BORN INTO DEFICIT - PROCREATIVE RESPONSIBILITY AND THE BLIND SPOT OF CHILD RIGHTS LAW

Stuti Sarawagi, Student, Symbiosis Law School, Pune

ABSTRACT

This paper reflects a fundamental dilemma in the current child rights legislation: its ability to address issues of child deprivation after birth, yet its inability to address the ethical issues surrounding the entry into situations where child deprivation is structurally expected. The paper starts with a vignette on a toddler choosing between ration and ice cream, highlighting how scarcity can alter even the deepest desires of the very young, and explains that existing laws, such as the Convention on the Rights of the Child and India's constitutional provisions, have a reactive approach. They give strong obligations to the states when there are children, but do not concern themselves with the moral question of procreative responsibility that arises in the pre-existence stage. The paper illustrates and synthesizes data from UNICEF, NFHS-5, and the 2011 Census to show in India that child poverty, forced begging and trafficking are not random failures to enforce, but rather predictable outcomes, structured and predictable by wealth, caste, geography, and gender. It confronts Derek Parfit's Non-Identity Problem, based on the idea that a deprived child has no right to object to being born into the conditions of deprivation because the other option was being not born at all, and it offers critical engagement with this challenge in the form of Benjamin Meir Jacobs' Comparative Bad State View, which moves the focus of moral inquiry from identity to agency to foreseeability. The paper does not support enforced reproductive control. Rather, it calls for policy approaches to avert such outcomes, based on the Brazilian experience of conditional cash transfer schemes, such as the Bolsa Família, which have successfully lowered high fertility rates among poor people. Procreative responsibility is not license for state control, that is its ethical counterpart and its lack is the missing piece in the child rights puzzle, if understood correctly.

Key Words: - *child rights, procreative responsibility, non-identity problem, forced child begging, India, reproductive autonomy.*

Introduction: The Moment Deprivation Becomes Predictable

We are faced with a serious dilemma when we see children, often younger than five years old, coming up to us and soliciting money. In addition to knowing about some forms of exploitation through organized networks that utilize children in these ways, our experience is also informed by knowledge of the many networks from which children come to solicit money. Since I had given money to other children before, I decided to do something different. When I asked if he were hungry, his response wasn't entirely clear; at first, I assumed he said "ice cream," so I offered to buy him one. But to my surprise, he just shook his head and said he wanted "ration."

In light of the fact that a child of this age could turn down ice cream in order to select sustenance instead of selecting a simple pleasure, there is reason to believe not only does the child suffer from extreme poverty but that his desires are being shaped by the routines of scarcity. That a child so young can anticipate deprivation to the point of choosing sustenance over a simple pleasure raises disturbing questions: What type of fear or pressure could possibly lead to such a decision? And what kind of circumstances created a child's environment where survival is defined by what the child wants versus what childhood should mean?

This paper argues that the moments described above indicate an important contradiction in contemporary child rights law. Even though these laws assign strong duties upon states to protect their children after birth, these frameworks generally disregard the structural and ethical issues surrounding procreation--that is, how children are born into environments where difficulty is not merely possible, but anticipated. While problems like child poverty, forced begging, and child trafficking exist in virtually every country around the world, it suggests the time has arrived to transition away from focusing solely on reaction to problems once they occur and toward acknowledging the previously unconsidered problem of procreative responsibility.

International Child Rights Commitments and Their Conceptual Silence

Over the course of the last hundred years, the international structure governing the protection of children has undergone a profound transformation. This process began with the *Geneva Declaration on the Rights of the Child in 1924*,[1] and culminated in the adoption of the Convention on the Rights of the Child ("CRC") in 1989.[2] Today, the CRC recognizes children as

[1]Declaration of the Rights of the Child, UNGA Res 1386 (XIV), 20 November 1959, UN Doc A/4354, available at https://www.childlineindia.org/pdf/Declaration%20of%20the%20Rights%20of%20the%20Child-1959.pdf (last visited 21 November 2025).

[2]Convention on the Rights of the Child, 1577 UNTS 3 (adopted 20 November 1989, entered into force 2 September

right-holders that are free from obligation or prerequisite, imposing obligations on states with regard to child survival, development, and dignity.[3]

Despite the normative sophistication, there has been a lack of success in terms of empirical evidence. In today's time, over 412 million or about 1 in 5 children worldwide live in extreme economic poverty (less than $3.00 a day).[4] The greatest vulnerability is clearly evident at the beginning of life: as of 2024, 22.3% of all children living from ages 0 through 4 were living in extreme economic poverty.[5] Those numbers suggest that while deprivation may occur later in childhood, it is often the case that it exists at birth.

Although the CRC provides a governing authority for States' actions to protect children once they exist, it addresses an ethical issue that occurs when children are placed into environments in which the realization of their rights will be structurally unachievable. That failure does not weaken the force of the child rights movement; it merely indicates an error within the theoretical foundation upon which the child rights movement is constructed — namely a reactive approach to protecting children based upon intervention subsequent to harm rather than evaluating those circumstances under which that harm is deliberately created.

India's Constitutional Commitment and the Foreseeability of Deprivation

As such India, with an expected population of children larger than that of any other country by 2050,[6] and the estimated number of children being born each year in India is approximately 27 million, representing roughly one out of every five live births throughout the world,[7] represents a clear example of the paradoxical relationship between India's constitutional structure and its assertive commitment to child rights.

India's constitutional framework stands in complete contradiction to its assertive commitment to

---

1990), available at https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child (last visited 21 November 2025); UNICEF, "History of Child Rights", available at https://www.unicef.org/child-rights-convention/history-child-rights (last visited 19 November 2025); World Vision International, "History, Facts, and FAQs: What You Need to Know About Child Labour", available at https://www.wvi.org/stories/facts-history-faqs-what-you-need-know-about-child-labour (last visited 19 November 2025).

[3]Convention on the Rights of the Child, *supra* note 2, arts. 6, 24 and 27.

[4]UNICEF, *The State of the World's Children 2025: Ending Child Poverty: Our Shared Imperative, Executive Summary* (2025), available at https://www.unicef.org/media/176006/file/SOWC-2025-executive-summary-EN.pdf (last visited 19 November 2025).

[5]*Ibid.*

[6]UNICEF India, "UNICEF Report Highlights Global Megatrends Influencing Children's Future", available at https://www.unicef.org/india/press-releases/unicef-report-highlights-global-megatrends-influencing-childrens-future (last visited 25 December 2025).

[7]UNICEF India, "Key Data", available at https://www.unicef.org/india/key-data (last visited 25 December 2025).

child rights. Constitutional articles like Articles 21 of the Indian Constitution have been interpreted to require that the State provide access to healthcare, food, education and dignity;[8] provide access to education without cost and make education obligatory for all citizens under age 14 under Article 21A;[9] provide for early childhood care under Article 45;[10] and protect children from abuse and exploitation while giving them an opportunity to develop freely and with dignity under Articles 39(e) and 39(f).[11] Furthermore, statutory protection of child rights, particularly the Juvenile Justice (Care and Protection of Children) Act, 2015, even criminalizes neglect, cruelty, and forced begging.[12]

The stark contrast between what the law says (and implies) and what the statistics show exists. According to the Census of 2011, there are over 10 million working children less than 14 years old. UNICEF estimated that nearly 30% of the very poor children live in this country.[13]

The NFHS-5 reports that approximately 1 out of every 24 children die before the age of 5; almost all of which occur during early childhood.[14] Furthermore, these high mortality rates are strictly related to wealth status, geographic location, caste and mother's education level,[15] thus illustrating how poverty is neither arbitrary nor unpredictable. Poverty is structured.

This empirical reality is important for our purposes since constitutionally guaranteed rights presume a baseline level of material conditions to be fulfilled. Therefore, if a child is born into a household where the parents cannot meet its basic needs, then deprivation was not a future policy failure; however, it was the foreseeable beginning of the child's life. At that time, the child rights framework would operate in a "deficit" mode.

Why Does Procreation Continue Under Conditions of Extreme Poverty?

Therefore, the question that logically arises is why do families who suffer from poverty continue

[8]The Constitution of India, art. 21; *Francis Coralie Mullin v. Administrator, Union Territory of Delhi*, (1981) 1 SCC 608 (SC); *Unni Krishnan, J.P. v. State of Andhra Pradesh*, (1993) 1 SCC 645 (SC); *Parmanand Katara v. Union of India*, (1989) 4 SCC 286 (SC); *People's Union for Civil Liberties v. Union of India*, (2013) 2 SCC 688 (SC); *Narmada BachaoAndolan v. Union of India*, (2011) 7 SCC 639 (SC).

[9]The Constitution of India, art. 21A.

[10]The Constitution of India, art. 45.

[11]The Constitution of India, arts. 39(e) and 39(f).

[12]The Juvenile Justice (Care and Protection of Children) Act, 2015, ss. 2(14), 27, 30 and 76.

[13]UNICEF Innocenti — Global Office of Research and Foresight, *Child Labour and Schooling in India: A Reappraisal* (July 2024), available at https://www.unicef.org/innocenti/media/9356/file/UNICEF-Innocenti-Child-labour-schooling-India-Report-2024.pdf (last visited 8 December 2025).

[14]International Institute for Population Sciences (IIPS) and ICF, *National Family Health Survey (NFHS-5) 2019-21*, available at https://dhsprogram.com/pubs/pdf/FR375/FR375.pdf (last visited 11 February 2026).

[15]*Ibid.*

to procreate knowing they will deprive their offspring?

There has been strong empirical evidence supporting a significant correlation between lower-income families having larger numbers of births. Women in Indian households classified as being the lowest-income have much greater fertility rates than women in the highest-income households.[16] Factors such as education/knowledge/culture cannot adequately account for the difference in fertility among households with varying incomes. Instead, it appears that it is due to responses to economic insecurity.

In an environment that lacks access to formal employment opportunities, social service programs and general protection, children are viewed as contributing to family members' survival. As such, a larger family size is no longer considered an added expense to support, but rather an opportunity to increase the family's earnings or to obtain financial security and insurance against unforeseen circumstances in a very uncertain environment. Children are not just economic dependents but also immediate or future labour in these settings. In those settings, it is impossible to stop people from having more children when they are living in those kinds of conditions that characterize their lives with deprivation.

A study conducted in 2009 by Anti-Slavery International[17] highlights that a mother from Albania noted that *'When you marry young, you will have more children, so what will you do with them? You will put them on the streets'*, another commented, *'If the parent begs, it is the same for the child. It is genetic sometimes.'* Furthermore, it showed that children are being forced into begging by parents and third parties using violence, threats, and deprivation as well as coercion. The study found that most of the 163 children surveyed were rented, mutilated, drugged to feign illness, abducted and organized into shadow economies by guardians to satisfy income targets or repay debts to drug dealers.

From Poverty to Exploitation: Forced Begging as Structural Outcome

Therefore, there can be no doubt that one of the most severe manifestations of this type of structural deprivation is forced child begging. Child begging is certainly much more than an additional feature of traditional concepts of urban vagrancy. Contemporary child begging has

[16] *Ibid.*

[17] Anti-Slavery International, *Begging for Change: Research Findings and Recommendations on Forced Child Begging in Afghanistan, Bangladesh, Ghana, India, and Senegal*, 16 (2009), available at https://www.antislavery.org/wp-content/uploads/2017/01/beggingforchange09.pdf (last visited 20 December 2025).

become an organized shadow economy in its own right.[18] Infants are being drugged to feign illness, while children are being rented out, maimed or abducted to maximize profit.[19]

The international laws clearly recognize such acts of exploitation as trafficking. International law recognizes the above mentioned practices of exploitation as trafficking. Specifically, the *Palermo Protocol* defines the exploitation of a child for forced labor/slavery/trafficking etc. regardless of whether there has been consent as trafficking.[20] Further, *ILO Convention No. 182* and the *UN Supplementary Convention* define forced child begging as one of the worst forms of servitude of children.[21]

Indian law is modelled similarly. Although the Indian legal system has taken measures to address the issue of child exploitation through legislation (Juvenile Justice Act) that prohibits the use of children for purposes of begging,[22] and provides for their rehabilitation,[23] the courts have continually found that begging is a social and economic phenomenon and therefore, that no criminality exists to justify laws that criminalize it. Therefore, the legislative efforts to ban destitute children from begging have been consistently struck down by the courts without offering alternatives.[24]

Yet, large numbers of children continue to be exploited for begging. According to the 2011

[18]Anti-Slavery International, *Begging for Change*, 13-15 (2009); United Nations Office on Drugs and Crime, *Global Report on Trafficking in Persons 2024*, 16 (2024), available at https://www.unodc.org/documents/data-and-analysis/glotip/2024/GLOTIP2024_BOOK.pdf (last visited 27 December 2025).

[19]Anti-Slavery International, *Begging for Change*, 10-13 (2009); Vijay Kumar and Ravinder Kaur, "Begging in India: A Human Rights Perspective", 2 *Journal of Social Work and Human Rights* 1, 8 (2014), available at https://jswhr.thebrpi.org/journals/jswhr/Vol_2_No_1_March_2014/1.pdf (last visited 27 December 2025); Andrew Malone, "The Real 'Slumdog Millionaires': Behind the Cinema Fantasy, Mafia Gangs Are Deliberately Crippling Children for Profit", *Daily Mail*, 24 January 2009, available at https://www.dailymail.co.uk/news/worldnews/article-1127056/The-real-Slumdog-Millionaires-Behind-cinema-fantasy-mafia-gangs-deliberately-crippling-children-profit.html (last visited 27 December 2025).

[20]Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime, UN Doc A/RES/55/25 (entered into force 25 December 2003), arts. 3(a) and 3(c), available at https://www.ohchr.org/en/instruments-mechanisms/instruments/protocol-prevent-suppress-and-punish-trafficking-persons (last visited 11 February 2026).

[21]International Labour Organization, Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, C182 (adopted 17 June 1999, entered into force 19 November 2000), available at https://www.ilo.org/topics-and-sectors/child-labour (last visited 11 February 2026); Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 226 UNTS 3 (adopted 7 September 1956, entered into force 30 April 1957), arts. 1 and 2, available at https://www.ohchr.org/en/instruments-mechanisms/instruments/supplementary-convention-abolition-slavery (last visited 11 February 2026).

[22]The Juvenile Justice (Care and Protection of Children) Act, 2015, s. 76.

[23]The Juvenile Justice (Care and Protection of Children) Act, 2015, ss. 27, 31, 36, 37, 41, 44, 45, 46 and 53.

[24]"Can't Take Elitist View to Ban Begging: Supreme Court", *Times of India*, 29 July 2021, available at https://timesofindia.indiatimes.com/india/cant-take-elitist-view-to-ban-begging-supreme-court/articleshow/84809917.cms (last visited 28 December 2025).

Census of India, there were approximately 413,670 beggars and vagrants in India.[25] Of those individuals who were identified as beggars or vagrants, there were 45,296 who were less than 15 years old.[26]

This disparity suggests that children who are forced into begging are not simply a product of a lack of enforcement, but rather an end result of economic exploitation. Begging mafias exploit pre-existing vulnerabilities. Therefore, they do not create them from scratch.

Forced child begging is one of the most serious violations of children's rights in general, therefore it is one of the biggest issues regarding children in India. In addition to this, there are nearly seven point three million adults and children employed for about Rs 180 crores in earnings as per the Census of 2001.[27] Child rights aim to prevent this very 'instrumentalization' of children, yet it creates a paradox between reproductive freedoms and reactive measures towards children.

Reproductive Autonomy and the Foreseeability Problem

India's constitutional jurisprudence has historically protected reproductive autonomy as part of individual liberty, dignity and privacy.[28] It has consistently rejected state control over procreation based on economic conditions acknowledging the historical threat posed by such control.

Such protection is justified and needed; Judicial precedents[29] have viewed reproductive autonomy as a negative right -- i.e., as a matter of being free from state intervention -- although to view it as a positive exemption from moral accountability prior to procreation ignores the difference in creating a third party that will be directly impacted.[30]

In this way, the legal system protects people's ability to reproduce while separating from the downstream social welfare policy issue of how those children would be affected. The separation

[25]Press Information Bureau, "Survey on Beggars", 16 August 2023, available at https://www.pib.gov.in/Pressreleaseshare.aspx?PRID=1781351&reg=3&lang=2 (last visited 20 December 2025).
[26]Lok Sabha, Unstarred Question No. 3228, 16 March 2021, available at https://sansad.in/getFile/loksabhaquestions/annex/175/AU3228.pdf (last visited 26 December 2025).
[27]Vijay Kumar and Ravinder Kaur, *supra* note 19.
[28]Center for Reproductive Rights, *Whose Right to Life? Women's Rights and Prenatal Protections under Human Rights and Comparative Law* (2014), available at https://reproductiverights.org (last visited 28 December 2025); *Skinner v. Oklahoma ex rel. Williamson*, 316 US 535 (1942); *B.K. Parthasarathi v. State of Andhra Pradesh*, 2000 SCC OnLine AP 121; *Devika Biswas v. Union of India*, (2016) 10 SCC 726 (SC); *Suchita Srivastava v. Chandigarh Administration*, (2009) 9 SCC 1 (SC).
[29]*Griswold v. Connecticut*, 381 US 479 (1965); *Eisenstadt v. Baird*, 405 US 438 (1972).
[30]Karin Kuhlemann, *The Right to Procreate and the Legitimate Scope of Anti-Natalist Policies* (PhD thesis, University College London, 2023), available at https://discovery.ucl.ac.uk/id/eprint/10165577/2/K%20Kuhlemann%20manuscript%20clean%202023.pdf (last visited 11 February 2026).

of these two issues becomes much less defensible where deprivation is not just speculative, but predicted at the time of birth.The relative absoluteness of this right can become most dangerous when a person uses it in a context of extreme poverty.

This is a right which exists alongside a starkly contrasting reality, which again makes one question that *when prospective parents are acutely aware that their child will likely be born into a life of severe and predictable deprivation, what are their moral responsibilities?* This paper asserts that although Reproductive Autonomy is recognized as a legally enforceable right, it is inherently linked to an ethical obligation (procreative responsibility) for each parent to consider the reasonably foreseeable quality of life of the potential child.

The Non-Identity Problem and the Limits of Harm

The discussion of procreative responsibility is always confronted with The Non-Identity Problem, as established by philosopher Derek Parfit.[31] The Non-Identity Problem states that because a child's identity is defined by the precise timing of her conception, no child who is born into poverty can assert that she suffered from harm caused by being brought into the world, since her alternative was non-existence. Since her life is "worth living", existence outweighs deprivation.

If taken literally, this line of reasoning would essentially eliminate any concept of parental responsibility in terms of preventing harm to their offspring. It reduces the ability to hold parents accountable for ensuring the well-being of their children.

The *'Comparative Bad State View'*[32] by critics such as Benjamin Meir Jacobs provides a far more understandable account. The discussion, therefore, should not focus on comparative identity-based harm, but instead on whether an agent creates a foreseeable bad state in a person. Under this view, an individual's responsibility does not stem from being responsible for placing another person in a state which is worse than non-existence; rather, it stems from acting with intent to create vulnerability at those times when extreme states of deprivation can be reasonably predicted and avoided. Therefore, the moral inquiry has changed from identity to agency.

[31]Derek Parfit, "What Makes Someone's Life Go Best" in *Reasons and Persons* (1984) (excerpt), available at https://rintintin.colorado.edu/~vancecd/phil308/Parfit1.pdf (last visited 11 February 2026).

[32]Benjamin Meir Jacobs, "Is There a Moral Obligation to Select Healthy Children?", 41 *Journal of Medical Ethics* 696 (2015).

From Autonomy to Responsibility

This new way of framing the issue allows for the balancing of procreative autonomy and responsibility regarding reproduction. Based on Classical Liberal theory,[33] the intention behind procreative acts cannot be seen as an autonomous act because they involve creating a dependent and vulnerable person. When dependence or vulnerability is created through someone's life through design, then responsibility is inevitable.

Therefore, procreation is justified as a form of continuing the species, and not as an unlimited expression of parental will.[34] Where families deliberately produce children in excess of their capacity to meet these duties, the resulting deprivation is externalized to the child and the community at large,[35] thereby imposing an infinite duty on finite resources.[36]

Coercive legal intervention is not implied here. Rather, there exists a moral failing due to a lack of consideration for the potential consequences of one's reproductive decisions toward a third-party that cannot protest or advocate its own interests -the child. Rights of children would seem ridiculous if their purpose was solely to assure some degree of sustenance after the point at which vulnerability had become an injury.

The Licensing Analogy: A Conceptual Provocation

A contradiction in logic exists based on the two different treatments of autonomy and accountability concerning children when contrasted with *adoption*. Adoption is a process which is heavily regulated by the government to ensure the best interest of the child. Specifically, investigations into financial capability and psychological/mental health of the prospective adoptive parents are conducted so as to protect the prospective adoptee from potential negative consequences. There is no requirement for prospective parents of biological children to have undergone similar evaluations, despite both types of children having equal amounts of risk and loss associated with them.

The idea, of course, is not to advocate for licensing parents as described by Hugh LaFollette in '*Licensing Parents'*,[37] and supported by scholars arguing that anti-natalist intervention (e.g.,

[33]Carter J. Dillard, "Rethinking the Procreative Right", 10 *Yale Human Rights and Development Law Journal* 1 (2007).
[34]*Ibid.*, at p. 43.
[35]*Ibid.*
[36]Kuhlemann, *supra* note 30.
[37]Hugh LaFollette, "Licensing Parents", available at https://www.hughlafollette.com/papers/licensing.parents.pdf

requiring prospective parents to be licensed) does not infringe on a person's correct conception of their right to reproduce.[38]

Instead, what is pointed out here is that at issue is a larger logical contradiction. It is an undeniable truth that our society's laws recognize that raising children involves an activity of high stakes; therefore, some level of competency should be assumed before children are raised. Therefore, the unwillingness of society to hold the same assumptions about biological reproduction as they do about adoption is indicative of an avoidance of responsibility, not a lack of respect for reproductive freedom.

Policy Implications: Prevention Without Coercion

Worldwide experience shows us that legislation is not necessary to respond to concerns about this issue. There have been many examples of successful prevention through child-oriented social protection policy applications throughout the world, including Brazil's *Bolsa Família*[39] and Mexico's *Oportunidades* (conditional cash transfer programs).[40] These two programs have effectively severed ties among children and family income strategies through the requirement that children attend school in order to receive financial support. Conversely, the application of so-called "family cap" models found in the US[41] and Mexico's rollback of targeted grants[42] (and

(last visited 11 February 2026).

[38]Kuhlemann, *supra* note 30.

[39]Kathy Lindert, Anja Linder, Jason Hobbs and Bénédicte de la Brière, *The Nuts and Bolts of Brazil's Bolsa Família Program: Implementing Conditional Cash Transfers in a Decentralized Context*, SP Discussion Paper No. 0709 (World Bank, May 2007), available at https://documents1.worldbank.org/curated/en/972261468231296002/pdf/398530SP1709.pdf (last visited 11 February 2026); Fabio Veras Soares, Rafael Perez Ribas and Rafael Osorio, "Evaluating the Impact of Brazil's Bolsa Família: Cash Transfer Programs in Comparative Perspective", 45 *Latin American Research Review* 173 (2008), available at https://www.researchgate.net/publication/236726233_Evaluating_the_Impact_of_Brazil's_Bolsa_Familia_Cash_Transfer_Programs_in_Comparative_Perspective (last visited 11 February 2026).

[40]Sarah L. Barber and Paul J. Gertler, "The Impact of Mexico's Conditional Cash Transfer Programme, Oportunidades, on Birthweight", 13 *Tropical Medicine & International Health* 1405 (2008), available at https://onlinelibrary.wiley.com/doi/epdf/10.1111/j.1365-3156.2008.02157.x (last visited 11 February 2026); Development Monitoring and Evaluation Office, *Best Practices: Women and Child Development Sector*, Case Study 19 (NITI Aayog, 2021), available at https://dmeo.gov.in/sites/default/files/2021-08/Package2_WCD_CaseStudy19.pdf (last visited 11 February 2026).

[41]D. Romero and M. Agénor, "Twenty Years Post US Welfare Reform and State Family Caps aka Child Exclusion: An Overdue Assessment", 26(2) *Journal of Poverty and Social Justice* 151 (2018); Ted Joyce, Robert Kaestner, Sanders Korenman and Stanley Henshaw, *Family Cap Provisions and Changes in Births and Abortions*, NBER Working Paper No. 10214 (National Bureau of Economic Research, January 2004), available at https://www.nber.org/system/files/working_papers/w10214/w10214.pdf (last visited 11 February 2026).

[42]Fernanda Marquez-Padilla, Susan W. Parker and Tom S. Vogl, *Rolling Back Progresa: How the Sudden Ending of a Landmark Anti-Poverty Program Affected School and Labor*, APC Working Paper Series No. 2407 (Association

as such, represent punitive welfare models) demonstrates that punitive welfare models will increase poverty rather than decrease it.

As with all the other forms of social protection mentioned above, these systems are based upon respect for reproductive autonomy and the systemic causes that reduce children to mere economic commodities. The removal of these programs brings child deprivation back to the forefront as a reminder that it is prevention (and not punishment) which should be the focus.[43]

Amartya Sen has argued that the way to address this deprivation is through social enhancement and gender equity — particularly through women's literacy — rather than through punitive measures such as the one-child policy used in China or the sterilization targets employed for a brief time in India.[44]

India's failure cannot be attributed solely to its lack of laws; it can also be attributed to a lack of coordination, utilization, and budgetary direction in implementing laws, as well as the failures of programs designed to aid the poor such as POSHAN 2.0, which suffered a decline in funding priorities, was non-inclusive toward vulnerable populations, and was subject to digital exclusion. Further, government deletion of job cards represents another form of exclusion. Children's services are especially preventive, but act after children are victimized instead of trying to avert their vulnerability in the first place.

Conclusion: Procreative Responsibility as the Missing Link

The persistent prevalence of childhood poverty and the continued use of children for forced begging is likely the greatest paradox present within modern child rights advocacy. Advocates vigorously defend the right to create life; however, they generally fail to recognize and/or advocate for the obligation to create conditions that allow for the protection of life immediately upon creation. Criminalization fails for two reasons: First, the reasons why a parent relies on his/her/their child for sustenance are simply ignored. Second, interventions made to "rescue" children often occur too late.

Procreative responsibility does not require the implementation of coercion, but rather requires advocates to be honest about their assumptions. A parent's right to create life is not equivalent to

---

of Population Centers, September 2024), available at https://cmepr.gmu.edu/wp-content/uploads/2024/10/Parker_2024_APCWorkingPaper.pdf (last visited 11 February 2026).

[43]*Ibid.*

[44]Amartya Sen, "Fertility and Coercion", 63 *University of Chicago Law Review* 1035 (1996), available at https://chicagounbound.uchicago.edu/uclrev/vol63/iss3/3/ (last visited 11 February 2026).

having a complete and unconditional authorization to create an environment in which deprivation is a predictable (if undesirable), circumstance. If the realization of child rights means something greater than providing post-hoc intervention(s), then they must be recognized as soon as vulnerability is created.

The real way to protect children is not by punishing the poor after they end up on the streets, but by transforming the context that makes a five-year-old *refuse an ice cream* and demand a *ration* instead.