the Rights of the Child:

**W** <https://epdf.pub/child-labour-in-a-globalized-world.html>

**383/527**

## SUBMITTED TEXT

13 WORDS

to the maximum of its available resources" to the full realization of the

**80%**

## MATCHING TEXT

13 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**384/527**

## SUBMITTED TEXT



12 WORDS

of the Committee on the Rights of the Child to the

**95%**

### **MATCHING TEXT**

12 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**385/527**

### **SUBMITTED TEXT**

16 WORDS

the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights. The

**73%**

### **MATCHING TEXT**

16 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**386/527**

### **SUBMITTED TEXT**

19 WORDS

conscripting or enlisting children under the age of 15 years or using them to participate actively in hostilities

**78%**

### **MATCHING TEXT**

19 WORDS

conscripting or enlisting of children under the age of 15 into national armed forces or using them to participate actively in hostilities

**W** <https://epdf.pub/child-labour-in-a-globalized-world.html>

**387/527**

### **SUBMITTED TEXT**



20 WORDS

of man. Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict The

**97%**

### **MATCHING TEXT**

20 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**388/527**

### **SUBMITTED TEXT**

11 WORDS

to increase the protection of children from involvement in armed

**100%**

### **MATCHING TEXT**

11 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**389/527**

### **SUBMITTED TEXT**

41 WORDS

article 1 of the Convention on the Rights of the Child specifies that, for the purposes of that Convention, a child means every human being below the age of 18 years unless, under the law applicable to the child, majority is attained earlier,

**66%**

### **MATCHING TEXT**

41 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**390/527**

### **SUBMITTED TEXT**



19 WORDS

take every feasible step to ensure that children under the age of 18 years do not take part in hostilities,

**77%**

### **MATCHING TEXT**

19 WORDS

take 'all feasible measures' to ensure that children under the age of 18 years do not take a direct part in hostilities (

**W** <https://epdf.pub/child-labour-in-a-globalized-world.html>

**391/527**

### **SUBMITTED TEXT**

38 WORDS

the Convention on the Rights of the Child specifies that, for the purposes of that Convention, a child means every human being below the age of 18 years unless, under the law applicable to the child, majority is attained earlier,

**72%**

### **MATCHING TEXT**

38 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**392/527**

### **SUBMITTED TEXT**

24 WORDS

parties to conflict take every feasible step to ensure that children under the age of 18 years do not take part in hostilities, Welcoming the

**45%**

### **MATCHING TEXT**

24 WORDS

Parties to take all feasible measures to ensure that members of their armed forces below the age of 18 years do not take a direct part in hostilities (article 1).84 The

**W** <https://epdf.pub/child-labour-in-a-globalized-world.html>

**393/527**



## SUBMITTED TEXT

19 WORDS

Convention No. 182 on the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour,

**91%**

## MATCHING TEXT

19 WORDS

Convention 182 (1999) on the prohibition and immediate action for the elimination of the worst forms of child labour.

**W** <https://epdf.pub/child-labour-in-a-globalized-world.html>

**394/527**

## SUBMITTED TEXT

19 WORDS

take every feasible step to ensure that children under the age of 18 years do not take part in hostilities,

**55%**

## MATCHING TEXT

19 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**395/527**

## SUBMITTED TEXT

11 WORDS

forced or compulsory recruitment of children for use in armed conflict,

**100%**

## MATCHING TEXT

11 WORDS

forced or compulsory recruitment of children for use in armed conflict;

**W** <https://epdf.pub/child-labour-in-a-globalized-world.html>

**396/527**

**SUBMITTED TEXT**

11 WORDS

forced or compulsory recruitment of children for use in armed conflict,

**100%****MATCHING TEXT**

11 WORDS

**SA** child issues thesis 2018.docx (D40611590)**397/527****SUBMITTED TEXT**

14 WORDS

in hostilities by armed groups distinct from the armed forces of a State,

**84%****MATCHING TEXT**

14 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)**398/527****SUBMITTED TEXT**

15 WORDS

Parties shall take all feasible measures to ensure that members of their armed forces

**89%****MATCHING TEXT**

15 WORDS

Parties to take all feasible measures to ensure that members of their armed forces

**W** <https://epdf.pub/child-labour-in-a-globalized-world.html>**399/527****SUBMITTED TEXT**



13 WORDS

the age of 18 years do not take a direct part in hostilities. Article 2

**100%**

### **MATCHING TEXT**

13 WORDS

the age of 18 years do not take a direct part in hostilities (article 1).84

**W** <https://epdf.pub/child-labour-in-a-globalized-world.html>

**400/527**

### **SUBMITTED TEXT**

11 WORDS

States Parties shall take all feasible measures to ensure that

**100%**

### **MATCHING TEXT**

11 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**401/527**

### **SUBMITTED TEXT**

32 WORDS

who have not attained the age of 18 years do not take a direct part in hostilities. Article 2 States Parties shall ensure that persons who have not attained the age of 18 years

**69%**

### **MATCHING TEXT**

32 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**402/527**

### **SUBMITTED TEXT**

39 WORDS



Each State Party shall deposit a binding declaration upon ratification of or accession to this Protocol that sets forth the minimum age at which it will permit voluntary recruitment into its national armed forces and a description of the safeguards

**95%**

### **MATCHING TEXT**

39 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**403/527**

### **SUBMITTED TEXT**

14 WORDS

it has adopted to ensure that such recruitment is not forced or coerced. 3.

**100%**

### **MATCHING TEXT**

14 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**404/527**

### **SUBMITTED TEXT**

39 WORDS

at any time by notification to that effect addressed to the Secretary- General of the United Nations, who shall inform all States Parties. Such notification shall take effect on the date on which it is received by the Secretary General. 5.

**95%**

### **MATCHING TEXT**

39 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**405/527**

### **SUBMITTED TEXT**





42 WORDS

Armed groups that are distinct from the armed forces of a State should not, under any circumstances, recruit or use in hostilities persons under the age of 18 years. 2. States Parties shall take all feasible measures to prevent such recruitment and use,

**88%**

### **MATCHING TEXT**

42 WORDS

armed groups that are distinct from the armed forces of a State', which 'should not, under any circumstances, recruit or use in hostilities persons under the age of 18 years', and requires States to take all feasible measures to prevent such recruitment and use.125

**W** <https://epdf.pub/child-labour-in-a-globalized-world.html>

**406/527**

### **SUBMITTED TEXT**

21 WORDS

distinct from the armed forces of a State should not, under any circumstances, recruit or use in hostilities persons under the

**97%**

### **MATCHING TEXT**

21 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**407/527**

### **SUBMITTED TEXT**

11 WORDS

measures to ensure the effective implementation and enforcement of the provisions

**100%**

### **MATCHING TEXT**

11 WORDS

measures to ensure the effective implementation and enforcement of the provisions

**W** <https://epdf.pub/child-labour-in-a-globalized-world.html>

**408/527**



## SUBMITTED TEXT

12 WORDS

are more conducive to the realization of the rights of the child.

**100%**

## MATCHING TEXT

12 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**409/527**

## SUBMITTED TEXT

12 WORDS

States Parties undertake to make the principles and provisions of the

**100%**

## MATCHING TEXT

12 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**410/527**

## SUBMITTED TEXT

12 WORDS

States Parties shall take all feasible measures to ensure that persons

**100%**

## MATCHING TEXT

12 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**411/527**

## SUBMITTED TEXT

16 WORDS



within two years following the entry into force of the Protocol for that State Party,

**70%**

**MATCHING TEXT**

16 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**412/527**

**SUBMITTED TEXT**

15 WORDS

the Child may request from States Parties further information relevant to the implementation of

**89%**

**MATCHING TEXT**

15 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**413/527**

**SUBMITTED TEXT**

13 WORDS

accession shall be deposited with the Secretary-General of the United Nations. 3. The

**96%**

**MATCHING TEXT**

13 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**414/527**

**SUBMITTED TEXT**

24 WORDS

Article 10 The present Protocol shall enter into force three months after the deposit of the tenth instrument of ratification or accession. For each State ratifying



**46%**

**MATCHING TEXT**

24 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**415/527**

**SUBMITTED TEXT**

25 WORDS

shall enter into force one month after the date of the deposit of its own instrument of ratification or accession. Article 11 1. Any State Party may

**54%**

**MATCHING TEXT**

25 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**416/527**

**SUBMITTED TEXT**

17 WORDS

at any time by written notification to the Secretary-General of the United Nations, who shall thereafter inform

**66%**

**MATCHING TEXT**

17 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**417/527**

**SUBMITTED TEXT**

14 WORDS

one year after the date of receipt of the notification by the Secretary- General.

**100%**



## MATCHING TEXT

14 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**418/527**

## SUBMITTED TEXT

188 WORDS

Article 12 1. Any State Party may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to States Parties, with a request that they indicate whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that, within four months from the date of such communication, at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of States Parties present and voting at the conference shall be submitted to the General Assembly for approval. 2. An amendment adopted in accordance with paragraph 1 of the present article shall enter into force when it has been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of States Parties. 3. When an amendment enters into force, it shall be binding on those States Parties that have accepted it, other States Parties still being bound by the provisions of the present Protocol and any earlier amendments that they have accepted. Article 13 1. The

**97%**

## MATCHING TEXT

188 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**419/527**

## SUBMITTED TEXT

26 WORDS

The Convention on the Rights of the Child (CRC) is supplemented by two Optional Protocols; one addresses the sale of children, child prostitution and child pornography,

**51%**

## MATCHING TEXT

26 WORDS

The Convention on the Rights of the Child and its Optional Protocol the sale of children, child prostitution and child pornography

**W** <https://epdf.pub/child-labour-in-a-globalized-world.html>



**420/527**

**SUBMITTED TEXT**

20 WORDS

The present Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited

**92%**

**MATCHING TEXT**

20 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**421/527**

**SUBMITTED TEXT**

17 WORDS

of the Convention and its Optional Protocol on the sale of children, child prostitution and child pornography  
(

**91%**

**MATCHING TEXT**

17 WORDS

of the and its Optional Protocol on the sale of children, child prostitution and child pornography

**W** <https://epdf.pub/child-labour-in-a-globalized-world.html>

**422/527**

**SUBMITTED TEXT**

35 WORDS

The Convention on the Rights of the Child (CRC) is supplemented by two Optional Protocols; one addresses the sale of children, child prostitution and child pornography, and the other the involvement of children in armed

**44%**

**MATCHING TEXT**

35 WORDS



**SA** child issues thesis 2018.docx (D40611590)

**423/527**

### **SUBMITTED TEXT**

13 WORDS

to protect children from “all forms of sexual exploitation and sexual abuse.”

**83%**

### **MATCHING TEXT**

13 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**424/527**

### **SUBMITTED TEXT**

39 WORDS

to protect children from “all forms of sexual exploitation and sexual abuse.” This includes the inducement or coercion of a child to engage in any unlawful sexual activity, the exploitative use of children in prostitution or other unlawful sexual practices,

**71%**

### **MATCHING TEXT**

39 WORDS

to the child from ‘all forms of sexual exploitation’ and to take, in particular, all measures to prevent: ‘(The inducement or coercion of a child to engage in any unlawful sexual activity; (The exploitative use of children in prostitution or other unlawful sexual practices; (

**W** <https://epdf.pub/child-labour-in-a-globalized-world.html>

**425/527**

### **SUBMITTED TEXT**

15 WORDS

States Parties to protect children from “all forms of sexual exploitation and sexual abuse.”

**82%**

### **MATCHING TEXT**



15 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**426/527**

### **SUBMITTED TEXT**

26 WORDS

the inducement or coercion of a child to engage in any unlawful sexual activity, the exploitative use of children in prostitution or other unlawful sexual practices,

**100%**

### **MATCHING TEXT**

26 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**427/527**

### **SUBMITTED TEXT**

15 WORDS

recovery and reintegration in an environment that fosters the health, self-respect and dignity of child

**78%**

### **MATCHING TEXT**

15 WORDS

recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child. 21

**W** <https://epdf.pub/child-labour-in-a-globalized-world.html>

**428/527**

### **SUBMITTED TEXT**

26 WORDS

the inducement or coercion of a child to engage in any unlawful sexual activity, the exploitative use of children in prostitution or other unlawful sexual practices,

**98%**

### **MATCHING TEXT**





26 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**429/527**

### **SUBMITTED TEXT**

15 WORDS

recovery and reintegration in an environment that fosters the health, self-respect and dignity of child

**78%**

### **MATCHING TEXT**

15 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**430/527**

### **SUBMITTED TEXT**

13 WORDS

the sale of children, child prostitution and child pornography. In 1974, a

**90%**

### **MATCHING TEXT**

13 WORDS

the sale of children, child prostitution and child pornography. 320 Child in a

**W** <https://epdf.pub/child-labour-in-a-globalized-world.html>

**431/527**

### **SUBMITTED TEXT**

13 WORDS

States Parties to protect children from all forms of sexual exploitation and abuse.

**76%**

### **MATCHING TEXT**

13 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)



**432/527**

**SUBMITTED TEXT**

41 WORDS

the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography prepared by the Working Group. In 1990 the Commission on Human Rights appointed a Special Rapporteur on the sale of children, child prostitution and child pornography.

**33%**

**MATCHING TEXT**

41 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**433/527**

**SUBMITTED TEXT**

23 WORDS

the Committee on the Rights of the Child and the Special Rapporteur. The standards set by the ILO on exploitative forms of child labour

**41%**

**MATCHING TEXT**

23 WORDS

the Convention on the Rights of the Child and the Convention on the elimination of the worst forms of child labour;

**W** <https://epdf.pub/child-labour-in-a-globalized-world.html>

**434/527**

**SUBMITTED TEXT**

28 WORDS

Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour ('Worst Forms of Child Labour Convention' No. 182 of 17 June 1999)

**90%**

**MATCHING TEXT**

28 WORDS



Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (Worst Forms of Child Labour Convention, 1999) Date of June 1999;

**W** <https://epdf.pub/child-labour-in-a-globalized-world.html>

**435/527**

### **SUBMITTED TEXT**

22 WORDS

Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (the ‘

**100%**

### **MATCHING TEXT**

22 WORDS

Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. 94 ‘... the

**W** <https://epdf.pub/child-labour-in-a-globalized-world.html>

**436/527**

### **SUBMITTED TEXT**

12 WORDS

and eradicate the sale of children, child prostitution and child pornography. The

**87%**

### **MATCHING TEXT**

12 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**437/527**

### **SUBMITTED TEXT**

20 WORDS

provisions which are more conducive to the realization of the rights of the child” and that may be contained in

**92%**



## **MATCHING TEXT**

20 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**438/527**

## **SUBMITTED TEXT**

13 WORDS

by article 1 of the Convention on the Rights of the Child.States Parties

**88%**

## **MATCHING TEXT**

13 WORDS

by article 12 of the Convention on the Rights of the Child, to which 'Parties

**W** <https://epdf.pub/child-labour-in-a-globalized-world.html>

**439/527**

## **SUBMITTED TEXT**

11 WORDS

article 1 of the Convention on the Rights of the Child.States

**95%**

## **MATCHING TEXT**

11 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**440/527**

## **SUBMITTED TEXT**

25 WORDS

Child: A child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier. (

**97%**

## **MATCHING TEXT**



25 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**441/527**

### **SUBMITTED TEXT**

25 WORDS

prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs. (

**94%**

### **MATCHING TEXT**

25 WORDS

prostitution, of others or other form of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

**W** <https://epdf.pub/child-labour-in-a-globalized-world.html>

**442/527**

### **SUBMITTED TEXT**

20 WORDS

Child prostitution: 23 The use of a child in sexual activities for remuneration or any other form of consideration. (

**97%**

### **MATCHING TEXT**

20 WORDS

Child prostitution the use of a child in sexual activities for remuneration or any other form of consideration'.18

**W** <https://epdf.pub/child-labour-in-a-globalized-world.html>

**443/527**

### **SUBMITTED TEXT**

32 WORDS

Child pornography: Any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes. (

**98%**



## **MATCHING TEXT**

32 WORDS

child pornography any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes.

**W** <https://epdf.pub/child-labour-in-a-globalized-world.html>

**444/527**

## **SUBMITTED TEXT**

62 WORDS

The status or condition arising from a pledge by a debtor of his personal services or of those of a person under his control as security for a debt, if the value of those services as reasonably assessed is not applied towards the liquidation of the debt or the length and nature of those services are not respectively limited and defined. (Article 1

**100%**

## **MATCHING TEXT**

62 WORDS

the status or condition arising from a pledge by a debtor of his personal services or of those of a person under his control as security for a debt, if the value of those services as reasonably assessed is not applied towards the liquidation of the debt or the length and nature of those services are not respectively limited and defined' (article 1(

**W** <https://epdf.pub/child-labour-in-a-globalized-world.html>

**445/527**

## **SUBMITTED TEXT**

26 WORDS

A child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier. (Article 1

**100%**

## **MATCHING TEXT**

26 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**446/527**

## **SUBMITTED TEXT**



18 WORDS

the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery,

**100%**

### **MATCHING TEXT**

18 WORDS

the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery.

**W** <https://epdf.pub/child-labour-in-a-globalized-world.html>

**447/527**

### **SUBMITTED TEXT**

31 WORDS

Forced or compulsory labour: All work or service which is exacted from any person under the menace of any penalty and for which the said person had not offered himself voluntarily. (

**93%**

### **MATCHING TEXT**

31 WORDS

forced or compulsory labour' as 'all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily'.11

**W** <https://epdf.pub/child-labour-in-a-globalized-world.html>

**448/527**

### **SUBMITTED TEXT**

31 WORDS

Forced or compulsory labour: All work or service which is exacted from any person under the menace of any penalty and for which the said person had not offered himself voluntarily. (

**93%**

### **MATCHING TEXT**

31 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**449/527**



## SUBMITTED TEXT

29 WORDS

Sale of children: Any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration. (Article 2

**94%**

## MATCHING TEXT

29 WORDS

sale of children is defined any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration' (article 2(

**W** <https://epdf.pub/child-labour-in-a-globalized-world.html>

**450/527**

## SUBMITTED TEXT

49 WORDS

The condition or status of a tenant who is by law, custom or agreement bound to live and labour on land belonging to another person and to render some determinate service to such other person, whether for reward or not, and is not free to change his status. (Article 1

**100%**

## MATCHING TEXT

49 WORDS

the condition or status of a tenant who is by law, custom or agreement bound to live and labour on land belonging to another person and to render some determinate service to such other person, whether for reward or not, and is not free to change his status' (article 1(

**W** <https://epdf.pub/child-labour-in-a-globalized-world.html>

**451/527**

## SUBMITTED TEXT

17 WORDS

the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery.)

**100%**

## MATCHING TEXT





17 WORDS

the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery.

**W** <https://epdf.pub/child-labour-in-a-globalized-world.html>

**452/527**

### **SUBMITTED TEXT**

29 WORDS

the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised. (Article 1 of the Slavery Convention,

**83%**

### **MATCHING TEXT**

29 WORDS

the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised'. In addition, the Convention

**W** <https://epdf.pub/child-labour-in-a-globalized-world.html>

**453/527**

### **SUBMITTED TEXT**

16 WORDS

Sale of children: Any act or transaction whereby a child is transferred by any person

**96%**

### **MATCHING TEXT**

16 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**454/527**

### **SUBMITTED TEXT**

22 WORDS

slave trade includes all acts involved in the capture, acquisition or disposal of a person with intent to reduce him to slavery;

**93%**



## **MATCHING TEXT**

22 WORDS

slave trade' as 'all acts involved in the capture, acquisition or disposal of a person with intent to reduce him to slavery' (

**W** <https://epdf.pub/child-labour-in-a-globalized-world.html>

**455/527**

## **SUBMITTED TEXT**

19 WORDS

all acts involved in the capture, acquisition or disposal of a person with intent to reduce him to slavery;

**100%**

## **MATCHING TEXT**

19 WORDS

all acts involved in the capture, acquisition or disposal of a person with intent to reduce him to slavery' (

**W** <https://epdf.pub/child-labour-in-a-globalized-world.html>

**456/527**

## **SUBMITTED TEXT**

17 WORDS

the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery.)

**100%**

## **MATCHING TEXT**

17 WORDS

the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery.

**W** <https://epdf.pub/child-labour-in-a-globalized-world.html>

**457/527**

## **SUBMITTED TEXT**

14 WORDS

of the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment,



**89%**

**MATCHING TEXT**

14 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**458/527**

**SUBMITTED TEXT**

33 WORDS

The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” even if this does not involve any of the means set forth

**95%**

**MATCHING TEXT**

33 WORDS

the recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” even if this does not involve any of the means set forth’.

**W** <https://epdf.pub/child-labour-in-a-globalized-world.html>

**459/527**

**SUBMITTED TEXT**

18 WORDS

World Report on Violence and Health , 2002. (United Nations Secretary- General’s Study on Violence against Children, 2006,

**81%**

**MATCHING TEXT**

18 WORDS

World Report on Violence Against United Nations Secretary General’s Study on Violence against Children, 2006, 250,

**W** <https://epdf.pub/child-labour-in-a-globalized-world.html>

**460/527**

**SUBMITTED TEXT**



78 WORDS

Trafficking: (a) The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution

**88%**

## **MATCHING TEXT**

78 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**461/527**

## **SUBMITTED TEXT**

17 WORDS

Worst forms of child labour: From article 3 of the ILO 'Worst Forms of Child Labour

**70%**

## **MATCHING TEXT**

17 WORDS

worst forms of child labour as defined in article 3. 5.2.3 Definition of the worst forms of child labour

**W** <https://epdf.pub/child-labour-in-a-globalized-world.html>

**462/527**

## **SUBMITTED TEXT**

105 WORDS

a) All forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict; (b) The use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances; (c) The use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties; (d) Work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

**100%**

## **MATCHING TEXT**



105 WORDS

a. all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict; b. the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances; c. the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties; d. work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

**W** <https://epdf.pub/child-labour-in-a-globalized-world.html>

**463/527**

### **SUBMITTED TEXT**

15 WORDS

resulting in actual or potential harm to the child's health, survival, development or dignity. (

**100%**

### **MATCHING TEXT**

15 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**464/527**

### **SUBMITTED TEXT**

25 WORDS

the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (OPSC) provides that “

**94%**

### **MATCHING TEXT**

25 WORDS

the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography<sup>13</sup> provides that,

**W** <https://epdf.pub/child-labour-in-a-globalized-world.html>

**465/527**

### **SUBMITTED TEXT**

10 WORDS



the sale of children, child prostitution and child pornography as

**100%**

## **MATCHING TEXT**

10 WORDS

The sale of children, child prostitution and child pornography as

**W** <https://epdf.pub/child-labour-in-a-globalized-world.html>

**466/527**

## **SUBMITTED TEXT**

105 WORDS

a) All forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict; (b) The use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances; (c) The use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties; (d) Work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

**100%**

## **MATCHING TEXT**

105 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**467/527**

## **SUBMITTED TEXT**

25 WORDS

as “any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration.”

**100%**

## **MATCHING TEXT**

25 WORDS

as ‘any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration’ (

**W** <https://epdf.pub/child-labour-in-a-globalized-world.html>



**468/527**

**SUBMITTED TEXT**

13 WORDS

and article 35 of the Convention on the Rights of the Child (CRC)

**100%**

**MATCHING TEXT**

13 WORDS

and article 32(1) of the Convention on the Rights of the Child (CRC),

**W** <https://epdf.pub/child-labour-in-a-globalized-world.html>

**469/527**

**SUBMITTED TEXT**

13 WORDS

as “any act or transaction whereby a child is transferred by any person

**100%**

**MATCHING TEXT**

13 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**470/527**

**SUBMITTED TEXT**

13 WORDS

of the OPSC defines the sale of children, child prostitution and child pornography,

**76%**

**MATCHING TEXT**

13 WORDS

OF THE CHILD ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY (

**W** <https://epdf.pub/child-labour-in-a-globalized-world.html>



**471/527**

**SUBMITTED TEXT**

17 WORDS

a) prohibits the “offering, delivering or accepting” of a child for the purpose of sexual exploitation,

**75%**

**MATCHING TEXT**

17 WORDS

a minimum’ the ‘offering, delivering or accepting, by whatever means’ a child for the purpose of inter alia sexual exploitation

**W** <https://epdf.pub/child-labour-in-a-globalized-world.html>

**472/527**

**SUBMITTED TEXT**

27 WORDS

all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.”

**100%**

**MATCHING TEXT**

27 WORDS

all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily’ .11

**W** <https://epdf.pub/child-labour-in-a-globalized-world.html>

**473/527**

**SUBMITTED TEXT**

15 WORDS

and article 35 of the Convention on the Rights of the Child (CRC) obliges States

**85%**

**MATCHING TEXT**

15 WORDS





**SA** child issues thesis 2018.docx (D40611590)

**474/527**

### **SUBMITTED TEXT**

23 WORDS

Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour ('Worst Forms of Child Labour Convention')

**97%**

### **MATCHING TEXT**

23 WORDS

Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (Worst Forms of Child Labour Convention, 1999)

**W** <https://epdf.pub/child-labour-in-a-globalized-world.html>

**475/527**

### **SUBMITTED TEXT**

12 WORDS

the "forced or compulsory recruitment of children for use in armed conflict." The

**100%**

### **MATCHING TEXT**

12 WORDS

the forced or compulsory recruitment of children for use in armed conflict; the

**W** <https://epdf.pub/child-labour-in-a-globalized-world.html>

**476/527**

### **SUBMITTED TEXT**

27 WORDS

all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily."

**100%**

### **MATCHING TEXT**



27 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**477/527**

### **SUBMITTED TEXT**

19 WORDS

child prostitution as “the use of a child in sexual activities for remuneration or any other form of consideration.”

**94%**

### **MATCHING TEXT**

19 WORDS

Child prostitution is as ‘the use of a child in sexual activities for remuneration or any other form of consideration’ (

**W** <https://epdf.pub/child-labour-in-a-globalized-world.html>

**478/527**

### **SUBMITTED TEXT**

11 WORDS

Offering, obtaining, procuring or providing a child for child prostitution.” The

**95%**

### **MATCHING TEXT**

11 WORDS

offering, obtaining, procuring or providing a child for child prostitution’156 the ‘

**W** <https://epdf.pub/child-labour-in-a-globalized-world.html>

**479/527**

### **SUBMITTED TEXT**

15 WORDS

producing, distributing, disseminating, importing, exporting, offering, selling or possessing for the above purposes child pornography

**100%**



## **MATCHING TEXT**

15 WORDS

producing, distributing, disseminating, importing, exporting, offering, selling or possessing for the above purposes child pornography<sup>7</sup>.157 10.3.5

**W** <https://epdf.pub/child-labour-in-a-globalized-world.html>

**480/527**

## **SUBMITTED TEXT**

17 WORDS

is present in its territory and it does not extradite him or her to another State Party

**88%**

## **MATCHING TEXT**

17 WORDS

is present in its territory and the State does not extradite him or her to another State Party (

**W** <https://epdf.pub/child-labour-in-a-globalized-world.html>

**481/527**

## **SUBMITTED TEXT**

13 WORDS

are committed in their territory or on board a ship or aircraft registered

**88%**

## **MATCHING TEXT**

13 WORDS

are committed in its territory or on board a ship or aircraft registered

**W** <https://epdf.pub/child-labour-in-a-globalized-world.html>

**482/527**

## **SUBMITTED TEXT**

11 WORDS

forced or compulsory recruitment of children for use in armed conflict.” The

**95%**



## **MATCHING TEXT**

11 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**483/527**

## **SUBMITTED TEXT**

20 WORDS

policies and programmes to prevent the offences referred to in the present Protocol [giving] “particular attention...to protect children who are

**50%**

## **MATCHING TEXT**

20 WORDS

policies and programmes to prevent the offences dealt with in the Protocol, including measures to protect children who are

**W** <https://epdf.pub/child-labour-in-a-globalized-world.html>

**484/527**

## **SUBMITTED TEXT**

49 WORDS

of their rights, their role, the scope, timing and progress of the proceedings and of the disposition of their cases (article 8.1(b)); ? Have their views, needs and concerns presented and considered in proceedings where their personal interests are affected in a manner consistent with the procedural rules of national law (

**82%**

## **MATCHING TEXT**

49 WORDS

of their rights, their role and the scope, timing and progress of the proceedings and of the disposition of their cases; Allowing the views, needs and concerns of child victims to be presented and considered in proceedings where their personal interests are affected, in a manner consistent with the procedural rules of national law;

**W** <https://epdf.pub/child-labour-in-a-globalized-world.html>

**485/527**

## **SUBMITTED TEXT**



14 WORDS

Special Rapporteur on the sale of children, child prostitution and child pornography in the

**89%**

### **MATCHING TEXT**

14 WORDS

Special Rapporteur on the sale of children, child prostitution and child pornography notes: ‘The

**W** <https://epdf.pub/child-labour-in-a-globalized-world.html>

**486/527**

### **SUBMITTED TEXT**

15 WORDS

law on Punishing Acts related to Child Prostitution and Child Pornography, and for Protecting Children,

**90%**

### **MATCHING TEXT**

15 WORDS

Law for Punishing Acts Related to Child Prostitution and Child Pornography, and for Protecting Children (

**W** <https://epdf.pub/child-labour-in-a-globalized-world.html>

**487/527**

### **SUBMITTED TEXT**

12 WORDS

Exploitation of Prostitution, Pornography and Sexual Tourism to the Detriment of Minors

**87%**

### **MATCHING TEXT**

12 WORDS

exploitation of prostitution, pornography and sex tourism to the detriment of minors (

**W** <https://epdf.pub/child-labour-in-a-globalized-world.html>

**488/527**

### **SUBMITTED TEXT**



12 WORDS

of the Convention on the Rights of the Child in 1989,

**100%**

### **MATCHING TEXT**

12 WORDS

of the Convention on the Rights of the Child, in

**W** <https://epdf.pub/child-labour-in-a-globalized-world.html>

**489/527**

### **SUBMITTED TEXT**

13 WORDS

Special Rapporteur on the sale of children, child prostitution and child pornography

**100%**

### **MATCHING TEXT**

13 WORDS

Special Rapporteur on the sale of children, child prostitution and child pornography

**W** <https://epdf.pub/child-labour-in-a-globalized-world.html>

**490/527**

### **SUBMITTED TEXT**

12 WORDS

in a manner consistent with the procedural rules of national law (

**100%**

### **MATCHING TEXT**

12 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**491/527**

### **SUBMITTED TEXT**

10 WORDS



the right to express their views freely in all matters

**100%**

### **MATCHING TEXT**

10 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**492/527**

### **SUBMITTED TEXT**

13 WORDS

given due weight in accordance with the age and maturity of the child” (

**100%**

### **MATCHING TEXT**

13 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**493/527**

### **SUBMITTED TEXT**

14 WORDS

be “given due weight in accordance with the age and maturity of the child” (

**100%**

### **MATCHING TEXT**

14 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**494/527**

### **SUBMITTED TEXT**

17 WORDS

national agenda(s) for action and indicators of progress, with set goals and a time frame for implementation.”



**75%**

**MATCHING TEXT**

17 WORDS

national agenda(s) for action and indicators of progress, with set goals and time frames for implementation,

**W** <https://epdf.pub/child-labour-in-a-globalized-world.html>

**495/527**

**SUBMITTED TEXT**

12 WORDS

article 43 of the Convention on the Rights of the Child (CRC).

**100%**

**MATCHING TEXT**

12 WORDS

article 32(1) of the Convention on the Rights of the Child (CRC),

**W** <https://epdf.pub/child-labour-in-a-globalized-world.html>

**496/527**

**SUBMITTED TEXT**

11 WORDS

the First World Congress against Commercial Sexual Exploitation of Children

**100%**

**MATCHING TEXT**

11 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**497/527**

**SUBMITTED TEXT**

12 WORDS

article 43 of the Convention on the Rights of the Child (CRC).

**100%**





## **MATCHING TEXT**

12 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**498/527**

## **SUBMITTED TEXT**

25 WORDS

on the Rights of the Child made the following comment on the importance of monitoring implementation of the Convention on the Rights of the Child (CRC):

**42%**

## **MATCHING TEXT**

25 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**499/527**

## **SUBMITTED TEXT**

23 WORDS

Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour ('Worst Forms of Child Labour Convention')

**97%**

## **MATCHING TEXT**

23 WORDS

Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (Worst Forms of Child Labour Convention, 1999)

**W** <https://epdf.pub/child-labour-in-a-globalized-world.html>

**500/527**

## **SUBMITTED TEXT**

17 WORDS

Recommendation concerning the prohibition and immediate action for the elimination of the worst forms of child labour)



**100%**

**MATCHING TEXT**

17 WORDS

Recommendation concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour,

**W** <https://epdf.pub/child-labour-in-a-globalized-world.html>

**501/527**

**SUBMITTED TEXT**

10 WORDS

the First World Congress against Commercial Sexual Exploitation of Children

**100%**

**MATCHING TEXT**

10 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**502/527**

**SUBMITTED TEXT**

17 WORDS

Convention (Recommendation concerning the prohibition and immediate action for the elimination of the worst forms of child labour)

**91%**

**MATCHING TEXT**

17 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**503/527**

**SUBMITTED TEXT**

52 WORDS

Detailed information and statistical data on the nature and extent of child labour should be compiled and kept up to date to serve as a basis for determining priorities for national action for the abolition of child



labour, in particular for the prohibition and elimination of its worst forms as a matter of urgency.

**100%**

### **MATCHING TEXT**

52 WORDS

Detailed information and statistical data on the nature and extent of child labour should be compiled and kept up to date to serve as a basis for determining priorities for national action for the abolition of child labour, in particular for the prohibition and elimination of its worst forms as a matter of urgency.

**W** <https://epdf.pub/child-labour-in-a-globalized-world.html>

**504/527**

### **SUBMITTED TEXT**

20 WORDS

the Convention (Recommendation concerning the prohibition and immediate action for the elimination of the worst forms of child labour) states, in

**78%**

### **MATCHING TEXT**

20 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**505/527**

### **SUBMITTED TEXT**

19 WORDS

The ILO's Recommendation concerning the prohibition and immediate action for the elimination of the worst forms of child labour

**92%**

### **MATCHING TEXT**

19 WORDS

the ILO Constitution. 40 Recommendation the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour,

**W** <https://epdf.pub/child-labour-in-a-globalized-world.html>

**506/527**



## SUBMITTED TEXT

14 WORDS

for the prohibition and elimination of its worst forms as a matter of urgency.

**75%**

## MATCHING TEXT

14 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**507/527**

## SUBMITTED TEXT

10 WORDS

on the sale of children, child prostitution and child pornography.

**100%**

## MATCHING TEXT

10 WORDS

ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY (

**W** <https://epdf.pub/child-labour-in-a-globalized-world.html>

**508/527**

## SUBMITTED TEXT

11 WORDS

application of the Convention on the Rights of the Child (

**100%**

## MATCHING TEXT

11 WORDS

Application of the Convention on the Rights of the Child

**W** <https://epdf.pub/child-labour-in-a-globalized-world.html>

**509/527**

## SUBMITTED TEXT



16 WORDS

concerning the prohibition and immediate action for the elimination of the worst forms of child labour

**100%**

### **MATCHING TEXT**

16 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**510/527**

### **SUBMITTED TEXT**

11 WORDS

of the Convention on the Rights of the Child (CRC)

**100%**

### **MATCHING TEXT**

11 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**511/527**

### **SUBMITTED TEXT**

13 WORDS

Full application of the Convention on the Rights of the Child (CRC) and

**76%**

### **MATCHING TEXT**

13 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**512/527**

### **SUBMITTED TEXT**

26 WORDS

Parties must take all appropriate bilateral and multilateral measures to prevent the abduction, sale or trafficking of children for any purpose or in any form (article 35)



**75%**

**MATCHING TEXT**

26 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**513/527**

**SUBMITTED TEXT**

27 WORDS

States Parties must take all appropriate bilateral and multilateral measures to prevent the abduction, sale or trafficking of children for any purpose or in any form (article 35

**75%**

**MATCHING TEXT**

27 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**514/527**

**SUBMITTED TEXT**

25 WORDS

Declaration on social and legal principles relating to the protection and welfare of children, with special reference to foster placement and adoption nationally and internationally The

**100%**

**MATCHING TEXT**

25 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**515/527**

**SUBMITTED TEXT**

24 WORDS

the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the



**43%**

**MATCHING TEXT**

24 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**516/527**

**SUBMITTED TEXT**

46 WORDS

the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of all Forms of Racial Discrimination and the Convention on the Elimination of All Forms of Discrimination against women, ?

**90%**

**MATCHING TEXT**

46 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**517/527**

**SUBMITTED TEXT**

25 WORDS

shall, wherever possible, grow up in the care and under the responsibility of his parents and, in any case, in an atmosphere of affection and

**97%**

**MATCHING TEXT**

25 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**518/527**

**SUBMITTED TEXT**

25 WORDS

In all matters relating to the placement of a child outside the care of the child's own parents, the best interest



of the child, particularly

**100%**

**MATCHING TEXT**

25 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**519/527**

**SUBMITTED TEXT**

10 WORDS

right to security and continuing care, should be the paramount consideration.

**100%**

**MATCHING TEXT**

10 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**520/527**

**SUBMITTED TEXT**

25 WORDS

child cannot be placed in a foster or an adoptive family or cannot in any suitable manner be cared for in the country of origin,

**96%**

**MATCHING TEXT**

25 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**521/527**

**SUBMITTED TEXT**

11 WORDS

inter-country adoption may be considered as an alternative means of





**100%**

**MATCHING TEXT**

11 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**522/527**

**SUBMITTED TEXT**

27 WORDS

safeguards and standards equivalent to those existing in respect of national adoption. In no case should the placement result in improper financial gain for those involved in it.

**58%**

**MATCHING TEXT**

27 WORDS

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**523/527**

**SUBMITTED TEXT**

25 WORDS

DECLARATION ON SOCIAL AND LEGAL PRINCIPLES RELATING TO THE PROTECTION AND WELFARE OF CHILDREN, WITH SPECIAL REFERENCE TO FOSTER PLACEMENT AND ADOPTION NATIONALLY AND INTERNATIONALLY The

**100%**

**MATCHING TEXT**

25 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**524/527**

**SUBMITTED TEXT**

24 WORDS

the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the



**43%**

**MATCHING TEXT**

24 WORDS

**SA** child issues thesis 2018.docx (D40611590)

**525/527**

**SUBMITTED TEXT**

46 WORDS

the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of all Forms of Racial Discrimination and the Convention on the Elimination of All Forms of Discrimination against women, ?

**90%**

**MATCHING TEXT**

46 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**526/527**

**SUBMITTED TEXT**

25 WORDS

shall, wherever possible, grow up in the care and under the responsibility of his parents and, in any case, in an atmosphere of affection and

**97%**

**MATCHING TEXT**

25 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)

**527/527**

**SUBMITTED TEXT**

13 WORDS

the best interests of the child should be the paramount consideration, 156 Children and



**76%**

**MATCHING TEXT**

13 WORDS

**SA** Mridula Barman\_LAW.docx (D15441512)