

# Position Paper

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## India: Baby Cradle Scheme

Against Child Trafficking (ACT) is a Non-Governmental Organisation that deals with the prevention of trafficking for intercountry adoptions by advocating for the full implementation of the UN Convention on the Rights of the Child (UNCRC). We also are advising and assisting Indian adoptees, who were adopted out of India, to retrace their Indian parents.

It is in this context that ACT fully opposes the Baby Cradle Scheme. This scheme was initiated in Tamil Nadu in 1992, and is now being rolled out country-wide as part of the ICPS Scheme. The objective of the Baby Cradle Scheme is to prevent infanticide of girl babies.

India has ratified the UNCRC in 1992 and is therefore forced to uphold all rights given to children. All articles of the UNCRC are interdependent.

“UN officials argue that baby hatches violate key parts of the Convention on the Rights of the Child (UNCRC) which says children must be able to identify their parents and even if separated from them the state has a "duty to respect the child's right to maintain personal relations with his or her parent".

In an interview with the Guardian, Maria Herczog, a member of the UNCRC Committee, said that the arguments from critics were a throwback to the past. "Just like medieval times in many countries we see people claiming that baby boxes prevent infanticide ... there is no evidence for this."

The Guardian 10 June 2012

### *Baby Cradle Scheme:*

- breaches the right of the child to know his/her parents, identity and family relations (art. 8);
- legalises what otherwise would be considered a crime. Within the current framework of the JJACT and the Indian penal code (Sect. 317), abandonment of a child is a crime and a person doing so, could face a jail term of 7 years;
- is presented as a lifesaving measure for girl babies, it may well lead to abandonment of boys too;
- allow anyone to leave a baby in a cradle. There is no guarantee that the mother agreed. Let alone that she was offered alternatives through proper counseling;
- is based on vague assumptions, as there is absolutely no reliable data available which backs up the government's claim that the Baby Cradle Scheme has changed the sex ratio significantly; the lower rate of infanticide is likely connected to other schemes which empower women/girls;
- risk leaving mothers without support and medical pre- and after birth care;
- history has proven that abandoned babies, without their mothers, are at high risk. Mortality rate of cradle babies, for example in Tamil Nadu, were significantly higher than the average.

### *Where do cradle babies go:*

The Integrated Child Protection Scheme envisages setting up Cradle Baby Reception Centres in each district. These Cradle Baby Reception Centres will be linked to Cradle Points at Primary Health Care Centres, hospitals/nursing homes, Swadhar units, short stay homes and in the office of the District Child Protection Unit (DCPU) to receive abandoned babies. The Cradle Baby Reception Centre shall function from the premises of State Adoption Agency (SAA) equipped with all basic facilities for infants. The primary objective of these Reception Centres shall be to rescue the girl child and look after her with due care and affection till she is given in adoption. Each State Adoption Agency (SAA) shall install one cradle at the doorstep to receive such babies.

Press Release Indian Government, 2007, Release ID: 25783

The numbers of intercountry adoptions are dwindling worldwide, since 2005 the numbers halved, there is a strong lobby to obtain more children for adoption. Within India itself, there is a growing demand for adoptable children, boys as well as girls. At the same time, there is an ongoing list of adoption related scandals, such as the kidnapping of children, falsifying paperwork, stealing of children in by medical staff and/or adoption agency workers in Hospitals.

In such a context, a countrywide Cradle Scheme risks being a perfect tool to increase the number of children free for adoption. Children with no strings attached, no identifiable parents or other relatives.

The Indian government allows adoption agencies to charge fees of 5000 \$ per child for an intercountry adoption. Such an amount is a clear incentive to place children abroad. ACT considers a quota system whereby a certain percentage of children is obliged to be placed in-country, as not consistent with children's rights. Decisions on children should not be based on politically agreed quotas. Also, such a quota will mean that adoption agencies that want to fulfill foreign demand, will need to place even more children in India. The demand for babies is also high in India, but like elsewhere there is a shortage of 'adoptable children'.

To address complex societal issues such as infanticide and related women rights, by promoting the abandonment of children via the Cradle Scheme and subsequently placing the children with adoption agencies, is nothing more than promoting a profitable market in children.

The children concerned will have no way to ever retrace their families.

Children who grow into adults, not knowing their family background, often suffer tremendously. A cradle scheme that allows children to be abandoned without any identifying information will make it impossible for the children concerned to re-establish their identity in a later stage of life.

ACT is confronted on a daily basis with adult adoptees who desperately search for their Indian parents. It is not an easy task, but ACT has proven multiple times that it is possible to re-connect those separated by adoption. Hereby relieving some of the deep pain on both sides. Such will not be possible with children abandoned in cradles.

**ACT hereby urges the Government of India to uphold children's rights.**

Instead of a Cradle Scheme, measures should be financed to support mothers and families staying together, as well as social protection measures that prevent family breakdown. If, after proper counseling and offering of support, a mother freely decides to relinquish her child, it should be done in such a manner that the child can retrace his/her identity in future. This is a basic right of the child.

Brussels, September 2012