

National Commission for Protection of Child Rights

PRESS RELEASE

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Over 5000 cases against juveniles have been pending in the courts with many of them languishing for over 12 years. But this is not the only challenge that children in need of juvenile justice face. There is also variance in the standards of care and protection that is meted out by various authorities.

This was revealed at the inauguration of the first national consultation organized by the National Commission for Protection of Child Rights (NCPCR) with representatives of the judiciary, police and bureaucracy from 21 states.

The NCPCR visited a number of states to review implementation of government policies on children and found that there was almost no provision for or linkage to remedial bridge school education for children with limited or disrupted education.

“Our imperative must be to ensure that all children coming into the juvenile justice system are sent back to schools and their families. In fact, I believe that the extension of the right to education through appropriate remedial mainstreaming is one of the most important factors which can fight criminalisation and institutionalisation of these children,” said Shantha Sinha, chairperson, NCPCR

Over the past few months the NCPCR has established independent expert committees focused on Children’s Homes and the Juvenile Justice Boards to identify the gaps in delivery of justice and implementation of the Juvenile Justice (Care and Protection of Children) Act, 2000, and the tendency towards either treating them as criminals or putting them into Homes and forgetting about them.

They have looked at key indicators such as length of time spent in institutions, the rate of restoration to families or to family based care, the number of cases pending, child rehabilitation and mainstreaming with education and protection from abuse and deprivations under non-family based care and found they required greater attention.

Dipa Dixit, member NCPCR, who has been focusing on the issue of juvenile justice to identify priority areas for recommending effective strategies for undertaking reform said that they wanted the committees to go beyond numbers to understand what kinds of systemic transformational changes are needed. “Importantly, the mandate for recommendations is that they be consistent with the ground reality of the challenges faced by those working within the juvenile justice system,” she said.

National studies have also revealed that more than 50 per cent of children’s homes do not provide any counselling services across the country. In addition, more than 80 per cent of caregivers do not have any training before joining institutions. In almost 70 per

cent of the juvenile justice systems, no care plan for the child is in place and physical punishment is a dominant method of discipline within the children's homes.

According to Sinha, while India has come a long way in reforming a legislative and policy framework which is child centric and takes into account a child's vulnerability, there needs to be much greater emphasis on the key guiding principle for all the children whether in conflict with the law or those in need of care and protection. "All concerned authorities must recognize the right of every child alleged as accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth," she asserted.

The key areas of focus at the conference will be how to bring about changes in governance and mindsets. Equal importance will be given to training of care givers, openness of institutions, more investment of resources and the will to focus on and reform juvenile justice as a key priority at the highest decision making levels, said Dixit.

The consultations are being held over two weekends to ensure maximum participation by representatives of different states. Each state will get the opportunity to share their experiences and challenges as there are state specific issues linked to regional and demographic variations. Based on the consultations, the NCPCR will include innovative reform and implementation initiatives being undertaken in different states in its national programme.