

# NATIONAL AND INTERNATIONAL MECHANISMS ON PROTECTION OF WOMEN AND CHILD RIGHTS IN INDIA

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**Abstract:** Women and children are one of the more vulnerable and target victims of crime by the perpetrators in our traditional society. The prevalence of crimes and human rights violation is very common among women and children in our civilized society. Even though, implementations of various national legislation include Protection of Human Rights Act and other national legislation existed by legislators in the state for protecting the people from all the evil things such as crimes, cruelty, maltreatment and human rights violation against women and children. Apart from that, UN Declarations and Conventions are a very significant role for attempts to protect human rights worldwide. Especially, Several UN mechanisms and guidelines attempt to the protection of women and child rights in all the society. In any civilized society in the advanced developed nations were implemented the structured laws for the protection of human rights particularly ensure of women and child rights. In this backdrop, this present paper attempts to make a necessary action should be followed by the guidelines of UN Declarations and Conventions for the protection of women and child rights in India. Hence, This study would be adopted a descriptive research method with collected secondary sources from books, journals, magazines, daily newspapers and appropriate websites

**Keywords:** Convention, Declaration, Human Rights, United Nations, Women & Children

## I. INTRODUCTION

Women and children are one of the more vulnerable and targeted to the victims of crime by the perpetrators in our traditional society. But children are the most valuable assets in our future generation. In our civilized society women role as very essential in all the sectors. Therefore, the protection of women and child rights is very essential in our society. But, the prevalence of crimes and human rights violation is very common among women and children in our present society. Even though, enactments of various national legislation include Protection of Human Rights Act and other national legislation existed by legislators in the state for protecting the people especially women and children from all the evil things such as all the sexual and property crimes, cruelty, maltreatment and human rights violation against them.

## II. VIOLENCE AGAINST WOMEN AND CHILDREN

Violence against women is very common and also called as gender-based violence, its means together or entirely commission or omission perpetrated against women. Violence against women is a presence of traditionally inadequate power relations between men and women. In our present society common violence against women are rape, molestation, domestic violence, sexual harassment, reproductive coercion, female infanticide, child abuse, pre-natal sex-selective abortion, disruptive violence, mob violence as well a harmful customary practices such as honor killing, dowry violence, female genital mutilation, marriage by abduction, involuntary marriages violence by police and influential people, trafficking in women, enforced prostitution. Most often violence against women has been attached as a health issue, and also as the violence of human and predominantly women rights (Sasireka&Revathi Thomas, 2018).

Violence against children is also very common problems and major violence against children in the modern context. Physical violence, drug and alcohol abuse, sexually related abuse, mental and emotional abuse and children were involved in various hazardous work at factories and commercial sectors. UNICEF states that violence against children can be “physical and mental abuse and injury, neglect or negligent treatment, exploitation and sexual abuse. Those type of violence may take habitation in residential, schools, Orphanages, house care facilities, on the streets, in the workplace in prison and places of incarceration, such violence can affect the normal development of a child impairing their mental, physical and social being. In extreme cases abuse of a child can result in death (Childline India Foundation, 2018).

## III. CONSTITUTIONAL PROVISION FOR WOMEN AND CHILDREN

Constitution of India ensure guarantees to legal rights and remedies to the protection of life and personal liberty and the right against exploitation are protected in Articles 14, 15, 15(3), 19 (1) (a), 21, 21(a), 23, 24, 39 (e), 39(f) and repeat India’s promise to the protection, shelter, safety, and well-being of all its people, including children. Besides, several numbers of International convention and declarations relating to the rights of the children and protect them from all the evils in the society. Even though, various crises in the Criminal Law deals with cases of child abuse a modern amendment in the POCSO Act, 2012 strengthening the aims of serious action to the protection of children from sexual offenses. (Murugesan D & Ramakrishnan D, 2019). The Indian Constitution also ensured certain guarantees to all women such as equality (Article 14), Equal Opportunity (Article, 16), equal remuneration for equal work (Article 39 (d) and article 42. Besides permits special permissions to be made by

the state in favor of Women and Children (Article 15(3), renounces performs derogatory to the self-respect of women (Article 51 (A) (e), etc.

#### IV. NATIONAL AND INTERNATIONAL INITIATIVES FOR WOMEN

The National Commission for Women (NCW) was established in the year of 1992 came after the globalization. The NCW emphasized the guarantees to rights of women in India and also nurture expression for their issues and alarms. The issues of their fights have encompassed dowry, involvement, and contribution of women in politics, religion, and equal opportunity in equal work and the exploitation of women for labor. It's also considered that abuse against women by police and other influential persons. All the United Nations basic human rights documents apply without concern to gender or age, the significance of their requirements apply likewise to women and men. Finally, women are disproportionately victims of certain particular human rights Violations such as Abduction and sexual assault during armed conflict (Sasireka & Revathi Thomas, 2018).

Government of India and several UN conventions have drafted numerous obvious arrangements to concentrate the women about their rights which were "Mexico plan of action (1975)", "the Nairobi forward-looking procedures or strategies (1985)", "the Beijing statement" and also "the stage for action (1995)" and the effect ultimate embraced by the UNGA congregation on gender impartiality and augmentation and direction for the twenty-first century, titled "further accomplishments and formations to the device, the Beijing declarations and the stage for activity have been enthusiastically strengthened by India for appropriate progress, vigorous among them is the confirmation of the "Convention on Elimination of All Forms of Discrimination against Women (CEDAW)" in 1993 (Sasireka&Revathi Thomas, 2018)

#### V. ROLE OF UNICEF AND OTHER ORGANIZATION ON PROTECTION OF CHILD RIGHTS

The United Nations International Children's Fund (UNICEF) was established by the UN General Assembly. (Singh dolly, 2001, 207) Initially called the United Nations Children's Emergency Fund, This fund was to be utilized for the assistance of children and juveniles of nations which had been victims of antagonisms without discrimination. Consequently, the Assembly recognized the need for constant execution to discharge sufferings of children, predominantly in developing countries. They have been essential work closely with state and local governments and other associates across the world. The United Nations has addressed violence against children includes child abuse as a human rights dispute, addition a section accurately to children in the United Nations of Human Rights which states as "Identifying that the child, for the complete and harmonious growth of their personality, should grow up in a family environment, in an atmosphere of 80 happiness, to develop to the completest, to security from harmful influences, abuse, and exploitation, and to participate fully in family, cultural and social life." UNICEF's work is central which also focuses on Millennium Development Goals relate directly to children. (Sarna and Santosh, 2002, p.2) Moreover, various International organizations working for child rights and protect children from all types of violence includes abuse and cruelty. Childline India Foundation is very actively working for the protection of children from all types of abuses and violation of India.

#### VI. INTERNATIONAL CONVENTIONS AND DECLARATIONS

SAARC convention on preventions and combating trafficking in women and children for prostitution emphasizes that the evil of trafficking in women and children for the purpose of prostitution is inharmonious with the self-respect and honor of human beings and is a violation of basic human rights of women and children. The UN Convention on the rights of the child in 1989, is the most important tool in the history of child rights, which confirmed the convention in 1992. Moreover, various policies and legislation were articulated in the country to safeguard child rights and improvement in their status. Under the Indian Penal Code, the following sections are enumerated to control the children from the sexual offense: 1) Obtaining of minor girls by inducement or by force to seduce or have illicit intercourse (Section 366-A). 2) Selling of girls for prostitution (Section 372). 3) Buying girls for prostitution (Section 373). 4) Rape (Section 376). 5) Unnatural Sex (Section 377) (Rufus et al, 2007). But there is no piece of legislation form the IPC has been enacted to deal exclusively with child-related offenses includes child abuse in India before the Criminal Law Amendment Ordinance, 2018 (POCSO, 2012), Act strengthening the aim of exclusive prevention of child sexual abuse. (Rufus, D et al, 2007).

#### VII. INTERNATIONAL INSTRUMENTS DEAL WITH CHILDREN IN CONFLICT WITH THE LAW AND THEIR RIGHTS

Besides, aforesaid discussion about national and international legal mechanisms deals with violence against women and children, various national as well as international convention and declaration deals with children come in conflict with the law summarized below/-

**The United Nations Convention on the Rights of the Child (UNCRC)** provides a framework for improving the living conditions of children, focusing on the following four broad areas:

- a. **Survival rights:** Articles 6.1, 6.2 and 24.1 deals with the basic needs that must be met for children to enjoy good health for adequate growth, including medical care, nutrition, shelter, and clothing.
- b. **Development rights:** Articles 6, 26 and 28 relate to the opportunities and means for providing children with access to education, skills, training, recreation and rest, information, parental care, and social security.

**c. Protective rights:** Articles 2, 19.1, 19.2, 32.1, 33, 34, 36 and 37 focus on the legal and social provisions that must be made by each country to protect children from mistreatment, substance abuse, sexual abuse, cruelty, separation from family, discrimination, and the effects of all types of man-made or natural disasters.

**d. Participation rights:** Articles 12, 13, 14 and 17 focus on the opportunities and means provided to children to enable them to express opinions on matters affecting their lives, including liberty of adoration, access to information about oneself, and freedom to give evidence (where applicable).

The Government of India, having ratified the Convention, has found it expedient to re-enact the existing law relating to juveniles bearing in mind the standard prescribed in the UN Convention on the Rights of the Child, the UN Standard Minimum Rules for the Administration of Juvenile Justice, 1985 (The Beijing Rules), The United Nations Rules for the Protection of Juveniles Deprived of their Liberty (1990), and all other relevant international instruments to deals with juvenile comes under the conflict with the law. To achieve this objective the state has introduced different laws related to children in conflict with the law (Murugesan, D & Ramakrishnan, M, 2014)

## VIII. CONCLUSION

In the 21st century, we have achieved technologically advancement like other developed countries. All segments of people are influenced by electronic devices. The technical enhancement also leads a women life critical. But new kind of crimes increased day by day against women and children life. However, it is very disgracing to say about the suspicious safety of women and children in India. Hence, the appropriate efforts are the major need for protecting the women and children in different walks of life. The essential national legislation and International conventions and declarations also ensure the certain right of the women children and also protect them from all the violence and evils from their husbands/parents, caretakers, employers, and strangers in the whole society. In the civilized society in the developed countries women and child are protected from organized laws and guidelines and moreover some preventive mechanism and safeguarded such as state-level stake holders to protect the women and children. This study is an attempt to find the various violence related to women and children and to find the availability of national and the UN mechanism on how to protect them from the habitual violence in society. Therefore what we have to necessitate to creating awareness to the public to protect the women and children from the violence. The government should take appropriate actions along with NGOs, concern stakeholders, medical professionals, social activists, and media organizations to create the awareness among the public and strengthen and properly implement the existing laws.

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