

UN CRC	Accession Date	Care-Related Concluding Observations
	11 Dec 1992	<p><b>CRC/C/IND/CO/3-4</b>          13 June 2014</p> <p><a href="http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fIND%2fCO%2f3-4&amp;Lang=en">http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fIND%2fCO%2f3-4&amp;Lang=en</a></p> <p><b>II. Follow-up measures undertaken and progress achieved by the State party</b></p> <p>4. The Committee also notes with appreciation the ratification of:</p> <ul style="list-style-type: none"> <li>61. The Optional Protocol to the Convention on the Rights of the Child on the involvement of Children in Armed Conflict, in November 2005;</li> <li>62. The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, in August 2005;</li> <li>63. The Convention on the Rights of Persons with Disabilities in October 2007</li> </ul> <p><b>III. Main areas of concern and recommendations</b></p> <p><b>B. General principles (arts. 2, 3, 6 and 12 of the Convention)</b></p> <p><b>Respect for the views of the child</b></p> <ul style="list-style-type: none"> <li>64. The Committee welcomes the initiatives of the State party to increase children's participation such as the Child Reporters Initiative as well as its efforts to increase children's participation in civil proceedings affecting their rights and well-being. However, the Committee is concerned that children are generally not perceived as rights holders by society and that their participation in the public sphere and opportunities to have their voices heard in the family, schools, community and central level is insufficient.</li> <li>65. <b>In light of its general comment No. 12 (2009) on the right of the child to be heard, the Committee recommends that the State party take measures to strengthen this right in accordance with article</b></li> </ul>

		<p>12 of the Convention. The Committee further recommends that the State party:</p> <p>66. Take measures to ensure the effective implementation of legislation recognizing the right of the child to be heard in relevant legal proceedings, including by establishing systems and/or procedures for social workers and courts to comply with the principle;</p> <p>67. Conduct research to identify the issues that are most important to children, to hear their views on those issues, to find out how well their voices are heard in family decisions affecting their lives and the channels through which they currently and potentially can have the most influence on national and local decision-making;</p> <p>68. Develop toolkits for public consultation on national policy development to standardize such consultation at a high level of inclusiveness and participation, including consulting with children on issues that affect them; and</p> <p>69. Conduct programmes and awareness-raising activities to promote the meaningful and empowered participation of all children within the family, community and schools, including within student council bodies, with particular attention to girls and children in vulnerable situations and ensure regular assessment and evaluation of these programmes and activities.</p> <p><b>C. Civil rights and freedoms (arts. 7, 8, and 13-17)</b></p> <p><b>Right to identity</b></p> <p>70. The Committee is deeply concerned about the operation of Cradle Baby Reception Centres that allow for the anonymous abandonment of children in several regions of the State party, which is in violation of, inter alia, articles 6 to 9 and 19 of the Convention.</p> <p>71. The Committee urges the State party to take all necessary measures to end the practice of anonymous abandonment of children and to strengthen and promote alternatives as soon as possible. Furthermore, the Committee urges the State party to increase its efforts to address the root causes that lead to the abandonment of infants, including by providing family planning services and adequate counselling and social support for unplanned pregnancies and the prevention of abandonment due to gender or disability, or lack of acceptance of children born out of wedlock.</p>
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		<p>which is accessible and child-friendly.</p> <p><b>E. Family environment and alternative care (arts. 5, 9-11, 18 (paras. 1 and 2), 20-21, 25 and 27 (para. 4))</b></p> <p><b>Children deprived of a family environment</b></p> <p>87. While welcoming the National Early Childhood Care and Education Policy of 2013, which would enable parents to take better care of young children, the Committee is concerned that its implementation has not yet started. The Committee is further concerned about the lack of a national strategy and programs implemented to support parents and families to fulfil their child-rearing obligations and the lack of family counselling and parenting programs, which increase the risk of neglect, maltreatment and abuse of children within the family. The Committee notes the efforts of the State party to improve the alternative care system, but is concerned that institutionalization is still dominant in the State party instead of family-based care. The Committee is also concerned at:</p> <p>88. The lack of disaggregated data on children in need, on those provided with services and in different forms of alternative care, on support services for parents and kinship caregivers, on abandonment, neglect and abuse of children, and on measures adopted, other than legislation; and</p> <p>89. The lack of information on the assessment, selection, training, remuneration and supervision of foster parents and kinship caregivers, review procedures for children in care, as well as accreditation, minimum requirements for and supervision of children's homes, and a complaint mechanism for children in public care, including State and private, NGO or church run facilities.</p> <p><b>90. Recalling the United Nations Guidelines for the Alternative Care of Children (A/RES/64/142), the Committee emphasizes that financial and material poverty — or conditions directly attributable to it — should not be the sole justification for removing a child from parental care. The Committee recommends that the State party:</b></p> <p><b>91. Establish adequate support services for parents, as well as adopt and implement awareness-raising and training programmes on parenting skills, including on alternatives to corporal punishment;</b></p> <p><b>92. Support and facilitate family-based care for children wherever possible and establish a system of kinship care and foster care for children in alternative care, with a view to reducing the</b></p>
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		<p>institutionalization of children;</p> <p>93. Ensure adequate safeguards and clear criteria, based on the needs as well as best interests of the child, for determining whether a child should be placed in alternative care;</p> <p>94. Ensure independent and periodic review of the placement of children in foster care and institutions, and monitor the quality of care therein, including by providing accessible channels for reporting, monitoring and remedying maltreatment and abuse of children; and</p> <p>95. Ensure that adequate human, technical and financial resources are allocated to alternative care centres and relevant child protection services, in order to facilitate the quality of rehabilitation and social reintegration of children resident therein to the greatest extent possible.</p> <p><b>Adoption</b></p> <p>96. The Committee welcomes the adoption of the Guidelines Governing the Adoption of Children (2011). However, it is concerned that:</p> <p>97. Adoptions continue to take place informally in the State party and that there is no supervision of adoption procedures;</p> <p>98. Different pieces of legislation are in force with respect to adoption and that there are inconsistencies among them as well as legal loopholes in the Juvenile Justice (Care and Protection of Children) Amendment Act, 2006 with respect to the finalization of an adoption deed;</p> <p>99. Legislation with regard to adoption of children and families in general, regardless of the ethnic and religious affiliation, is absent; and</p> <p>100. Commercial use of surrogacy, which is not properly regulated, is widespread, leading to the sale of children and the violation of children's rights.</p> <p><b>101. The Committee recommends that the State party:</b></p> <p><b>102. Review its legislation on adoption with a view to harmonizing it in line with the Convention and with the Hague Convention on Protection of Children and Cooperation of Inter-country Adoption (1993);</b></p> <p><b>103. Ensure the effective implementation of the Guidelines Governing the Adoption of Children (2011), establish effective monitoring mechanisms and accreditation of all individuals and entities dealing with adoptions directly or as intermediaries, consider limiting their number, and ensure that domestic and inter-country adoption processes do not result in financial gains to any party;</b></p>
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		<p>party's approach to children with disabilities is mostly centred in the context of institutional care and medical treatment.</p> <p><b>62. In the light of article 23 of the Convention and of its general comment No. 9 (2006) on the rights of children with disabilities, the Committee urges the State party to adopt a human rights-based approach to disability and specifically recommends that it:</b></p> <p style="padding-left: 40px;"><b>(b) Allocate adequate human, technical and financial resources to support parents of children with disabilities with the aim to prevent the abandonment of these children;</b></p> <p><b>H. Special protection measures (arts. 22, 30, 32-33, 35-36, 37 (b)-(d), 38, 39 and 40)</b></p> <p><b>78. In line with its general comment No. 6 (2005) on the treatment of unaccompanied and separated children outside their country of origin, the Committee recommends that the State party:</b></p> <p style="padding-left: 40px;"><b>(a) Strengthen existing child protection systems, including the Integrated Child Protection Scheme (ICPS) with the aim to identify and provide assistance to children in need of protection, especially unaccompanied refugee and asylum seeking children;</b></p> <p style="padding-left: 40px;"><b>(c) Release asylum-seeking and refugee children in detention and grant them access to UNCHR; and ensure that unaccompanied and separated children, refugees and asylum-seeking children are not detained because of illegal entry/stay and grant them the right to seek asylum and to stay in the State party until the completion of asylum procedures;</b></p> <p><b>Children in street situations</b></p> <p><b>83.</b> The Committee notes that the Integrated Programme for Street Children benefited a number of children. However the Committee is deeply concerned at the limited impact of the programme given the large numbers of children in street situations in the State party and the fact that a number of those children are treated as criminal instead of being considered as victims.</p> <p><b>84. The Committee recommends that the State party:</b></p> <p style="padding-left: 40px;"><b>(a) Based on a systematic assessment of the situation of children in street situations, develop and implement, with the active involvement of the children themselves, a comprehensive policy which should address the root causes, in order to prevent and reduce this phenomenon;</b></p>
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		<p>(b) Avoid in all situations treating children in street situations as criminals;</p> <p>(c) In coordination with NGOs, provide children in street situations with the necessary protection, including a family environment, adequate health-care services, social services and the possibility to attend school, and allocate the necessary human and financial resources for these purposes; and</p> <p>(d) Support family reunification programmes, when that is in the best interests of the child.</p> <p><b>Sale, trafficking and abduction</b></p> <p>85. The Committee notes the adoption of the comprehensive Scheme for 'Prevention of Trafficking, and Rescue, Rehabilitation, Re-integration and Repatriation of Victims of Trafficking for Commercial Sexual Exploitation' in December 2007. However, it is concerned at the high levels of internal trafficking of children as well as at the fact that the State party is a source, destination and transit of trafficking of children for labour and sexual exploitation, including sex tourism and child pornography. It is concerned at reports indicating that children are being trafficked in the State party for begging, marriages and illegal adoptions. The Committee expresses its concern at the lack of effective measures to address and prevent the sale, trafficking and abduction of children as well as at the lack of data.</p> <p><b>86. The Committee recommends that the State party:</b></p> <p>(a) Establish a comprehensive and systematic mechanism of data collection on the sale, trafficking and abduction of children, as well as ensure that the data are disaggregated, inter alia, by sex, age, national and ethnic origin, state or autonomous region, rural or urban residence, indigenous and socio-economic status, with particular attention to children living in the most vulnerable situations;</p> <p>(b) Conduct awareness-raising activities in order to make both parents and children aware of the dangers of both internal and external trafficking; and</p> <p>(c) Further strengthen its cooperation with countries from South of Asia to combat trafficking in children across States, including through the conclusion of bilateral and multilateral agreements.</p> <p><b>Country Report</b></p> <p><b>CRC/C/IND/3-4</b></p>
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<b>OPSC to CRC</b>	<b>Accession Date</b>	<b>Care-Related Concluding Observations</b>
<b>OPAC to CRC</b>	<b>Accession Date</b>	<b>Care-Related Concluding Observations</b>
<b>ICCPR</b>	<b>Accession Date</b>	<b>Care-Related Concluding Observations</b>
<b>ICESCR</b>	<b>Accession Date</b>	<b>Care-Related Concluding Observations</b>
<b>CEDAW</b>	<b>Ratification Date</b>	<b>Care-Related Concluding Observations</b>
<b>CRPD</b>	<b>Ratification Date</b>	<b>Care-Related Concluding Observations</b>
<b>UPR</b>	<b>Date of Consideration</b>	<b>Link to Page</b>
<b>Hague Intercountry Adoption</b>	<b>Accession Date</b>	<b>Link to Country Profile</b>

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**Acronyms and Abbreviations:**

CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CRC	Convention on the Rights of the Child/Committee on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
OPAC to CRC	Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict
OPSC to CRC	Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography
UN	United Nations
UPR	Universal Periodic Review