

Child Rights in India and the Role of Men as Fathers

A Review of Literature

Research on child abuse, as well as on the basic needs, health, education, and participation of children, reveals that the rights of children in India are not yet realized. Despite the Government of India's promises and efforts to ensure child rights, millions of children suffer abuse, exploitation, malnutrition, illness, and mortality. Girls, children of scheduled castes and scheduled tribes, and poor children face additional hardship. While much of the responsibility for guaranteeing child rights and protecting children lies with the government, Centre for Health and Social Justice (CHSJ) believes that parents also play a crucial role. CHSJ has had success in the field of women's rights by working with men to change their own beliefs and behavior toward women. Now CHSJ is willing to explore the possibility of a similar approach to involve men in the protection and fulfillment of children's rights. CHSJ wishes to explore whether it is possible to help young men become caring fathers who ensure the rights of their own children.

This paper reviews the existing research on child rights in India in order to understand the need and scope for working with young men in their role as fathers for securing child rights in India .

Government of India and child rights

Child rights and protection are guaranteed in the Constitution of India. Articles 14, 15, 19(1)(a), 21, and 23 include children in their rights to equality, protection from discrimination, freedom of speech and expression, protection of life and liberty, and prohibition of trafficking and forced labour respectively. Some sections of the Constitution also target children specifically. Article 21A calls for free and compulsory education for all children between the ages of 6 and 14. Article 24 prohibits employment of children in hazardous occupations. Finally, Article 39 mandates that state policy aim to prevent citizens from being "forced by economic necessity to enter vocations unsuited to their age or strength" and to protect their health and strength from abuse. It further stipulates that state policy should ensure "that children are given opportunities and facilities to develop in a health manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment." Indeed, the Constitution of India commits the government to the well-being, development, and protection of all children.

In 1992, India became signatory to the United Nations Convention on the Rights of the Child (CRC), thereby committing to the international definition of child rights and to the realization of those rights for all children in India. As outlined by the CRC, the rights of the child are guided by the principles of non-discrimination and "adherence to

the best interests of the child.” The CRC groups child rights into three categories: survival and development rights (which consist of rights to food, shelter, clean water, education, health care, leisure, cultural activities, and information about rights), protection rights (namely protection from all forms of child abuse, neglect, exploitation, and cruelty), and participation rights (freedom to express opinions and to have a say in matters affecting their social, economic, religious, cultural, and political life; right to information; and freedom of association).

India created legislation, policies, and schemes to ensure the CRC’s list of rights for all children in India. In addition to a number of laws passed prior to the CRC ratification such as the amended Immoral Traffic Prevention Act (1956, amended in 1986), the Juvenile Justice Act (1986), and the Child Labour (Prohibition and Regulation) Act (1986), India re-enacted the Juvenile Justice Act (2000) and legislated the Prohibition of Child Marriage Act (2006), the Right to Education Act (2010), and the Protection of Children from Sexual Offences Act (2012). The Right to Education Act (RTE) was passed to make the constitutional mandate to have every child between ages 6 and 14 attending school a reality. The government has expanded the National Child Labour Project (1988) to reach more child workers with its rehabilitation and education programs. India also collaborated with the United States to create the Indo-US Child Labour Project (2000), which combines rescue and rehabilitation of child labourers with income generation for their families. The National Charter for Children (2004) and the National Plan of Action for Children (2005) seek to provide for the healthy development of children, free from discrimination and harm. The government created the National Commission for the Protection of Child Rights in 2007 to try in court those who violate child rights. To protect children from abuse, the Integrated Child Protection Scheme was launched in 2009. India has also continued to work for nutrition and health of small children through its Integrated Child Development Services since 1975.

The state of child rights in India

Despite the government’s efforts, reports such as the 2007 Study on Child Abuse by the Ministry of Women and Child Development (MWCD) find that many children still suffer from abuse. These abuses include not only physical, sexual, and emotional abuse, but also poor education and health, hazardous employment, early marriage, and discrimination.

Survival and development

Even the most basic rights of survival and development are not guaranteed for all Indian children. Every year, 2.5 million children die in India, “with girls being 50% more likely to die”.¹ The mortality rate for children under five is 74 for every 1000 children.

The rate is higher in rural areas and for children born to teenagers or to parents with little education or wealth.ⁱⁱ

Malnutrition

Malnutrition continues to affect millions of children. Half of newborns have “reduced learning capacity due to iodine deficiency”.ⁱⁱⁱ Half of Indian children are underweight and three quarters are anaemic. 15.7% of children under five are severely underweight and 23.5% are severely stunted. Children in rural areas or with parents who have limited education or wealth are more likely to suffer from malnutrition.^{iv}

Homelessness

Many NGOs consider UNICEF’s measure of 11 million children living on the streets to be an underestimation,^v however accurate assessment is difficult. The MWCD did find that of those children living in the street, only 13% have access to toilets and only half have access to municipal taps for bathing and washing their clothes. Only 59% of street children are given food by their parents.^{vi}

Access to water

According to UNICEF, 18% of Indian children lack access to an improved source of drinking water. Only 69% (79% in rural areas) of children had access to improved sanitation facilities in 2008.^{vii}

Education

While 96% of children ages 6-14 are enrolled in school, the primary and elementary school drop-out rates are 26% and 45% respectively. Scheduled Caste and Scheduled Tribe children in classes 1-5 drop out at a rate of 32%. For children in classes 1-8, drop-out rates increase to 52.6% for SC children and 63.4% for ST children.^{viii} In urban areas, girls and boys attend school at similar rates, but in rural areas, the disparity is significant at the secondary level, with only 40% of girls in attendance compared to 54.7% of boys. Some of the main reasons that girls drop out are the cost of schooling and household work.^{ix} Taken together, “over half of India’s children are either not attending school or dropping out before class eight”.^x

Even for those children who continue to attend school, the quality of education for many students is so poor that it cannot be said that their right to education is fulfilled. Most school-going children attend government schools, which are extremely overcrowded.^{xi} In some states, the average government school has 1 teacher for every 60

students. 20% of teachers in government primary schools do not have the necessary requisites.^{xii} Furthermore, at any time during school hours, 25% of government school teachers are absent from work. Only 50% of teachers who are present at work are actually teaching.^{xiii} Whether children are in school or not, the lack of education provided to them is cause for alarm.

Primary health care

Many children in India still do not have access to primary health care. 27.6% of designated areas are not yet covered by an Anganwadi Training Centre. 56% of children under two are not fully vaccinated. The number leaps to 61.4% for rural areas. There is a small disparity between girls and boys – 45.3% of all boys are fully vaccinated while only 41.5% of girls are vaccinated. When children fall ill, they are less likely to receive treatment if they live in rural areas or if their parents are poor. Girls are also slightly less likely to receive treatment than boys. For example, of children under five who have had acute respiratory infections, 71.7% of boys were taken for treatment compared to only 65.8% of girls. Additionally, many parents lack information about proper health care for their children. When a child has diarrhea, 37% of parents give the child less fluids, compared to only 10.2% of parents correctly giving the child more fluids.^{xiv}

Protection rights in India

Physical abuse

The MWCD's 2007 child abuse report reveals that the vast majority of children are beaten by their parents, teachers, and other adults responsible for their well-being. In total, 69% of children face physical abuse, with slightly higher rates for boys than for girls. In half of the cases of physical abuse in the home, the beatings come from mothers. In 37% of cases, the fathers inflict abuse. Children are no safer in institutions, where 56% of children are beaten by the staff. 70% of children who are in institutions for being in conflict with the law are beaten and 53% of children in institutions for protection and care are beaten. In schools, 65% of students are beaten.^{xv} Childline India Foundation found that corporal punishment is practiced in 95% of 200 schools studied, including 94% of government schools and 96% of private schools.^{xvi} In some cases, employers and NGO workers also beat children. 15% of abused children experienced physical abuse so severe that it caused swelling, bleeding, scarring, or other serious injuries.^{xvii} Despite the legislation against it, physical abuse of children persists, in part because half of adults believe that physical punishment is necessary to discipline children, according to the MWCD child abuse report.^{xviii}

Sexual abuse

The MWCD's child abuse report revealed startling statistics about sexual abuse of children. It found that 55% of children have faced sexual abuse and 22% of children have suffered "severe sexual abuse," which consists of penetration, oral sex, being fondled, being forced to show one's private parts, and being photographed in the nude. 50% of sexual abuse is perpetrated by people who are known to the child. Boys are affected at higher rates than girls, as 53% of the victims of sexual abuse are boys and 47% are girls. Of those severely sexually abused, 57% are boys and 43% are girls. 77% of the victims told no one.^{xix}

The MWCD study's reported rate of sexual abuse excludes some sexual experiences that should be considered sexual abuse. The study did not include children forced into prostitution, victims of kidnapping for marriage, or forced sex within underage marriages. The MWCD estimates that between 3 and 5 lakh girls are involved in "commercial sex and organized prostitution." In the last decade, there has been a 256% increase in "kidnapping and abduction of girls aged 15-18 years for the purpose of marriage," and the National Crime Records Bureau found that "marriage" was the reason for 47% of cases of kidnapping of girls.^{xx}

According to NFHS-3, 14.1% of girls ages 15-19 who are married have suffered sexual violence (being forced to have sexual intercourse or to perform other sexual acts against one's will) by their husbands.^{xxi} These cases were not included in the MWCD child abuse study. In fact, even Section 375 of the Indian Penal Code excludes sexual intercourse with one's underage wife if she is over the age of 15 from the definition of rape. However, the Domestic Violence Act of 2005 does consider sexual violence within marriage to be a form of domestic violence for which females have a right to protection. Furthermore child marriage is illegal in the first place and comes with a gamut of child rights violations, which are discussed later.

Emotional abuse

The MWCD child abuse study found that half of all children in India are emotionally abused (in the form of humiliation and comparison). In most cases, the abuse came from the children's parents.

Boys and girls are emotionally abused at the same rate.^{xxii} However, if neglect of daughters in favor of sons is included in the definition of emotional abuse, the rate leaps upwards. 70% of girls reported neglect (as defined as lack of attention compared to brothers, less share of food, being made to care for siblings, and other forms of neglect). 48% of girls said that at some point they wished they were boys. 32% of girls with brothers said they received less attention than their brothers. 27% said they received less food. 48% said their parents did not take their side. 48% said they had to take care of

their siblings, some devoting as many as 24 hours per day to caring for their siblings.^{xxiii} NFHS-3 found that 11% of girls ages 12-14 spend over 28 hours each week doing housework, compared to only 3.5% of boys ages 12-14.^{xxiv} According to Plan, 80% of girls ages 10-14 clean their homes, 53% wash the family's clothes, and 37% cook. 39% of girls and young women must wait to eat after serving the males in the family.^{xxv}

Interestingly, when the researchers for the MWCD child abuse report asked young women to recall their childhood, the numbers increased significantly. 75% of young women reported receiving less attention than their brothers when they were children. 75% received less food, 89% had more housework than their brothers, and 70% had to take care of their siblings.^{xxvi}

Exploitation

A more visible form of exploitation than extra housework for girls, child labour continues to persist despite legislation and schemes to abolish employment of children in hazardous industries and to regulate it in safer industries. The 2001 National Census found that 5% (or 12.6 million) of Indian children ages 5-14 are child labourers.^{xxvii} UNICEF offers a higher estimate of 14% of the population of children (or 35 million children).^{xxviii} Although the Ministry of Labour and Employment added domestic work, employment in tea stalls and restaurants, and bidi rolling to its list of hazardous and illegal employment for children, 56% of working children are employed in such industries. 23% of all child labourers are domestic workers, of whom 81% are girls. Tea stalls and restaurants employ 11% of child labourers, of whom 84% are boys. And 7% of child labourers roll bidi. Of them, 83% are girls.

Working children often toil for long hours at the behest of their parents. 75% of working children give their earnings to their parents. 50% of working children work seven days each week. 33% of child workers work up to 32 hours each week. 36% work 33-56 hours each week. And 31% work over 58 hours each week.^{xxix}

Participation rights

A say in matters affecting their lives

Comment: It may be worth going through the government's own documents such as national plan of action, eleventh five year plan etc and see what is there in these documents in terms of commitments. Check also the NCPCR site etc.

Child participation is an important component of child rights according to the National Commission for Protection of Child Rights (NCPCR). The rules for the Commission require that it "promotes, respects and seriously considers the views of children in its work and in that of all government departments and organizations dealing

with children.” The National Plan of Action 2005 also promises to provide children with information about their rights and to make it possible for children to voice their concerns and needs. However, the government still has much work to do before children’s participation rights are realized.

While the MWCD child abuse study did not include child marriage, in its sub group report on the Eleventh Five Year Plan, it states that child marriage is a “gross violation” of a girl’s participation and other human rights.^{xxx} Indeed, the practice denies a girl’s participation in a decision affecting the rest of her life, and also tends to result in the child dropping out of school, the end of recreation, and the violation of her right to health. Yet, despite legislation and efforts against it, arranged child marriage is still widely practiced in India,.

30% of girls ages 15-19 are currently married.^{xxxi} 58% of women under 50 were married before they turned 18. 25% of women under 30 were married even before they turned 15. Child marriage often results in sexual violence against the child wife. As mentioned earlier, 14.1% of girls ages 15-19 who are married have suffered sexual violence by their husbands.^{xxxii} This statistic would be much higher if one considers any sex between an underage girl and her overage husband to be sexual violence. Child brides are generally marrying older men, as only 16% of men under 50 married before they turned 18.^{xxxiii} 40% of girls had sex before age 18 and 10% had sexual intercourse before age 15, almost always with their adult husbands.^{xxxiv} Some might consider such acts, especially for girls under 15, as sexual violence and a violation of child rights.

A girl’s right to health is often violated in a situation of early marriage if she begins childbearing as a teenager. 2.5% of 15-year-olds have begun childbearing (meaning they have had a live birth or are pregnant). 6.4% of 16-year-olds, 12.5% of 17-year-olds, and 24% of 18-year-olds have begun childbearing.^{xxxv} Child brides often do not have a say in family planning and teenage childbearing could be considered a violation of their right to health because teenagers are at a much higher risk of birth-related complications than women in their 20’s or older. For example, girls under 15 are five times more likely to die during pregnancy and childbirth than women in their 20’s.^{xxxvi}

Another way in which girls’ participation rights are violated, whether they are married or not, is that families often restrict their mobility, due to safety concerns or tradition. 70.3% of girls ages 15-19 are not allowed to go to the market alone. 74.9% of girls ages 15-19 are not permitted to visit to the health facility alone. 83.2% cannot leave the village/community alone.^{xxxvii} Among married girls specifically, research shows that 19.3% of married girls between ages 15 and 19 are not even permitted by their husbands to meet their female friends. 12.3% of married girls between ages 15 and 19 report that their husbands try to limit their contact with their family members.^{xxxviii}

Civil society interventions

Civil society groups have been at the forefront in efforts to protect child rights in India, both through direct intervention and active advocacy. Many of these efforts have been on rescuing children from forced labour, providing them with educational opportunities, support to street children, working with children who have been trafficked for sex work or for other work, rescuing and supporting children facing physical and sexual abuse and so on. Separately there have been efforts to improve educational status and dropout rates with a focus on the girl child. Programmes for adolescents have been introduced reproductive health and sexuality education in schools and in community based clubs/groups. Advocacy efforts have been focused on getting the state to either implement existing laws and policy provisions or to frame new ones, and two recent examples include the Constitutional amendment for including Right to education as a constitutional right and law on child sex abuse. Civil society has also been an active partner in developing and implementing large-scale government supported interventions one example being ‘Childline’ a telephone helpline for child protection which is operating across the country.

Involving men in child rights

Over the last couple of decades there has been the emergence of “Father’s Rights groups” in the industrial world. One of the reasons behind such groups is the issue of custodial responsibility of the child in the case of divorce, claiming that fathers do not get adequate opportunity to develop a relationship with their children. The issue of ‘shared parenting’ and the ‘bias’ in family law towards awarding custody to mothers is the main issue for these groups.

Globally, some organizations are taking a different approach to identifying the role of the father in supporting the rights of the child. Organizations such as Promundo, Sonke, and MenEngage realize that the family is the site of many of the abuses against children, as well as the source of the fulfillment of their rights. Because men traditionally hold the power within the family in many societies, these organizations see the importance of involving men in efforts to support child rights.

Last year, Promundo (from Brazil), Sonke Gender Justice Network (from South Africa), and the MenEngage Alliance launched MenCare - A Global Fatherhood Campaign to “promote men’s involvement as fathers and as caregivers”.^{xxxix} MenCare gives training, materials, research, and advice to local partners, organizations, and governments to help the men they reach become better fathers. Independently, Promundo also ran Children, Subjects with Rights, a program to “promote consciousness among parents and caretakers regarding children’s rights and the prevention of physical and humiliating punishment” which consisted of workshops, a manual, and a video.^{xl} Sonke

also successfully implemented its own program, called the Fatherhood and Child Security Project, in which the organization helped civil society and government to increase men's participation in their families as caregivers and fathers.^{xli}

The Family Action Centre at the University of Newcastle in Australia recently began the Nar-un-Bah and Thou Walla Engaging Aboriginal Fathers Project to “enhance the capacity of Aboriginal men who have current or future parenting responsibilities.” In this program, the Family Action Centre supports two community centres in organizing activities, workshops, and events to build the “knowledge, confidence and skill in parenting” of Aboriginal men.^{xlii}

While CHSJ's programs do not focus directly on child rights, the organization has had success running a program in which young men are trained to be role models of gender equitable behavior for their villages. The action focuses on masculinity and the relationship between men and women, but one component of the action is the relationship between fathers and their children. These animators encourage their peers to be good fathers and to respect the rights and needs of their children, especially their daughters. In another CHSJ program in Maharashtra, community-level groups of young men are formed to mobilize themselves and their peers on gender equity. As in the role models action, a component of this program is to help the men become better fathers. As a result, men have begun taking a more active role in helping raise their children. Some have committed to educating their daughters and not to force them into early marriages. The initial successes of this work with young men and the progress of global efforts to enhance fatherhood demonstrate that there may be both a scope for and a need to involve men in ending child abuse and supporting the rights of children in India.

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