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## **IMPORTANCE OF HUMAN RIGHTS WITH SPECIAL REFERENCE TO CHILDREN RIGHTS: A CRITICAL ANALYSIS**

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### **Abstract:**

*Children are entitled to the same human rights and fundamental freedoms as all individuals, but, like other **particularly vulnerable** groups such as women and indigenous people, children have been given special status and protection within the United Nations framework and in regional human rights treaties. These treaties create positive obligations of States to ensure the protection of children. Children's rights are set out in the United Nations Convention on the Rights of the Child. This systematic literature review assesses the right of children and young people (aged up to 18 years). The study is doctrinal in nature. This paper is a review of all the important development regarding Child Rights. These were developed into a progression of rights realisation and implications for practice and further research were considered.*

**Keywords:** - Children Rights, Human Rights, Child view.

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### **Introduction :**

***“All human beings are born free and equal in dignity and rights.”***

The United Nations has adopted many legally binding international human rights treaties and agreements, including the Convention on the Rights of the Child. These treaties are used as a framework for discussing and applying human rights. The principles and rights they outline become legal obligations on the States that choose to be bound by them. The framework also establishes legal and other mechanisms to hold governments accountable in the event they violate human rights.

Every country in the world has ratified at least one of these, and many have ratified most of them. These treaties are important tools for holding governments accountable for the respect for, protection of and realization of the rights of individuals in their country. Understanding this framework is important to promoting, protecting and realizing children's rights because the Convention on the Rights of the Child – and the rights and duties contained in it – are part of it. The first time in modern history children's rights was given importance was when the League of Nations adopted the Geneva Declaration on the Rights of the Child in 1924. This was drafted by the Eglantyne Jebb, who founded the Save the Children Fund. Whatever their age, gender, or status; whatever country they live in; or wherever they come from, all children are entitled to all their human rights, including the right to life, survival,



and development; the right to the enjoyment of the highest attainable standard of health, including mental health; the right to education; the right to engage in play and recreational activities; the right to be protected from all forms of violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation; the right to access justice and humanitarian assistance; the right not to be deprived of liberty unlawfully or arbitrarily; and the right to express views freely in all matters affecting them, amongst others.

Child Rights can be defined as the fundamental, vital freedoms and the inherent rights of all human beings below the age of 18. These rights apply to every child, irrespective of the Child's, parent's / legal guardian's race, colour, sex, creed or other status. Child Rights and child abuse are very complex and multidimensional concepts which require an understanding of child from different backgrounds and situations. It is essential for activists to identify violation of legal rights and offer legal remedies. No longer is it enough to merely provide a place of safety to the child, the violator has to be punished and told that such conduct will not be tolerated. The violation of Child Rights has serious physical and psycho social consequence which adversely affect the health and overall well-being of a child

### **Importance and Role of the Children's in Nation Development :**

The Children's life is a vital role in Nations Development. A Study on Child under Domestic and International Law is relating to the Protection of the Child, Rights of Child and eradication of Child labour and thesis on some laws protecting the child and this is a study on Government and Non-Government Organizations.

According to the WHO, "Child abuse or maltreatment constitutes all forms of physical and emotional ill treatment, sexual abuse, neglect or negligent treatment or commercial or other exploitation resulting in actual or potential harm to the child's health, survival, development or dignity in the context of relationship of responsibility trust or power(World Health Organisation 1999).Parliament also directed to enact such laws as are necessary to ensure that every child has the right to 'the same measure of special care, assistance and maintenance as it necessary for its development from its natural parents, except where those parents have effectively lapsed in respect of the child in accordance with law, whether or not boom in wedlock, shall be entitled to reasonable provision out of the estate of the parent.

### **Child Right Protection: - Global Perspective**

The special protections afforded to a child will depend on which treaties have been ratified by the State actor and whether the victim or advocate is engaging with the United Nations system or a regional human rights system.

The **United Nations Convention on the Rights of the Child (CRC)** is the most comprehensive treaty on the rights of the child, and defines children in Article 1 as "every human being below the age of eighteen years, unless under the law applicable to the child,



majority is attained earlier.”

The CRC focuses on four aspects of children’s rights:

- participation by children in decisions affecting them;
- protection of children against discrimination, neglect and exploitation;
- prevention of harm to children; and
- provision for children’s basic needs.

Areas of special concern with respect to the rights of children include: (1) the right to freedom from sexual exploitation, (2) child labor, (3) children in armed conflict, (4) education, and (5) children within the context of criminal law.

Through its reporting guidelines and its comments on individual States.’ Reports, the Committee has urged Governments to: develop a comprehensive national agenda for children, based on the convention; ensure that all legislation is fully compatible with the Convention--- incorporating the convention into domestic law or ensuring that its principles take precedence in cases of conflict; make children visible in the process of policy development throughout government by introducing a child impact assessment; ensure effective co-ordination of children’s policies across government departments, between the various levels of government, and between government and public as well as private bodies, including NGOs; develop permanent mechanisms for co-ordination, monitoring and evaluation, again using the Convention as the framework, ensure sufficient data collection on the state of all children under the jurisdiction of the state; allocate available resources to their maximum extent for policies with regard to children and carry out adequate budget analysis to determine the proportion spent on children; introduce training activities on the Convention for those involved in government and working with or for children; raise awareness of the human rights of children among adults and children; develop independent statutory offices for children to voice children’s concerns and take a firm stand on behalf of children’s interest---children’s ombudspersons or commissioners. There are no right or wrong structures---as a member of the Committee on the Rights of the Child said during examination of one State’s report”--- given the wide range of administrative and legislative systems among the (then)174 States Parties, the Committee was in no position to specify particular solutions. Indeed, a degree of diversity in the mechanisms set up to implement the Convention might lead to a degree of competition, which could be very beneficial.

### **Protecting Human Rights of Children:**

Children’s rights and what the world wants for its children are articulated most clearly in the convention on the Rights of the Child. This Convention and its near universal acceptance by the community of nations and the work of the committee on the Rights of the Child, have brought into sharp focus for the first time the human rights of children. In the closing years of the millennium, the universality of the response is a clear indicator of a broad-based global commitment to recognition of “the equal and inalienable rights of all members of the human



family” as “the foundation of freedom, justice and peace in the world”. Children uniquely touch the conscience of the world, and the Convention has placed children effectively centre-stage in the quest for the universal application of human rights. Even before the Declaration of the Rights of the Child in 1959 the framers of the Indian Constitution realised the importance of the needs of children. Consequently, they provided guidelines in the Constitution which, if followed, would contribute towards meeting the needs of children. These provisions in the constitution are guidelines are not laws. The three guidelines with reference to children are: (a) No child below the age of fourteen years shall be employed to work in any factory or mine or engaged in any other hazardous occupation. (b) The Government shall ensure that the tender age of children is not abused and that they are not forced by economic necessity to do work unsuited to their age. Children will be given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity. They will be protected against exploitation and abandonment. (c) The Government shall try, within a period of ten years of the commencement of this Constitution, to provide free and compulsory education for all children until they complete the age of fourteen years. The Government has, however, been unable to reach these goals. A large section our population is unable to to make use of facilities for education. Primary education is free in all states but still only half the total number of school going children attends school. Despite various legislations children continue to work in difficult and dangerous jobs. The employers find loopholes in the law and the children are forced to work because of poverty. From Commitment to Action: Universal ratification undoubtedly creates a significant global movement for children, leaving universal implementation as the ongoing challenge. The commitment of the world community to the human rights of children is fundamental. Translating the commitment into action to improve the livies of all of the world’s billion children is a task that is incumbent on everyone. While the Convention addresses governments, its standards and principles can only achieve reality when respected by everyone—within the family, in schools and all the other public and private institutions and services provided for children, in neighborhoods and communities, in courts and at all levels of administration. The convention is a powerful instrument for the world’s children and affirms that children are the subjects of rights, not simply objects of concern or beneficiaries of services. They are entitled to the action of States, institutions and individuals and for their rights to be fully realized we all need to support the cause of realizing the human rights of children—for the benefit of all.

### **Conclusion:**

Children's rights are covered both under international human rights instruments and special legal framework. Specifically vulnerable groups such as indigenous people and children have been assigned special protection by the international legal framework. Although legal instruments were developed that targeted the protection of children in particular, it has to be emphasized that basic human rights instruments already recognize these rights. Despite the existence of rights, children suffer from poverty, homelessness, orphan hood, abuse, neglect, preventable diseases, unequal access to education and justice systems that do not recognize their special needs. These are problems that occur in both industrialized and developing



countries. State parties are obligated to amend and create laws and policies to fully implement the Convention. They must consider that all actions are taken in light of the best interests of the child. The task, however, must engage not just governments but all members of society. The standards and principles articulated in the U.N. Convention on the Rights of Child, 1989 can only become a reality when they are respected by everyone. Tomorrow's challenges have to be met by today's children. To prepare them for this, we must treat them as respected citizens, letting them learn leadership, democracy and collective responsibility. The responsibility for this does not lie with any single institution, Governments and civil society must work hand in hand to create a world where children are truly seen and heard. Vulnerable children often are disadvantaged in numerous and devastating ways and most households with orphans cannot meet the basic needs of health care, food, clothing, and educational expenses. Major factors contributing to the increasing number of orphans in the world are, AIDS, armed conflict and natural disasters. At international level, it is considered a big challenge and a few useful conventions for the protection of vulnerable children in this regard have been framed but not implemented in letter and spirit by all nations. Implementation of international laws by adopting them in the regional legal framework is need of the hour.

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