



ISSN NO. 2320-5407

Journal homepage: <http://www.journalijar.com>

INTERNATIONAL JOURNAL  
OF ADVANCED RESEARCH

## RESEARCH ARTICLE

### Viewing Children's Lives within Human Rights Framework

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#### Manuscript Info

##### Manuscript History:

Received: 14 November 2015  
Final Accepted: 22 December 2015  
Published Online: January 2016

##### Key words:

Rights, Human Rights, Children

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#### Abstract

Rights are the essential element of all creatures including human beings. Human rights played a very significant role in the process of humanization. Recognizing the rights of others is integral to our spirituality. The sense of rights should be central to any person, whether man or woman, adult or child. Children's rights are the human rights of children with particular attention to the rights of special protection and care afforded to minors. The right to be protected against neglect, cruelty, abuse, and exploitation; the right to safe housing, health care, and education that prepares them for the future; the right to be a unique person whose individuality is protected from violation; the right to prepare for the responsibilities of parenthood, family life, and citizenship; the right to maintain relationships with people who are important to them; the right to a stable family; the right to safe, nurturing relationships intended to last a lifetime, these are some of the important rights of children. Any discrimination to children in the area of educational opportunities and participation, sex, food and freedom of expression are human right violations. The human rights concept gives each person the entitlement to human dignity. Unless children's rights are fundamentally established as human rights, the role of them will always be secondary in overall social structure.

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#### Introduction:-

In liberal as well as libertarian philosophical framework, all persons have certain rights simply as persons. There are a class of rights that are not derived from social norms and a legal system. These are foundational rights, and such rights are basic and primary in nature and import. These rights are normally called human, moral or natural rights. Human rights is a very significant issue which deals with human dignity and justice. A man is born free. Being a human being one is entitled to have rights. A right which is basic to human being's existence is a human right. The phrase "human rights" was adopted only in 20<sup>th</sup> century and it became prominent with the Universal Declaration of Human Rights (UDHR) in 1948. The preamble of the Universal Declaration of Human Rights (UDHR) recognizes "the inherent dignity, equal and inalienability of rights of all members of the human family"<sup>1</sup>. Human rights include rights related to the safety of a person, the right to be free from coercion by other individual, groups or governments, the right to social benefits, the right to have good basic education etc. These human rights have been protected by national and international law, charters and these cannot be taken away from we people by any legislative measure at any time. They are inalienable. They are essential part of who we are as human beings.

Now let us discuss, in this connection, some of the important issues related to the children rights. Although women and children comprise 75% of the world's population, they bear brunt of human rights violation committed by men. And this includes various forms of physical, psycho-social, and sexual abuse, exploitation etc.

<sup>1</sup> S. A. James (2007) **Universal Human Rights: Origins and Foundations**. New York: LFB Scholarly p139

### **Children Rights:-**

Children's rights are the human rights of children with particular attention to the rights of special protection and care afforded to minors. Unfortunately, in today's world a vulnerable population group needing recognition beyond generic documents and principles is that of children. Perhaps more than most other groups, children need special protection because of their delicate state of development. Children are being abused or neglected.

In most of the developed countries of the world, such as, United States, individual states have created agencies with specific goals of protecting children from abuse and neglect. The following are some of child's basic rights:

1. The right to be protected against neglect, cruelty, abuse, and exploitation;
2. The right to safe housing, health care, and education that prepares them for the future;
3. The right to be a unique person whose individuality is protected from violation;
4. The right to prepare for the responsibilities of parenthood, family life, and citizenship;
5. The right to maintain relationships with people who are important them;
6. The right to a stable family;
7. The right to safe, nurturing relationships intended to last a lifetime.

The Universal Declaration of Human Rights and the other UN documents give a similar need to protect the child. About the rights of the children United Nations Declaration on Human rights [Article 25(x)] states, "*Motherhood and Children are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.*"<sup>2</sup> On November 20, 1989, the General Assembly of the UN adopted the Convention on the Rights of the Child. Response to the convention by the world community was overwhelmingly positive. Within less than a year after its adoption, the required number of countries had either ratified or acceded to the convention. The UN Convention on the Rights of the Child was adopted by assembly in 1989 as follows:

1. The right to survival includes the right to life, the highest attainable standard of health, nutrition and adequate standard of living.
2. The right to protection which includes freedom from all forms of exploitation, abuse, inhuman or degrading treatment, and neglect including the right to special protection in situations of emergency and armed conflicts.
3. The right to development which includes right to education, support for early childhood development and care, social security, and the right to leisure, recreation and cultural activities.
4. The right to participation which includes respect for the views of the child, freedom of expression, access to appropriate information, and freedom of thought, conscience and religion.<sup>3</sup>

Any discrimination to children in the area of educational opportunities and participation, sex, food and freedom of expression are human right violations.

### **Violations of Children Rights:-**

There are a number of different ways in which the rights of children are violated. All violations of children's rights can legitimately be described as harmful practices. Let us draw some instances of human rights violation in Indian context. As we have noted above, every child has a right to have good proper education, they are free to express themselves freely. But majority of children, however, are exploited by their elders and not allowed to express. And the issue of child labour is one of the greatest problem or violation of the rights of the children of India. They are forced to do service and earned money by their own parents or by other adult persons for their own benefits. Moreover there are issues such as human trafficking, kidnapping are some of the major problems posing serious threat to the rights of children. It is estimated that the working children in our country are 44 million. 80,000 to 100,000 children are working in Kashmiri carpet industry. It is calculated that above 45,000 children work in match and firework factories in Sivakasi and become victims of exploitation. A million children in India exist below the poverty line and they are malnourished.<sup>4</sup> The children work in hotels, factories and shops with inadequate wages.

<sup>2</sup> Rev M. Stephen (2002) **Human Rights: Concepts and Perspectives**, New Delhi: Concept Publishing Company, p. 103

<sup>3</sup> Winin Pereira (1997) **Inhuman Rights**, Goa: The Other India Press, pp. 137-138

<sup>4</sup> K C Abraham (ed.) (1993) **Cry For Life**, Bangalore: SMC, p. 8

The conditions of girl children are more tragic than the boy children. A girl child is the worst victim as she is often neglected and is discriminated against because of the preference for a boy child. They are ill-treated by their family members as their dignity is questioned and they are sexually exploited and also malnourished. Malnutrition, hard work and poor access to medical facilities result in several illness, like anemia, skin infections, and stomach cramps.<sup>5</sup> Infant mortality death is very high in India. It is stated that about a quarter of the approximately 12 million girls born in India every year do not survive to see their 15<sup>th</sup> birthday.<sup>6</sup> The health problems, malnutrition, parental bias, etc. are causing their death. It is often seen that girl infants are breast fed less than boys. It is also found that migrant children are often sexually abused. Thousands of Indian northeast girls are being sold to the other parts of the country or to other countries every year. And there are cases in which it is found that in some remote areas of our country, teenagers are being forced to join armed resistance. But they are tortured like anything both physically and mentally. Even they are not allowed to be in a relationship. These are the issues related with the violation of children's rights. And these are to be curbed as it promotes evil and are violating the rights and dignity of children.

### **Child Rights Today:-**

Now-a-days India has adopted certain national policies on children. These policies reaffirm the constitutional provisions for adequate services to children, both before and after birth and through the period of growth to ensure their full physical, mental and social development. Indian Constitution (Article 24) prohibits the employment of children below 14 years of age in factories and hazardous employment. The Children Labour (Prohibition and Regulation) act in 1989 regulates employment of children and totally bans it only in 25 hazardous processes and occupations, including beedi making, tanning, carpet-weaving and making fire crackers.<sup>7</sup> The Government of India announced a national plan of action for the girl child, 1991-2000. States recognized that every child has the inherent right to life. United Nations Convention on the rights of the child was held on 1989. It extended to children a host of privileges, including freedom of association, freedom of access to information, and in essence, freedom from punishment. But this convention does not specifically mention the girl child. UN's fourth world conference on women (1995) deals with girl child.<sup>8</sup>

### **Conclusion:-**

Thus from the above, it can be said that viewing children's lives within a human rights framework provides a new perspective. The concept of human rights has helped to define and articulate children's experiences of violations. Understanding such violence in terms of human rights establishes that states and individuals are responsible for such abuses whether committed in the public or private sphere. The human rights concept gives each person the entitlement to human dignity. Unless children's rights are fundamentally established as human rights, the role of them will always be secondary in overall social structure. Though it cannot be denied that people all over the world have started to recognize and fight for the rights of the children, yet it needs more attention to be paid to the children because as we have noted above that they need special protection because of their fragile state of development.

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<sup>5</sup> National Foundation for India (1998) **The Unseen Worker: On the trial of the girl child**, New Delhi: Books for Change, p. 25

<sup>6</sup> Rev M. Stephen (2002) **Human Rights: Concepts and Perspectives**, New Delhi: Concept Publishing Company, p. 102

<sup>7</sup> National Foundation for India (1998) **The Unseen Worker: On the trial of the girl child**, New Delhi: Books for Change, p. 40

<sup>8</sup> Rev M. Stephen (2002) **Human Rights: Concepts and Perspectives**, New Delhi: Concept Publishing Company, p. 102

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