**NAME OF COMMITTEE – UNICEF (DELEGATE OF INDIA)**

**COUNTRY NAME - INDIA**

**AGENDA - Providing Violence Response and Access to Justice for Children and Youth**

**INTRODUCTION**-

Violence against children includes **all forms of violence against people under 18 years old**. For infants and younger children, violence mainly involves child maltreatment (i.e. physical, sexual and emotional abuse and neglect). Violence can result in physical injury, sexually transmitted infections, anxiety, depression, suicidal thoughts, unplanned pregnancy and even death. Evidence also suggests that toxic stress associated with violence in early childhood can permanently impair brain development .Violence can result in physical injury, sexually transmitted infections, anxiety, depression, suicidal thoughts, unplanned pregnancy and even death. Despite these grave physical and mental health consequences, the vast majority of child victims never seek or receive help to recover.

TYPES OF VIOLENCE-

1)VIOLENCE AT SCHOOL-Every child has the right to go to school free from fear. But for too many girls and boys worldwide, school is where they experience violence. Bullying, harassment, verbal abuse, sexual abuse and exploitation, corporal punishment and other forms of humiliation. Violence in schools can have serious effects on children’s psychological and physical health.

2)ONLINE VIOLENCE- Growing up online offers limitless opportunities But with these opportunities come serious risks. Cyber bullying and other forms of peer-to-peer violence can affect young people.

3)SEXUAL VIOLENCE- results in severe physical, psychological and social harm. Victims experience an increased risk of HIV and other sexually transmitted infections, pain, illness, unwanted pregnancy, social isolation and psychological trauma . Some 80% of children in 25 countries report feeling in danger of sexual abuse or exploitation online. Every year, millions of girls and boys around the world face sexual abuse and exploitation. Sexual violence occurs everywhere UNICEF plays a pivotal role in establishing global alliances and setting technical guidance to comprehensively address violence against children. At UNICEF it is believed that every child has a right to grow and lead a life free of violence

**BODY-**

Child Protection is the prevention of, and response to, exploitation, abuse, neglect, harmful practices and violence against children. It is embedded in the Convention on the Rights of the Child (CRC)1 – the most widely ratified international human rights treaty in history Strategy has three Objectives.

1 Universal Prevention: All children grow up in a protective environment;

2 Leaving No One Behind: Children living in situations of highest risk receive targeted support;

3 Response and Preventing Recurrence:

Children experiencing violations receive quality services. To deliver these Objectives, the Strategy adopts three core interlinking programming strategies:

1 To effectively address the behavioural, social, cultural and economic determinants of child protection violations at scale

2 To support inclusive and effective child protection systems in preventing and responding to child protection violations

3 To effectively prevent and respond to child protection violations in humanitarian situations.

India has articulated its commitment to eliminating child marriage through numerous policies, laws and programmes. The country’s progress in the past decade is one of the strongest among countries in South Asia. Yet, one in four Indian girls aged 20-24 were found to have been married before 18 years of age, as per the National Family Health Survey (2019-21). The persistence of child marriage remains a potential deterrent to India’s likelihood of achieving Sustainable Development Goal 5 by 2030.  Child labour remains a complex problem in India. Despite proactive legislative measures and policies to combat the problem, the decline in child labour has been less progressive than expected. Children are most often found working in agriculture and households, with girls often being invisible.  Data on sexual violence is scarce and is mainly based on the reporting of cases, thus implying that the figures underestimate the magnitude of the problem, especially as many cases go unreported. From the cases that are reported, it can be observed that sexual abusers are mainly male and often individuals known to the child. As per the National Family Health Survey (2019-21), 1.5% of young women in the age group 18-29 reported having experienced sexual violence before the age of 18. UNICEF strongly believes that all children have the right to grow in a safe and nurturing family environment. Yet, across the world, children continue to be separated or are at a risk of being separated from their families. These children include those living on the streets, transport terminals, and childcare institutions as well as child workers or child victims of human trafficking. In the absence of viable options, institutional care is the primary response for children in such situations. However, research studies show that children who grow up in institutional care demonstrate long-term adverse outcomes in terms of physical, cognitive, and mental health. UNICEF in India works towards strengthening child protection systems; ending child marriage; protecting children on the move; promoting family-based alternative care,  adolescent participation and engagement, and mental health and psychosocial support (MHPSS); and preventing child labour, violence against children, and gender-based violence.  UNICEF also focuses on implementation of key child protection legislation and promotion of practices that protect children from violence, abuse and exploitation. Building on increasing awareness towards child abuse in India, UNICEF can play a major role in enhancing two missing elements of government action: prevention and rehabilitation of survivors of child abuse and exploitation. Prevention is central to UNICEF programming as it is the most effective way to deal with child sexual abuse and exploitation. Ensuring India’s children are sufficiently protected requires more than the existing investment, which too is focused on post-incident responses.
 UNICEF India also works with the government to provide well-established family-based alternative care options for children without parental care. UNICEF focuses on services to prevent separation of children from families and on rehabilitative services for deinstitutionalized children and care leaving youth. UNICEF takes a broad view of the range of support services that provide healing to victims/survivors and their families including focus on counselling, restorative justice programmes, support for school continuation, employment and social protection. Priority is given to promoting social protection programmes which incentivize the reduction of child labour and child marriage. Efforts to address violence against children (VAC) are at the core of UNICEF India’s Country Programme. UNICEF seeks to accelerate actions to prevent violence from occurring and improve support for children who are survivors of violence and abuse. The End Violence Against Children (EVAC) Strategy cuts across sectors and maximizes the convening capacity of UNICEF to support government and to unite civil society, the private sector and development partners in a joint effort to end violence against children. The EVAC Strategy has been finalized at a time when India and the world are fighting against the COVID-19 pandemic The three key areas of the EVAC Strategy are:

1. Creating an enabling environment for multi-sectoral response
2. Systems-strengthening across justice/law enforcement, social service, education and health sectors
3. Social and behavioral change (SBBC) and adolescent and youth empowerment These key areas are also part of INSPIRE framework: Seven strategies for ending violence against children, a global joint effort on violence prevention and response that involved ten key agencies, including UNICEF. The implementation of the Strategy will be done in close dialogue with the government and partners, and will also benefit from partnership and collaboration with other UN Agencies, especially UNWomen, UNFPA, and WHO.

Global status report on preventing violence against children 2020 NATIONAL RECOMMENDATION are

1.Promote good governance and coordination to ensure multi-sectoral strategy is adequately resourced and ministerial line responsibility is well defined and mandated to deliver the seven INSPIRE strategies

2. Prioritize data collection on VAC as part of regular SDG reporting and use these to set measurable targets in data-driven national action plans

3.Strengthen legislative frameworks to ensure universal legal protections for children and ensure best standards of practices are adhered to

Use evidence to enhance the effectiveness of prevention and service programming Ensure adequate funding for evidence-based approaches to ending violence against children .The Government of India has been leading these efforts, and there is increasing openness to acknowledging that violence is a serious issue. India has comprehensive policy and legal frameworks addressing rights and protection for children, providing opportunities to ensure that all children have equal access to quality protection services. The core child protection legislation for children is enshrined in five main laws: The Juvenile Justice Act (Care and Protection of children) Act 2015; the Child Marriage Prohibition Act (2006); the Protection of Children from Sexual Offences Act (2012, amended in 2019) and the Child Labour Prohibition and Regulation (1986, amended in 2016).56 India is among the 128 countries worldwide that legally prohibit use of corporal punishment in schools and institutions. The Right of Children to Free and Compulsory Education (RTE) Act, 2009 prohibits physical punishment and mental harassment for children enrolled in schools aged 6-14 years.57 In addition to child protection legislation, national flagship schemes such as the Integrated Child Protection Scheme (ICPS, 2009) and the National level Beti Bachao Beti Padhao (BBBP) has sought to highlight the focus on the girl-child especially in preventing sex selective abortions, early child marriage, and to promote early childhood care. The diagram on the previous page has shown the system in India and at the State level the concerned departments have a key role to play in the implementation of this. Despite a comprehensive legal and policy framework, there are gaps in implementation, resulting in generally weak enforcement of these Acts and schemes, and poor capacities of government and partners to respond to victims reports of violence and abuse.59 Analysis of current capacities to respond to violence have revealed the systemic inadequacy of child protection services in India. The last Concluding Observations on India from the Committee on the Rights of the Child highlighted the need for greater coordination among ministries and departments at all levels to implement policies and programmes relating to children.60 Funding for child protection continues to fall short of existing needs. Allocations for ICPS are far below other flagship schemes (INR 1500 crores) and overall the share of child protection in union budget is only 0.06 per cent.61 Moreover, many states fail to allocate their share of the ICPS budget, so that their expenditures lie significantly below the annual plan.62 In addition, attention has been focused on sexual abuse but less on other forms of violence that are commonplace in the lives of children in India. Even when ICPS envisions structures up to the community level in design, it does not have any funding allocation for them beyond the district level. As a result, much of the community structures are just on paper and not functional, thereby limiting its scope to act on prevention of EVAC. Finally, effective mechanisms to prevent violence from occurring in the first place are still lacking at the national and state level, as the primary focus has been on response mechanisms, which have been more penal in nature with little focus on victims/survivors. The child protection system still has a strong inertia towards institutionalization of the children rather than focusing on prevention and in working with the family. As India is facing so many problems regarding children but beside it Indian Constitution guaranteed special provisions regarding children-

Right to free and compulsory elementary education for all children in the 6-14 year age group   (Article 21 A)

Right to be protected from any hazardous employment till the age of 14 years (Article 24)

Right to be protected from being abused and forced by economic necessity to enter occupations unsuited to their age or strength (Article 39(e)

Right to equal opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and guaranteed protection of childhood and youth against exploitation and against moral and material abandonment(Article 39 (f))

Right to early childhood care and education to all children until they complete the age of six years (Article 45)

**Children also have rights as equal citizens of India, just as any other adult male or female:**

Right to equality (Article 14)

Right against discrimination (Article 15)

Right to personal liberty and due process of law (Article 21)

Right to being protected from being trafficked and forced into bonded labor (Article 23)

Right of minorities for protection of their interests (Article 29)

Right of weaker sections of the people to be protected from social injustice and all forms of exploitation (Article 46)

Right to nutrition and standard of living and improved public health (Article 47) After having all these special provisions violence takes place in all sitting i.e. schools, instutions, house, hospitals, or at any place where the child is surviving to cure these exploitation Indian government with the help of UNICEF has made some special acts which leads the judiciary to protect the child right i.e. Four main laws:

1. The Juvenile Justice (Care and Protection) Act (2000, amended in 2015)
2. The Prohibition of Child Marriage Act (2006)
3. The Protection of Children from Sexual Offences Act (2012)
4. The Child Labour (Prohibition and Regulation) Act

(1986, amended in 2016).

Another laws –

the Immoral Traffic (Prevention)] Act, 1956

Pre-Conception & Pre-Natal Diagnostic Techniques Act, 1994

**CONCLUSION**

UNICEF and its India partners are working together to ensure that children are protected from work and exploitation, which is harmful to their development. They are working to ensure that children remain in economically stable family homes and get the opportunity to go to school and be educated. UNICEF joins hands with government, civil society organizations and other partners in building communities and families where children are safe and free of abuse and exploitation.

**Reference \_**

**Constitution of India**

 **Articles of Mr.kailash satyarthi**

**Article on justice for children | unicef India**

**Other Special Legal Acts**