

**STATEMENT**  
**UPR PRE-SESSION ON INDIA**  
**GENEVA, 29<sup>th</sup> AUGUST, 2022**  
**DELIVERED BY: KUMAR SHAILABH On Behalf of**  
**HAQ: CENTRE FOR CHILD RIGHTS**

A very warm good morning to all the representatives from Permanent Missions, members of the Indian Mission and my colleagues.

This statement is delivered by HAQ: Centre for Child Rights, a Delhi based non-profit organisation set up to work towards recognition, promotion and protection of all rights for all children with a holistic human rights framework. We have been engaging with UPR process since 2012 and has sent submissions individually as well as a part of the Working Group on Human Rights in India and the UN during the 2<sup>nd</sup>, 3<sup>rd</sup> and the 4<sup>th</sup> review.

### **Overview of Child Rights in India**

As our country celebrates 75 years of independence, the children continue to stare at the grim realities on many counts. These realities include the longest closure of schools, children headed households, serious nutritional gaps resulting in high anaemia as well as under-5 mortality, loss of learning opportunities and a deep digital divide among many. Although birth registration has improved but we are far away from achieving universalisation. Lack of trained professionals at the grassroots level, transparent and smooth birth registration systems and lack of awareness create hurdle in achieving universalisation of birth registration. Children between the age group of 16-18 years who allegedly commit heinous offences stand the risk of facing adult criminal trial as per the Juvenile Justice Act. The lack of rolling out of preventive sponsorship programmes and foster care add to increased institutionalisation of children who are not in conflict with law but children in need of care and protection. This further adds to deprivation of liberty for such children. The legal aid for children in contact with law remains poor and therefore, access to justice for children is still a challenge. The increased focus on punitive legislations including death penalty for child rape and no investments in social processes to address issues like child marriage, child labor, sexual violence against children etc. add to the list of half-hearted measures and lack of political will. Caste based discrimination in schools and corporal punishments (sometime resulting into death of children) continue to challenge our conscience. Children with disabilities continue to remain outside the peripheries of many services and programmes in terms of ease of access. The constant reduction in budgetary allocations for children show a mirror to many of the promises and commitments of the Govt. Therefore, in the current review cycle, the benchmark of assessment needs to be revised and must go beyond mere listing of legislations and programmes and need to focus on implementation and last mile reach.

Due to the strict time limitation, this statement addresses the following issues and recommendations specifically which need urgent attention: (i) child labour (ii) Right to Education (iii) Sexual violence and crimes against children. However, our report discusses many other crucial issues in detail and can be referred. (<https://www.haqcrc.org/wp-content/uploads/2022/04/child-rights-in-india-upr-iv-joint-stakeholders-report-haq.pdf>)

### **Child Labour**

As per Census 2011, the only available dataset, a total of 10.1 million children in the age group of 5-14 years are involved in some kind of labour. The provisions in the Child Labour legislation that allow for children to work in family based occupations has continued to remain a cause of concern. Children engaged in e-waste activities in various yards and recycling workshops around country do not find any protection under the current

legislation. As a welcome step, the GOI in June 2017 ratified the ILO Convention No. 138 and ILO Convention No. 182. Subsequent to the last UPR cycle, the GoI has taken several steps such as establishing a Task Force and continuing with the National Child Labour Programme (NCLP), but the budgetary allocation towards such programmes has seen a consistent decline. This raises a serious concern about the rehabilitation of children who are rescued from labour. COVID-19, subsequent economic distress and prolonged school closures have added to the magnitude of child labour where we are seeing children headed households.

### ***Recommendations***

Therefore, we request the Member States to kindly consider the following recommendations:

- Institute robust mechanism to regulate and monitor work conducted by children in family enterprise settings to ensure that internationally recognised labour practices and standards are maintained.
- Review and update periodic data collection mechanisms on child labour for informed policy decisions and strategic interventions.
- Augment financial allocation for programmes targetted towards eradication of child labour and bring special measures to address COVID induced increase in child labour.

### **Right to Education**

The education sector barely receives 4 per cent of India's GDP as total expenditure. The secondary education continues to observe significant drop out rate of students. During the pandemic, Indian education system saw the largest disruption in history. Around 320 million children in India did not step into a classroom for more than a year and lost a tenth of their entire schooling already. Although the Government promoted digital learning during COVID, but it overlooked the socio-economic, access, and infrastructure realities of the country and created huge digital divide resulting into more vulnerabilities for children. Such disparities had serious impact especially on girls' education. The introduction of New Education Policy is a welcome step by the Government, but the flawed approach which promotes privatisation, social exclusion and ignores the specific needs of children belonging to seasonal migrant workers, children of brick kiln workers and children belonging to other marginalised communities, are major cause of concern. Human Rights Education continues to remain excluded from the school curriculum despite recommendations in previous UPR Cycles. As a result, we continue to see caste based discrimination in our schools.

### ***Recommendations***

Therefore, we request the Member States to kindly consider the following recommendations:

- Raise the budget expenditure for education to 6% of GDP in line with the NEP 2020.
- Amend the Right to Education Act 2009 to include children upto 18 years and ensure that their right to free and compulsory education is safeguarded at all times.
- Ensure that children are brought back into mainstream education post Covid-19 pandemic by bringing in specific measures to that effect and also monitor the implementation of such specific measures reaches the last mile.

### **Sexual violence and Crimes Against Children**

There is a significant increase of 44.81% in the incidences of sexual offences against children between 2017 to 2020. India has enacted the Protection of Children from Sexual Offences Act, 2012 (POCSO) but the

implementation of this Act remains poor all across the country. The introduction of death penalty for rape of children below the age of 12 years is a step away from human rights framework and creates hindrance in reporting of such offences as 94% offenders are known to the victims. The increased age of consent for sexual relationship in the law causes criminalisation of adolescents who are in a romantic relationship. The cases of sexual offences against children suffer from huge pendency of 94.6%. Rehabilitation of victims of sexual offences remain a challenge as only 4% of the victims received either interim or final compensation by the Courts.

### ***Recommendations***

Therefore, we request the Member States to kindly consider the following recommendations:

- Introduce specific guidelines for protection and support to the victims of child sexual abuse and their families undergoing trial.
- Strengthen the existing child protection mechanisms to minimize the crimes against children at all levels.
- Review the law on age of sexual consent by holding wider consultations with concerned stakeholders including adolescents, young people, civil society and members of judiciary.
- Streamline, simplify and monitor the Victim compensation procedures specifically in cases of child sexual abuse.

We thank you for your kind attention!

Kumar Shailabh  
Email: [shailabh@haqrc.org](mailto:shailabh@haqrc.org)



**HAQ: Centre for Child Rights**  
B-1/2, Malviya Nagar, Ground Floor,  
New Delhi- 110017, INDIA  
E-mail: [info@haqrc.org](mailto:info@haqrc.org)  
Web: [www.haqrc.org](http://www.haqrc.org)