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Orphanhood and its Long-Term Effects: A Sociolegal Study of Resilience and Vulnerability

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ABSTRACT

This sociological review looks into the effects of orphanhood in late adulthood. It examines how some orphans overcome obstacles as they grow up and some do not. Orphanhood is the state of a child without parental care, and it usually comes with emotional, social, and psychological consequences that are dependent on the individual for most if not all of his/her life. A more specific case is with children in institutions, who by virtue of the institution receive a certain level of protection and support. As these children reach 18 years, there are very few studies that have focused on how they manage on their own after the system. The research used includes interviews conducted with an array of respondents including – orphans, social workers, lawyers and policy makers to explain how orphaned children cope after leaving the children's home and the challenges that they face. For instance, it elaborates on the protective measures available for orphans including the Convention on the Rights of the Child, and seeks to evaluate the adequacy of the aftercare regimes for orphans transiting to adulthood. Factors that encourage resilience such as education, emotional attachment and being part of a community have been explored while relevant barriers such as uneducated, unemployment and lack of long-term solicitors. The results point out that while the orphans have the strength and courage to tackle problems, structural challenges and social support systems in place do not cater for their requirements easily when they become adults. This study calls for aftercare services to be intensified, the law to be made more favourable to the orphans, and better programmes that take care of orphans above eighteen years to be designed effectively.

Keywords: Orphanhood, Resilience, Vulnerability, Sociolegal Study, Aftercare, Legal Protection.

I. INTRODUCTION

UNICEF contends that a minimum of 17,000 children in Gaza are either unaccompanied or separated, a staggering statistic that signifies numerous individual narratives of loss and sorrow.

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This figure represents roughly 1% of the 1.7 million individuals displaced in the region. This amount is still an estimate due to the challenges in collecting and verifying information under tough security and humanitarian circumstances. Traditionally, extended relatives would provide care for children orphaned by violence; but, the acute scarcity of food, water, and shelter is burdening these families, who are finding it difficult to satisfy even their own fundamental requirements. In this critical setting, there is a necessity for temporary care solutions that maintain children's connections with their relatives, facilitating reunification when circumstances permit.

The mental health of these youngsters is significantly affected, exhibiting symptoms such as acute anxiety, appetite loss, sleep difficulties, emotional outbursts, and intense dread in response to bombs. Prior to the conflict, over 500,000 children in Gaza necessitated mental health and psychosocial assistance. Currently, almost all children in Gaza—exceeding one million—require this assistance.

Since the commencement of the conflict, UNICEF and its partners have delivered Psychosocial support and mental health services for over 40,000 children and 10,000 individuals. It is encouraging to observe children deriving comfort from hobbies such as playing, sketching, singing, and dancing. The magnitude of the demand significantly exceeds existing resources. A ceasefire is crucial for providing extensive mental health and psychological care. In 2022, UNICEF's child protection cluster assisted approximately 100,000 children in Gaza, and it is feasible to expand similar initiatives if situations improve.

In 2005, there were over 132 million orphans in sub-Saharan Africa, Asia, Latin America, and the Caribbean, with only 13 million losing both parents. Most orphans live with surviving parents or other relatives, and 95% are over five years old. This broader definition contrasts with the more restrictive one used in industrialized countries, where only those who have lost both parents are considered orphans. UNICEF's statistics may be misinterpreted to suggest that 132 million children need new families, when in reality many orphans are supported by families and communities. To address this, UNICEF analysed household surveys from 36 countries, emphasizing factors like family poverty, property ownership, and education level, which better identify children and families in need of support.

Becoming an orphan is a status experienced by millions of children across the world, most of whom face severe social, emotional, and psychological issues as a consequence. The condition may be a result of death, abandonment, or some other causes, and when children miss their parents, they almost always end up in the hands of institutions or placed in other protective

custody modes like foster care. An “orphan” is traditionally defined as a child (less than 18 years of age) who has lost one or both parents through death. In broader social and legal contexts, however, the term can also apply to children who are abandoned or left without parental care, whether due to death, abandonment, incapacity, or inability of the parents to provide support.

While institutional care is quick in providing shelter and basic necessities, it is specific to the care of orphans who when under the age of 18 are removed from care, a life stage in which most of them are expected to fend for themselves. This transitional period which is known as aging out in some quarters, and is worse because most of these orphans do not have even one family member to help them transition to adult ages like most youths do. Consequently, they are likely to experience challenges associated with this age such as, low access to education, poor job opportunities, psychological issues, or difficulties in socialization.

Nevertheless, some orphans split the middle and show an unbelievable agility in adjusting to life outside the orphanages, while others are still at risk of exploitative practices and risks such as poverty and exclusion from the society. Therefore, it is important to analyze both the positive and negative coping mechanisms present among orphans, their legal protection, and the available aftercare services due to the observed differences in the situation. The aim of the present research is to explore the conceptualization of orphanhood from a sociolegal perspective, with a specific emphasis on the protective outcomes of care and on the process of leaving care and the policies or strategies that enhance positive outcomes and mitigate negative outcomes.

II. LEGAL FRAMEWORK

The legal structure, in India concerning the well-being and rights of children— those without care—is complex and comprehensive in nature. The various laws outlined have roles to play. Collectively aim to protect and support children in need by offering them pathways to a brighter tomorrow. Following are the legislations with an emphasis, on the rights of children including orphaned children;

In India, the Juvenile Justice (Care and Protection of Children) Act (JJ Act) which is more of a holistic concern, since it looks at the welfare even of children who do not come into conflict with the law but are in need of care and protection such as the orphans. Some of the major features include provisions for the establishment of Child Care Institutions; provisions for management and support of aftercares, foster cares, and a legalized way of doing adoptions. CWC’s have also been empowered by the Act to see to the proper rehabilitation of young adults

leaving the institutions, and to provide them with aftercare services. Aftercare incorporates some emotional support, vocational training, and financial support, thereby assisting in the transition to an independent adulthood for orphans who are aged 18 years and over.

The Orphanages and Other Charitable Homes Act, 1960 deals with the oversight of controlled institutions namely orphanages, childcare institutions etc. It requires registration, routine inspection and financial accountability of inline maintenance of the basic standards of living, safety and also maintenance where institutions provide care to orphans. The aim of this act is to protect children from abuses and further to ensure that children in such homes are availed education and vocational skills. These provisions stigmatize and criminalize age and from early childhood till young adulthood abuse of adults in the name of caring for children. Still, there are some concerns on such provisions in place for orphans after they are out of the institutional care. In their proper nutshell, the aim of these laws is to be the 'home' for the children who have no parents, provide protection, rights and everything necessary for these children to be normal members of the society.

"The Protection of Children, from Sexual Offences" is a law aimed at safeguarding children from abuse and exploitation. Although it does not mention addressing orphaned children. The statute plays a role in ensuring the safety of all children, including those who are orphaned. By protecting them from offenses orphaned children especially those residing in children homes and child welfare institutions are often more susceptible to exploitation due, to a lack of family care and supervision. The POCSO Act requires the reporting of any offense involving children to establish a structure that safeguards the safety and welfare of orphaned children, in those settings effectively. It reinforces a child's entitlement, to safety, dignity and shielding from mistreatment by introducing a process that's child centred.

The POCSO Act contains rules that focus specifically on safeguarding the rights in cases of offenses, against children by making it mandatory to report such incidents promptly to authorities to address any abuse suffered by orphans quickly and effectively It also sets up special courts and requires prompt trials with the goal of minimizing the emotional distress experienced by children in general and orphans, in particular throughout legal procedures. Furthermore the Act guarantees the protection of children's identities keeping investigations and trials confidential. This provision serves to preserve the dignity of orphaned children who may be grappling with trauma from their experiences. The legal processes, within POCSO are structured in a manner that is not intimidating, providing child centric approaches like using video testimonies and assistance from child protection personnel.

The Act also protects the rights of orphaned children to receive rehabilitation services and medical care to assist in their recovery, from sexual abuse trauma. It's really important that these children receive the help they require to heal because they might already be facing hard times due, to their situations. The POCSO Act also allows for compensation to be given to abuse victims which could help orphaned children get the therapies and medical care as part of their recovery process. There are safeguards in place to protect both individuals and institutions from harm; however challenges like supervision of facilities and hesitancy, in reporting cases of mistreatment still persist. Addressing these problems involves implementing the Act, in care facilities and children's homes along with providing training for staff and caregivers. It is crucial to offer long term assistance to abused orphaned children as they navigate their path to recovery. The Protection of Children from Sexual Offenses (POCSO) Act is instrumental in protecting children from abuse and exploitation by establishing a system, for reporting incidents and handling legal issues efficiently. By prioritizing rehabilitation and compensation in addition, to providing procedures and support services for these children ensures they receive the justice and care to heal from their experiences.

This law strengthens their right, to safety and respect while setting up a framework to support them in recovering and progressing in life without the enduring effects of mistreatment.

The implementation of the "Prohibition of Child Marriage Act" was a step towards protecting children's rights by addressing the practice of underage marriage and setting minimum marriage ages at 18, for girls and 21 for boys This law not only seeks to discourage early marriages but also gives children the ability to dissolve such marriages once they reach adulthood This provision provides a legal recourse to challenge any child marriages that may have taken place Girls who have lost their parents are, at risk because they lack the support and face financial difficulties that make them more susceptible to being forced into early marriages without their consent or benefitting them in any way by the situation they find themselves in. The law against child marriage aims to protect these children by making such marriages illegal and guaranteeing them the right to a childhood focused on development, through education and healthcare access. This emphasis is, in line, with the context of children's rights. Aims to guarantee that orphaned children have a fair chance to develop and flourish without facing the expectations of early marriage. This law plays a role, in safeguarding children's rights and well-being— those, from vulnerable communities—and emphasizes the dedication to creating a secure and nurturing environment that promotes the growth and development of every child irrespective of their family background.

The “Child Labour (Prohibition and Regulation) Act” plays a role in guaranteeing the protection to children from exploitation in the workplace by focusing on job settings specifically aimed at protecting children under 14 years old from working in hazardous industries while also setting guidelines for their working conditions, in non-hazardous fields to safeguard their well-being and promote their growth and educational prospects for a brighter tomorrow.

Children who have lost their parents and experience difficulties or reside in care are, at a high risk of being exploited through child labour activities. Children in this situation often don't have the support of a family. May feel pressured to work in order to fulfil their requirements. This makes them vulnerable to engaging in work that can impede their growth and development. The Act specifically deals with this issue by prohibiting the employment of children in industries like construction, mines and chemical processing operations where there are risks, to their physical and mental well-being. The Act safeguards vulnerable children, by prohibiting child labour in roles that could lead to harm. This legislation plays a role, in protecting children's entitlement to an well rounded upbringing by safeguarding their access to education and leisure while shielding them from exploitative labour practices that force them into adult roles too soon. For youngsters without care it guarantees their right to schooling making sure they are not deprived of learning opportunities in favour of work responsibilities. Furthermore it emphasizes the importance of providing a setting, for children. Argues that all children should be protected from work that may hinder their physical as well, as emotional and cognitive development regardless of their financial status.

The law controls work conditions, in industries and enforces regulations for work hours and breaks to ensure the health and well-being of child workers are protected If a child works it's critical in protecting them from labour practices promoting their right to a secure and happy upbringing especially significant, for orphaned children as it establishes guidelines to shield them from forced labour or exploitation fostering their entitlement to a secure and enjoyable youth.

The “Hindu Adoption and Maintenance Act” of 1956 and the “Guardians and Wards Act” of 1890 are laws, in India that lay the foundation for adoption and guardianship arrangements to ensure care and stability for orphaned and at risk children, within families. “The Hindu Adoption and Maintenance Act” (HAMA) of 1956 is designed for Hindus. Also extends to Buddhists, Jains and Sikhs. It provides a framework, for the adoption of children within these communities. It covers not the mechanics of adoption. Also spells out the responsibilities and privileges of adoptive parents. The law requires that potential adoptive parents demonstrate both the ability and desire to create an environment, for the child.

The Guardians and Wards Act (GWA) of 1890 is a law that's not specific, to any religion and is applicable to children regardless of their background. This law is especially important for children who are not covered by the Hindu Adoption and Maintenance Act. It deals with legal guardianship matters. Establishes guidelines, for selecting guardians for minors who lack care. Both Acts are frameworks designed to safeguard the rights and well-being of orphaned children by ensuring they are placed in stable and caring homes where they can thrive and grow securely. Orphaned children belong to one of the demographics as they often lack family support and face potential neglect or exploitation risks. To ensure the well-being of orphans by placing them in families that can provide care and stability needed for their welfare the Acts define procedures, for adoption and guardianship with a focus on fairness. The laws include criteria such as age limits and financial stability for parents to ensure that only qualified individuals can become caregivers, for children. It's really important to have this kind of protection, for orphaned children because it helps them grow up in an environment that looks out for their well-being. Making sure that kids get to experience a loving family life is part of their rights regarding child welfare as outlined in these rules that help orphaned children find stability within family setups. By focusing on the child's well-being and creating an environment where orphans can receive the care and protection to what they would have, in a biological family setting.

Furthermore these Acts align, with standards for the well-being of children that highlight the significance of children being raised in a loving family and nurturing environment. They enable children to integrate into society and establish connections for their development. This legal framework not addresses the needs for housing and support. Also emphasizes the overall welfare and emotional growth of orphaned children significantly contributing to the promotion of children's well-being, in India.

“The Central Adoption Resource Authority” (CARA) is set up under the Ministry of Women and Child Development with a role, in supervising adoption procedures in India to ensure that both domestic and international adoptions adhere to ethical guidelines effectively and efficiently managed by CARA with a focus on the well-being of children, in need of adoption. CARA plays a role, for children without parents by helping them move from care to a family setting smoothly and effectively. Children are not left in orphanages for periods, under CARAs guidance instead they are placed in caring homes that cater to their physical and mental well-being. The organization oversees the procedures of Child Care Institutions (CCIs) to ensure they adhere to adoption standards like providing care resources. This rule is, in place to protect children from being taken advantage of or mistreated in any way. CARA gives attention to upholding an adoption process to avoid unlawful or morally questionable adoptions by

implementing strict criteria, for prospective parents eligibility based on factors such as financial security and emotional preparedness to care for the child's requirements thoroughly and adequately assess their ability to offer a nurturing environment where orphans can flourish and build a solid groundwork, for their future. In addition, to this system helps simplify the adoption process by keeping track of children waiting for adoption and potential adoptive parents all in one place which leads to delays and ensures that information about the children is easily accessible for matching them with families more efficiently and transparently This system also plays a key role, in lowering the risks of children being trafficked or placed in unsuitable homes. CARAs responsibility includes overseeing adoptions to uphold standards, like the Hague Convention to safeguard children from trafficking and abuse risks while ensuring legal adherence to protect children's rights, under both Indian and international laws.

CARAs post adoption follow up is crucial, for ensuring the well-being of children in their families by offering support and monitoring services to adoptive parents to meet the emotional and educational needs of the child while also providing counselling to aid in integration and address any potential difficulties that may arise. CARAs actions demonstrate a dedication, to the well-being of orphaned children—specifically focusing on their entitlement to a nurturing family setting that provides security and emotional care while fostering growth opportunities, for them equally as non-orphaned children receive to ensure fairness for all. CARA's structure guarantees transparency and accountability in the adoption procedures, in India while prioritizing the well-being of children they strive to place these children in caring homes where they can flourish.

III. INITIATIVES FROM THE GOVERNMENT TO ASSIST AND TRANSFORM ORPHANED CHILDREN DURING THE COVID-19 PANDEMIC

Considering the emotional hurdles faced by children affected by the COVID outbreak in a bid to address this issue effectively and efficiently the National Commission for Protection of Child Rights (NCPCR) introduced an initiative known as SAMVEDNA (an acronym for Sensitizing Action on Mental Health Vulnerability, through Emotional Development and Necessary Acceptance). This program is designed to offer tele counselling services to children directly impacted by the pandemic so they can receive the support they require to cope with the loss of their parents or deal with trauma and isolation brought about by COVID - 19. The program emphasizes the significance of tending to the welfare of children during challenging periods offers vital support to children who might otherwise be neglected.

Besides providing assistance, for well-being there are targeted efforts, in place to aid in the

recovery of kids who have lost their parents as a result of the pandemic. Indian states and union territories (UTs) have been directed to implement the Child Protection Services program to support children who have been orphaned by COVID-19. It is mandatory for the states to guarantee that these youngsters are promptly given care protection and rehabilitation services. They are placed in settings, like Child Care Institutions (CCIs) where they can get the care and support they need and have the opportunity, for adoption if required. If someone knows about a child who requires care and protection assistance or support in any way it is recommended they reach out to one of the approved child welfare organizations, for guidance and assistance provided to those, in need.

1098 operates as a helpline that provides support to children facing distress . The District Child Welfare Committee (CWC) is tasked with safeguard the well-being and safety of children, within the district. The District Child Protection Officer is in-charge of child protection efforts, at the district level. The hotline, for the State Commission, for Child Rights Protection is set up in every state to deal with matters relating to child rights. Upon receiving a notification regarding a child in need of care, the Child Welfare Committee (CWC) investigates the child's condition. They also ascertain the child's fitness for adoption and ensure that all necessary procedures are followed legally and ethically. This effort underlines the obligation of the state to take all necessary measures to prevent such children from being neglected. That is the children, who are orphans due to the COVID 19 pandemic. The state and its agencies are creating a conducive environment that helps children bereaved of their parents to quickly adapt and flourish. In this case, they have taken a multi-faceted approach that entails providing care and emotional support coupled with legal covering for protection of children's rights during such difficult times.

Despite various laws and government initiatives, orphans continue to face significant challenges in their journey toward independence. Gaps in aftercare support, limited access to education and job opportunities, and a lack of emotional support leave many orphans vulnerable as they age out of institutional care. While frameworks like the Juvenile Justice Act and the Orphanages Act aim to protect them, inadequate implementation and persistent social stigma make it difficult for many to integrate fully into society. Strengthening aftercare and support systems is essential to help orphans achieve stability and independence despite the obstacles they face.

IV. ISSUES PERTAINING TO AFTERCARE

For young people who have spent their childhood in an orphanage, foster system or similar facilities, the transition from state custody to living independently poses the greatest difficulty.

Most of these youths will exit care at 18 years of age or so and face a whole range of issues that makes successful integration into society nearly impossible. The challenges are numerous and include emotional, social, economic and even legal issues. Such issues are vital for all relevant people to acknowledge and tackle if young efforts removal does not incapacitate an individual.

1. Absence of Emotional and Psychological Support:

One of the major problems confronted by children in foster care when they turn eighteen is lack of emotional support. Many children who live in orphanages have had to adapt in a friendly environment without healthy permanent relationships whilst developing, something vital in development. Upon maturation all those relationships come to an end and many experience loss, loneliness and a sense of danger. If there is no such system in place, then they are more likely to suffer from other issues related to mental health such as depression, anxiety and low self-worth. The absence of after-care services, such as therapy, may also hinder their readiness in handling the challenges that come after being exited from institutional care.

2. Educational and Vocational Challenges:

Primarily, the aim of education and vocational training is to enable effective participation of the young individuals within the workforce and ultimately to the society. However, educational challenges are experienced by many orphans including disruptions in their learning which could be owing to the instability and neglect they might have experienced before or during their placement in care. Furthermore, the institutional care system may not necessarily prepare the children adequately to transition to sustain higher levels of education.

3. Difficulties with the Finance and Employment:

Economic aspects are regarded as some of the factors that are hashed over most when it comes to orphans entering adulthood. Most of the times, there is no family to turn to, or there are no resources for going into college or for some employment training, thus most of the young adults are constrained at their level due to the few job opportunities that they can access. In addition, as noted above, they may be unable to afford the most essential things such as shelter, food, or even healthcare because of the lack of encouraging economic status. Where they are in possession of very limited skills and experience in the workplace, chances of getting a well-paying employment opportunity elude them, thus squeezing them into poverty and financial instability. Most orphans find themselves in unskilled and poorly paying jobs, while others can be at risk of losing their homes or not working at all

4. The Configuration and Absence of Social Networks:

Most aftercare services do not tend to the social problems experienced by children who have lost parents. This is due to the fact that most institutionalized youths, at some point in their lives, have not had the opportunity to build long lasting and sustainable interpersonal connections or even a network of all their camps. Such lack of social integration could result in such youngsters feeling extreme loneliness and detachment from the rest of the world. They may also have very little or no experience in developing such skills necessary in the practice of getting to know acquaintances, keeping friends or even being part of a society as healthy individuals. Due to the lack of the family's presence in such youths lives, there do not exist any figures of authority who could be called guardians for help in the process of growing up.

5. Housing and Homelessness:

One of the most urgent challenges faced by the young people, especially orphans, leaving institutional care is settling down into a permanent house. Several of such young adults have a hard time with affordable housing and are mostly forced to live in temporary places such as boarding houses, shelters, and jails. Without the family or community support systems, they become homeless, which only serves to worsen other challenges such as mental health, safety, and education or job opportunities.

6. Negative Social Attitudes and Stigmatization of Orphans:

For instance, orphans' employment or relational opportunities may be limited by the stigma or negative perceptions associated with them. In several cultures, a shunned childhood, whereby oneself is termed an 'orphan,' may attract stereotypes that can hinder one's job placement, academic progression or even socialisation with peers. Such stigmatization enhances their exclusion and complicates their relationship building and overall success.

V. CONCLUSION

The difficulties experienced by children who have been brought up in institutions as one of the aftercare problems have several dimensions: emotional, social, educational, and legal. These problems suffer from the worst effects of a lack of intervention policies. In addressing these problems, the most inclusive model is the best one, i.e. the model that includes provision of psychosocial support, skills development, legal interventions and programs that foster social integration. There is an urgent need to strengthen the aftercare systems in place to assist these children so that they do not only survive but blossom into adulthood. There is a need for formulation of robust policies for the welfare of orphans along with children who have lost the status of orphanhood. These issues will not only increase their chances of overcoming challenges but also serve greater purposes of enabling young adults to become functional

members of society.
