



## INTERNATIONAL STANDARDS ON CHILD RIGHT PROTECTION

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### **Abstract**

*The international standards on child rights protection are amplified in this article which is based on an extensive review of literature. There are four categories of child rights such as civil, political, social, economic and cultural rights. The Geneva Declaration of the Rights of the Child (1924), establishment of UNICEF (1946), United Nations Universal Declaration of Human Rights (1948), United Nations General Assembly (1959) and United Nations Convention on Child Rights Protection (1989) provided meaningful norms and guidelines for the protection of child rights all over the world. The UN Convention contains about 54 articles covering a wide variety of rights of the protection/ welfare and the autonomy aspects. The World Summit for Children (1991) was convened in New York in order to take stock of the universal child rights protection. The United Nations bodies and specialized agencies were enabled to take active part in the deliberations and provide useful norms and guidelines for the protection of children. Concerted efforts are required to ensure global action for child rights protection in the new millennium.*

### **Preamble**

Child rights are basically considered as the human rights. The children have a right to grow well in a secured environment. The child rights include their right to association with both parents and access to basic needs for physical protection. The children should have the freedom from discrimination on the basis of the race, gender, sexual orientation, gender identify, national origin, religion, disability, color, ethnicity and other considerations. The child rights have to be protected by the various stakeholders such as parents, teachers, educationists, community leaders, social workers, doctors, law enforcement authorities, judicial authorities, media professionals, policy makers, government officials and organizers of non-government organizations. The international standards on child rights protection are amplified in this article which is based on an extensive review of literature.

### **Child Rights Protection**

The child rights have become a more legitimate notion since 1980s. It essentially consists of certain human values which govern child rights. Children should have a independence in matters concerning their health and progress. The age is a relevant differentiating factor in deciding the legal status of children. There are various policy documents which have adequately dealt with the concept of child rights. A child is regarded as belong into or even being the property of the family in many societies. A child is also defined as an infant, a minor or an adolescent below 18 years by some persons. The child is understood to have certain rights and duties in modern society.

There are four categories of child rights such as civil, political, social, economic and cultural rights. The right to survival begins after twenty weeks of conception. It is inclusive of the child rights to be born, right to minimum standards of food, shelter and clothing and the right to live with dignity. The right to protection includes the right of the children to be protected from neglect, exploitation and abuse at home and elsewhere. The right to participation reveals that a child has a right to participate in any decision making that involves him/her directly or indirectly. There are varying degrees of participation as per the age and maturity of the child. The right to development involves the right of the children to have the right to all forms of development such as emotional, mental and physical.

### **International Standards**

The children were not considered as an important constituency by the stakeholders of child rights protection. They were for the most part regarded as inferior and subordinate to adults and childhood was a miserable period of life. The issue of child rights has been discussed since 1920s internationally. The childhood was regarded as a relatively sacred part of life among many scholars. The Geneva Declaration of the Rights of the Child of 1924 clearly indicated that the children also have a right to be protected from all kinds of abuse and ill treatment in a social environment. The League of Nations adopted the Geneva Declaration of the Rights of the Child in 1924. It enunciated the child's right to receive the requirements for normal development, the right of the hungry child to be fed, the right of the sick child to receive health care, the right of the backward child to be reclaimed, the right of orphans to shelter and the right to protection from exploitation.

The UNICEF's was established in 1946 as the first major step in order to safeguard the interest of the children. The United Nations Universal Declaration of Human Rights (1948) recognized the need of motherhood and childhood to special



protection and assistance and the right of all children to social protection. The United Nations General Assembly adopted the United Nations Declaration of the Rights of the Child (1959), which enunciated ten principles for the protection of children's rights, including the universality of rights, the right to special protection, and the right to protection from discrimination, among other rights. This was indeed the first statement issued by the United Nations for the protection of child rights. It was a kind of moral direction rather than legally binding framework.

The provisions of that Declaration and its two International Covenants on human rights, adopted in 1966, recognized that children need protection against all oppressive features and forces. The children's rights law is defined as the point where the law intersects with a child's life. The law basically includes juvenile delinquency, due process for children involved in the criminal justice system, appropriate representation, and effective rehabilitative services; care and protection for children in state care; ensuring education for all children regardless of their race, gender, sexual orientation, gender identity, national origin, religion, disability, color, ethnicity, or other characteristics and health care and advocacy.

The issue of girl child was addressed in part by the Convention on the Elimination of All Forms of Discrimination against Women, adopted in 1979. The Government of Poland submitted a draft convention to the Commission on Human Rights in 1978, prior to the celebration of the 20<sup>th</sup> anniversary of the Declaration on the rights of the child during the international year of the child in 1979. This event paved the way for series of collaborative efforts between various international organizations.

The United Nations Convention on Child Rights Protection (1989) contains about 54 articles covering a wide variety of rights of the protection/ welfare and the autonomy aspects. The UN principles also cover various aspects of child rights such as – right to do with life, nationality, freedom of religion and privacy, development of welfare including a reasonable standard of living, health and education, rights requiring protective measures and rights of children in special circumstances.

The children are entitled to the same general human rights as adults. The world leaders decided that children needed a special convention just for them because people under 18 years old often need special care and protection that adults do not. The leaders also wanted to make sure that the world recognized that children have human rights too. The Convention on the Rights of the Child (CRC) is the first legally binding international instrument to incorporate the full range of human rights—including civil, cultural, economic, political and social rights.

Article 12 provides that the child be given the right to express his/her views freely in all matters affecting him/her (subject to age and maturity), and that in judicial and administrative proceedings affecting him/her, the child shall be provided with the opportunity to be heard. Article 12 is the cornerstone of the Convention's insistence that children must not be treated as silent objects of concern, but as people with their own views and feelings which must be taken seriously (Newell, 1991:280). The World Summit for Children (1991) was convened in New York in order to take stock of the universal child rights protection and adopted the World Declaration on the Survival, Protection and Development of Children and Plan of Action.

Article 12 is the first international document which dealt with the rights of the children. It stated explicitly that children have a right to have a say in processes affecting their lives (Freeman, 1996:01). There are several dimensions of child rights protection. The child rights have been reinforced across the world in accordance with the provisions of the UN Convention. The United Nations Convention on the Rights of the Child (1989) formulated 54 articles which covered everything from a child's right to be free from sexual and economic exploitation, to the right to his or her own opinion, and to the right to education, health care and economic opportunity (Rai, 2000:05).

The national action plans for 1991-2000 aimed at reducing infant and maternal mortality rates, reducing malnutrition and illiteracy, providing access to safe drinking water and to basic education, combating devastating emergencies resulting from natural disasters and armed conflicts and solving the problem of children in extreme poverty. The Conference recommended that the situation of children and their human rights be regularly reviewed and monitored by all relevant organs and mechanisms of the United Nations system.

A separate Committee on the Rights of the Child was also established under article 44 of the Convention which is serviced by the United Nations Centre for Human Rights in Geneva. The Committee adopted guidelines to help States parties in the preparation of reports and initiation of suitable intervention programmes. The United Nations bodies and specialized agencies were enabled to take active part in the deliberations and provide useful norms and guidelines for the protection of children. The resolutions and recommendations of the committee serve as the basis for a national debate on how to improve the enforcement of the provisions of the Convention. The States Parties can introduce certain mechanism at the national and local levels to coordinate policies and monitor the implementation of the resolutions of the Convention.



The issue of child rights protection received universal recognition after reports of grave injustices suffered by children such as poverty, hunger, malnutrition, high infant mortality, deficient health care, child labour, child abuse, child trafficking and child prostitution. Prominent global organizations such as Office of the United Nations High Commissioner for Refugees (UNHCR), International Labour Organization (ILO), United Nations Children's Fund (UNICEF), World Health Organization (WHO), United Nations Development Project (UNDP) and a number of non-governmental organizations, took part seriously in the deliberations concerning child rights protection.

The World Conference of Human Rights (1993) adopted the modern human rights law which was later underscored at the 1993 in Vienna. About 178 countries had ratified the convention during 1995. Many states agreed that there was a need for a comprehensive principles and practices on child rights protection which would be binding under international law. It was a welcome development at the global level from the point of view of child rights protection.

The UNICEF has added a new dimension to child rights protection which means preventing and responding to violence, exploitation and abuse against children – including commercial sexual exploitation, trafficking, child labour and harmful traditional practices, such as female genital mutilation/cutting and child marriage. The child rights protection programmes also target children who are uniquely vulnerable to these abuses, such as when living without parental care, in conflict with the law and in armed conflict. Violations of the child's right to protection take place in every country. The children have to be protected from violence, exploitation, abuse and neglect either by the family members or civil society.

### **National Legal Systems for Child Rights Protection**

The global convention had created new consciousness among the various stakeholders all over the world about the ways and means of child rights protection. In particular, the four general principles enshrined in the Convention in articles 2, 3, 6 and 12 had facilitated the identification of national programmes of implementation. Article 2 deals with non-discrimination, article 3 deals with best interests of the child, article 6 emphasizes the right to life, survival and development and article 12 covers the views of the child concerning various aspects of child rights protection.

The Convention prepared grounds for the protection of children and called upon the parents and states to provide them with appropriate upbringing facilities and develop suitable child – care institutions. The States were also persuaded to provide parentless children with suitable alternative care on humanitarian grounds. About five human rights bodies such as – human rights committee, committee on economic, social and cultural rights, committee on the elimination of racial discrimination, committee on the elimination of discrimination against women and committee against torture were also constituted to monitor the implementation of treaties by States which have ratified or acceded to the instruments.

The national governments have upheld the principles and practices of UN Convention on Child Rights Protection (1989) and formulated national policies, plans and programmes concerning the child welfare and progress. Ideas such as Ombudspersons or Commissioners, and Ministers for children, while not currently government policy, are also relevant as schemes which may enhance children's rights. Many national legal systems recognize the limited legal capacity of children relating to various activities. The states have adopted special codes or laws on the legal status of the child. Practically, the states have many common features reflecting the contents of the United Nations Convention on the Rights of the Child (1989).

The child's wishes and feelings should be ascertained and considered. The Act strengthened the existing provisions for separate representation of children in public law proceedings, even though the child's position in private law proceedings was less favorable with respect to the autonomy of the children. The Act paved the way for enabling the child to initiate legal action on his or her own behalf (Children Act, 1989). The children's rights in a moderate sense were extended by the Act and that children were making use of new powers subsequently.

The social and economic policies of various national governments have emphasized the government support for children. In the age of globalization, neo-liberalism wishes the family to take more responsibility for itself from the point of view of child rights protection. The notion of parental responsibility is also used to legitimate the state's withdrawal from corporate social responsibility. The child rights need to be examined by the stakeholders of child rights protection in order to make them a boon for children and liberate them from all oppressive features and forces.

An increasing number of states adopt special codes or laws on the legal status of the child. It is noteworthy that they have many common features reflecting the contents of the UN Convention on the Rights of the Child. Hence it is important that the Convention is known and understood by adults as well as by children. The Convention on the Rights of the Child is to be understood, interpreted and implemented in the context of all existing international norms in the field of human rights,



including customary contractual, universal or regional norms. All the rights of the child are of equal importance (Kolosov, 2002:02).

The international provisions relating to the protection of children's rights exist within various legal systems across the globe. These international laws have been developed rapidly over a period of time. Several international agreements were concluded to frame various international customary rules for child rights protection. All the rights of the child set forth in the Convention should be respected and ensured by states for each child within their jurisdiction (irrespective of citizenship) without discrimination of any kind on the grounds of race, color, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

Child protection has neither a vaccine nor a universal blueprint for interventions. Country by country, situation by situation, the systematic factors that enable violence, exploitation, and abuse against children to continue unchecked—policies, practices, and the absence of systems and institutions—have to be understood and addressed. This task is circumstance specific, and highly labor intensive (Landgren, 2005:03).

The international convention had set out the rights that must be realized for children to develop their full potential, free from hunger and want, neglect and abuse. The Convention and its acceptance by so many countries have heightened recognition of the fundamental human dignity of all children and the urgency of ensuring their well-being and development. The child rights are violated in both industrialized and developing countries. The task, however, must engage not just governments but all members of society. The standards and principles articulated in the Convention can only become a reality when they are respected by everyone—within the family, in schools and other institutions that provide services for children, in communities and at all levels of administration (UNICEF, 2014:07).

The child rights protection has become an important challenge and concern all over the world. The international conventions have inspired countries to incorporate human rights principles into legislation; target child survival and development and develop justice systems for children. The people of America have to play a crucial role in the age of globalization since it would help restore their status as a human rights leader and bolster their credibility across the globe. The U.S. ratification of the international treaty would become a powerful symbol of their commitment to children everywhere (Stern, 2016:06).

### **Conclusion**

The children continue to suffer from violence, exploitation and abuse across the world. They are the most vulnerable community in the world because of poverty and less resilient state of life. The children are unable to exercise their fundamental rights to food, shelter, adequate health services and education. Child rights protection practically demands sharing resources, knowledge and experience which will have greater impact on child rights. The poverty and vulnerability rate of children in the less developed country is highest as compared to the children in Europe and America. Concerted efforts are required to ensure global action for child rights protection in the new millennium.

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