

Guwahati Charter of Action on Child Protection

1. We, the representatives of the State Commissions for Protection of Child Rights, assembled at the Interactive Meeting in Guwahati, Assam on 3 March 2015, reaffirm our obligation to monitor the States' fulfillment of obligations under the Juvenile Justice (Care and Protection of Children) Act, 2000 and Rules, the Protection of Children from Sexual Offences Act & Rules, 2012, and the Right of Children to Free and Compulsory Education Act, 2009 and Rules. Towards this end, we commit to develop monitoring indicators and monitoring systems, in collaboration with each other and with the assistance of experts on child protection. Reliance will also be placed on the monitoring guidelines on the POCSO Act issued by the National Commission for Protection of Child Rights.
2. We place on record our appreciation and applaud the award of the Nobel Peace Prize to Shri Kailash Satyarthi on 10th December 2014, child rights activist for his struggle against the suppression of children and young people.
3. We commit ourselves to collectively advocate for the immediate notification of State Rules in States in which this is pending as of date and also advocate for amendments to the Commissions for Protection of Child Rights, 2005 and State Rules with a view to promote the foundational, operational, functional and financial independence of all State Commissions for Protection of Child Rights and to strengthen the implementation of our mandate under sections 13,14, and 15 of the CPCR Act in true letter and spirit. We also agree to advocate for uniformity in status and terms of conditions of office-bearers of State Commissions.
4. We resolve to urge our respective State Governments to equip the Commission with necessary infrastructure, finances, and human resources required to discharge our mandate under the law and in order to establish dedicated cells to enable the efficient monitoring of the implementation of the Juvenile Justice (Care and Protection of Children) Act, 2000, Protection of Children from Sexual Offences Act and Rules, 2012, the Right of Children to Free and Compulsory Education Act, 2009, and any other Acts related to children.
5. We resolve to follow-up on the measures taken by the State Government to establish a Coordination and Action Group and frame a Plan of Action at the State and district level under the National Policy for Children, 2013.
6. We pledge to ensure that the rights of the most marginalized and invisible children namely migrant children, trafficked children, children in bonded labour, children in mines and quarries, sexually exploited children, children with disabilities, adolescents, children living with and affected by HIV/AIDS, children in conflict areas, children from socially excluded communities, such as those from the tea communities, children in red light areas, abandoned and surrendered children, children vulnerable to substance abuse, street children, children in conflict with the law, the girl child, and all children in need of care and protection under Section 2(d) of the Juvenile Justice (Care and Protection of Children) Act, 2000 are brought to the attention of relevant government agencies and non-government actors.



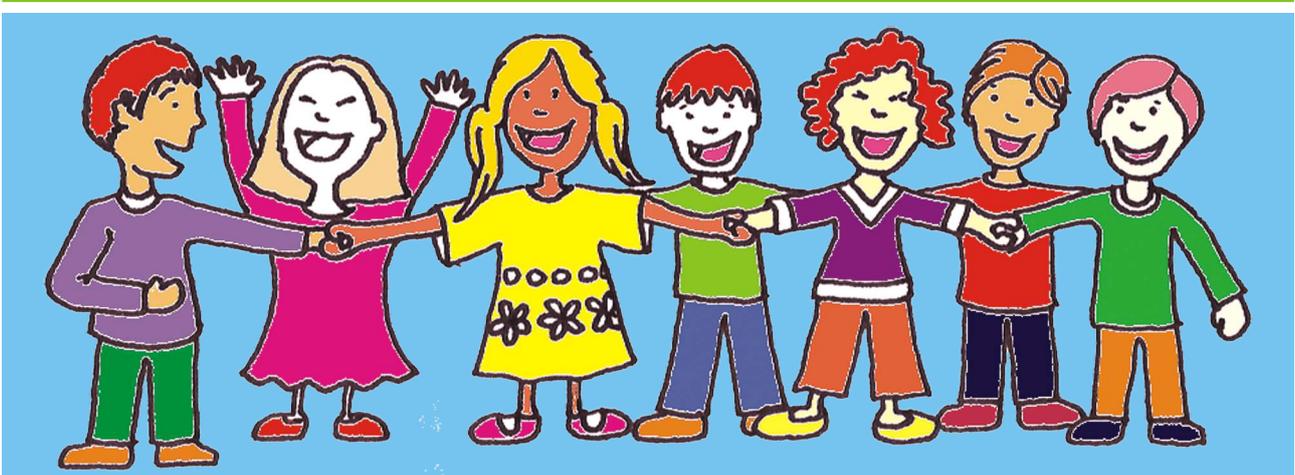
7. We recognize the strength of collective action and agree to periodically dialogue with the National Commission for Protection of Child Rights, State Commissions for Protection of Child Rights as well as other national and state human rights institutions to share good practices and effective methods of operation and to collaborate on issues of common concern.
8. We will continue to proactively engage with organizations and stakeholders at the national, state, and international levels, including children, civil society organisations, non-State actors, media, UN agencies, and others to strengthen and advance the framework on child protection within our respective States
9. We commit ourselves to monitor and encourage compliance of our respective State Governments with the following directions of the Hon'ble Supreme Court:
 - a) Directions dated 13.01.2015 in *Bachpan Bachao Andolan v. Union of India*, Writ Petition (Civil) No. 75 of 2012 related to tracing of missing children by the Central Government and State Governments.
 - b) Directions dated 12.10.2011 in *Sampurna Behrua v. Union of India*, Writ Petition (Civil) No. 473 of 2005 related to the establishment and training of Special Juvenile Police Units in every district and city.
10. We will continue to consult with experts in the field of child rights and other stakeholders including children to assess the effective implementation of the laws, policies and safeguards on child protection.
11. We commit to analyze the adequacy of budgets on child protection at the State level, particularly the utilization of the budget available under the Integrated Child Protection Scheme at the State and district levels and to make necessary recommendations.
12. We are aware that the *Report of the Independent Expert for the United Nations Study on Violence against Children, A/61/299* (29 August 2006) noted that violence against children is largely invisible yet significant in its scale, scope and underreporting, all of which are exacerbated by societal acceptance. Some forms of violence are rooted in discriminatory and unequal societal gender dynamics, and harmful practices. We commit ourselves to intensify education, research and awareness-raising activities among children, community, teachers, police, government departments, and all other stakeholders on child protection and to also modify the culture of acceptance of violence against children through educational measures.
13. We recognize the concluding observations of the Committee on the Rights of Child on India's third and fourth periodic report made on 7 July 2014 and commit ourselves to monitor the State Government's compliance with the recommendations, and in particular the:
 - a) Timely allocation of sufficient human, technical and financial resources for the effective operationalization of the National Policy For Children.
 - b) Adequacy of the budget allocation to all social sectors, in particular education, health and child protection at the State level.
 - c) Measures taken by the State Government to achieve the sex ratio target (950 girls to 1000 boys) in line with the 12 National Five-Year Development Plan.



- d) Safeguards to prevent female infanticide and abandonment of girls and sex-selective abortions.
 - e) Legal measures to prohibit corporal punishment of children under 18 years in all settings and educational measures taken to change the general altitude towards this practice.
 - f) Measures taken to promote awareness to prevent and combat child abuse, including physical, sexual and emotional abuse, taking into account the gender dimension. Also monitor measures taken to prevent and eliminate discrimination against children with disabilities.
 - g) Measures taken to address stigmatization of victims of sexual abuse and to put in place an effective reporting system that is accessible and child-friendly.
 - h) Measures taken to ensure the effective implementation of the Prohibition of Child Marriage Act, 2006.
 - i) Measures taken to raise awareness among children on how to access the 24-hour helpline, provide the necessary human, technical and financial resources for the effective functioning of the service and ensure feedback, including advice and counseling, information on referral services and rescue operations when necessary.
 - j) Measures taken to promote alternative care centres and relevant child protection services in order to facilitate quality rehabilitation and social re integration of children in institutions.
 - k) Protection provided to children in street situation,
 - l) Human, technical and financial resources provided to the Juvenile Justice Boards.
 - m) Designation of specialized judges for children who have received appropriate education and training.
 - n) Provision of qualified, independent, free or subsidized legal and other appropriate assistance to children in conflict with the law, at an early stage of the procedure and throughout the legal proceedings.
 - o) Promotion of alternative measures to detention, such as diversion, probation, mediation, counseling or community service, wherever necessary, and ensure that detention is used as a last resort and for the shortest possible period of time and that it is reviewed on a regular basis with a view to withdrawing it.
14. We recognize that the Protection of Children from Sexual Offences Act, 2012 binds the State Governments to establish Special Courts and appoint Special Public Prosecutors to promote child-friendly justice. We commit ourselves to advocate with our respective Governments to:
- a) Ensure the appointment of Special Public Prosecutors for conducting cases only under the Protection of Children from Sexual Offences Act, 2012 pursuant to their obligation under Section 32(1) of the Act.
 - b) Ensure that the provisions of the POCSO Act are given wide publicity and periodic trainings of all stakeholders are conducted.
 - c) Ensure that guidelines under Section 39, POCSO Act are framed in consultation with relevant stakeholders and duly implemented.



15. We pledge to encourage our respective Governments and High Courts to take effective measures to ensure that pre-trial and trial processes under the POCSO Act are conducted in a child-friendly manner, secondary victimization and exposure to the accused is avoided at all stages, identity of the child and the child's family is protected, and compensation is awarded and disbursed within the stipulate timeframe. We also agree to urge the State Legal Services Authority and the State Judicial Academy Lo sensitize the police, Public Prosecutors, judges, media and all other stakeholders on the POCSO Act and Rules.
16. We emphasize the need of counseling, aftercare and holistic rehabilitation of children in conflict with the law and children in need of care and protection in order to enable their social reintegration and rehabilitation.
17. We emphasize the need to promote child participation through *Bal Samvaads*, *Bal Sunwais*, and through the Children's Committees under the Juvenile Justice (Care and Protection of Children) Act, 2000.
18. We emphasize the need of the Stale Commissions for Protection of Child Rights to look into standardization of training modules for authorities and actors tasked with the implementation of laws relating to children.
19. We record our appreciation for the Two Hundred Sixty Fourth Report of the Department-related Parliament Standing Committee on Human Resource Development on The Juvenile Justice (Care and Protection of Children) Bill, 2014 and agree lo advocate for the right of all children in conflict with the law to be treated equally under the Juvenile Justice (Care and Protection of Children) Act, 2000. We reiterate that age and/or offence-based exclusions are incompatible with the Constitution of India, the United Nations Convention on the Rights of the Child, 1989 and international standards on juvenile justice.
20. We commit ourselves to develop in consultation with experts and stakeholders a child protection policy for adoption by all institutions related to children like schools, pre-schools, and day care-centres, etc.
21. We commit to meet annually to revisit this Charter.





Signed on the Third Day of March 2015 at Guwahati by:

S. Muralidhar Reddy
3-3-2015

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