

PROTECTION OF CHILDREN HUMAN RIGHTS UNDER VARIOUS INTERNATIONAL INSTRUMENTS

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Abstract:

The purpose of this study is to highlight the children's rights or human rights for children. Furthermore the present research paper makes study on the international organizations work for the development of child rights all over the world. There are number of international organizations which have taken the responsibilities to take all the available measures to make sure children rights are respected, protected and fulfilled. These organizations help the family in protection of children's rights make an environment where they can grow and reach their potential.

Keywords: Children, Instruments, Discrimination, Protection, Awareness, convention.

Introduction

Child protection has existed for a long time, much before the 1989 Convention on the Rights of the Child. States began implementing such protected through international treaties (declarations, conventions, etc.), through statements directly about children or through indirect means of protecting families and mothers. In 1923, the League of Nations began preparing a declaration on the rights of the child. Member States ratified this first declaration in 1924, which contains only five articles. This statement is limited, but it highlights the most important rights of the child. Article 1: the right to normal development, from a material and spiritual perspective. Article 2: the right to food, to access to health care, and to help for orphans and the disabled. Article 3: priority access to relief in times of distress. Article 4: protection against all exploitation. Article 5: access to education in a respectful and welcoming environment.

In 1959, the United Nations created a second declaration on the rights of the child, which puts forward ten important principles, including: the enjoyment of all the rights provided in the declaration without discrimination; special protection under the law so that children can develop healthily and normally in physical, mental, moral, spiritual and social terms, under conditions of freedom and dignity; the right to grow up under the protection and responsibility of their parents; protection of their health and the right to food; protection for disabled children; the notion of the best interests of the child and the right to education; the opportunity to receive emergency care in case of distress; protection against all forms of neglect, cruelty and exploitation; the right to a name and a nationality at birth; non-discrimination based on race, colour, sex, religion, political or non-political opinion, etc.

However, despite the importance of these two declarations, and the reference that they make to key rights for children, their legal value is limited because their addressees are not required to abide by them and are committing no offence when they do not comply.

Finally, the UN Member States decided to establish an agreement on behalf of children that would be respected and binding on the signatory States. In 1989, the Member States announced the creation of the International Convention on the Rights of the Child, which has been signed by 193 states. It is considered one of the most ratified conventions in the world and contains civil and political, as well as cultural, social and economic rights.

This Convention contains 54 articles that explain and specifically point out all the rights of children, including the right to life, food, protection, education, and the protection of disabled children, etc. The second part of the Convention contains the compliance and implementation mechanisms of the Convention by the Committee on the Rights of the Child. The Committee is composed of 18 independent experts who monitor the implementation of the Convention by the signatory states. They also monitor the implementation of two optional protocols to the Convention.

In May 2000, the United Nations General Assembly adopted and opened for signature two protocols to the International Convention on the Rights of the Child concerning the sale of children, child prostitution and child pornography, as well as the involvement of children in armed conflict. These protocols entered into force on 18 January 2002.

On 19 December 2011, the UN General Assembly adopted the Third Optional Protocol to this Convention, establishing an individual complaints procedure for violations of children's rights. This Optional Protocol was accepted unanimously by the United Nations Human Rights Council on 17 June 2011. The Protocol entered into force three months after its tenth ratification.

The State is primarily accountable for the protection of children's rights, but it is not the only party, since other national and international organizations are also responsible. Everyone must participate in this protection when there is a violation of these rights. As an example, our organization, Humanism, often receives emails from civilians who contact us to inform us about an unacceptable video on Face book or YouTube showing a violation of children's rights. Therefore, everyone – including you yourself – is responsible for protecting children around them.

While we may not have been able to eliminate discrimination, put an end to war, eradicate hunger in the world, or stop other violations of human rights and children's rights, we must do all we can to protect our children. They are our future and we hope that they can carry out all that we have not been able to achieve: to spread the spirit of love and peace in the world.

Children's are the future custodians of sovereignty, rule of law, liberty, equality, fraternity and finally international peace and security. They are the future shoulders in the form of great philosopher, rulers, scientist, politicians, able legislators, administrators, teachers, judges, technologist, industrialists, engineers, workers, planners on which the country would rest. The aim of this study is to critically evaluate what are

the international instruments are there for preventing child rights violation and to provide the needed directions to the parents and government about their responsibilities to guarantee the rights of the child and also to reduce the vulnerability of children in harmful situations.

Objectives

- * Who are children's and why they should be protected.
- * To study the protection of children's rights: Right to survival, Right to development, Right to protection, Right to participation.
- * To study the various international instruments of children human rights: UN declaration of human rights, minimum age convention, UN convention on the rights of the child, Optional protocols to the CRC on sex trafficking, Armed Conflict.
- * To study the role of parents and the community and the state in protecting children rights.

Basic rights of children's:

- Right to physical protection
- Right to food
- Right to universal education / primary education
- Right to health care

Children and their Problems

Biologically a child (plural: children) is a human being between the stages of birth and puberty. The legal definition of child generally refers to a minor, otherwise known as a person younger than the age of majority. The UN convention on the rights of child 1989 (CRC) defines the term child to mean every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier. The term child may also refer to someone below another legally defined age limit unconnected to the age of majority. The term children also refer to younger children who do not have the maturity and understanding to make important decisions for them. There is a proverb that states child is god, however it is regard as god it also suffer from problems such as bullying, illness and death in infants, chronic health problems in children, divorce and children, natural disaster, manmade disaster, disease, violence and poverty, abuse, exploitation, child marriage, child prostitution, disability, religious minority, discrimination etc.

Need of Protection

A safe childhood is a human right. Child rights are fundamental freedoms and the inherent rights of all human beings below the age of eighteen. All children should have the same rights and should be given the same opportunity to enjoy an adequate standard of living. Children are innocent, trusting and full of hope. Their childhood should joyful and loving. Their lives should mature gradually, as they gain new experiences.

But many children, the reality of childhood is altogether different. Children are recruited into armed forces. They are subjected to the death penalty, are disappeared, are punished by cruel and inhuman methods and suffer many other forms of violence. Millions of children around the world are exploited, abused, and discriminated against. These children include child laborers, children affected by armed conflict with the law or in the care of the state, as well as children living on the streets, coping with disabilities, or suffering from discrimination because of their religious or ethnic- minority status. The rights of the child sets out the rights that must be realized for children to develop their full potential, free from hunger and want, neglect and abuse. It reflects a new vision of the child. children are neither the property of their parents nor are they helpless objects of charity. They are human beings and are the subject of their own rights. The separate rights for them offer a vision of them as an individual and as a member of a family and community, with rights and responsibilities appropriate to their age and stage of development. We must recognize that children have vital role in nation-building; that we should promote and protect their physical, moral, spiritual, intellectual, emotional, psychological and social wellbeing; that we should guarantee the fundamental rights of every child from all forms of neglect, cruelty and other conditions prejudicial to their development. We must protect the rights of children not only because it is our moral obligation to do so as cosmopolitans but also as a child of the divine creator, We must be compassionate, just as our parents compassionate us. The physical well being of child ensures good health and proper development. The mental well being of child providing the opportunity to develop intellectually. The social well being of child ensures the opportunity to flourish socially and spiritually.

Broadly Classified Child

Rights

Right to Survival

The right to survival to life, health, nutrition, name and nationality. The rights to survival entail the rights to a healthy life. This means that children should be rightfully assured of adequate nutrition and quality healthcare. Their names are registered as citizen to access state nutritional schemes. Infant and child mortality should be curtailed and malnourishment should not be a concern.

Right to Development

To education, care, leisure, recreation. Every child has the right to development that lets the child explore her/him full potential. To an education that that not only lead the child to a path of learning but promotes understanding, tolerance and friendship among all nations, racial or religious groups, and should contribute to maintenance of peace.

Right to Protection

From exploitation, abuse, neglect, Right to Protection entails that all children be nurtured and protected from harmful influences, abuse and exploitation in any form. It ranges from a child's right to be protected from, having to work, to face any kind of physical or mental abuse and to have a caring, secure family.

Right to Participation

To expression, information, thought and religion. This is a right where the child is involved in the decisions take about her/his life and has the space to develop & express independent thought.

United Nations International Children's Emergency Fund

UNICEF, acronym of United Nations Children's Fund, formerly (1946-53) United Nations International Children's Emergency Fund, special program of the United Nations (UN) devoted to aiding national efforts to improve the health, nutrition, education, and general welfare of children. UNICEF was established on 11 December 1946 by the United Nations to meet the emergency needs of children and to provide relief to children in countries devastated by World War II. After 1950 the fund directed its efforts towards general programs for the improvement of Children's Welfare, particularly in less-developed countries and in various emergency situations. The organization's broader mission was reflected in the name it adopted in 1953, the United Nations Children's Fund. UNICEF was awarded the Noble Prize for peace in 1965. It is headquartered in New York City. UNICEF is mandated by the UN General Assembly to advocate for the protection of children's rights, to help meet their basic needs and to expand their opportunities to reach their full potential. UNICEF is guided by the Convention on the Rights of the Child (1989), and strives to establish children's rights as enduring ethical principles and international standards of behavior towards children. UNICEF mobilizes political will and material resources to help countries, particularly developing countries, ensure a "first call for children" and to build their capacity to form appropriate policies and deliver services for children and their families. UNICEF is committed to ensuring special protection for the most disadvantaged children – victims of war, disaster, extreme poverty, all forms of violence and exploitation and those with disabilities. UNICEF responds in emergencies to protect the rights of children.

International Documentation for Children Rights

Declaration of the rights of child 1959: It is sometimes known as the Geneva Declaration of the Rights of the child, is an international document promoting child rights, drafted by Eglantyne Jebb and adopted by the League of Nations in 1924, and adopted in an extended form by the United Nations in 1959. The special rights of the child were first enunciated in the Universal Declaration of Human Rights (1948). This provided in Article 25(2) "Motherhood and childhood are entitled to special care and assistance." This document expands and amplifies that theme. This document is a non-binding resolution of the United Nations General Assembly. The General Assembly proclaims this Declaration of the Rights of the Child to the end that he may have a happy childhood and enjoy for his own good and for the good of society the rights and freedom herein set forth, and calls upon parents, upon men and women as individuals, and upon voluntary organizations, local authorities and national governments to recognize these rights and strive for their observance by legislative and other measures progressively taken in accordance with the following principles:

* The child shall enjoy all the rights set forth in this Declaration. Every child, without any exception whatsoever, shall be entitled to these rights, without distinction or discrimination on account of race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, whether of himself or of his family.

* The child shall enjoy special protection, and shall be given opportunities and facilities, by law and by other means, to enable him to develop physically, mentally, morally, spiritually and socially in a healthy and normal manner and in conditions of freedom and dignity. In the enactment of laws for this purpose, the best interest of the child is the paramount consideration.

* The child shall be entitled from his birth to a name and a nationality.

* The child shall enjoy the benefits of social security. He shall be entitled to grow and develop in health; to this end, special care and protection shall be provided both to him and his mother, including adequate pre-natal care. The child shall have the right to adequate nutrition, housing, recreation and medical services.

*The child who is physically, mentally or socially handicapped shall be given the special treatment, education and care required by his particular condition.

* The child, for the full and harmonious development of his personality, needs love and understanding. He shall, wherever possible, grow up in the care and under the responsibility of his parents, and, in any case, in an atmosphere of affection and of moral and material security; a child of tender years shall not, save in exceptional circumstances, be separated from his mother. Society and the public authorities shall have the duty to extend particular care to children without a family and to those without adequate means of support. Payment of state and other assistance towards the maintenance of children of large families is desirable.

* The child is entitled to receive education, which shall be free and compulsory, at least in the elementary stages. He shall be given an education which will promote his general culture and enable him, on a basis of equal opportunity, to develop his abilities, his individual judgment, and his sense of moral and social responsibility, and to become a useful member of society. The best interest of the child shall be the guiding principle of those responsible for his education and guidance; that responsibility lies in the first place with his parents. The child shall have full opportunity to play recreation, which should be directed to the same purposes as education; society and the public authorities shall endeavor to promote the enjoyment of this right.

* The child shall in all circumstances be among the first to receive protection and relief. *
The child shall be protected against all forms of neglect, cruelty and exploitation. He shall not be the subject of traffic, in any form. The child shall not be admitted to employment before an appropriate minimum age; he shall in no case be or be permitted to engage in any occupation or employment which would prejudice his health or education, or interfere with his physical, mental or moral development.

* The child shall be protected from practices which may foster racial, religious and any other form of discrimination. He shall be brought up in a spirit of understanding, tolerance, friendship among peoples, peace and universal brotherhood, and in full consciousness that his energy and

talents should be devoted to the service of his fellow men.

Minimum Age Convention 1973:

The aim of Minimum Age Convention (MAC) is to establish general instrument on the subject of the minimum age of employment with a view to achieving the total abolition of child labour (preamble). Thus, each state party is to "pursue a national policy designed to ensure the effective abolition of child labour and to raise progressively the minimum age for admission to employment to a level consistent with the fullest physical and mental development of young person's"(article 1). States parties must specify a minimum age for admission to employment or work, subject to certain exceptions set forth in the MAC. That minimum may not be less than the age of completion of compulsory schooling and, in any case, less than fifteen years, but it may initially be set at fourteen years if a state's economy and educational facilities is insufficiently developed (article 2). Exceptions to the age limits may also be permitted for light work or for such purposes as participation in artistic performances (article 7 and 8). If the employment may be hazardous to a young person's health, safety, or morals, the minimum age is generally not to be less than eighteen years (article 3(1)).

United Nations Convention on the Rights of the Child:

In 1989 the global community adopted the United Nation Convention on the Rights of the Child; it is the first international legally binding document concerning child rights. The convention consist of 54 articles covering all four major categories of child rights: Right to life, Right to development, Right to protection, and Right to participation. It came into force on the 2nd September 1990. The initiative to create a body of rights for children came from the draft document submitted by the Government of Poland to the commission on human rights in 1978. A decade was spent drafting the convention by an alliance of a number of small NGOs including Radda Barnen of Sweden, the international Child Catholic Bureau, and Defence for Children international, and United Nations human rights experts. Today the convention has been ratified by 192 countries becoming the most ratified of all international Human Rights treaties. India signed and ratified the convention in 1992. The only two countries who have not ratified the treaty are the United States and Somalia. Somalia has been unable to ratify due to the lack of a stable government and the US has signed the treaty showing their intention to ratify. Preamble of UNCRC consists of 54 articles the main aim of these articles outline the development of child rights at various levels like schools, homes, streets etc. The preamble also provide instructions for best environment to child growth, child protection, best interests of child and child freedom.

Optional Protocol to the Convention on the Rights of the Child

Optional

Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict: It aims to protect children from recruitment and use in hostilities. The protocol was adopted by the General Assembly on 25 may 2000 and entered into force on 12 February 2002. The optional protocol is a commitment that:

* States will not recruit children under the age of 18 to send them to the battlefield.

* States will not conscript soldiers below the age of 18.

*States should take all possible measures to prevent such recruitment including legislation to prohibit and criminalize the recruitment of children under 18 and involve them in hostilities.

* States will demobilize anyone under 18 conscripted or used in hostilities and will provide physical, psychological recovery services and help their social reintegration.

* Armed groups distinct from the armed forces of a country should not, under any circumstances, recruit or use in hostilities anyone under 18. At present 168 countries have ratified the optional protocol on the involvement of children in armed conflict. There are 17 countries that have neither signed nor ratified the protocol and 12 countries that have signed but are yet to ratify. On 25 May 2010, the UN Secretary General launched the "Global Campaign for the universal ratification and implementation of the Optional Protocols to the CRC". In addition to OPAC, the campaign aimed to achieve universal ratification of the Optional Protocol on the sale of children, child prostitution and child pornography (OPSC).

Zero under 18 Campaign: To further support this campaign, the office of the Special Representative of the Secretary-General for Children and Armed Conflict launched the campaign Zero under 18, to achieve universal ratification of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (OPAC). This campaign ended in 2012 and, along with outreach achieved through the Global Campaign, generated 21 new ratifications for the Optional Protocol.

Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography

After being ratified by the necessary ten countries the protocol has become a legally binding document in 2002. The OP calls for the state to make measures to ensure the prohibition and prevention of sale of children, child prostitution and child pornography. States are required to alter the penal code, or create new acts to make sure their legal system covers a minimal number of provisions such as taking a child for the sale of his/her organs, for the purpose of employment, for the purpose of prostituting the child, etc. Because many of these offences take place across borders it is necessary for each state to set out its jurisdiction with others.

Conclusion

Children are the future of their families and nations. Overall, we can say children are tomorrow of the world. If they are not safe, protected, and uplifted the future of the any nation is not safe. There are number of international organisations which work for the development of childrens rights all over the world. The above instruments that framed or drafted for protecting child should be followed, child protection system are an arrangement of generally government run administration intended to secure kids and youngsters who are underage and to support family stability, that should be utilized by every child and they and their parents should get prior awareness. Child is a bud let it blossom as a flower with the nutrition of rights with fruit of

freedom and with care and attention not only from parents but also from the state under the auspices of the society.

Suggestion

The schools and communities protect all children, first of all child, protection must be ensured by the parents and the community which surround them, then by the states. If we want to leave a better place for our children and grand children, we must teach and show today children concern: we must uphold their self-esteem, teach them right values of life, protect their general rights and provide them same responsibility to make the world a beautiful, peaceful, healthy and safe place to inhabit, one generation at a time. And parents should their children about good touch and bad touch and make them know which their personal parts are. And parents should teach their boys to respect girls.

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