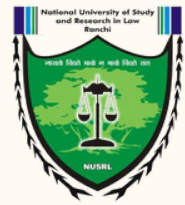




CENTRE FOR CHILD RIGHTS

Weekly Newsletter

9 November 2024 | E Vol.2



Welcome!

to the *first-digital edition* of
the “*Centre for Child Rights*
newsletter” at NUSRL,
Ranchi!

Together we aim to
champion child rights,
amplify their voices, and
pave the way for a brighter
and more equitable future
for every child.

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1. Children from Void Marriages Entitled to Birth Registration, To Be Acknowledged Under Law: HP High Court



The Himachal Pradesh High Court has upheld the rights of children born from void marriages. They cannot be denied birth registration. Regardless of their parents' marital status, the court upheld their legal recognition. Justice Jyotsna Rewal Dua, presiding over the case, highlighted the fundamental rights of the children. The court determined that the rights of children should not be compromised solely on the basis of their parent's void marriage as Section 16 of the Hindu Marriage Act ensures the legitimacy of children born from such marriages.

The decision was an outcome to a petition filed on behalf of three minor children, seeking their registration in the Birth and Pariwar Register maintained by the local Panchayat. The Panchayat had earlier refused to register the children because their parents' marriage was unlawful marriage under the Special Marriage Act.

Justice Dua states that Section 4(a) applies solely to the solemnization of marriage and does not affect the status or rights of children born from void marriages. The court emphasized that Rule 21 of the Himachal Pradesh Panchayati Raj General Rules requires the Panchayat to register births, regardless of the marital conditions of the parents. In *Union of India v. V.R. Tripathi*, the court established that under Section 16 of the Hindu Marriage Act, the children born from void marriages are considered legitimate. The court also referred to *Revanasiddappa v. Mallikarjun*, where the Supreme Court highlighted changing ideas of the society regarding legitimacy and decided that children born out of such illegitimate marriages also have rights independent of the legal status of their parent's marriage.

In the concluding part of the case, High court ordered the Panchayat to enter the names of the petitioners in the Birth and the Pariwar Registers. Justice Dua emphasized that upholding the children's right to registration aligns with legal mandates and promotes their welfare, ensuring their entitlement to a legal identity and recognition within society, irrespective of the marital status of their parents.

2. SCPCR continues to remain defunct despite rising crimes against children



There has been a notable increase in crimes against children, including cases under the Protection of Children from Sexual Offences (POCSO) Act, in Tamil Nadu, the nodal body overseeing the implementation of Acts – the State Commission for Protection of Child Rights (SCPCR) – has been non-functional for over two years.

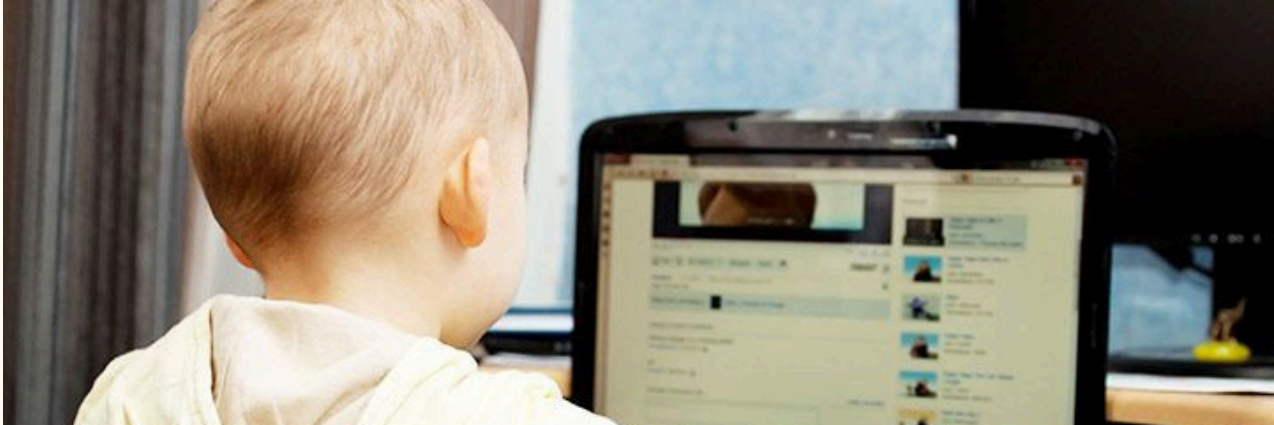
What is SCPCR?

Government has legislated The Commissions for Protection of Child Rights Act, 2005 (CPCR), under which National Commission for Protection of Child Rights (NCPCR) and State Commission for Protection of Child Rights (SCPCRs) have been created as Statutory bodies for protection of child rights. The Commissions are mandated to monitor the implementation of the provisions of the Juvenile Justice (Child and Protection of Children) Act, 2015 (JJ Act) under Section 109 of the JJ Act, 2015.

Child rights advocates have raised concerns that, without an active monitoring body, the review and timely response to such incidents will continue to be delayed. While the increase in cases indicates the number of people coming forward to report, activists pointed out that the trend will continue. "POCSO cases will continue to increase and with no functioning SCPCR, there is no one to monitor the cases, to intervene or to even look into the reasons for the increase. Today, it is not only the crimes against children that are increasing but also crimes by children," said child rights activist A. Devaneyan. In 2022, the DMK-led government ordered the reconstitution of the State Commission for Protection of Child Rights (SCPCR), dismantling the commission set up by the previous AIADMK government. The members of the earlier commission had approached the court, citing the completion of their three-year tenure, but the SCPCR has yet to be re-established. Activist Andrew Sesuraj criticized the situation, stating, "It is primarily civil society organizations that have been raising concerns, as the commission remains defunct. To leave the SCPCR in this state is a clear disservice to the rights and well-being of children."

Source: The Hindu, Nov 2024

3. Indian parents demand stricter data protection laws amid rising concerns over children's social media use



The Jharkhand High Court has directed the Unique Identification Authority of India (UIDAI) to assist in tracking missing children by using their Aadhaar data for identification. This decision underscores the growing need for technological intervention to address child disappearance cases. The case was filed in 2014 when two minors went missing from Sahibganj, Jharkhand. The case was filed against a Kuldeo Sah, a convicted child trafficker and would be a landmark judgement for future child trafficking cases. This demand for stronger regulations echoes similar global movements, such as Australia's recent ban on social media use for children under 16. The push for stricter data protection laws aims to safeguard children's mental health and protect their privacy as they increasingly engage in digital spaces. Parents hope these measures will create a safer online environment for their children.

Source: Indian Express, Nov 2024

4. Child Protection Policy and Juvenile Justice Rules Likely to be Notified This Year: Assam Government Tells High Court

The Gauhati High Court recently reiterated its expectation for Assam's government to expedite the notification of a Child Protection Policy and updated Juvenile Justice Rules, aiming to conclude by year-end. A division bench led by Justice Kalyan Rai Surana and Justice Arun Dev Choudhury directed the state to report on the constitution and functioning of Juvenile Justice Boards (JJBs) in all Assam districts, including compliance with the Juvenile Justice Act. This report should cover board formation, member tenure, and arrangements for districts lacking JJBs, detailing any authorization for JJBs in neighboring areas to handle cases from these regions.



This directive responds to a public interest petition by Bachpan Bachao Andolan, which raised concerns over juvenile justice gaps. The state's counsel indicated the notification process is underway. The case is scheduled for review on December 18.

Source: Live Law, Nov 2024

5. Breaking the Cycle of Corporal Punishment in Filipino Households

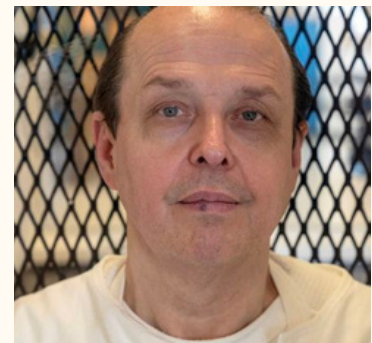


In the Philippines, the practice of “pamamalo” – corporal punishment as discipline – is widespread but often harmful. Studies show that physical punishment can cause lasting trauma and weaken family bonds, with around 59% of Filipino children experiencing violent discipline recently. Despite government initiatives promoting positive parenting, many Filipino parents still believe physical punishment is essential. A recent photo essay for the Safe Photography Project highlights mothers in Barangay Hagonoy, Taguig City, who are striving to break this cycle, seeking safer, non-violent parenting methods. This essay is featured in an international conference in Colombia as part of a campaign to end violence against children globally.

Source: Al Jazeera, Nov 2024

6. What to Know About Robert Roberson Facing Execution on Oct. 17 in Texas for a Crime That Never Occurred

Robert Roberson was wrongfully convicted of murdering his girlfriend’s child in 1999, leading to his placement on Texas’ death row. The conviction was largely based on unreliable eyewitness testimony and circumstantial evidence, as well as a flawed investigation. Over the years, new forensic evidence has emerged, disproving the original claims and demonstrating that the child’s death was the result of an accidental fall, not foul play. Additionally, a key witness in the case recanted their testimony, further weakening the prosecution’s case against Roberson.



Despite these revelations, Roberson remained on death row for more than two decades. The Innocence Project and other advocacy groups have tirelessly worked to bring attention to his case, emphasizing the serious flaws in the justice system that led to his wrongful conviction. Roberson continues to fight for his exoneration, hoping to clear his name and bring attention to the systemic issues that allowed such a miscarriage of justice.

Source: Innocence Project, Nov 2024

8. Supreme Court stays child rights panel order to close government-funded madrasas

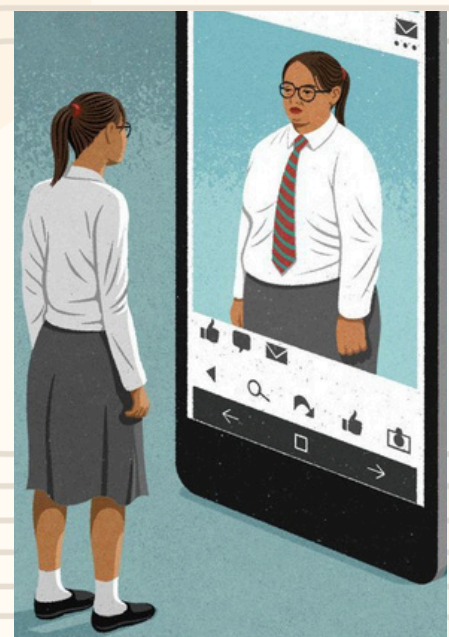
The Supreme Court has stayed the National Commission for Protection of Child Rights (NCPCR) order to close government-funded madrasas, which had been accused of violating the Right to Education (RTE) Act. The NCPCR's action was based on claims that these madrasas were not fulfilling the requirements set by the Act. The decision came after Jamiat Ulama-i-Hind filed a petition challenging the closure order, arguing that the NCPCR had overstepped its authority. The Court has issued notices to the Centre and state governments, requesting responses within four weeks. The stay has significant implications for the regulation of religious educational institutions in India. Proponents of the action argue it ensures children's right to education, while critics believe it undermines religious and cultural institutions that serve marginalized communities. This legal development highlights the complex intersection of child rights, education, and religious freedom in India, and it will likely continue to stir debate on balancing secular education standards with respect for diversity in the country's educational landscape. As the case progresses, more clarity will emerge on how madrasas will be regulated under the RTE framework, especially in states with large madrasa populations.



Source: India Today, Nov 2024

7. Australia plans to ban social media for kids under 16

The Australian government is preparing to introduce new legislation that would ban social media use for children under the age of 16. This move is part of an effort to protect young users from the harmful effects of social media, including cyberbullying, anxiety, depression, and exposure to inappropriate content. Prime Minister Anthony Albanese has called it "world-leading" legislation and emphasized that the government is looking out for the safety of Australian children. However, the law will not affect children who are already using social media. While this proposal is seen as a way to protect mental health, it raises concerns about depriving children of valuable digital learning opportunities. Social media, in moderation, can provide educational benefits, help children express themselves, and foster online communities for creativity and socialization. Critics argue that an outright ban could lead to children seeking social media in secret and limit parents' ability to teach responsible use. The legislation is yet to be debated in parliament.



Source: Times of India, Nov 2024

9. Addressing the Dual Burden of Thinness and Obesity Among School-Aged Children Globally



A recent global study published in *The Lancet* highlights a concerning trend in children's body mass index (BMI), revealing a "dual burden" of underweight and obesity, which has steadily increased worldwide between 1990 and 2022. The research underscores the health risks posed by this trend, particularly in school-aged children (5-19 years), and calls for urgent action to address both undernutrition and the growing obesity epidemic.

Analyzing data from over 3,600 studies involving 222 million people in 200 countries, researchers identified significant shifts in the BMI patterns of school-aged children and adolescents. They found that, since 1990, most countries have seen a rise in both underweight (thinness) and obesity, with obesity emerging as a more prevalent issue globally.

In 2022, the highest combined prevalence of underweight and obesity among children was found in regions like Polynesia, Micronesia, the Caribbean, and parts of the Middle East. In South Asian countries, including India and Pakistan, thinness remains a significant issue despite some reductions over the years. However, the rise in childhood obesity has become the dominant force in many countries, particularly in regions with limited access to nutritious foods.

Regional Disparities in Children's Health

This dual burden reflects significant disparities in nutrition access and health outcomes worldwide. In developed regions, increased obesity is largely attributed to high-calorie, low-nutrient diets, while underweight and thinness persist in regions with limited food security, such as parts of South Asia and Africa. In many developing countries, children face a unique challenge where malnutrition exists alongside obesity due to limited access to nutrient-dense foods and rising consumption of processed and sugary foods.

The research stresses that the observed trends pose severe implications for child health. Children experiencing underweight or obesity are at higher risk of chronic health conditions, including cardiovascular diseases and diabetes, later in life. Furthermore, obesity in childhood can lead to increased social stigma, impacting children's mental health and development.

Factors Driving the Rise in Childhood Obesity

Across most regions, rising childhood obesity is driven by various factors. These include economic transitions, lifestyle changes, and shifts in food availability. In low- and middle-income countries, many families face limited access to fresh and healthy foods, making highly processed foods with high sugar and fat content an affordable alternative. Additionally, lifestyle changes due to urbanization, reduced physical activity, and increased screen time have contributed to the rise in childhood obesity.



The study reveals that in almost all countries, rising obesity rates have driven the increasing dual burden of underweight and obesity, while declines in underweight or thinness have generally contributed to reductions in this combined prevalence.

Implications for Policy and Interventions

This research urges policymakers to address the complex health needs of children facing underweight and obesity by creating accessible, nutritious food systems. Public health measures should prioritize healthy food access, limit highly processed food consumption, and promote physical activity among children.

Educational campaigns focusing on balanced diets, along with physical activity programs in schools, are essential to helping children maintain a healthy BMI. For regions with high underweight rates, targeted interventions are needed to ensure food security and improve child nutrition.

Conclusion

The findings reveal that the world is grappling with a significant dual burden of undernutrition and obesity, which poses long-term health risks to today's youth. This global health challenge calls for a renewed focus on healthy food access, informed policies, and lifestyle interventions tailored to diverse regional needs. Addressing these issues holistically will be essential to safeguard the health and rights of children globally, ensuring a brighter, healthier future.

Source: The Lancet



10. Combating Child Labour: A Glance Over the Trends of A Global Crisis



Child labor remains one of the most pressing human rights issues worldwide, with an estimated 160 million children still engaged in harmful labor. While there are varying definitions of child labor, it primarily refers to work that interferes with a child's education, development, and well-being. In many regions, especially in the world's poorest countries, children are subjected to dangerous labor, often in hazardous environments, depriving them of their childhood and prospects for a better future.

Understanding Child Labour and its Causes

Child labor can be categorized into both economic and non-economic activities. In many cases, children are forced to work due to family poverty, lack of access to education, or economic necessity. While not all work is harmful, when children are involved in activities that jeopardize their physical, mental, or emotional development, it becomes classified as child labor. The most vulnerable children work in agriculture, mining, domestic labor, and manufacturing, where they are exposed to dangerous tools, toxic chemicals, and harsh working conditions.

For instance, sub-Saharan Africa has the highest rates of child labor, with more than one in four children aged 5-17 engaged in harmful activities. In contrast, other regions such as Latin America and the Caribbean, and the Middle East and North Africa, have a significantly lower prevalence of child labor, with rates hovering around 5%. These disparities can be attributed to a combination of economic, cultural, and political factors.

Gender differences also play a significant role in child labor. Boys are more likely to be engaged in hazardous occupations, including mining and agriculture, while girls are predominantly found in unpaid household labor or domestic work. This division reinforces gender inequality, with girls being excluded from education and often subjected to physical and emotional abuse.

The Role of International Conventions

Addressing child labor has been a focal point for many international organizations, particularly the International Labour Organization (ILO) and UNICEF. These organizations have developed several conventions aimed at setting standards and providing legal frameworks to eliminate the worst forms of child labor.

Key among these are the ILO's Convention No. 138, which sets the minimum age for employment, and Convention No. 182, which focuses on eliminating the worst forms of child labor. The United Nations Convention on the Rights of the Child (CRC) further emphasizes the importance of safeguarding children from exploitative labor and promoting their right to education, rest, and play.



Despite these international standards, the implementation of child labor laws remains a challenge in many countries. Many developing nations, where child labor is most prevalent, struggle with enforcing these regulations due to weak governance, lack of resources, and corruption. Furthermore, in areas affected by armed conflict, children are often subjected to forced labor by military groups, exacerbating the issue.

Measuring and Monitoring Child Labour

The measurement of child labor is complex, as it involves both economic activities and unpaid household services. According to international guidelines, children aged 5-11 who engage in just one hour of economic work or 21 hours of household services per week are considered to be involved in child labor. For children aged 12-14, the threshold is 14 hours of economic work or 21 hours of household services per week. For older children (ages 15-17), the threshold is 43 hours of economic work per week.

UNICEF and the ILO have worked together to develop standards for measuring child labor and collecting data to understand the scale of the problem. This includes defining the worst forms of child labor, such as forced labor, trafficking, and hazardous work. Regular data collection is essential for monitoring progress and ensuring that children are not being exploited.

The Impact of Child Labour

The effects of child labor are far-reaching, affecting not only the children involved but also their families and society as a whole. Children engaged in labor miss out on education, which limits their future job opportunities and perpetuates the cycle of poverty. They are also more likely to experience physical harm, mental health issues, and social isolation. In many cases, child laborers are subjected to violence, abuse, and exploitation, which can have lasting consequences on their well-being.

Additionally, child labor poses a threat to societal development. Countries with high rates of child labor often have lower levels of education, fewer economic opportunities, and higher rates of inequality. As such, tackling child labor is not just a moral imperative, but also an economic necessity.



Solutions to Combat Child Labour

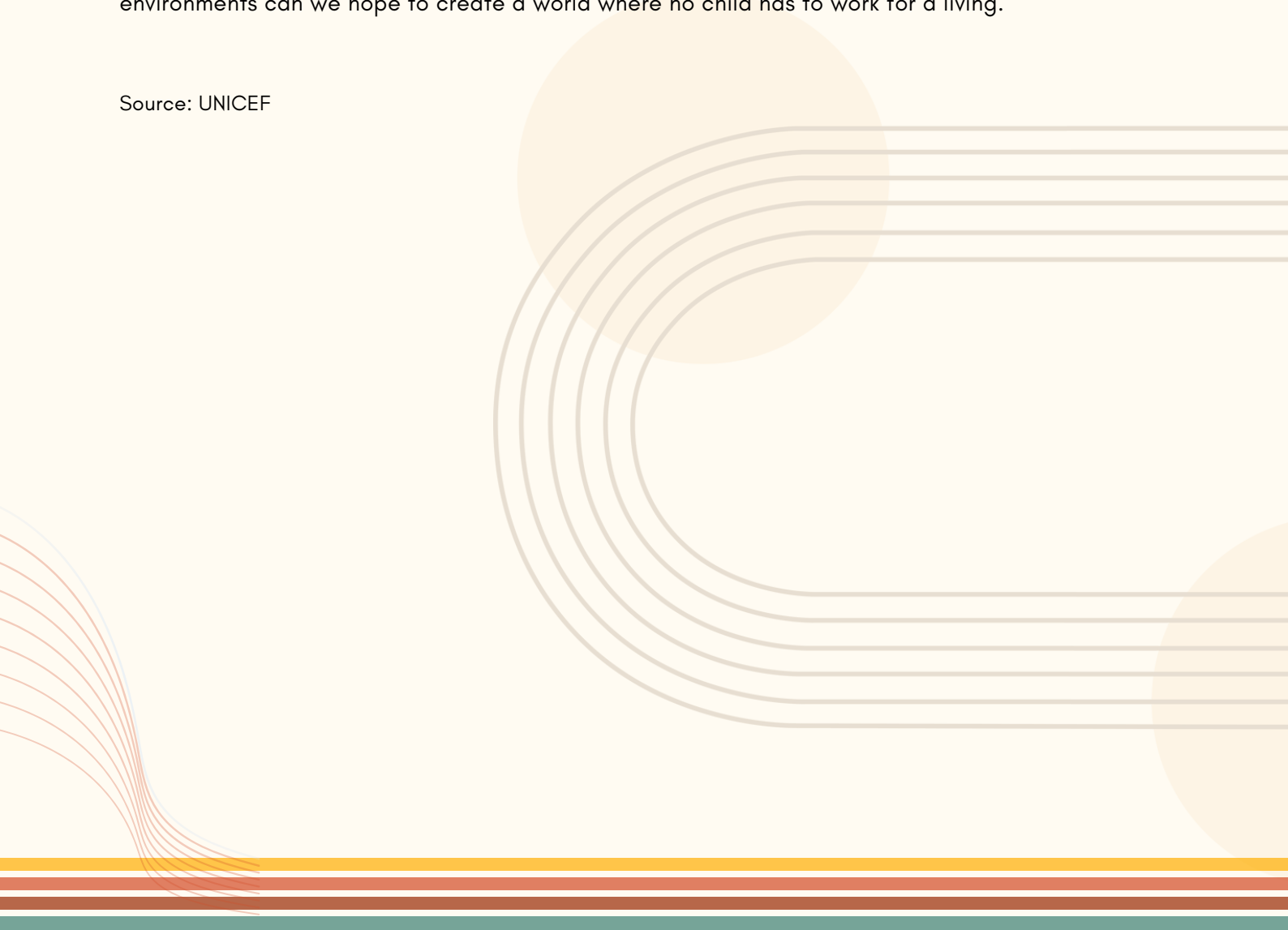
To effectively combat child labor, a multi-faceted approach is required. First and foremost, it is critical to ensure that every child has access to free, quality education. Education is one of the most powerful tools for breaking the cycle of poverty and preventing children from being forced into work. Governments must invest in education systems, making them more accessible and inclusive.

Secondly, addressing the root causes of child labor, such as poverty, is essential. Providing economic support to families through social protection programs, such as cash transfers or food assistance, can reduce the economic necessity of child labor. These programs help families meet their basic needs, thus decreasing the likelihood of children working.

Finally, strict enforcement of labor laws and international conventions is essential. Governments must prioritize the implementation of child labor laws, ensuring that businesses are held accountable for child labor practices in their supply chains. Public awareness campaigns, alongside efforts to shift societal attitudes, can also play a crucial role in reducing child labor.

While significant progress has been made in the fight against child labor, it remains a persistent global issue. Millions of children around the world are still deprived of their rights to education, safety, and a childhood free from exploitation. Ending child labor requires collective action from governments, international organizations, businesses, and communities. Only by addressing the underlying causes of child labor and ensuring that children have access to education and safe environments can we hope to create a world where no child has to work for a living.

Source: UNICEF



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