Review of Literature

Many researchers have taken interest to study the needs of the children living on the streets from a “rights perspective” to ensure access to basic rights. Besides, few intensive studies have also been conducted to get an overview of the socio-economic profile of such children in relation with the types of violence, risk factors associated with different environmental settings, attitudes of children towards police & other officials and opinion of various stakeholders towards the protective measures for children. With the experience of the researchers and social development Programme managers, it has been increasingly realized the need to seek the opinion of the children before designing studies or Programmes for them. But still, it is hard to find studies that are conducted to seek children’s opinion for formulating a policy or adapting developmental initiatives based on their feedback. Hence, this research was undertaken to actively seek opinion of children based on their experience to develop a child friendly system within our society, which will guarantee a favourable environment for the development of children, especially for those who are forced to live with or without their families on the streets.

In this chapter, an attempt is made to knit together outcomes of different national and international conventions, policies and research studies. During the review of literature, books, paper clippings and editorials have also been reviewed to get a holistic picture of the issue. This chapter has been subdivided into following sections:
Section 2.1: The child rights movement
This section gives an overview of the child rights movement and reviews of different international treaties. It also outlines the universal set of standards that are adhered by all the participating countries.

Section 2.2: Approaches of different countries to promote child rights
This section reflects approaches and policies amended by different countries to promote rights of children. It also gives a view of Indian Government and its policy level amendments to ensure rights of children in India.

Section 2.3: Violence against children - A global picture
This section reflects the global picture of violence against children taking place in different settings.

Section 2.4: Street children - A global scenario
Inspite of many studies conducted for increasing the knowledge base about street children, the terminologies and its definitions still vary amongst various users. This ambiguity of definitions is not only seen at local level but can also be found in the official documents and publications by various international agencies. Thus, in this section, definitions used by different agencies and studies have been reviewed and attempt was made to draw a holistic profile of a particular group of street children. Further, it also attempts to capture the socio-economic profile of children living on the streets with their families, violence against them, push factors for delinquency and mechanisms adopted by justice authorities to treat them.

Section 2.1
Child Rights Movement
Child Rights Movement started in United States of America in 1800s while working with the orphan children in different establishments. The National Child Labor Committee (NCLC), an organisation dedicated to the abolition of all
child labor was formed in the 1980s. It managed to pass a law, which was struck down by the Supreme Court two years later for violating a child’s right to contract his work. Later, in the year 1907, the US Congress adopted the mission of “promoting the rights, awareness, dignity, well-being and education of children and youth as they relate to work and working”. In 1924, Congress made first attempt worldwide to pass a National Labour Law with focus to protect children from harm at work. Unfortunately, the bill was dropped due to various reasons. But in 1938, President Franklin D. Roosevelt signed the Fair Labor Standards Act, which placed limits on many forms of child labor. This was a major step towards eradication of child labor. But the movement was stalled again when the World World II broke out and adult men were at war. Women and children entered the work force again to keep the country running. On the other side, children in Europe worked as couriers, intelligence collectors, and for other underground resistance workers in opposition to the Hitler’s regime.

In the early twentieth century, movement began to promote the idea of children's rights as distinct from those of adults and as requiring explicit recognition. In 1917, following the Russian Revolution, the Moscow branch of the organisation, Proletkult, produced a Declaration of Children’s Rights. However, the first effective attempt to promote children’s rights was the Declaration of the Rights of the Child in 1923, which was adopted by the League of Nations in 1924. This was accepted by the United Nations (UN) on its formation and updated in 1959, and replaced with a more extensive UN Convention on the Rights of the Child in 1989. In the past two decades there was a greater international attention turned towards protection of children’s rights. In the 1980s, mounting concern for the rights of children resulted in several child focused international treaties (Children’s rights movement, Wikipedia Retrieved, 2008)

The primary Child Right instruments in the history of Child Rights movements are as under; (Flaim Amanda, Stanford University, August 2004)
Chronology of Human Rights treaties in the 20th Century:

1921 Declaration for the Suppression of the Traffic in Women and Children
1924 Declaration of the Rights of the Child
1926 Slavery Convention
1930 Slavery Convention
1948 Universal Declaration of Human Rights
1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others
1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery
1959 Declaration on the Rights of the Child
1960 Convention on Discrimination in Education
1962 Recommendation on Consent to Marriage, Minimum Age for Marriage and Registration
1966 International Covenant on Civil and Political Rights
1966 International Covenant on Economic, Social and Cultural Rights
1967 Declaration on the Elimination of Discrimination against Women
1975 Convention on the Reduction of Statelessness
1979 Convention on the Elimination of All Forms of Discrimination against Women
1985 The Minimum Rule for the Administration of Juvenile Justice
1989 Indigenous and Tribal Peoples Convention
1989 Convention on the Rights of the Child
1990 The UN Standard Minimum Rules for the Protection of Juveniles Deprived of their Liberty
1990 The UN guidelines for the Prevention of Juvenile Delinquency
1999 Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour
1997 The UN guidelines for Action on Children in the Criminal Justice System.
1999 International Labour Organization (ILO) convention 182
Other generally applicable instruments are as under:

- The UN Standard Minimum Rules for Non-Custodial Measures’ (The Tokyo Rules),
- The UN Basic Principles on the use of Restorative Justice Programmes in Criminal Matters’,
- ‘The Basic Standard Minimum of Rules for the Treatment of Prisoners’,
- ‘The Convention against torture’.

A recent child-specific instrument which has an increasing relevance to Juvenile Justice is the ILO convention 182, in the year 1999, concerning for the elimination of worst forms of child labour. So far, the convention identified children, who are used by other young people or by adults, to commit offences as a worst form of child labour. At the regional level, many countries have ratified their own charters to promote the rights and welfare measures for the children.

**Convention on the Rights of the Child, 1989**

The Convention on the Rights of the Child adopted in 1989 in UN is the most widely and rapidly ratified human rights treaty in the history. It provides a universal set of standards to be adhered by all countries to protect children and child offenders from being abused. UNICEF describes the CRC as a milestone to establish “non negotiable minimum standards and obligations” for the treatment of children. Thus, the philosophy and the basic minimum standard outlined in this section can help us to relate the research outcomes with the set minimum standard. In 1989, the convention redefined a child as every human being below the age of 18 years. The standards of the Convention on the Rights of the Child were derived after a decade long negotiated by governmental, non-governmental organizations, human rights advocates, lawyers, health specialists, social workers, educators, child development experts and religious leaders from all over the world. It came out as a consensual agreement while respecting the tradition and cultural values for the protection and harmonious development of the child. All countries have ratified this convention and have become State Parties to the Convention as of November 2003 except United States of America and Somalia. UNICEF has
describes the CRC as establishing “non negotiable minimum standards and obligations” for the treatment of children.

Thereafter, child's needs have become legally binding rights. This convention recognizes that all the members of human family has inherent dignity and deserves equal and inalienable rights without distinction of any kind. It encompasses the whole spectrum of children’s specific human rights including civil, political, economic, social and cultural viz. 41 individual articles. The UNCRC also lays down four general principles, which together form a guiding tool for a holistic interpretation of the UNCRC. These principles are as under; (Petrén, Alfhild et al, 2000).

- **Non-discrimination** (article 2)
- The **best interest** of the child (article 3)
- The right to **survival and development** (article 6)
- The right to **express an opinion and to be heard** (article 12)

The basic principle of this convention is to give full consideration to the best interest of the child. In 41 substantive articles, it establishes that children should be benefited from special protection measures and assistance. It lays emphasis to access education and health care services for children to enable them to develop their personalities, abilities and talents to the fullest potential and grow up in an environment of happiness, love and understanding. It also states that children should have the right to be informed about and participate in, achieving their rights in an accessible and active manner. It recognizes that all the state parties shall undertake every measure to implement and promote child rights to protect children from any form of discrimination. CRC also deals with broad range of issues including juvenile justice and also establishes provisions to monitor the compliance of each signatory country (UNCRC 1989).

The convention laid emphasis on the following four basic rights of children;

- Right to survival
- Right to development
- Right to protection
- Right to participation
Right to survival:
The right to survival ensures rights to every child to enjoy the highest standard of health and medical care. The convention states that the State Parties shall recognize inherent right to life of every child. It also ensures to the maximum extent possible the survival and development of every child. As per the convention, the state shall pursue full implementation of rights and shall;

- Take appropriate measures to diminish infant child and infant mortality.
- Ensure necessary medical assistance and health care for all children.
- Ensure appropriate prenatal and post natal care for mothers.
- Develop appropriate preventive health care, family planning education and guidance.

Right to development:

- Every child has the right to a standard of living adequate for his or her physical, mental, spiritual, moral and social development.
- It is the primary responsibility of parents to ensure the adequate standard of living. And, it is the state’s responsibility to oversee and ensure that this responsibility can be fulfilled.
- It is the states responsibility to ensure that primary education is free and compulsory. It encourages state, based on their capacity, to make arrangements for different forms of secondary education and improve access to higher education. And, education shall aim at developing child’s personality, talents, mental and physical abilities to the fullest extent. Also, the children of minorities and indigenous population have the right to enjoy their own culture and religion.

Right to protection

The State shall take appropriate legislative, administrative, social and educational measures to protect children from the following;

i. Any forms of maltreatment and abuse from parents and others.
ii. Economic and sexual exploitation.
iii. Substance abuse.
iv. Sale, trafficking and abduction.
v. Torture and deprivation of liberty.
vi. Armed conflicts.

- The State shall provide special protection for refugee children and children deprived from family environment. It will ensure that the children with disability also have the right to special care, protection and rehabilitation so that they can enjoy a full and decent life of dignity.

- With respect to adoption, the State shall encourage adoption for the best interest of the child and will develop systems for periodic review and evaluation of the placement.

Right to Participation:

- Participation of children is a relatively new concept introduced in this convention. It says that a child has a right to freedom of expression, freedom to seek, receive and impart any kind of information aimed at the promotion of their mental, physical, social and spiritual development.

- Besides, the children have right to meet with others, join and form associations. Also, they have right to enjoy leisure, play and participate in cultural and artistic activities.

Administration of Juvenile Justice
Special focus has been given on administration of Juvenile Justice System. It articulates that a child in conflict with law has the right to treatment that promotes the child’s sense of dignity and worth. It also guarantees the following to every child who is alleged as or accused of having infringed the penal law;
• To be presumed innocent until proven guilty according to law.
• To be informed promptly and directly of the charges against him or her and his guardian.
• To have legal and other assistance in preparation and presentation of his/her defence.
• To have matter determined without delay by a competent, independent and impartial authority of judicial body for fair hearing.

It also clarifies that a child cannot be compelled to give testimony, to confess guilty or to examine adverse witness. Privacy of the child should be fully respected at all stages of the proceedings (UNCRC, 1989).


The UN General Assembly adopted the Optional Protocol in May 2000. It came into force in January 2002. The article 34 & 35 of the Convention on the Rights of the Child states that governments should protect children from all forms of sexual exploitation and abuse. In addition, all possible measures must be taken to ensure that children are not abducted, sold or trafficked. The Convention’s Optional Protocol on the sale of children, child prostitution and child pornography supplements the Convention by providing States with detailed requirements to end the sexual exploitation and abuse of children. It also protects children from being sold for non-sexual purposes, such as other forms of forced labour, illegal adoption and organ donation.

The Protocol provides definitions for the offence of ‘sale of children’, ‘child prostitution’ and ‘child pornography’. It also creates obligations on governments to criminalize and punish the activities related to these offences. It requires punishment not only for those offering or delivering children for the purposes of sexual exploitation, transfer of organs or children for profit or forced labour, but also for anyone accepting the child for these activities.

The Protocol also protects the rights and interests of victimized children. All governments must provide legal and other support services to such children.
This obligation includes any considerations for the best interest of the child in any interactions with the criminal justice system. Children must also be supported with necessary medical, psychological, logistical and financial support to aid their rehabilitation and reintegration. As a complement to the Convention on the Rights of the Child, interpretation of the Optional Protocol’s text must always be guided by the principles of non-discrimination, priority in the best interest of the children and participation of children.

‘The Standard Minimum Rules for the Administration of Juvenile Justice’ is also an important Child Rights instrument which set the international standard for dealing with Juvenile Offenders. It expresses that efforts shall be made by all the countries to establish a set of laws, rules and provisions specifically applicable to juvenile offenders in each national jurisdiction. It also emphasizes to establish institutions and bodies entrusted with the functions of the administration of juvenile justice. The treaty also indicates that the juvenile justice system shall accentuate on the well-being of the juvenile. The system must ensure that any reaction to juvenile offenders should always be in proportion to the circumstances of both the offenders and the offence. It also clarifies that appropriate discretion should be allowed at all stages of proceedings and at the different levels of juvenile justice administration, keeping in view the special need of the juveniles as well as the variety of measures available. Appropriate scope for discretion should be allowed during investigation, prosecution, adjudication and the follow-up of dispositions (The Standard Minimum Rules for the Administration of Juvenile Justice, 1985).

Section 2.2

Approaches of different countries to promote Child Rights

The children’s rights movement promotes legal protections and safeguards for children, distinct from those of adults. After each world war, international legal instruments increasingly included protection for children across the globe. All the signatories of CRC treaty amended their own legislations according to their available resources to adhere to the universal set of standards set forth in
the convention. Most of the developed countries and international agencies have adopted different approaches to promote child rights through local governmental and non-governmental organizations.

This section tries to compare and contrast how children are treated among the different continents which have profound impact on the younger generations. An effort has been made in this section to glimpse through the approaches adopted by different countries to promote rights of children. Out of 177 countries, 6 countries, as listed below, among the top 30 were selected for review based on the Human Development Index (HDI, 2006). The Human Development Index (HDI, 2006) is a comparative measure of life expectancy, literacy, education, and standard of living for countries worldwide. It is a standard means of measuring well-being, especially child welfare. It is used to determine and indicate whether a country is a developed, developing, or underdeveloped and also to measure the impact of economic policies on quality of life.

<table>
<thead>
<tr>
<th>Region</th>
<th>Country</th>
<th>HDI ranking</th>
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<tbody>
<tr>
<td>Europe</td>
<td>Norway</td>
<td>1</td>
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<td></td>
<td>Sweden</td>
<td>5</td>
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<td></td>
<td>United Kingdom</td>
<td>18</td>
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<tr>
<td>North America</td>
<td>Canada</td>
<td>6</td>
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<tr>
<td>Asia</td>
<td>Japan</td>
<td>7</td>
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<tr>
<td>Oceania</td>
<td>Australia</td>
<td>3</td>
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(Source: Human Development Index 2006)

**Measures taken by Norway to promote child rights:**

Norway ratified the Convention on the Rights of the Child (CRC) in 1991. Similarly, the Optional Protocol (OP) on the sale of children, child prostitution, and child pornography were ratified in 2001, whereas the OP on the involvement of children in armed conflict was adopted in 2003 (U.S. Department of State, February 25, 2000). The committee evaluated the State’s progress on implementing the CRC in 2005 and noted that Norway had been one of the most active State parties in creating and implementing the CRC. The country’s outstanding commitment to foreign aid and development (0.9 percent
GDP) and the universal implementation of the CRC was acknowledged. It was also highlighted that certain legislative standards are higher than the CRC. The Government of Norway has not yet passed any separate legislation for children. All legislations were being harmonized with the CRC. An Independent Children's Ombudsman Office, within the Ministry of Children and Families, assures the protection of children law and its practice.

In Norway, there is a focal point for children’s rights and there are other staff members available who specialize in children’s rights (Save the Children, UK, 2003). Norway was working from a rights based approach that welcomed child participation. These issues are strongly monitored by municipal corporations and other local authorities. The government shows high level of commitment for children's rights and welfare. It has amply funded systems of education and medical care. The government provides free education for the children through the post secondary level. Education is compulsory up to the 10th grade and most children stay in school at least until the age of 18 years. It was found that there was no difference in the treatment of girls and boys in education or health care services. Besides, the key areas of intervention were education, health & nutrition, early childhood development & care, birth registration & civil rights, HIV/AIDS, child labour, trafficking & sexual abuse of children, and children affected by armed conflict. Due to abuse or neglect of various degrees, 23,500 children (2.1 percent of children up to the age of 17) were assisted by welfare services in 1998. The level of assistance ranged from protective custody, extra financial help, or simply guidance & support for their parents (Country Reports on Human Rights Practices, Norway, 1999).

The Government examines all key aspects of the Norwegian legal and administrative system that are relevant to the protection of human rights in Norway. There are a large number of administrative, legislative, economic and educational measures that are implemented to improve the human rights situation in Norway. This applies particularly to matters related to the development of legislation, administrative procedures and control mechanisms, such as courts and ombud schemes. The Government also examines the way in which information on human rights is disseminated in schools and other
relevant sectors. The Plan of Action is developed to implement several measures for increasing the level of knowledge in these key areas. In the view of the Government, it is also important that research forms part of the basis for building knowledge and expertise on human rights (Country Reports on Human Rights Practices, Norway 1999).

**Approaches of Sweden:**
Children and children’s rights have formed an integral part of Swedish development policy for a number of years. In early 1990s, Sweden led the issue by focusing on the incorporation of issues related to the children in national development policies. At the multilateral level, the Swedish government works closely with UNICEF and was one of the major donors. It also had strong involvement with NGOs, particularly Save the Children, Sweden. Sweden also published a number of documents dealing specifically with child development and also carried out number of studies to find out how children and their rights can be incorporated into the development policies. At the same time, it was surprising to note that children and children’s rights were not mentioned in some of the official documents concerning Swedish development policy. There was specific focus on the girl child, both from a mainstreaming perspective (all activities should be built on a non-discriminatory perspective) and in terms of a number of special actions towards girls. An evaluation of Sweden’s policy towards children was undertaken by the Swedish Government in 2001, which resulted to the development of a programme containing 10 action points to continue the integration of a children’s rights perspective into development policy: Unlike other developed countries, Sweden had begun to explore and implement a child rights approach, which explicitly recognized children as rights holder and States as duty-bearers, putting the fulfilment of children’s rights, as set out in the UNCRC, at the very core of development cooperation (Save the Children, 2003).

**Approaches of United Kingdom:**
Realizing the paramount responsibility of child welfare, the Government of UK constituted Child Protection Unit (CPU) in different zones. Interagency groups with different social service departments were created and Metropolitan Police Service (MPS) joined with the group to provide encounter measures to ensure
safe environment for most vulnerable children. Prevention of abuse was kept high on the agenda of MPS. Standard professional procedure were identified, undertaken and documented by CPU. This initiative by the UK police broke the widely held perception that child protection was not in the priority of ‘real police work’ (Timmins Maria, Norfolk Constabulary, Child Protection Unit, 2007).

Primary role of the child protection unit was to make London a safer place for the children. It states that basic rights established by Human Rights Act, 1998 need to be considered in every case and the same applies equally to all children and adults. The Government of UK established a new operational command unit welding with 25 Child Protection Teams, 4 major investigation teams, and the paedophile unit. Partnership with other agencies was developed and guidelines were prepared. MPS joined with other agencies to provide countermeasures to ensure safe environment for the most vulnerable citizen. The Internet Task Force for Child Protection was established to make the UK the best and safest place in the world for children to use the Internet, and to help protect children all over the world from abuse fuelled by criminal misuse of new technologies (The London Child Protection Procedures, LSCB, 3rd Education, 2007).

Approaches of Canada:
The Canadian government demonstrated its commitment to children’s rights and welfare through well-funded systems of public education and medical care. Education was made free through grade 13 and was compulsory through the age of 15 or 16 years, depending on the province. The UN Children’s Fund reported that 100 percent of elementary-age children attended school and high school was the highest level completed by most children. Federal and provincial regulations protect children from abuse, overwork, and discrimination. It also penalizes perpetrators of such offences. As a Canadian priority, the key element in efforts to improve human security was to strengthen respect for children’s rights, particularly by eliminating exploitative child labour, sexual exploitation and the widespread use of child soldiers and their victimization in armed conflict. At the multilateral and bilateral levels, Canada was working in partnership with developing countries to protect children, strengthen their
rights and assist victims of the sex trade (Bureau of Democracy, Human Rights, and Labour, Canada, 2007).

Canada adopted various child centred strategies to promote child rights and to make Canada fit for children. Besides, a numbers of child care and child centered family justice strategies, it funded community-based coalitions that established programmes and delivered services to meet the developmental needs of children living in risky conditions. Long-term studies were undertaken by Canadian government to track children’s development and well-being from birth to early adulthood. Understanding the Early Years (UEY) was a national initiative that provided communities with information to enable them to make informed decisions about the best policies and most appropriate programmes for families with young children. In partnership with provinces and territories, Canada’s Social Housing Programmes provide assistance to some 639,000 social housing units that benefit lower-income Canadians, including families with children, youth, people with disabilities, seniors and aboriginal people. Canada launched the three-year National Homelessness Initiatives, Residential Rehabilitation Assistance Programmes and Shelter Enhancement Programme to help prevent and alleviate homelessness in Canada. This included the Supporting Communities Partnership Initiative (SCPI) that provides funding for local community groups to offer supportive services and facilities for the homeless. Funding for a range of existing federal programs was increased to address the needs of particularly vulnerable and/or over-represented groups within the homeless population, namely youth-at-risk, aboriginal people and victims of violence (Human Resources and Skills Development, Canada, A Canada Fit for Children, 2004).

In 1994, the UN Commission on Human Rights was concerned that international trafficking in children, sex tourism and child pornography were increasing. It created a working group to draft an optional protocol to the Convention on the Rights of the Child. Canada being a member of the said working group, it advocated and consolidated efforts to protect children in Canada as well as in other countries. Canada signed the Optional Protocol on November 10, 2001, indicating it would ratify the Optional Protocol at the earliest opportunity. Besides ratifying the Optional Protocol, the Government of Canada was further
protecting children from people who possess, produce or distribute child pornography and from other forms of sexual exploitation by increasing the severity of punishment of the guilty. It has also created a new offence of sexual exploitation to better protect young person’s less than 18 years of age against those who would prey on their vulnerability. (Human Resources and Skills Development, Canada, A Canada Fit for Children, 2004).

Criminal Code amendments were introduced in other provinces and it was probably for the first time that all the provinces agreed to a common issue that required national legal consistency (Optional Protocol to the Convention on the Rights of the Child, Canada, 2000).

Approaches of Japan:
The first basic law having to do with children and their welfare was the Child Welfare Law (Jido Fukushi Ho), enacted in 1947. According to this law, “children” were defined as young persons under the age of 18 years. Japan was a signatory of many international conventions which focused to protect the rights of children. There are various domestic laws and schemes to promote children’s well-being, for example, all of the children in Japan were covered by health care insurance and families with small children, which did not have a high income, were entitled to receive an allowance from the government. The local government supported by providing health and education services to the pregnant women, mothers and infants. Besides, the schools conducted health examinations of all students. In Japan, the parents were obliged to have their children attend primary and secondary schools for nine years. The government provides this mandatory education free of charge. There are three sub-categories: infants of less than one year of age, children aged one year or more who have not yet entered elementary school; and children from elementary-school age through the age of 17 years. To ensure compliance with the laws, there are provisions which punish acts that harm children, both in special laws and in the Criminal Code. There is a juvenile justice system which was separated from the normal criminal justice system. In accordance with the Child Welfare Law, each of Japan’s 47 prefectures operates several child guidance centers. Each of these centers employs a child welfare worker specialized in children’s issues. They provide consultation on all sorts of
matters concerning children in the areas under each center’s jurisdiction. They make systematic inquiries and decisions from a specialist’s viewpoint, give necessary guidance to children’s guardians, and authorize arrangements for the temporary custody, if necessary. Such arrangements were made in close consultation with welfare offices and health centers. The city, town, and village governments employed commissioned child welfare volunteers to work closely with the child welfare workers and certified social workers, so that they could gain understanding of the living environment of the children, and new mothers requiring assistance. The public facilities for the special care of children include homes for infants, day nurseries, and hospital homes for children with severe mental and physical disabilities. The Child Welfare Law underwent large-scale revisions in 1997 to respond to changes in the living environment of children during the last 50 years. In last five decades, the social scenario of Japan has changed a lot, whereby both husbands and wives started to work to maintain the family income. The trend toward nuclear families stunted the fertility rate among women to 1.23 in 2003, which resulted in decrease in the number of children. The revisions in the Child Welfare Laws enacted with emphasize of going beyond the concepts of protection and emergency relief to address the issue of supporting children in ways that will help them become socially, spiritually, and economically self-reliant by the time they grow as young adults. The revised law directed to establish support centers for households with children that require services of the child guidance centers and could benefit from advice and guidance for proper care of the children. The functions of these facilities changed from the former custodial care to “self reliance” centers. “Homes for fatherless families” renamed as “livelihood support facilities for mothers and children”. These centers provide support to single-mother households, necessary measures, along with livelihood support. The Child Welfare Law, a 10-year agenda, officially named Basic Orientations to Assist Child-Raising and colloquially known as the Angel Plan, was jointly put together in 1995 by the Education, Health and Welfare, Labor, and Construction Ministries. The plan aims to build an environment that makes it possible for women to feel confident that they can raise children while holding jobs. Among the various measures promoted were the expansion of the capacity of day nurseries, extended hours of day nurseries, and a large increase in the number of child-rearing support centers throughout Japan. In 1999, this
plan was revised to create the New Angel Plan, which covers the 2000 to 2004 period with the provisions of promoting improvements in the corporate work environment. Now, the prevention of child abuse has become an increasingly prominent issue, with the number of reported cases growing rapidly in the past decade. The Child Abuse Prevention Law went into effect in 2000 and was revised in 2004. This revision expanded the criteria under which people were obligated to make a report to a child guidance center, and it clarified the authority of center personnel to make on-site investigations.

The Juvenile Law adopts special measures with respect to the criminal cases of juveniles. For the criminal cases of juveniles, who are under 20 years of age, the Juvenile Law was applied, instead of the Criminal Procedure Law. The Family Court has primary jurisdiction over such cases. Children under 14 years of age, however, were handled primarily by the child guidance centre, as provided by the Child Welfare Law, when they have committed acts, which, if committed by a person aged 14 years or over, would constitute a crime. These children under fourteen years old come under the jurisdiction of the family court only and in such cases the governor of the prefecture or the chief of the child guidance centre refers them to the family court (Umenda Sayuri, Law Library of Congress, August 2007).

**Approaches of Australia:**

Children hold special place in Australian society and Government has committed high levels of effort and resources to ensure rights of children. Australian Government ratified all significant international treaties that impact on children’s rights. Government has created a separate Ministry for Children and Youth Affairs to ensure an integrated government approach across the spectrum of Federal Government policies and programs for children. A new Federal Department of Family and Community Services have also been created in recognition of the need for leadership in issues relating to children and families. The rights and protection of children are governed by both Federal and State and territory laws.

Australian Government also defines children as individuals below the age of 18 years. Government recognizes children’s access to free and compulsory
education and right to access health care via Australia’s universal health insurance Programme. The age between which children must be educated varies across jurisdictions but is generally between the ages of 5 to 16 years. All jurisdictions have launched additional programs to encourage children and young person to seek medical care. It recognizes that children may be able to give consent to medical procedures where they are either over a statutory age (14 to 16 depending upon the jurisdiction), or, of sufficient maturity that they are able to comprehend the procedure and give informed consent.

Under the auspices of the Hague Convention, Government of Australia has amended its family law in respect to parental responsibility and measures for the protection of the “best interests of the child” is the court’s paramount consideration when making orders regarding parenting, location and recovery orders. In some jurisdictions children’s rights and the child’s right to participate in decision making have been specifically incorporated into legislation. In determining family law matters the Family Court considers the wishes of a child when determining what is “in the best interests of the child.

Children below the age of 10 years are unable to be charged with a criminal offence and children between the ages of 10 to 14 years have a refutable presumption that they are incapable of forming the necessary criminal intent for an offence.

When it comes to joining the armed forces, Australia does not allow children below the age of 17 years to volunteer to join.

Criminal laws are governed by both Federal and State and Territory law and recognizes the following acts as offence against children:

- trafficking (domestic or international) of children
- slavery
- sexual servitude,
- Supply drugs (or other controlled substances) to children or to children for the purposes of trafficking,
- Expose children (below the age of 14 years) to the unlawful manufacture of drugs or to use a carriage service to possess, control, produce and supply.
- Obtain child pornography or child abuse material;
- Use a carriage service to procure or groom a child (below the age of 16 years).
- Forcibly transfer (i.e. by threats or coercion) children
- Conscript or enlist children below the age of 15 years in war

To stop offence against children, government has amended strict punishment and penalty for the offender which varies from 7 to 25 years.

The standard age for criminal responsibility in all Australian jurisdictions is 10 years of age. For children between the ages of 10 to 14 years there is a refutable presumption that they are incapable of forming the criminal intent necessary to be guilty of a crime. There are separate laws, procedures and courts for children. Any statement, confession, admission, or information made by a child to police without the presence of their guardian, lawyer, or other responsible adult is presumptively not admissible as evidence unless the court is satisfied about the reason for the absence of the adult. Australian Government takes every step to rectify and rehabilitate child offender through alternative proceedings and any act is not considered as offence until Court has explained to the child the nature of any allegations made against the child. To maintain confidentiality, criminal proceedings against a child are not open to the public and names are suppressed from publication. Generally, convictions of children of summary offences below the age of 16 years are not recorded and the court has discretion whether or not to record convictions (Lisa White, Children’s Rights Australia, Law Library of Congress, August 2007).

**Approaches of other countries:**
The Maekong sub-region countries have mostly included articles regulating penalties for violation of children’s rights and have amended the articles over time to appropriately respond to current situations. Countries like Vietnam and Thailand have long history of having laws and regulations to promote and protect children’s rights. In line with various international conventions, and
declarations, the plans of action have been ratified, adapted, applied and enforced in different countries in the sub-region (Secure Care, Save The Children, 1999-2001).

Thailand has ratified The 1996 Prevention and Suppression of Prostitution Act, the 1997 Prevention and Suppression of Trafficking in Women and Children Act, the 1969 Immigration Act and empowered law enforcement bodies to implement National Legislation Relating to Child Labour (SEAMEO Secretariat, June 2000). Lao PDR ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Convention on the Right of Child. Domestic laws together with the 1991 National Constitution, the Penal Code, Labour Law, and Civil Codes, have firmly placed children’s and women’s rights into the first comprehensive legal framework in the nation’s history. The Government also signed the Declaration and Plan of Action of the World Summit for Children in 1991. Subsequently, the National Commission for Mothers and Children (NMC) was established to draw up the first National Programme of Action for the Children (NPA).

Myanmar has ratified many conventions in relation to protect children from being abused. Subsequently the Government has promulgated domestic legislations to follow the ratification. The Child Law, 1993 contains many provisions to protect children from exploitation, abuse, sale, etc., in order to ensure a full scale of child’s development. The Penal Code, 1860 refers to offences against children such as procurement of girls, importation of girls from or to overseas, selling or buying of minors for purpose of prostitution. Under The Suppression of Prostitution Act, 1949 prostitution was discouraged and soliciting in public was considered a crime (SEAMEO Secretariat, June 2000).

In 1992, Cambodia signed the UN-Convention on the Rights of the child reflecting the increased concern of the government in child welfare issues. Article 31, of the Constitution of Cambodia adopted in 1993 that explicitly stated that ‘the government shall recognize and respect human rights as stipulated in the United Nation charter, the universal declaration of human rights, and the convenience and conventions related to human rights, women's and children's right. Unlike any other states, it has also adopted law on
Suppression of the Kidnapping and Trafficking/Sales of Human Persons and Exploitation of Human Persons. The new labour code has also set the minimum age of admission to employment at 15 years (article 177). It is further stated that minors, whatever their sex, below the age of 18 and still under the responsibility of their parents or guardians cannot engage in any type of work or contract without their prior approval (article 181).

Like many other countries and sub regions, SAARC regions have also amended different legislations to adhere to the universal standard set forth in CRC. Nepal also ratified the UN Convention on the Rights of the Child. In fact, it was among the first batch of nations to ratify this convention to protect and safeguard children's rights. The ratification of the Convention was followed by the adoption of the first children's law in the country - Child's Act which was enforced in 1992. The “Children's Act, 1992” defines, “Child” means every human being below the age of 16 years. It says, children below 10 years of age are not subject to any legal punishment and are pardoned for their acts against the law as they are innocent. But, in the case of children between ages of 14 to 16 years, they are subject to partial or half of the punishment to the adult criminals. Similarly, several articles were amended in The Labour Act, 1992, Nepal Citizenship Act, 1963, and Civil Code (Muluki Ain), 1963, to protect the best interest of children (Gauri Pradhan, 2002).

Much of the legislations dealing with juvenile justice in the SAARC region are inadequate and inappropriate. It conforms to outdated concepts that criminalize poverty by making vagrancy, begging, and truancy, with harsh sentences for petty theft, substance abuse and CSE which particularly affect street children. Furthermore, there is often confusion in juvenile justice systems between children in conflict with the law and children ‘in need of care and protection’. Hence, a street child was liable to be arrested simply for being on the street without having committed any offence. It was essential that children in conflict with the law, rehabilitation should be the focus instead of punishment. Efforts are also necessary to narrow the existing gaps between different qualifying ages for juvenile offences in different countries. The laws of the land work in the best interest of the child. Juvenile laws, systems and personnel should be ensured to be child-friendly. Thus, they have proposed to
review or draft new child-friendly juvenile laws using participatory processes (including children), which will ensure transparency to the children while undertaking the process to enact a law. It was also emphasized to ensure minimum involvement of uniformed law enforcement officers in the administration of juvenile justice. Instead, probation officers, trained social workers and senior citizens should be given the responsibility for the same. (UNESCO, Bangkok, 2003).

Existing Child Protection Mechanisms in India:

India is the signatory of a number of international treaties pertaining to children and ratified the UN convention on Child Rights in the year 1992. In 2005, The Government of India accepted the two Optional Protocols to the UN CRC, addressing the involvement of children in armed conflict, child prostitution and child pornography. To promote child rights within the country, various legislations, polices and schemes were amended to recognize children’s right as they were adopted in the convention. The Juvenile Justice (Care and Protection of Children) Act, 2000, is one of the legislative measures that adopted after the ratification of CRC and gave a new direction to the juvenile justice system of the country. A separate Ministry for Women and Child Development was formed in the year 2006 to emphasize the work on child welfare. A draft scheme on Integrated Child Protection was prepared (as on August 17th 2006) to address the issue holistically. Further, a draft Bill of the new ‘Offences Against Children’ Act was drawn up by the Women and Child Development Department, under the Ministry of Human Resource Development in the year 2006 to eliminate the violence against children. Special focus was given on child protection issues in the year 2006. As a result, Government of India included the Protection Rights of children within the framework of Millennium Development Goals which India committed to achieve by 2015.

The following section briefly describes the key features of the constitution, legislative measures, schemes and policies adopted by the Government of India to ensure the rights of the children. It will help us to understand the socio-legal scenario of the country in the preview of the child rights.
The Constitution of India:

The Constitution of India recognizes the vulnerable position of children and their right to protection. Following the doctrine of protective discrimination, it guarantees in Article 15 special attention to children through necessary and special laws and policies that safeguard their rights. The right to equality, protection of life and personal liberty and the right against exploitation are enshrined in Articles 14, 15, 15(3), 19(1) (a), 21, 21(A), 23, 24, 39(e) 39(f) and reiterate India’s commitment to the protection, safety, security and well-being of all its people, including children. The Fundamental Rights and Directive Principles of the Indian Constitution provide the framework for child rights. Several laws and national policies have been framed to implement the commitment to child rights.

National policies

The major policies and legislations formulated in the country to ensure child rights and improvement in their status include:

- National Policy for Children, 1974
- National Policy on Education, 1986
- National Policy on Child Labour, 1987
- National Nutrition Policy, 1993
- National Health Policy, 2002
- National Charter for Children, 2004
- National Plan of Action for Children, 2005

Among these policies two recent policies which have had major impact on the country are:
National Charter for Children, 2004

Underlying the National Charter for Children 2004, was the intent to secure for every child the right to a healthy and happy childhood, to address the root causes that negate the healthy growth and development of children, and to awaken the conscience of the community in the wider social context to protect children from all forms of abuse, while strengthening the family, society and the nation. This Charter has the following sections on child protection:

- Survival, life and liberty;
- Protection from economic exploitation and all forms of abuse;
- Protection of the girl child;
- Care, protection, welfare of children of marginalized and disadvantaged communities;

National Plan of Action for Children (NPAC), 2005

The policy was formulated by the Department of Women and Children in the year 2005. It gives emphasis on the following basic principles:

- To regard the child as an asset and a person with human rights.
- To address issues of discrimination emanating from biases of gender, class, caste, race, religion and legal status in order to ensure equality.
- To accord utmost priority to the most disadvantaged, poorest of the poor and the least served child in all policy and programme interventions.
- To recognize the diverse stages and settings of childhood, and to address the needs of each, provisions were made to entitle children so that their rights and needs can be met in each situation.

The Action Plan aims at ensuring rights of all children up to the age of 18 years. It affirms the government’s commitment towards ensuring all measures for the survival, growth, development and protection of all children. It also aims at creating an enabling environment to ensure protection of child rights. All the states are encouraged to formulate State Plans of Action for Children in line with NPAC (National Plan of Action for Children, 2005).
Some of the important legislations adopted by Indian Government are as under:

**National legislations**

- Guardian and Wards Act, 1890
- The Child Marriage Restraint Act, 1929
- Factories Act ,1954
- Hindu Adoption and Maintenance Act, 1956
- Probation of Offenders Act, 1958
- Bombay Prevention of Begging Act, 1959
- Orphanages and Other Charitable Homes (Supervision and Control) Act, 1960
- Bonded Labour System (Abolition) Act, 1976
- Immoral Traffic Prevention Act, 1986
- Child Labour (Prohibition and Regulation) Act, 1986
- Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1987
- Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994
- Persons with Disabilities (Equal Protection of Rights and Full Participation) Act, 2000
- Juvenile Justice (Care and Protection of Children) Act, 2000
- Commission for Protection of the Rights of the Child Act, 2005
- Prohibition of Child Marriage Act 2006

The existing mechanisms for child protection in India primarily flow the provisions under the Juvenile Justice (Care and Protection of Children) Act, 2000 and National Plan of Action for Children 2005. Different ministry and departments address the child protection issues. Some of the schemes adopted by the Indian Government are as follows:

**Programme for Juvenile Justice:** This programme has been designed for children in need of care and protection and children in conflict with law. The Government of India provides financial assistance to the State Governments/UT
Administrations to run institutional support systems for children in need of care and protection and juveniles in conflict with law.

**CHILDLINE Service:** It is a 24 hours national toll free emergency out reach support services for the children with distress. Under these schemes children are provided with emergency referral services that includes rescue from abuse shelter, medical services, shelter, counselling and repatriation.

**An Integrated Programme for Street Children:** Under this scheme, NGOs are supported to run 24 hours drop in shelters for the children with no family ties.

**Shishu Greh Scheme:** This is the scheme for care and protection of orphans/abandoned/destitute infants or children up to 6 years and promotes in-country adoption for rehabilitating them.

**Rajiv Gandhi National Crèche Scheme** for the Children of Working Mothers in the age group of 0-6 years. The scheme provides for comprehensive day-care services to the children of working mothers.

**Scheme for Working with Children in Need of Care and Protection** for children working as domestic help, at roadside hotels, mechanic shops, etc.: The scheme provides bridge education and vocational training to help children to come into the mainstream of life.

**National Child Labour Project (NCLP)** for the rehabilitation of child labour and which has been designed to rehabilitate child labour through educational and vocational support services.

Besides, Government has also formed separate Ministry of Women and Child Development and adopted various institutional support services to rescue and rehabilitate women and adolescent girls who are victim of sexual abuse and trafficking.
**Integrated Child Protection Scheme (ICPS):**

The Government of India in collaboration with other civil society organizations drafted the first Integrated Child Protection Scheme for the country to reduce the vulnerability of children and to promote a child safety net in the society by adopting a community based protection mechanism. The “Integrated Child Protection Scheme” (ICPS) aims to promote the best interests of the child and prevent violations of child rights through appropriate punitive measure against perpetrators of abuse. The proposed ICPS brings together multiple vertical schemes under one comprehensive child protection programme and integrates interventions for protecting children within the community set up through integration of child protection with other community based schemes. It puts emphasis to enhance the professional standard of the child protection services through improved infrastructural support, capacity building initiatives and monitoring mechanisms. It has also laid emphasis on crisis management systems through improved Intersectoral linkages and networking and for rescue and rehabilitation of children in crisis (ICPS), draft, 2006.

**Juvenile Justice (Care and Protection of Children) Act 2000:**

The Juvenile Justice Act of 1986 is the first central legislation on Juvenile Justice was passed in 1986, by the Union Parliament for providing a uniform law on juvenile justice for the entire country. Prior to this law each state had its own enactment on juvenile justice with there being differences in the ways juveniles were treated by different state legal systems. The first uniform law on juvenile justice however did not result in any dramatic improvement in the treatment of juveniles. The Juvenile Justice (Care and Protection of Children) Act was enacted by Government of India in 2000, which gave a new dimension to the whole Juvenile Justice system of the country. An amendment bill was passed in 2006 to plug its loopholes.

Most of the acts now provide significance to the treatment, care, protection and developmental needs of children by adopting a child friendly approach in the adjudication and disposition of the matters for the best interest of the children. Focus has also been given on voice of children towards identification
and solution of their own problems. The Act also redefined children as an individual below the age of 18 years. It categorizes children as

- Children in need of care and Protection.
- Children in conflict with law.

Special emphasis has been given to protect the children from being abused by administration and justice authorities. Also emphasis was laid in the act to clarify the role and responsibilities of police. It instructs to set up special police unit to deal with child related cases in each police station.

Role of Police:-

- As soon as child in conflict with law is apprehended by police, the child shall be placed under Juvenile Police Unit or designated Child Welfare Officer.
- The police should inform the parents or guardian of Juvenile and the probation officer on such arrest.
- Prior to the production of the child before Juvenile Justice Board, the child may be placed under safe place within the police station (not in lock up) or in place of safety.
- The special Juvenile Police Unit or designated Child Welfare Officer shall produce the child before Magistrate or any member of the board within 24 hours.
- In case of delay, details of the reasons to be recorded in police diary or general diary.
- In case any voluntary organization takes the child to the board they shall also inform the concerned police station.

The act also encourages children in need of care and protection to produce themselves before the Juvenile committee in case violation of their basic rights. To protect children from being abused during trial, the act emphasized that no juvenile shall be jointly charged with or jointly tried for any offence together with a person who is not a juvenile. The report regarding juvenile cases shall not be disclosed in any newspaper, magazine, or in any visual media regarding the inquiry, name and address of the child. Penalty extended to Rs.1000/- will be imposed on the person who will be disclosing the matter to any form.
The act also introduced the concept of shelter home for street or children in need of care and protection. Shelter home is a short stay home or drop in centre for children with minimum facilities of boarding, lodging, food, care and nutrition and other basic needs.

The act also states that child can be rehabilitated or reintegrated into the mainstream society by:-

- Adoption
- Foster Care
- After Care Organization

After the amendment of Juvenile Justice Act 2000, the Ministry of Home Affairs, Govt. of India constituted a committee to draft the Police Act which was supposed to be implemented from the year 2007. The Act has defined its role and functions; powers and activities of police personnel according to their designation. It emphasized on empowering police constabulary and outlined policing patterns. The act has emphasized to improve the working and living conditions of police personnel and providing training for attitudinal change. It has redefined its administration and made police force accountable to their deeds/misdeeds. According to this act, every police station should have a Women and Child Protection Desk, staffed by women personnel. A prominent display of all the information required should be made public under the Right to Information Act. As per the Supreme Court guidelines, details of the persons arrested and held in lock-ups should be displayed.

The Police Act, 2006, has been amended after the amendment of Juvenile Justice Act, 2000. But still, no effort has been made to match the police system with the Juvenile Justice (Care and Protection) Act, 2000. Thus, gaps in implementation of Juvenile Justice Administration will remain until Government made any effort to combine these two acts.

The Juvenile Justice (Care and Protection) Act, 2000, provides significance on treatment, care, protection and developmental needs of children by adopting a child friendly approach in the adjudication and disposition of the matters for
the best interest of the children. Focus has also been given on voice of children towards identification and solution of their own problems. But no effort has been made in the Police Act to incorporate this section

Special emphasis has been made in the Juvenile Justice (Care and Protection) Act, 2000, to clarify the role and responsibilities of police. It recommends setting up of special police unit to deal with child related cases in each police station. The roles and responsibilities of police personnel designed to implement Juvenile Justice (Care and Protection) Act, 2000, has not been included in the Police Act. The JJ Act emphasizes to adopt child friendly approach in the adjudication and disposition of the matters for the best interest of the children. No guidelines have been designed to define the approach within the role of police personnel.

Analyzing these acts, it was felt that Government is still apathetic to implement Juvenile Justice System to ensure rights of children.

Section 2.3

Violence Against Children
A Global Picture

Despite of new promises and universal ratification of the convention on the rights of the child, it was widely disregarded. Though no violence against children is justifiable, but it exists in every country of the world, cutting across culture, class, education, income and ethnic origin. In every region, in contradiction to human rights obligations and children’s developmental needs, violence against children is socially approved, and is frequently legal and State-authorized.

Many countries have failed to muster the political will to fulfil their legal obligations towards children. Countless children continue to suffer violence resulting in physical injury, psychological trauma, and even death. Children are subject to arbitrary detention and abuse by police. Children in correctional or
other institutions are beaten or tortured by staff; others are victims of arbitrary executions. In many cases, the failure of law enforcement bodies to promptly and effectively investigate and prosecute cases of abuses allows these incidents to continue. The following statistics will help us to understand the range and scale of the problem:

- WHO estimated that 53000 children died as a result of homicide and the incident was high among the age group of 15 years to 17 years (WHO, 2006).
- 80-90 percent children suffer from third or more severe type of physical punishment in their home. (WHO, 2006).
- Estimated 150 million girls and 70 millions boys under 18 have experienced sexual intercourse and other forms of physical violence. (United Nations, 2005).
- UNICEF estimates 3 million girls and women undergone some form of female genital mutilation and cutting in Sub-Saharan Africa, Egypt and Sudan. WHO estimates between 100 to 140 million women undergone some form of female genital mutilation and cutting worldwide (UNICEF, 2005).
- ILO estimates that 126 million children out of 218 child labourers in 2004 are engaged in hazardous work (ILO, 2006).
- Estimate from year 2000 reflects that 1.8 million children were engaged in prostitution and 5.7 million in forced or bonded labours (ILO, 2006).
- The ILO estimated the number of child workers as 44 million, while some NGO estimates show it as 55 million (ILO, 2006).
- It is estimated that in India, Twenty percent of all children under 14 working as domestic labour (BBC news, 1st August 2006).
- According to ILO and UNICEF study (2000) children working in domestic service in other people’s home in all developing regions of the world- Indonesia nearby 700,000, half a million in Brazil, 300,000 in Bangladesh and more than quarter million in Philippines, Haiti and Pakistan, 100,000 in Kenya, Peru and Sri Lanka (ILO, 2006).
- The Global School-Based Student Health Survey carried out in developing countries reports that between 20 to 65 percent school aged children reported having been verbally and physically bullied in school. The
situation was prevalent in industrialized countries as well. (Global Initiative to end all corporal punishment of children, 2006).

Settings where violence occur:

The United Nation’s 2006 World Report on violence against children found that children and youth experience violence in five different settings: at home; in the workplace; in the community; in schools or educational training; and in institutions such as in children’s homes, prisons and detention centres.

Family and home:

Though the UN convention ensures the legal and other protective measures before and after the birth against the family member and primary groups for ensuring protection of children against maltreatment, but violence within family set up was found commonly. Eliminating and responding to violence against children within family set up is perhaps the most challenging as it is considered as the most private and personal affairs. In most situation violence against children within family is not very fatal but physical abuse, emotional neglect, rejection, insult are some common forms of abuse perpetrated by family members as a disciplinary measures have detrimental effect to child’s development and well-being. Also, due to imbalance in sex ratio and cultural practices, girls are more vulnerable to abuse than boys within family settings (WHO, 2006).

An overview of studies in 21 countries reflects that 7.36 percent of women and 3.29 percentage of male reported sexual abuse within family during their childhood. Majority of the studies found that girls are 1.5 to 3 times more abused than boys within family circle (WHO, 2006). A study conducted by WHO reflected that 21 percent of women reported to have been sexually abused before the age of 15 years. Some cultural and traditional practices also forced children to be abused within the family that includes genital mutilation, forced marriage, emotional neglect, etc. According to WHO report, 82 million girls force to marry before 18 years worldwide and they in turn face high risk of physical and sexual violence in their in-law’s family (D. Finkelhor, 2005).
School and educational settings:

Though violence against children in schools was not expected but children are also exposed to violence in educational settings. Although, it is not approved by educational authorities, various forms of abuse including corporal punishment, humiliating forms of punishment, sexual and gender biased violence have been reported in most of the countries (United Nations General Assembly, 2006). The Global Initiative to End All Corporal Punishment of Children reports that 102 countries have banned corporal punishment but enforcement was still uneven. Violence was also increasingly directed against lesbian, gay, bisexual and transgender young people in many countries (Global Initiative to end all corporal punishment of children, 2006).

Care and Justice System:

Worldwide 8 million children are in residential care, of which many are charged with petty crime. First time offenders are kept with other severe types of delinquent children and often with hard core adult criminals. In many countries children were also detained because of truancy, vagrancy or homelessness. It was not uncommon to find that children in detentions were also subjected to various forms of corporal punishment and were at risk of physical sexual abuse by staff. It was also shocking to find that there were 77 countries which accepted corporal and other violent punishments as a part of legal disciplinary measure. Violence against Child In Conflict With Law was identified as particularly widespread. Besides, violence in detention during pre-trial and post-trial was prevalent in all most all the countries. Physical and sexual violence and harassment against children by adult detainees, by staff/guards and by peers have also been reported in most of the countries. Arbitrary and prolonged detention, poor detention conditions, physical torture including use of disciplinary measures as part of sentencing, ECT treatment and prolonged use of drugs were also found in some detention centres of a few countries. And most of these types of incidents were not recorded or disclosed (Global Initiative to end all corporal punishment of children, 2006).
Violence in work place:

Though most of the countries have signed and ratified legislations to prohibit child labour but it was still commonly found in most of the countries. Children were forced to work as child labourers in the primary sector and secondary sectors. Pitiful and exploitative working conditions, excessive hours of work, physical abuse, hazardous work and unsafe working conditions were some of the special characteristics of the working conditions of children. In work places, violence was commonly inflicted by employers, co-workers, clients and customers. Sexual exploitation by criminal gangs and other workers have also been reported. Besides, child domestic workers were totally banned in many countries but still they were the world's invisible workers. They were made to stay alone in individual households, hidden from public scrutiny and their lives were controlled by their employers. Trapped between four walls, millions of children were toiling night and day as domestic servants in the homes of wealthier families (WHO, 2005). It was estimated that 1 million children are engaged in child pornography every year. In addition, bonded labour, child trafficking, kidnapping and other sexual violence were rampant in this sector (ILO, 2002).

The study report published by UN in the General Assembly of the year 2006 reflects that violence against children takes a variety of forms and it is influenced by a wide range of factors, from the personal characteristics of the victim and perpetrator to their cultural and physical environments. But much violence against children remains hidden, unreported and underreported for many reasons. Fear and stigma are among the few reasons. In many cases children and parents were afraid to report incidents of violence against them, if the perpetrator was from their own family or a powerful member of the society. Violence was also invisible because there were no safe or trusted ways for children or adults to report it. In some parts of the world, people do not trust police, social services or other authorities, particularly rural areas, where the accessibility was almost impossible. Even in many cases, reports were not recorded in a complete, transparent and consistent ways (UN, 2005).
Perception of children towards police system:

As the representative of the law and order machinery, police play a very important role to safeguard the rights of children. Police was the first contact point in the whole justice machinery. In this section, the researcher has attempted to reflect the perception of children towards police. The fundamental problem of any law enforcement administration depends upon how the implementation plan was tailored to meet the demand of the community. Most of the research studies have reported that minorities have less favourable views towards police. But much of the research studies indicates that the perception of children towards police influenced by a number of variable that includes race, socio-economic status and type of environment where the child resides (Benedict Wim, Reed and Brown Ben, 2004)

Several studies have been conducted internationally based on sub cultural theories to know the attitude of children and young people towards authority figures which includes perception of children towards parents, teachers and police. Most of these studies were conducted with the school going children. The study conducted by Terry Nihart, Kim Michell Lersch, Christine S. Sellers and Tom Mieczkowski (2005) reveals that youth have generally positive attitude towards parents and teachers but indifferent attitude towards police. The youth who reported more positive feeling towards parents and teachers have also reported positive feeling towards police. It also reveals that perception towards police depends upon lots of variables including age, gender, academic performance, social class, race, contact with police and likelihood of being caught or picked up by police. Feeling became more negative as the age of the children increased and the girls have reported more positive views than boys as because girls were less involved in delinquent activities as compared to the boys.

In another study, Amorso and Ware (1983) found a positive correlation between attitude towards parents and police. But they discovered that attitude towards police are more positive than attitude towards teachers.
Violence against children in India:

The first National Study on Child Abuse was conducted in 2008 to cover 13 states with a sample size of 12,446 children by Minister for Women and Child Development. The study reported that 53 percent of children faced some kind of abuse. The study found that boys were as much at risk as girls. The “disturbing” fact was that 70 percent of the children never reported the abuse. Compared to those in the age group 13-18, younger children (5-12 years) faced higher levels of abuse. According to the study, states like Andhra Pradesh, Assam, Bihar and Delhi reported high levels of abuse. An alarming trend revealed by the study was that the highest percentages of abusers were known people, friends and family, thereby dispelling the long-held notion of “safe families”. In case of sexual abuse, more than half the child respondents (53.22%) reported of facing one or more forms of sexual abuse, either in the form of sexual assault or some kind of sexual advances. Almost 21 percent respondents admitted to severe forms of sexual abuse - fondling of private parts, exhibiting private parts or being photographed nude. Of these, 6 percent reported to have been sexually assaulted.

Across different ages, the severest form of sexual abuse victims turned out to be children in the age group 11-16 while instances declined between age 16-18 years. About 73 percent of sexual abuse victims were in the age group of 11-18 years. And 69 percent of children said they had faced physical abuse by way of beating, burning, kicking or had been harmed otherwise. Almost 65 percent of physical abuse victims were children in the age group 5-12 years. Almost, half the children in the country have suffered emotional abuse in the form of verbal, mental abuse or some kind of humiliation like girl-child neglect. In this case too, the largest victims of emotional abuse (47%) were children in the age group of 5-12 years. The study also highlighted that among different types of child groups, child in family, school children, child labourers, street children and children in institutional care, child labourers and street children were most vulnerable to sexual abuse. According to the study, about 62 percent of children at work and about 55 percent of street children faced some sort of sexual abuse (Ministry of Women and Child Development Government of India, 2007).
Section 2.4

Street Children - A Global Scenario

Street children who spend most of the time outside the institutional set up were more vulnerable than other children. The hostile environment contributes more to the potential violation of CRC. And street children were more vulnerable in respect to CRC because they were further exposed to extreme poverty and particular vulnerability to the following: violence (Art. 19), disease (Art. 24), discrimination (Art. 2), sexual abuse and exploitation (Art. 34, 32), substance abuse (Art. 33), emotional deprivation (Art. 19, 31), exploitative and harmful child labour (Art. 32), denial of rights within the juvenile justice system (Art. 37, 40), arbitrary execution (Art. 6), torture (Art. 37), lack of access to education (Art. 28, 29) and healthcare (Art. 24) and lack of identity documents (Art. 7)(UN Convention on the Rights of the Child, 1989).

There were lots of differences among the national and international agencies about the definition of street children but today the phenomenon of “street children” was universally accepted. A few decades ago, children wandering on the streets were identified by their occupation or by what they did to survive. “Rag pickers”, “vendors”, “shoe-shine boys”, “porters”, etc., were termed as street children. Today with increasing awareness among governmental and international agencies, “street children” are seen as an especially vulnerable group worthy of special interest, attention and intervention. The term “Street Children” in a very narrow sense may suggest children such as those popularly known as ‘rag pickers’ in India, ‘parking boys’ in Kenya, ‘Peggy boys’ in the Philippines, ‘pivetes’ in Brazil, ‘pajaro frutero’ in Peru and ‘homeless youth’ or ‘runaways’ in some developed countries Agrawal (1999) and UNICEF (1988), describes all children who spends, live and earn their livelihood from the street as “Children in Especially Difficult Circumstances” (CEDC). According to the definition of UNICEF, street children can be defined under these three broad heads: - Street-Living, Street-Working and Street-Family.
**Street Living Children:** Children who cut ties with their families and live alone on the streets.

**Street Working Children:** Children who spend all their time or most of their time working on the streets to provide income for their families or for themselves. These children have a home to return to and do not usually sleep on the streets.

**Children of Street Living Families:** children who live with their family on the streets.

Many studies tried to categories street children into different groups but found it to be difficult to differentiate. In the section below, efforts are made to understand the socio-economic profile and violence occurred against children who live with their families on the streets.

**Socio-economic profile of children living on streets:**

Although there was no official statistics available to know the numbers of street children but still it was estimated that there are 150 million street children worldwide. This phenomenon is often attributed to multiple factors including economic stagnation, unequal distribution of wealth, lack of welfare and social services, AIDS, and civil war, natural disasters, unplanned rural urban migration. The study conducted in Aracaju, a city in Brazil indicates a clear gender imbalance in street children: It suggested that boys became independent from an earlier age and that girls were taught to cope with poverty while staying at home. Families of street children had a median of six family members and lived in a low cost housing on the outskirts of the main cities. Most houses had basic facilities as piped water and electricity but limited sanitary facilities. Majority of the families were single parent families, of which 46 percent were single female headed and 7 percent were single male headed households. Of the total, only 40 percent biological fathers lived with the family. Most parents were unemployed or earn low wage. Though illiteracy is a major problem among street kids but the study report shows that the enrolment rate in education was higher among younger street children (S Abdelgalil, R G Gurgel, S Theobald and L E Cuevas, 2004).
A Rapid Assessment Study carried out in Cairo and Alexandria also found similar type of situation of street families. It reflected that the average family size of the street families was 5.94 and it ranges between 2 to 11 people at maximum. Demographic origin showed that most (88%) of the families were from urban areas and only 12 percent of the families have been migrated from rural areas. This study also shows that most of the children (62%) have dysfunctional families due to divorce, separation, imprisonment, death and sickness of parents or both. Because of the accessibility, the enrolment in primary schools were quite high (70%) among street kids. But it was reported that the dropout rate was also high, where as only Thirty percent have never been to school. It was highlighted in the report that because of the abuse, neglect, exploitation within and outside the family and peer pressure, children left their families and preferred to stay alone on the streets (UNODCCP, Rapid Assessment Study, 1999).

Violence against street children:

The CRC sets out a framework for protection that emphasizes the family and community to bear the main responsibility for caring of children (Art. 5, 18). The role of the state was to support and enable families and communities to fulfil this role. However, it was an unfortunate fact that in many cases families and communities were not protective and nurturing.

Both the study in Brazil and RAS in Cairo and Alexandria showed that children living on the streets were forced to engage in economic activities from very early age to contribute to their family income. Children were also found to work as beggars, garage mechanics, hawkers, fruit sellers, rag pickers, recycling factories and as prostitutes. Another study conducted in Aracaju, identified mothers of most of the street children started working since their early adolescence; some were as young as 7 years, and by the age of 14 nearly all were working. Some girls were under pressure to work as sex workers and followed their mothers’ and aunts’ activities and received clients at home. The prevalence of adolescent pregnancy was also high, and Fifty four percent had
had at least one child by 17 years of age (S Abdelgalil, R G Gurgel, S Theobald and L E Cuevas, 2004).

Together with the high rate of family disintegration, children reported physical abuse as a major factor for pushing them away from home. It was highlighted in the RAS report that the prevalence of abuse was 82 percent and neglect was 62 percent, which were the major contributing factors to push children on the streets. Parental drug and alcohol use among the fathers and stepfathers was considered precipitating factors for family disruption. Children also frequently used drugs, and said that drugs were easily obtained within the neighbourhood. Most parents reported that street life was dangerous with a high risk of death. Some parents had been street children themselves and were aware of the dangers, often worrying about drugs, accidents, and murder. Parental fear for girls was mainly for rape and sexual harassment. But none of the parents perceived the negative impact of the street life could affect their children’s psychological development, recreation, education, or school performance. In the background report of world of street children almost same situation was depicted. It described the problems faced by street children under three broad heads- Physical problems, psychosocial problems and social problems. Under physical problems, emphasis was laid on the lack of adequate nutrition, and homelessness. Besides, children living on the streets were exposed to lots of psycho-social problems that includes stressful past, transitory lifestyle which force them to use psychoactive substances to sometimes unlearn behaviours. This, in turn, leads to medical problems, an increase in the probability of accidents, violence and unprotected sex. Over time, it could lead to complications such as brain and liver damage and HIV / AIDS infections. Children living on the streets were also deprived from, resources and opportunities. Moreover, exploitation within and outside the family and stigmatization in the society push them to added difficulties (UNODCCP, Rapid Assessment Study, 1999).

The UN Commission on Human Rights reported that the street children came from the poorest section of the society, and it was this initial socio-economic disadvantage that results into lack of protection, and made them so vulnerable to violence. The vast majority of street-living children were victims of domestic
violence, and/or sexual and psychological abuse. Sexual abuse and exploitation of street children was common experience amongst boys and girls. However, street girls were the most vulnerable children in the world. Domestic violence, sexual abuse, neglect and rejection were some of the factors which pushed girls to violence and extreme vulnerability. Girls were particularly vulnerable to sexual violence. Because of their 'non-normative' sexual activity like sexual involvement with multiple partners, 'survival' sex in exchange for food, shelter and protection, and the difficulty in drawing boundaries between sexual abuse and commercial sexual exploitation, they suffer a perceived loss of rights over their bodies. This leads to manifestation of 'otherness' or dehumanization. Violence was also prevalent in gang culture. It was used to maintain discipline and assert authority within the hierarchy of the gang as well as taking the form of inter-gang violence. Violence can also be related to substance abuse. Involvement in the drug trade (often linked to gangs) carried a high risk of violence both against children and by children. Younger street children were involved as couriers and then become increasingly involved in the business of drug trafficking, as they get older. The average life expectancy of gang members in Rio was about 29 years (UNODCCP, Rapid Assessment Study, 1999).

UN Commission on Human Rights also reported that street Children were particularly vulnerable to violence within juvenile justice systems. They were more likely to come into contact with the juvenile justice system in the first place, and were less able to defend themselves against violations of their rights within that system. Children were often detained by police without sufficient cause, and then subjected to brutal interrogations and torture in order to elicit confessions or information. Once placed in juvenile and criminal correctional institutions, children were frequently mistreated and abused, enduring severe corporal punishment, torture, forced labor, denial of food, isolation, restraints, sexual assaults, and harassment. In many instances, children were also detained with adults, leaving them at increased risk of physical and sexual abuse (Consortium for Street Children, April 2001)
Delinquency among street children and Justice System:

In article 40, CRC articulates the minimum standard of Juvenile Justice System to be administered by all the signatories. It says that a child was presumed innocent until proven guilty according to law. Child in conflict with law has the right to treatment that promotes the child’s sense of dignity and worth. The child and his guardian had the right to be informed of the charges against him or her and have the right to legal and other assistance in preparation and presentation of his/her defence. It also says that a child cannot be compelled to give testimony or to confess guilty, to examine adverse witness (UNCRC, 1989).

Looking at international perspective of juvenile crime, the policies of other countries provides some perspective on criminal justice. An international study of 15 countries - Australia, Austria, Belgium, Denmark, England and Wales, France, Germany, Hungary, Italy, Japan, Netherlands, New Zealand, Russia, Sweden, and Switzerland, notes that all have special provisions for young criminals in their justice systems, although some (such as Denmark, Russia, and Sweden) have no special courts for juveniles (Nicolas MC Bala and Joseph P. Harnick, 2001).

Research studies and case studies documented by different international, national agencies and individuals reflect that street children were denied of the right to treatment by the justice authorities. Further, there were reports and case studies from few countries, which indicate that street children were abused by the justice system itself. Added to this, the exposure to poor environment, street children get involved in delinquent activities from an early age. The Rapid Situational Analysis report demonstrates that 17,228 children were exposed to delinquent activities in Egypt in 5 years. Most of these children (86%) were involved in violence, which represented a major feature of their everyday life. And unfortunately, most of these street children were at risk of violence by the authorities. Children on the street were beaten, tortured, sexually assaulted, and sometimes killed. Several factors contribute to this phenomenon; like perceptions of police towards street children as vagrants and criminals, widespread corruption and a culture of police violence, the inadequacy and non-implementation of legal safeguards, and the level of
impunity that officials enjoy. These street children were easy targets, as they are young, often with short stature, poor, ignorant of their rights, and generally without any responsible adult guardian to look after them. Police also have financial incentives to resort to violence against children. They beat children for their money or demand payment for protection, to avoid false charges, or to release from (often illegal) custody (UNODCCP, Rapid Assessment Study, 1999).

It is well known fact that children, who were abused in the past, later became the perpetrator of abuse. In Mongolia, 50 percent of such street children turned to actually committing offence. A research conducted in Mongolia showed that children were being exploited sexually and were forced to work as labour as a result of intolerable home conditions. Within this context, it was estimated that 50 percent of street children were abused, and many of these children have turned to petty crime, which constitutes the majority of offences committed by youth in Mongolia (Civil Society Forum for east and South East Asia on Promoting and Protecting Rights of Street Children, 2003).

In the Philippines, 80.9 percent of children experienced some form of abuse and exploitation prior to their commissioning of the offence, mostly petty crimes. Unsupervised children were often confused with juvenile offenders due to the lack of services, poor coordination between police and social workers and lack of proper documentation. In some countries, street children were at risk of being picked up by the police and placed in custody because they were regarded as 'unsupervised children' and the police cell became a sort of 'temporary shelter'. (Marianne Murdoch-Verwijs Lim, 1990) In East and South East Asia, it was reported that street children face inhumane and degrading treatment, torture and abuse from police and other inmates. They were detained for lengthy periods of time before trials. All these countries reported that limits set by the law was almost never respected. Over 50 percent of accused children were detained at the pre-trial stage. Once the children came in contact with justice system they were often treated as criminals and/or as adults. (Civil Society Forum for east and South East Asia on Promoting and Protecting Rights of Street Children, 2003).
The street children in Bulgaria were deprived of their basic rights and it was mostly by the police, the very people who were responsible to protect them. Human Rights Watch in Bulgaria reported that street children were often subjected to physical abuse and other mistreatment by the police, both on the street and in police lock-ups, and by skinhead gangs, who brutally attack the children because of their Roma (Gypsy) ethnic identity. Whereas, police often harass and abuse the children because they perceive them to be criminals. Once detained by the police, children became victim to gross procedural inadequacies in the juvenile justice system of Bulgaria (Human Rights Watch, Children of Bulgaria, 2005).

Verbal and physical abuse from the community and the police were some of the most common problems the street children face in their every day life in Kenya as well. The police make arbitrary arrests of children for various reasons: loitering, carrying illegal weapons, refusing to give in to sexual demands, or being rude to police officers. Once in police custody, the harassment of these children continues and sometimes worsens. Abuse ranges from being insulted, beaten, kicked, and detained, to sexual abuse and rape. The detention centre was often so crowded that there was no separate cell for adults and children. The food served to these children was neither sufficient nor hygienic, and there was only one bucket as a toilet for everybody. At the police station, children were beaten badly and sometimes forced to make a false statement for a crime. Many children reported that they were scared of police because they have heard from many other children, who had gone through very bad experiences while they were detained. Children were held in remand homes or detention centres before receiving a trial. If they are subsequently found guilty they are sent to rehabilitation centres. Conditions at the remand homes were as bad as the police cells. But at the prison or borstal, the situation was far worse. In some cases, children were put together in the adult prison due to lack of space, or because they were assumed to be adults by the judge. There were reports of children being handcuffed to beds, stripped naked and beaten up. Sometimes children were not allowed to eat, or their food was withheld as a form of punishment. They were often subject to sexual abuse or sodomy by the guards or older youths (UN Office for the Humanitarian Affairs, 2007).
Thousands of children living in Guatemala’s streets faced routine beatings, thefts and sexual assaults by the National Police and private security guards. During a Human Rights Watch investigation in year 1996, nearly every child reported of assaults by police. These assaults occurred on busy streets of the city during the days, on quiet streets in the middle of the nights, in alleys and deserted areas, and in police stations. Often, common people on the street or other police officers witness such episodes. Children reported that the police bothered them almost every single day. They hit children and even steal their money, shoes, jackets and other belongings. If denied to give them what they want, they beat or arrest children arbitrarily. Girls on the street were additionally vulnerable to sexual attacks. A 16 years old girl reported of being raped by two police officers while a third kept the watch. The officers threatened to put her in prison for having marijuana if she made any noise. Like her, this has happened to many other girls living on the streets. (Human Rights Watch, New York, 1997)

Compared to other countries in SAARC region, Nepal has less number of children in conflict with the law. A few incidents highlighted in CWIN’s (Child Workers in Nepal) report would help us to understand the perception of justice system towards street children and the administration of Juvenile justice system in Nepal. In the first week of August 1997, a group of 15 street based working children were arrested from the airport area and they were tried at the District Court instead of juvenile justice court. They were also sent to the Central Prison instead of any children’s home. The children in the age group 10-15 were arrested on charge of creating public nuisance and prosecuted under the Public Nuisance Act. Their offence warranted a penalty of up to Rs. 2,500 and failing to pay so, they were imprisoned for at least 6 months. The children were just rounded up while working or walking on the street and were accused of creating nuisance in public place. After the arrest, they were kept in the custody for five days before they were sent to the Central Jail, where the seasoned adult criminals are kept. It was learnt that most of the imprisoned children migrated from the rural areas and did not have contact with their families. Only few children, whose parents/guardians resided in Kathmandu and periodically visited them. Of the total, 3 children were lucky to get free when their parents were able to pay for the bail. But for the rest,
either homeless or runaways, who made a meagre living by rag picking or begging, were not able to pay the bail. As a result, they were languishing in prison along with the adult criminals (Gauri Pradhan, Juvenile Justice in Nepal, 2005).

Thus, we can conclude that street children were more likely to come into (actual or perceived) conflict with the law in the first place and in addition to that they were not sufficiently capable to defend themselves against violations of their rights once they fall into the trap. Usually, the street children came from the poorest section of the society and, from indigenous minority and/or low caste ethnic groups. These factors add up to a pattern of multiple handicaps which have serious implications for children’s treatment in law, prison and in their access to justice. As victims of a society that criminalizes poverty with harsh sentences for petty (often ‘survival’) theft and amorphous ‘vagrancy’ laws. These street children were often at the mercy of state authorities, and unfortunately the same responsible officials contribute to the state’s failure to protect and care for one of its most vulnerable group of citizens.

**Street children-The Indian Scenario**

Until 1993, the term “street child” was not used in the “Official Vocabulary” of post-independence India. Under pressure from the International agencies, NGO’s and social activists, the Government of India agreed to set up a “Scheme for Assistance to Street Children” under Ministry of Welfare, which was launched in February of 1993. The National Policy for Children established in 1974 emphasizes the provision of equal opportunities for the development to all children during their growing years. Policy stresses Programmes to maintain, educate, and train destitute children and orphans. Policy was also designed to protect children against neglect, cruelty, and exploitation, but it was practically only on the paper. There was absolutely no legislature that specifies the term “Street Children” in the judiciary of India. The laws applicable under the Juvenile Justice (Care and Protection of Children) Act, 2000, relate quite strongly to the care of and rights of street children in general, without mentioning them in any specific terms, and were found at a national level without proper mechanism to implement and change the condition of the
children in real life. In fact, many police officers/constables in the field do not know about the details of the Act. It was a well known fact that the street children constitute a marginalized group in most societies. But, India had the largest population of street children in the world. At least eighteen million children live or work on the streets of urban India, labouring as porters at bus or railway terminals; as mechanics in informal auto-repair shops; as vendors of food, tea, or handmade articles; as street tailors; or as rag pickers, picking through garbage and selling usable materials to local buyers.

UNICEF’s estimate of 11 million street children in India in 1994 was considered to be conservative. It was estimated 100,000 - 125,000 street children each in Mumbai, Kolkata and Delhi, with 45,000 in Bangalore. (Civil Society Forum for South Asia, 2001) Centre for communication and development studies also estimated that in urban areas alone there were 11 million children on the streets. Of them 420,000 street children live in the six metropolitan cities of the country. And a fraction of the total i.e. 24,000 received some services under the Scheme for Welfare of Street Children. It is estimated that in India, 90 percent of street children were working children with regular family ties who live with their families, but were on the streets due to poverty and their parents' unemployment. The remaining 10 percent are either working children with few family ties and considered the streets as their homes or they were abandoned and neglected children with no family ties (J Health Manag, 1994)

Unfortunately, the harsh environment in which they dwell and their lifestyle, make the street children vulnerable to abuse. This threatens their mental, physical, social and spiritual health. Most of these children use alcohol and other drugs. Due to their experiences, they view health and social services with suspicion. Some aspects of street life such as extreme mobility, low knowledge of HIV, recreational sex, lack of adequate responsible adult protection and supervision compound the vulnerability of street children (Consortium for Street Children and Violence, 2001).

Unlike in many other countries, exploitation and abuse against children were also found to be a common phenomenon in India. With little or no protection and guidance from adults, street children were highly vulnerable to exploitation by adults. Living in unhygienic conditions, suffering from
malnutrition, and lacking the basic amenities of safe drinking water, electricity, and sanitation, these children were at greater risk for poor health than their rural counterparts (Bhavnagri & Vaswani, 1999). Although findings were not consistent, the reports indicate that street children have twice as many health problems, including developmental delays, depression, anxiety, behaviour problems, and social incompetence, when compared to other urban children (Rafferty & Shinn, 1991). As Le Roux and Smith (1998) noted, street children and children in labour were a reflection of broader systemic economical issues. Perceived as marginalized on one hand and as refugees on the other, these children were the subject of both pity and contempt. Given the enormity and complexity of the problem, it was a formidable challenge for India. The street children were often suspicious of adults, whom they view as responsible for their condition or as abusers.

UN Commission on Human Rights reported that street children come from the poorest sectors of society, and it was this initial socio-economic disadvantage, and the resulting lack of protection, that renders them to be so vulnerable to violence. Violence against street children in the public arena, to examine violence in the private arena was common and notoriously difficult area for human rights protection. The vast majority of street-living children were victims of domestic violence, sexual and psychological abuse. Sexual abuse and exploitation of street children was common amongst boys and girls. However, street girls were amongst the most vulnerable children in the world. Domestic violence, sexual abuse, neglect and rejection were just some of the factors pushing girls to extreme vulnerability. Girls were particularly vulnerable to sexual violence.

UN Commission on Human Rights also reported street children were particularly vulnerable to violence within juvenile justice systems. They were more likely to come into contact with the juvenile justice system in the first place, and they are simultaneously less able to defend themselves against violations of their rights within that system. Children were often detained by police without sufficient cause, and then subject to brutal interrogations and torture in order to elicit confessions or information. Once placed in juvenile and criminal correctional institutions, children are frequently mistreated and abused,
enduring severe corporal punishment, torture, forced labour, denial of food, isolation, restraints, sexual assaults, and harassment. In many instances, children are detained with adults, leaving them at increased risk of physical and sexual abuse (UN Commission on Human Rights, Street Children and Violence, 2001).

Human Rights Watch conducted a survey in India during February and March 1995 and December and January 1995-96. Human Rights Watch spoke with more than one hundred street children, as well as representatives of non-governmental organizations, social workers, human rights activists, human rights lawyers, and other individuals who worked with street children in metro cities of India. Of the one hundred children interviewed, sixty complained of police abuse in the form of detentions, beatings, extortion, or verbal abuse. All the children reported to be afraid of the police. Street children risk violence at the hands of the authorities much more frequently than other children. Children on the street were beaten, tortured, sexually assaulted, and sometimes killed. Several factors contribute to this phenomenon: perception of police that street children are vagrants and criminals, widespread corruption and a culture of police violence, the inadequacy and non-implementation of legal safeguards, and the level of impunity that officials enjoy. Street children were easy targets because they are young, often small, poor, ignorant of their rights, and frequently do not have responsible adults to look out for them. Police also have financial incentives to resort to violence against children. They beat children for their money or demand payment for protection, to avoid false charges, or for release from (often illegal) custody (Human Rights Watch, Children's Rights India, 2007)

**Conclusion:**

However, it seems from the reviews that a change was taking place in the socio-legal systems of the world. Despite of all the national and international instruments, the situations of street children was still the same in all developing and under developed countries of the world. They were physically, mentally and sexually exploited within and outside their families. Forced labour, slavery, kidnapping, child trafficking were some of the crime perpetrated very frequently against children. It was very unfortunate that in
many circumstances the judiciary systems also played the role of enabler in this whole gamete. They don’t access the judiciary system because of fear and ignorance. Many times the representatives of the law enforcement bodies also act as the perpetrators of abuse. Therefore this study was an attempt to identify types of abuse perpetrated against children within and outside their families, their self protection mechanism, perception towards law and order machineries and their opinion towards a child friendly police system and its procedure. Information was also collected from their parents regarding perception towards child abuse and opinion towards creating child friendly law and order systems and its procedure.