

**National Commission for Protection of Child Rights Government of India
5th Floor, Chanderlok Building 36, Janpath, New Delhi- 110001**

Date: 29.03.2020

Subject: Advisory regarding care and protection of children moving with migrant families; children living on streets/Child Care Institutions in light of COVID-19

This is with regard to the containment measures enforced in the country by Ministry of Home Affairs vide Order no. 40-3/2020-D dated 24.03.2020 to contain the spread of COVID-19 and subsequent Addendum to the Guidelines released on 25.03.2020. Given the intensity of the situation it has been suggested to maintain social distancing and wherever exceptions to the given measures are allowed, the organization has to follow the measures given by the Ministry of Health.

2. After examining and deliberating upon the current situation of children amidst this pandemic, the National Commission for Protection of Child Rights (NCPCR), would like to invite your attention towards the vulnerable children who are currently without family or out of any institutional care and advises the following steps, as per its mandate under Section 13 (a) and 13 (d) of Commission for Protection of Child Rights (CPCR) Act, 2005, to be taken by all the State/UT Governments-

- I. In India, street children are a reality. These children are either orphan or abandoned, missing or run away; begging on the street or are living with family who do not have a place to stay. In current times, to ensure protection of these children, following steps need to be followed-
 - a. The Child Welfare Police Officer (CWPO) shall regularly monitor if any such children are there in the area within the police station's jurisdiction. CHILDLINE may be requested to identify such children and bring to the notice of CWPO for further action.
 - b. Whenever such child/children are found, the CWPO shall record the details of each child such as name, age, gender, place of origin, alone or with family etc. The details shall also be sent to the concerned Child Welfare Committee (CWC).
 - c. After the preliminary enquiry and interaction, if the child is alone, they shall be temporarily placed in CCI or a Fit Facility with approval of the concerned Child Welfare Committee (CWC). In case the child is with family, adequate measures to provide shelter to the family may be taken as deemed appropriate by the competent authority designated by the State, keeping in view the best interest of the child. In case of children with families, adequate food for children and food appropriate for infants may also be made available.
 - d. The CWPO shall make arrangements for conducting medical check-up of each child. In case, any symptoms of COVID-19 or any other condition requiring medical attention are identified, the protocols issued by Ministry of Health and Family Welfare should be followed. In this, the NGOs may be involved for assistance.
 - e. In case the sitting of CWC is not feasible in the current circumstances, to facilitate the process, the CWPO may share the information and details of the child/children along

with photograph (taken by the CWPO on mobile) with the CWC Chairperson and CWC may then approve their temporary rehabilitation in appropriate place.

- f. Since, CCIs registered under the J. J. Act, 2015 may not be available in a particular district or the available CCI may already be accommodating children as per their sanctioned capacity and to expedite the process, it is important the District authorities shall ensure that the respective Child Welfare Committees (CWC) identify such fit facility u/s 51 of the J.J. Act, 2015, to temporarily take the responsibility of the children. For this, the nearby Government school buildings and/or private schools and/or other facilities run by registered NGOs; community centers may be converted into fit facilities for these children.
 - g. Adequate facility of food, water, clothing, sanitation and hygiene, basic medical care including first aid, etc. have to be ensured in the facility. The local NGOs may be roped in to contribute in ensuring sufficient supply basic commodities to the children as well as families.
 - h. To ensure the safety and care of children in the fit facility, the CHILDLINE operating in the area may be involved.
 - i. Wherever, a meeting of CWC is not possible, the same may be conducted through online methods such as video calls, WhatsApp etc.
 - j. In case of a girl child, they should be sent to a shelter or fit facility exclusively meant for girl children and adequate arrangements for safety should be made. In case the girl child is alleged to have been trafficked, immediate relief such as food, shelter, toiletries, clothing, counselling, medical aid, etc. be provided under MWCD's *Ujjwala* Scheme during the interim period.
 - k. Similarly, in case the child is with special needs they should be placed in facility specifically meant for such children.
 - l. The entire process and status of children is to be monitored and maintained by the Head of Special Juvenile Police Unit (SJPU) and District Child Protection Officer (DCPO) in the District.
 - m. It may be noted that once the lockdown is removed and after the situation returns to normal, the children shall be produced before the CWC for further orders after following due procedure. The CWC shall then decide and give further orders for their rehabilitation/repatriation as deemed appropriate. Hence, proper maintenance of record of all children and the place they are accommodated in is to be maintained by the CWPO. The same may be shared with CWC and SJPU regularly.
- II. Further, in case of **children of families involved in seasonal labour**, adequate arrangements of basic facilities such as food, shelter and medical facilities (if required) shall be made available at the local level by local authorities i.e. Panchayats or Municipal authorities. For this, such families and children should be enlisted by DCPO. The entire process and status of children is to be monitored and maintained by District Collector/District Magistrate.
 - III. Whenever any CWPO comes in contact with any child/children in need of care and protection for the purpose of rescuing them, for producing them before CWC and for any other purpose connected to rehabilitation/repatriation of such child/children, all the protocols issued by Ministry of Health and Family Welfare shall be strictly adhered to, keeping in view the safety and security of such vulnerable children.

- IV. It has also been observed by the Commission that due to the lockdown imposed to contain the spread of coronavirus infection, large number of migrant laborers who work in other States have taken the road to reach their homes. Some children may be moving with their families or alone or in group of migrant laborers from other States. In the best interest of the child, such families/children should remain in the same place where they are. In case of families, adequate measures may be taken as deemed appropriate by the competent authority. If children are alone i.e. without parent(s)/guardians, the steps as enumerated in point 1 above may be followed.
- V. Your attention is also drawn towards the recent order of the Hon'ble Supreme Court of India in the *Suo-Motu* Writ Petition (C) No. 1/2020 directing all the States/UTs to take necessary steps for preventing spread of COVID-19 in the prisons, including consider releasing some prisoners on parole or interim bail to reduce overcrowding in prisons. With respect to the said Order, you are requested to take appropriate measures for children in conflict with law who are lodged in Observation Homes and Special Homes. The State Government may provide the list of such children to the High-Powered Committee that is to be constituted under the Hon'ble Supreme Court's Order.
3. In any circumstances, all necessary precautionary measures including following the safety guidelines issued by the Ministry of Health and Family Welfare should be followed.
4. The District Authority should ensure that the CHILDLINE is active 24*7 for providing assistance to the administration in ensuring safety of children.
5. Further, safety of children who are already placed in Child Care Institutions (CCIs) should also be priority of the Local Authorities as these children are in care and protection of the Government. For this, following measures are suggested to taken by the DCPO;
- i. awareness of all staff members engaged CCI is important. The DCPO should ensure that the staff is regularly sensitized and updated on the measures for preventing the spread of COVID-19.
 - ii. The importance of social distancing or staying indoors should be reiterated to the CCI staff and resident children.
 - iii. The donor should not be allowed to visit inside the premises. A separate counter may be placed near the entrance of the Home where the donations can be accepted. The donors may be requested to provide dry ration/uncooked food material instead of cooked meal.
 - iv. The CCIs may be equipped with sufficient academic and recreation material for the children.
 - v. Further, if required, therapeutic counselling services may be provided to the children and staff to ensure social well-being.
 - vi. Medicines and medical facility for children with HIV/AIDS should be made available in all CCIs and other places where these children are residing.
 - vii. If the release of funds to the CCIs is pending, it should be expedited and funds be provided at the earliest.

5a. It has come to Commission's notice that there are number of children who were staying in Hostels, Madarasas or other Government/Private residential institutions and continue to stay there due to the lockdown. During this period, asking the children to vacate may not only put their health at risk but also can be traumatizing for them. In such cases, the District Collector/Magistrate should ensure the following:

- i. Given the high risk of COVID-19, it is the responsibility of the hostel/Madarsa/ Government/private residential institutions to take care of the children staying there. No institution should ask these children to vacate the hostel/Madarsa/residential institutions during this period.
- ii. there should not shortage of basic facilities such as food, water, medical aid, sanitation for these children.
- iii. If the release of funds to these institutions is pending, it should be expedited and funds be provided at the earliest.
- iv. Support from CHILDLINE may be sought to conduct visit to these institutions and report any kind of shortage or safety issue.

6. You are requested to issue necessary orders/directions in this regard to all the concerned officials and ensure that no child is left on streets or in unfavorable environment under the current situation. Any disregard of their well-being by the local authorities may amount to neglect and exposing them to mental or physical suffering.

7. A prompt response and action on your part in this regard shall contribute in preventing the spread of the disease and save the children of our country.

Sd/-

(Priyank Kanoongo)