



राष्ट्रीय मानव अधिकार आयोग
National Human Rights Commission

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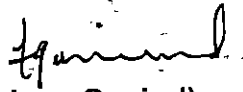
Sub: Human Rights Advisory for Protection of the Rights of Children in the context of COVID-19

The National Human Rights Commission (NHRC) has been deeply concerned about the rights of the vulnerable and marginalized sections of the society which have been disproportionately impacted by the COVID-19 pandemic and the resultant lockdowns. Moreover, the Commission is mandated by the Protection of Human Rights Act, 1993 to promote and protect the human rights of all in the country.

2. Towards the fulfilment of aforementioned mandate and in order to assess the impact of the pandemic on realization of the rights of the people, especially the marginalised / vulnerable sections of the population, the NHRC constituted a 'Committee of Experts on Impact of Covid-19 Pandemic on Human Rights and Future Response' including the representatives from the civil society organizations, independent domain experts and the representatives from the concerned ministries/ departments.

3. After due consideration of the impact assessment and recommendations made by the Committee of Experts, the Commission hereby issues an 'Advisory on Protection of the Rights of Children in the context of COVID-19', as enclosed.

4. All the concerned authorities are requested to implement the recommendations made in the advisory and to submit the action taken report for information of the Commission.


(Jaideep Govind)
Secretary General

Encl: As above.

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National Human Rights Commission

Advisory for Protection of the Rights of Children in the context of COVID-19

Background

The COVID-19 pandemic and the way it has panned out has resulted in violation of the rights of many children. It has exacerbated existing vulnerabilities, created new ones and adversely affected their access to a range of services related to food & nutrition, health care, education, protection and justice. Among the severely affected are children of migrant workers, children of daily wage earners, children who live and work on streets, child labourers, children with disabilities, children in child care institutions (CCIs), etc.

It is being globally recognized that the pandemic and the resulting economic fallouts pose a serious threat to the nutrition status of populations, especially children. In addition, there are concerns of food security because of the interruption in the supply of meals and supplementary nutrition under Mid-Day Meal Scheme (MDMS) and Integrated Child Development Services (ICDS). Multiple reports show that a large percentage of children have been deprived of these meals during the lockdown. Estimates by the Right to Food Campaign show that a disruption in anganwadi services has deprived 6.4 crore children of their right to food.¹

The pandemic has impacted the education of over 250 million children across the country as per UNICEF's report.² Only 15% rural households have access to the internet.³ There have already been multiple cases of student suicides due to the helplessness of not being able to access education digitally. An assessment by Oxfam found that 75% government school parents struggled to support their children in accessing education that was delivered digitally.⁴ With the advent of online classes, new issues of privacy, cyber bullying and abuse have cropped up. There have already been multiple instances of inappropriate content cropping up on learning platforms

¹ Eight crore children, 1.6 crore pregnant women 'deprived' of right to food. (2020, August 07). (<https://www.counterview.net/2020/08/eight-crore-children-16-crore-pregnant.html>)

² Covid-19 pandemic: Lockdown in India has impacted education of over 247 million children. (2020, June 24). (<https://www.hindustantimes.com/more-lifestyle/covid-19-pandemic-lockdown-in-india-has-impacted-education-of-over-247-million-children/story-tCQVS7Gs3OAgLcBRLRlO4K.html>)

³ National Sample Survey on Education, 2017-2018.

⁴ Status Report-Government and private schools during COVID-19,' Findings of rapid surveys by Oxfam India-2020

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in addition to instances of unauthorized people logging onto online classes and taking pictures of female students, highlighting privacy concerns.

There are reports of increased violence against children, both physical and sexual, child marriage and child trafficking. Cases of child abuse and safety have also increased manifold during the lockdown is evidenced by the increase in calls to helplines. Concerns regarding the health and safety status of children in Child Care Institutions (CCIs) including specific risk of being infected with Corona as well as barriers to children's access to justice as imposed by the lockdown were also reported.

Urgent action is, therefore, required taking into account the constitutional obligations, domestic laws, the UNCRC's general principles and the SDGs to safeguard the lives and dignity of 39 per cent of India's population. State action must balance out the discriminatory impact of COVID-19 on children such that increased vulnerabilities are addressed promptly. It is important to also take note of the concerns raised and the directions given in the orders of the Supreme Court and the High Courts including Civil Writ Jurisdiction Case No.7124 of 2020 of the Patna High Court dated 18.09.2020.

The National Human Rights Commission (NHRC) constituted a Committee of Experts for consultations with all the stakeholders including subject experts and concerned Ministries of the Government of India in order to assess the impact of COVID-19 pandemic on human rights of people especially the marginalized/vulnerable sections of the society and to suggest the responses in the form of advisory. Accordingly, the Commission issues the following advisory to help the Government(s) in ensuring the promotion and protection of the rights of children: (1) Advisory pertaining to Health of Children, (2) Advisory pertaining to Food & Nutrition of Children, (3) Advisory pertaining to Education of Children, (4) Advisory pertaining to Child Care Institutions (CCIs), and (5) Advisory pertaining to Child Protection & Justice Systems.

1. Advisory pertaining to Health of Children

- i. Routine Immunization and Health Services: In accordance with the Guidance Note on Delivery of Essential Health Services during COVID-19 dated 13.04.2020, issued by MOHFW, ensure that routine immunisation and other essential child health services are not disrupted and are available at the Primary Health Centre (PHC)/ Community Health Centre (CHC) /Mohalla clinics, at the quarantine centres, and in Anganwadi Centres (AWCs).
- ii. Services for Adolescent Girls: Ensure health and nutrition requirements of adolescent girls through regular supply of iron supplements, Reproductive and Child Health (RCH) services, menstrual hygiene products, and supplementary nutrition through ICDS.
- iii. Mental Health Intervention: Create a cadre of para-mental health workers at district level, trained in giving emotional first aid, and identify severity that can be reported to specialists. Make mental health services available and accessible to all children by exploring the creation of panel of counsellors from NGOs.
- iv. Services for CSA Victims: Issue circulars to all government and private health facilities stating that no child victim of sexual offences is denied free first aid or medical treatment, including medical termination of pregnancy (MTP) in accordance with the MTP Act, 1971. No legal or magisterial requisition or other documentation should be demanded for rendering emergency medical care in cases under POCSO Act, 2012.
- v. Reports of sexual violence against children in the quarantine centres are a matter of concern. Necessary child protection protocols need to be put in place at the earliest and its compliant needs to be monitored.
- vi. Street-connected Children: Keeping in mind the vulnerability of and risk faced by street-connected children, arrange protective gears and ensure access to health care facilities including testing and quarantine facilities as per the norms and protocols being prescribed.
- vii. Data Services: Maintain disaggregated data on the official website regarding the various categories of children tested for COVID-19, found positive, recovered and died due to the virus.

(Ministry of Women and Child Development, Ministry of Health and Family Welfare, and State Governments/UTs.)

2. Advisory pertaining to Food & Nutrition of Children

- i. Public Distribution System: Issue orders to update enrolment records of PDS to include names of children born after 2011 in the ration cards.
- ii. Distribute diverse food items through the PDS such as millets, ragi, oil, etc, which are essential.
- iii. Community Kitchens: Continuation and expansion of feeding centres/community kitchens must be undertaken so that those who might still be excluded from the PDS have access to food.
- iv. Anganwadi Services and Mid Day Meal Scheme: Recognize ICDS as an essential service and reopen Anganwadi Centres (AWCs) to ensure continued access to crucial services. Ensure adequate safety protocols for Anganwadi Workers (AWWs), women and children.
- v. In keeping with the Supreme Court order 'In Re : Regarding Closure Of Mid-Day Meal Scheme' dated 18.03.2020 (Writ Petition (C) No. 2/2020) and directives from MWCD and MHRD, supplementary nutrition through ICDS for children, pregnant and lactating women must continue in the form of home delivery of dry rations or cash transfers.
- vi. Provide sufficient quantities of dry rations and take-home rations for all children under three years, as well as pregnant and lactating women, irrespective of registration with AWC.
- vii. Re-start MDMS to provide hot cooked meal or dry rations to every child, including children who have migrated, even if schools are shut so that they do not slip into malnutrition.
- viii. Provide mid-day meals to children who usually reside in social welfare hostels, tribal welfare hostels, etc, but are now at home due to closure of residential schools.
- ix. Proactively monitor the delivery of services on the ground to ensure that no child is excluded from MDMs/dry rations.
- x. Restart monitoring of growth and tracking of malnourished and Severe Acute Malnutrition (SAM) children. Provide additional nutrition and energy-dense food for severely malnourished children, supplementary nutrition for children, pregnant & lactating mothers and adolescent girls.
- xi. Children with Severe and Acute Malnutrition: With closure of Nutrition Rehabilitation Centre (NRCs) due to the pandemic, special services for SAM children, anaemic pregnant & lactating mothers, and adolescent girls, must be provided at home including provision of a special diet through the AWCs. Training and additional resources to be provided to the

AWWs so that they are able to locally procure and prepare the special diets.

- xii. Food and nutrition counselling services must be delivered at home or through tele-counselling as long as AWCs remain closed.
- xiii. Street-connected Children: Make provisions for street-connected children to avail food from the State Feeding Centres; proactively monitor the delivery of services on the ground.
- xiv. Children of Sex-Workers: As the pandemic has grievously affected the livelihood of sex-workers, ensure that children of sex-workers have access to basic necessities for survival, especially food and nutritional facilities.

(Ministry of Consumer Affairs, Food and Public Distribution; Ministry of Education, Ministry of Women and Child Development; Ministry of Health and Family Welfare; and State Governments/UTs.)

3. Advisory pertaining to Education of Children

- i. Protocol for re-opening of schools: Explore safe and staggered re-opening of schools in view of the COVID-19 protocols. Till the schools are reopened, children may be taught in small groups; the use of various mass-media to teach children may be explored.
- ii. Develop Standard Operating Procedures (SOPs) to be followed when schools reopen including for schools used as quarantine facility.
- iii. Build capacity of teachers and School Management Committee (SMC) members to function effectively in the context of COVID-19.
- iv. Issue guidelines to prevent private schools from hiking fees, and setup a helpline for parents.
- v. Redesign Curriculum: Designing and delivering accelerated learning curriculum (focused on foundational skills) may be explored and implemented to recover lost instructional time due to the pandemic.
- vi. Academic year needs to reorganized. As per feasibility, exams for students up to 9th standard maybe forgone and instead assessments based on academic and extra-curricular performance throughout the year can be conducted.
- vii. Prevention of Drop-out: Revise out of school children data to identify children who may have dropped out, joined the informal labour force, or are out of school on returning to their states as a result of reverse migration.

- viii. Facilitate admission of migrant children into AWCs and nearby government schools to prevent them from dropping out. Provide educational material through schools to underprivileged children, including mid-day meals, textbooks, and uniforms.
- ix. Track all enrolled children, especially girls, transgender children, children with physical and intellectual disabilities.
- x. Digital Education: Based on PRAGYATA Guidelines for conducting online/digital education brought out by Ministry of Human Resource Development, develop state guidelines and regulations that need to be followed by schools delivering online classes. Issue guidelines to regulate digital platforms including education-technology platforms offering online classes; make parents aware of available reporting/grievance redress mechanism to report instances of child abuse, bullying and issues of privacy. Conduct mass awareness on online safety for parents, teachers and children.
- xi. Identify and reach the most marginalised and underprivileged and provide them access to education by employing a combination measures including exploring feasibility of daily distribution of printed material along with the MDM and ICDS rations, making internet free and providing e-devices to access online classes, etc.
- xii. Ensure provision of education for all children within the JJ system according to the COVID-19 framework for online education in the period that schools are not reopened.
- xiii. Ensure that online classes are inclusive for and accessible to children with disability.
- xiv. Issue guidelines for teachers and SMC members to remain in touch with children in families with history of domestic violence to minimize possibilities of child abuse.

(Ministry of Education, Ministry of Women and Child Development, Ministry of Social Justice and Empowerment, Ministry of Electronics and Information Technology, and State Governments/UTs.)

4. Advisory pertaining to Child Care Institutions (CCIs)

- i. Data should be available in the public domain on the numbers of children currently residing in CCIs, released from CCIs and/or restored to family/guardians, provided sponsorship, and placed in foster care, adoption, and kinship care.

- ii. Protocols for Prevention and Safety: States may adapt as SOP measures for functioning of CCIs during the pandemic to be followed during admission and release of children from CCIs, if any child or staff test positive, on hygiene behaviours, regular screening of children lodged in institutions, keeping in mind the directions passed by the Supreme Court in the Writ Petition (C) No. 4 of 2020, 'In Re: Contagion of COVID-19 in Child Protection Homes' dated 03.04.2020 and 11.06 2020.
- iii. Take measures to ensure adequate supplies and protective gear for maintaining sanitation, ensuring health and safety of children in the institution.
- iv. IEC materials may be issued for CCIs and other residential facilities for children in the context of COVID-19.
- v. Instructions may be issued to JJBs, CWCs & DCPUs to identify fit facilities for the purpose of quarantining children who need to be institutionalized.
- vi. Decongesting the Institutions: Considering that Observation Home (OH), Place of Safety (PoS), Shelter Homes (SH), and CCIs may be crowded, exposing the children to great danger of disease spread, children in conflict with the law or in need of care and protection should not be institutionalised, unless all alternative options have been considered based on an individual care plan which takes into account the child's best interest, health and safety concerns.
- vii. Monitor to prevent continued detention of the child on account of COVID-19.
- viii. Where an order of institutionalization is unavoidable, make it mandatory to conduct a pre-medical assessment for COVID before the child is sent to the institution. Further, ensure that adequate quarantine facilities are available at the institution before a new child is sent there.
- ix. Directions and orders of the CWC, JJB or Children's Court for placement or release of children may be communicated to the concerned CCI through electronic means.
- x. Access to Support Persons, Lawyers and Counsellors: Ensure children have access to support persons/family/lawyers/counsellors and visits may be permitted while maintaining social distancing and other guidelines. Ensure telephonic contact between children and family members unless the contact is not in the best interest of children.
- xi. Guidelines may be issued for CWCs for conducting proceedings through digital/ remote medium while ensuring data security, physical distancing, and adherence to the principles and procedures under the JJ Act and Model/State Rules.

- xii. Ensure that the CWCs have the infrastructure to enable video conferencing including funding support for laptops and good internet connections. All CCIs (Children's Homes, Observation Homes, Special Homes) must be directed to set up comfortable spaces for children to access online classes and private spaces to access counselling services.
- xiii. Online orientation on protocols to be followed to deal with COVID-19 should be conducted for JJBs, CWCs, DCPU, Staff of CCIs, and other functionaries. Training should include psycho-social support to be provided to children and discharging functions in accordance with the statutory framework.
- xiv. Social Audits and Inspections of CCI: State Governments should prepare protocols for social audits and inspections of CCIs by JJBs, CWCs, etc in light of protection norms and protocols w.r.t to COVID-19.

(Ministry of Women and Child Development, Ministry of Health and Family Welfare, and State Governments/UTs.)

5. Advisory pertaining to Child Protection & Justice Systems

- i. Essential Services: Core child protection services, service providers and authorities [Juvenile Justice Boards (JJBs), Child Welfare Committees (CWC), District Child Protection Units (DCPUs), Special Juvenile Police Units (SJPUs) and police, CCIs, lawyers, frontline workers in CSOs/NGOs, counsellors] must be declared as 'essential workers/services' and provided with necessary protection material, training and supervision to function as frontline workers, during the COVID pandemic and in the post pandemic recovery stage.
- ii. Protocols for Child Protection Services and Systems: Issue SOPs for CWC, DCPU, JJB, CHILDLINE, SJPU, and CPCs for functioning during the pandemic and build these into components of training and capacity building programmes to be conducted for each district. These should include physical distancing when producing children before various fora, ensuring children are given masks and facilities to wash their hands frequently and sensitizing children about these Covid19 preventive measures.
- iii. Where sittings are conducted through video-conferencing or other audio-visual means, quorum should be ensured while passing orders. Social Workers should be a part of the

- inquiry process. Records of proceedings conducted through audio-visual means should be maintained and filed electronically. Confidentiality and cyber safety norms should be ensured.
- iv. In POSCO cases, the CWC should instruct the police/SJPU to report cases electronically and ensure that children who are living in the same or shared household with the accused, living in a CCIs, without parental support, or found to be without any home are produced before the CWC despite situations imposed by the pandemic.
 - v. A clear guideline for registering and responding to children, who report violence, abuse, or exploitation through phones or in person to the police, should be provided to Special Juvenile Police Units and be disseminated to each police station.
 - vi. Ensure that the Witness Protection Scheme protocol, 2018 approved by the Supreme Court is maintained and a copy of the Scheme in English and the local language should be sent to the Department of Prosecutions, all police stations, and District and Sessions Court.
 - vii. Issue guidelines for establishing quarantine centres and isolation centres within hospitals in every district specifically designed to serve children in the JJ System.
 - viii. Child-friendly corners in police stations should be sanitized frequently. As far as possible, avoid taking the child to the police station. Avoid apprehension of Children in Conflict with Law (CCLs) unless it is for the purpose of ensuring the child's safety.
 - ix. Apprehension and Restoration: Provide instruction to the police to adhere to Rule 8(1), JJ Model Rules, 2016, to minimize the apprehension of children alleged to have committed petty offences and those not being apprehended are connected to counsellors and NGOs attached to the SJPU. Apprehension or institutionalization of children in statutory offences such as elopement may be avoided.
 - x. Cybercrime and Online Safety: Existing cybercrime reporting portal (cybercrime.gov.in) provisions must be expanded to include possibility for remote reporting of cybercrimes i.e. via telephone & SMS services. Make provision for anonymous reporting simple, straightforward and available in multiple languages. Increased transparency in the processing and status of complaints including the analysis of the functioning of the portal is required.
 - xi. Protocol for basic cyber security of children across all platforms must be developed and cover aspects including usage of up-to-date software, encryption of log-in pages, strong password policies, provision for data backup and strong protection against any possible attacks.

- xii. Awareness initiatives and campaigns that address children and parents for online safety may be launched. Awareness materials on online safety practices, risks such as exposure to online child sexual abuse material, online sexual abuse, grooming, and unsafe sharing of private information and content, the reporting system must be prepared and made available in regional languages.
- xiii. Support Services for Abuse and Violence: In cases of domestic violence being reported by women, police must compulsorily check for child abuse/violence as well. During patrolling, police must be on the lookout for child labour, abuse or violence pertaining to children living and working on the streets.
- xiv. Ensure and prioritize the efficient functioning of all helplines for children, shortening the response time for providing essential support and guidance. Monitor and analyse the functioning regularly. Appropriate measures to be taken for making the facility available in areas where no helpline exists.
- xv. Child Labour and Child Trafficking: Ensure that the labour law standards for child labour are not diluted. Strengthen mandate and support the Child Labour Task Force in high risk districts and those that have witnessed reverse migration.
- xvi. Notify guidelines and safety protocols to reopen crèches (under National Crèche Scheme, MGNREGA, Building and Other Construction Workers Act Mines Act, Plantations Labour Act) so that children are protected and cared for as poor women workers re-join the workforce.
- xvii. Strengthen Community-Based Action and Oversight: Develop mechanisms involving child protection committees and village vigilance committees, to ensure convergence of entitlements specific to COVID-19 and ensuring children's protection by tracking violations such as child trafficking for labour or sexual exploitation and child marriage. Activating and monitoring of Village Level Child Protection Committees (VLCPC) must be ensured, as also the DCPU.

(Ministry of Women and Child Development, Ministry of Home Affairs, Ministry of Electronics and Information Technology, Ministry of Labour and Employment, and State Governments/UTs.)

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