

ROLE OF INDEPENDENT COMMISSIONS ON JUVENILE JUSTICE PROGRAMMES IN INDIA AND CLOSED INSTITUTIONS



UNESCO house - Paris

WORLD CONGRESS ON
JUSTICE FOR CHILDREN

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STRENGTHENING JUSTICE SYSTEMS FOR CHILDREN

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National Commission for Protection of Child Rights, India

ENABLING LEGAL FRAMEWORK

- India's Constitution guarantees Fundamental Rights to all children, (0-18-years), covering Survival, Protection, Development and Participation.
- **18 legislations** including: **Juvenile Justice Act, 2015; Protection of Children from Sexual Offences Act, 2012; Right of Children to Free and Compulsory Education Act, 2009; Child and Adolescent Labour (Prohibition and Regulation) Act, 1986; and Prohibition of Child Marriage Act, 2006 and Commissions for Protection of Child Rights Act, 2005.**
- **CHILD POPULATION**

Indicator	India	%
Population	1210 Million	100%
Child Population (0-6 yrs.)	164 Million	13%
Child Population (0-18 yrs.)	472 Million	39%
Disabled children (0-19 yrs.)	7 Million	0.6%

NATIONAL COMMISSION FOR PROTECTION OF CHILD RIGHTS (NCPCR)

AN AUTONOMOUS STATUTORY BODY

MANDATE

- Examine all laws, policies, programmes, and administrative mechanisms and specially monitor implementation of J.J. Act, 2015; POCSO Act, 2012; RTE Act, 2009.
 - Ensure that children's rights, as enshrined in the Constitution of India/UNCRC are protected.
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- CPCPCR Act does not extend to State of Jammu & Kashmir.
 - The Commission has a Chairperson, 6 Members (at least 2 women) and a Member Secretary. It has a 3 years term. Present Commission's term is w.e.f. October, 2015.
 - All States have independent State Commissions.

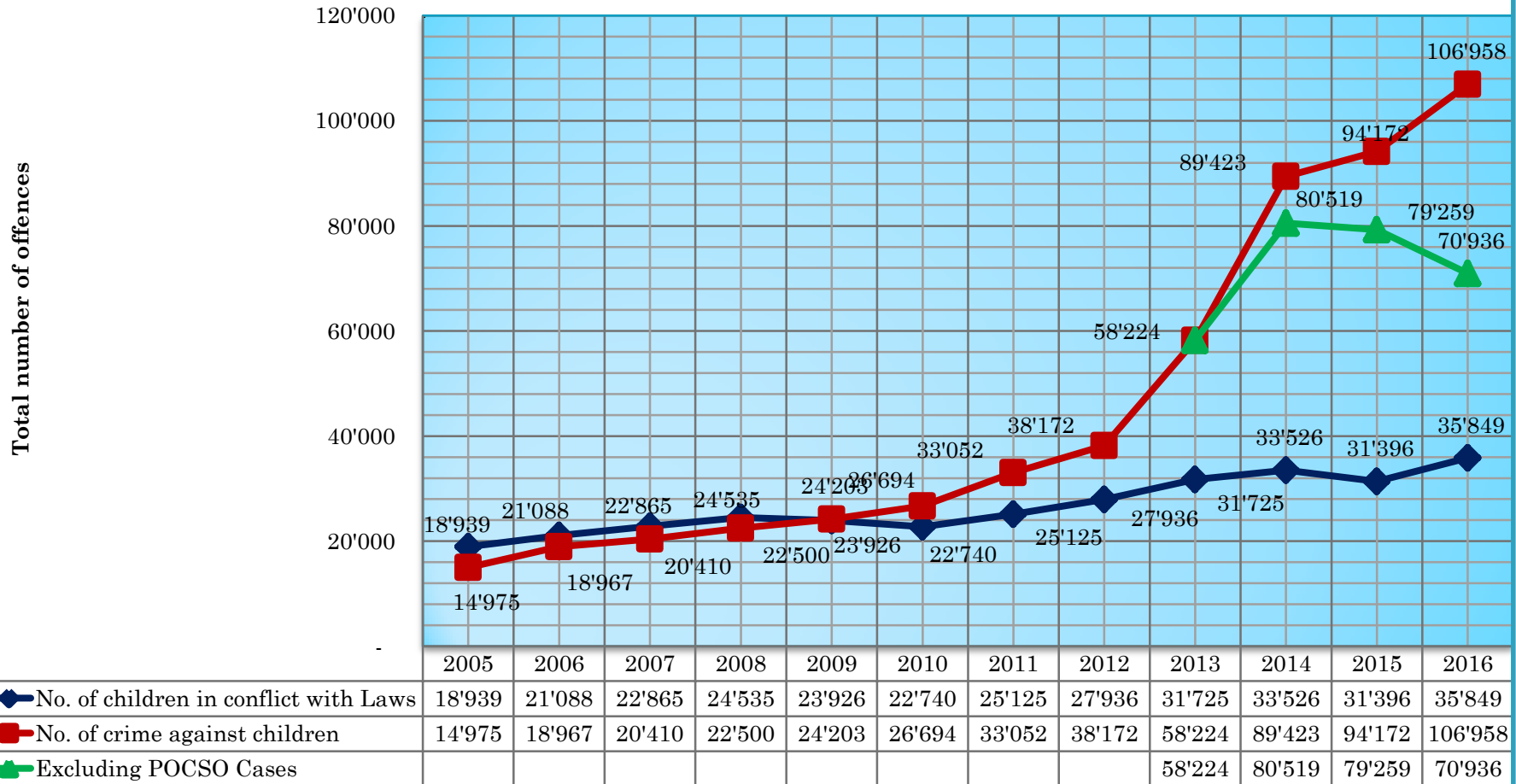
JJ ACT, 2015 - A PARADIGM SHIFT

- Comprehensive legal framework for protection of rights of all children, whether found in conflict with law or children in need of care and protection.
- Ensures proper care, protection, development, treatment and social re-integration of child by adopting a child-friendly approach in keeping with best interest of child.
- Classification of offences into Petty, Serious, and Heinous.
- Children (between 16-18 years), committing heinous offences, after mental and physical assessment by JJB who feel need of trial as adult, will transfer it to Children's Court.
- Could be kept in Place of Safety upto 21 years and thereafter transferred to prison, if required.
- Individual Care Plan for rehabilitation and re-integration.
- Compulsory registration by all Child Care Institutions.
- Creation of Juvenile Justice Fund.

POCSO ACT, 2012 - IMPORTANT FEATURES

- Protects children from offences of sexual assault, sexual harassment and pornography, while safeguarding interest of child at every stage of judicial process.
 - is gender neutral.
 - mandatory reporting and recording.
 - Special Court in each district; to adopt a child-friendly procedures.
 - Special Public Prosecutor for each Court.
 - Free legal aid to victim.
 - Burden of Proof on accused.
 - Time bound and speedy completion of inquiry/trial.
 - Provision for support person.
 - Creation of Victim Compensation Scheme.

CHILD OFFENCES vs. CRIMES AGAINST CHILDREN (2005-2016)



- Crimes against children increased more than 300% between 2009 -2016.
- POCSO cases increased more than 400% between 2014 -2016.
- Child offences increased 189% between 2005 -2016.

JJ ACT, 2015 – OFFENCES AGAINST CHILD

- Prohibition of disclosure of identity;
- Cruelty, abuse, neglect, etc;
- Employment of child for begging and illegal activities;
- Giving of intoxicating liquor/narcotic drugs/psychotropic substances;
- Using child for vending, peddling, carrying, supplying or smuggling of such substances;
- Exploitation of child employee;
- Adoption without following prescribed procedure;
- Sale and procurement of children;
- Corporal punishment;
- Use of child by militant groups;
- Kidnapping and abduction;
- Offences committed on disabled children;
- Abetment.

JJ ACT, 2015 - ORGANISATIONS

1	Common	
	State Child Protection Society (33)	
	District Child Protection Unit (665)	
	Inspection Committees (481)	
	Special Juvenile Police Unit/local police (743)	
	Children's Court (584)	
	State Commission for Protection of Child Rights (35)	
	National Commission for Protection of Child Rights	
2	For CCL	For CNCP
	Juvenile Justice Board (644)	Child Welfare Committee (646)
	Probation Officer (622)	Child Welfare Officer (14,953)
	Observation Home (290)	Children's Home (2607)
	Special Home (72)	Open Shelter (266)
	Place of Safety (49)	Foster Care (1,765) /Sponsorship/ Fit Person (412)
	Fit Facility (147)	Specialized Adoption Agency (402)
	Fit Person and Sponsorship (412)	State Adoption Resource Agency (35)
		Central Adoption Resource Authority

CHILD OFFENDERS

(NCRB'S REPORT, 2016)

- Age-group:

	<u>Boys</u>	<u>Girls</u>	<u>Total</u>	
Below 12 years	602	35	637	1.44%
Between 12-16 years	10,635	322	10,957	24.8%
Between 16-18 years	31,852	725	32,577	73.75%
Total	43,089	1,082	44,171	

- Education:

Illiteracy	-	5,412	12.25%
Primary	-	14,501	32.82%
Above primary below Matric/Sr. Sec.	-	20,014	45.31%
<u>Below Matric/Sr. Sec.</u>	-	<u>4,244</u>	<u>9.6%</u>
Total	-	44,171	

CHILD OFFENDERS

(NCRB'S REPORT, 2016)

- Family background:

Living with parents	-	38,061	86.16%
Living with guardians	-	4,550	10.3%
Homeless	-	1,560	3.53%
Total	-	44,171	

- Repeat Offender : **2,289**
- Rate of recidivism : **5.2%**
- Major offences include theft, rape, murder.
- Major crimes against children are kidnapping and abduction, rape, procurement and selling of minor girls and infanticide.

DETAILS OF JUVENILES APPREHENDED (NCRB'S REPORT, 2016)

Carried forward	21,488
Apprehended in 2016	44,171
Sent to home after Advice / Admonition	10,019
Released and placed under care of Parents/Guardians	9,932
Sent to Child Care Institutions	2,025
Sent to Special Homes	10,247
Dealt with Fine	2,552
Acquitted	5,658
Pending disposal	25,226

STRATEGY ADOPTED BY NCPCR

- Media including social media interaction to bring child issues centre stage.
- Facilitated setting up/strengthening of SCPCRs.
- Strengthening NCPCR's Grievance Redressal Mechanism.
- Promotion of Child Participation.
- Monitoring of implementation of JJ & POCSO Acts; getting dedicated nodal officers appointed by State Govts.
- Developed SOPs/Manuals.
- Developed training modules/ready reckoners/guidebooks etc. for enhancing capacity alongwith sensitization of key administrators/police officials etc.
- Timely issuance of guidelines/directives & follow-up.
- Developed information on Cyber related issues.

ENHANCED MEDIA INTERACTION

- Handbook for Media Professionals.
- CBFC/BCCC to avoid portrayal of violation of child rights.
- Broadcast of 6 radio spots/jingles.
- Posters in Delhi metro trains on CSA.
- Hoardings in Children Parks on CSA.
- Broadcast of film on POCSO e-box.
- Campaign with Ministry of Railways for child safety.
- Display of standees at 67 Airports on CSA .
- AV message of Minister WCD exhibited in movie halls across the country on CSA .
- Regular issue of press advertisements/releases.
- Effective use of social media.

FACILITATED SETTING UP/STRENGTHENING OF SCPCRS IN ALL STATES/UTS

- Regular meetings and trainings to create a common platform, to deliberate on various issues concerning child rights, share information, challenges and best practices.
- Resource Book for Commissions for Protection of Child Rights.
- Created a vibrant WhatsApp group of SCPCRs to share their initiatives, experiences, activities.
- Organised more than **100** workshops with SCPCRs with NCPDR's financial and technical support.

STRENGTHENING OF GRIEVANCE REDRESSAL MECHANISM IN NCPCR

- Special drive w.e.f. 15.12.2015, > **5700** complaints processed (as on 31.03.2018) of which **3189** are of JJ Act and **775** under POCSO Act.
- Members to deal effectively with complaints of their domain independently.
- All complaints to be processed, received by any mode:
 - **Traditional Methods** (by post, in person etc.)
 - **IT Enabled** (POCSO e-box, E-baalnidan, Email, Grievance Portal)
 - ***Suo-motu cognizance*** (news report, phone call, visual media)
- Created POCSO e-box, a direct online system of reporting of CSA, alongwith its phone App. Received 1,890 hits so far.
- Took *suo-moto* cognizance of **300** cases.
- 24x7 helpline **1098**, for children in distress in operation through Childline India Foundation.

MONITORING OF IMPLEMENTATION OF ACTS

- Regular follow-up with Chief Ministers of State Govts.
- Members personally inspected > **150** CCIs and Hostels.
- Mapping of all CCIs by Childline India.
- Development of Monitoring Tools.
- Regular visits to Jails to identify juveniles.
- Report on Statistical Analysis of Child Marriage.
- Consultation on legal issues on Child Marriage.
- National consultation on ‘Status of Child Marriage for Developing Preventive Strategies’.
- Social Audit of all Child Care Institutions undertaken.
- All States have Victim Compensation Scheme.

TIMELY ISSUANCE OF DIRECTIVES

- 481 Inspection Committees got constituted;
- Do's and Don'ts for JJBs and CWCs.
- Enforcement of no employment of children in tobacco trade;
- Immediate steps to stop child marriages;
- Curb illegal adoption and child trade;
- Restoration of around **6800** out of State children in CCIs to their homes;
- **173,000** children in CCIs were provided Aadhar Cards and Bank accounts opened for around **61,000**.

SOPs/MANUALS/REGULATORY GUIDELINES DEVELOPED

- SOPs for Care, Protection and Rehabilitation of Children in Street Situations; and Children in Contact with Railways.
- SOP for Escape/Runaway/Sexually Abused/Death of Children in CCIs.
- SOP for Stakeholders Implementing Processes relating to Children in Conflict with Law.
- Manual for Juveniles in Custody in Observation Homes/Special Homes/Place of Safety.
- Handbook on Safe Childhood with Panchayati Raj Ministry.
- Handbook on Counseling Essentials for Staff of CCIs.
- Comprehensive Manual on Safety and Security of Children in Schools.

CONTD...

- Regulatory Guidelines for Private Play Schools.
- Regulatory Guidelines for Hostels of Educational Institutions.
- Safety and Protection of Children training at centres of Sports Authority of India;
- Establishing Child Friendly Police Stations; and Child Friendly Courts;
- Organising Child Friendly Melas/Large Gatherings;
- Establishing of Pink Toilets;
- **09** types of training modules for stakeholders under JJ Act

READY RECKONERS/ GUIDEBOOKS AND IEC MATERIAL DEVELOPED

- Easy Guide for Implementation of POCSO Act, 2012;
- User Handbook on POCSO Act, 2012;
- Ready Reckoner for Implementation of JJ Act, 2015;
- Navigational Guide on the JJ Act, 2015 and Model JJ Rules, 2016;
- A Guide for District Administration for Implementation of JJ and POCSO Acts;
- Do's and Don't for JJBs & CWCs;
- Converted into Braille:
 - An easy guide for POCSO Act, 2012; and
 - Navigational Tool Kit of JJ Act, 2015 and JJ Model Rules, 2016.

COLLECTION AND STRENGTHENING OF DATA BASE

- **Research Studies to assess:**
 - Status of Education and Vocational Training on Children staying in Observation Homes, Special Homes and Children Homes.
 - Gap Analysis of Mental Health Services in Child Care Institutions.
 - Juvenile in Conflict with Law and Administration of JJ System in Maharashtra and Rajasthan.
- Compiled State Profiles of Status of Child Rights of all States/UTs, on identified Child Rights indicators (pending)

INFORMATION ON CYBER ISSUES DEVELOPED

- Organised consultation with Cyber Crime Cells of all State Governments .
- Legal Tool Kit for investigators of Cyber Crime against children;
- ‘Being Safe on Online’ booklet for general awareness;
- Do’s and Don’ts to Stay Safe on Internet by press release;
- Issued an appeal for parents and teachers in newspapers to protect their children on ‘*Blue Whale Challenge Game*’.
- Opened up POCSO e-box to receive cyber crime complaints.
- All internet service providers directed to remove pornographic contents.

PROMOTION OF CHILD PARTICIPATION

- 'Baal Utsav' dedicated to children in CCIs held in Delhi.
- Child Rights Mela with special focus on drug de-addiction at Ganj Basoda, Madhya Pradesh.
- Celebrated 9th Foundation Day of NCPCR in Observation Home at Delhi.
- Sessions with children for seeking their recommendations on New Education Policy and for SOP for Children in Street Situations, etc.
- 2 awareness workshops on child protection with adolescents of Tea Gardens of Assam at Guwahati.
- Set-up Khadi Training Centre and Computer Training Centre in Observation Home for Boys at Delhi.
- Several Art Therapy workshops held with children of Observation Homes in Delhi.

When you get an unsafe touch, you may feel
bad, confused and helpless

You need not feel "bad" because it's not your fault



Press This Button

THANK YOU