

Critical Evaluation of Children and Human Rights

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Abstract: *Childhood is universal transcend to all nationalities and know no artificial boundaries. The healthy development of children is crucial to the future well-being of any society. The UN General Assembly adopted the Convention on the Rights of the Child which is the first international treaty that defines the basic rights of the children. A Safe Childhood is a human right. Across the world children are denied their human rights, including for example, their right to education. They 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. The aim of this study is to critically evaluate how effectively the child rights violation can be prevented 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. The results revealed that children are not aware of their basic human rights; children's views and opinions are rarely heard and expressed at home and in schools, in local communities and even in governments – children views go unheard on many important issues that affect them.*

Keywords: human rights, constitution, convention, family, society

1. Introduction

Children are the future custodians of sovereignty, rule of law, - justice, liberty, equality, fraternity and finally international peace and security. They are the potential embodiment of our ideals, aspirations, ambitions, future hopes. They are the 'future shoulders' in the form of great philosophers, rulers, scientists, politicians, able legislators, administrators, teachers, judges, technologists, industrialists, engineers, workers, planners on which the country would rest.

Nature has provided some inherent rights to every human being including children. These fundamental rights bestowed in human being from the very inception. Human being is endowed with rights since the stage of foetus. Foetus in the mother womb is the starting point since then human being is guaranteed certain basic rights. These rights are intrinsic in every one. State cannot give or nullify these rights, which are inherent. State has to recognize and guarantee these rights. Human Rights Instruments specific to the rights of the child: The Declaration of the Rights of the child 1924, adopted by the fifth assembly of the League of Nations, can be seen as the first international instrument dealing with children's rights.

Millions of children around the world are exploited, abused, and discriminated against. These children include child labourers, children affected by armed conflicts, sexually exploited children, children in 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. Undoubtedly, the child by reason of his physical and mental immaturity needs special care and protection including adequate legal protection.

Children were recipients of welfare measures [1]. It was only during the twentieth century the concept of children's rights emerged. The rights approach is primarily concerned with issues of social justice, non-discrimination, equity, and empowerment. It is because of the unique vulnerability of

children that their rights are of priority concern within Canada's foreign policy. Canada played a key role in the negotiations that led to the adoption of the United Nations Convention on the Rights of Child in 1989. The UN has designated November 20 as Universal Children's day.

2. Who a child is?

Before going for discussing the human rights of children, it is pertinent to know who a child is. The Convention on the rights of the 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 to be attained earlier [2]. Almost everywhere age limits formally regulate children's activities: when they can leave school; when they can marry; when they can vote; when they can be treated as adults by the criminal justice system; when they can join the armed forces; and when they can work.

In India, the Census of India and the Constitution of India defines persons below the age of fourteen as children. The Children Act defines child as a person who has not attained the age of 16 years if it is a boy or 18 years if it is a girl. What characterizes the child; it is his youth and vulnerability. Indeed, the child is growing, a future adult, who has no means to protect himself. So, the child has to be the object of a particular interest and a specific protection.

3. Rights of the child

The rights of the child are specific rights that aim to protect all human being younger than 18 years of old. In other words, Children's rights are the human rights of children with particular attention to the rights of special protection and care afforded to minors, including their right to association with both parents, human identity as well as the basic needs for food, universal state-paid education, health care and criminal laws appropriate for the age and development of the child, equal protection of the child's civil rights, and freedom from discrimination on the basis of the child's race, gender, sexual orientation, gender identity, national origin, religion, disability, colour, ethnicity, or other characteristics.

Interpretations of children's rights range from allowing children the capacity for autonomous action to the enforcement of children being physically, mentally and emotionally free from abuse, though what constitutes "abuse" is a matter of debate. The human rights proclaimed in the Universal Declaration of Human rights apply to all human beings regardless of their age, and as such children benefit from the same rights as adults.

3.1 Rights of the Child as per the UN Convention on the Rights of the Child

India ratified the UN Convention on the Rights of the Child on 1992 and lists the following as the Rights of the Child,

- 3.1.1 The Right to Survival: According to the convention, the Right to Survival includes the right to life, the attainable standard of health, nutrition and an adequate standard of living. It also includes the right to a name and nationality. These rights seek to ensure that children have nutritious food, potable drinking water, a secure home and access to health facilities.
- 3.1.2 The Right to Protection: According to the Convention, this right includes freedom from all forms of exploitation, abuse and inhuman or degrading treatment. This includes the right to special protection in situations of emergency and armed conflict. The aim is simple, to protect vulnerable children from those who would take advantage of them and to safeguard their minds and bodies.
- 3.1.3 The Right to Development: This right includes the right to be educated, to receive support for development and care during early childhood and to social security. It also includes the right to leisure, to recreation and to cultural activities. This right seeks to ensure that children can study and play with whomever they want, practice their own religion and culture and accept their own uniqueness of other cultures and religion.
- 3.1.4 The Right to Participation: According to the Convention, the Right to Participation accords the child access to appropriate information and the freedom of thought and expression, conscience and religion.

3.2 Purpose of having children's rights

Children's rights aim to ensure that each child has the opportunity to reach their full potential. Children's rights stipulate that all children – without discrimination (Article 2) – should be able to develop fully, have access to education and health care, grow up in an appropriate environment, be informed about their rights, and participate actively in society [3].

3.3 Children's right are a tool to protect children from violence and abuse

Children's rights foster mutual respect among people. Respect for the rights of the child can only be fully achieved when everyone, including children themselves, recognizes that every person has the same rights, and then adopts attitudes and behaviour of respect, inclusion and acceptance.

3.4 The recognition of the rights of the children

Children's rights were recognized after the 1st World war, with the adoption of the Declaration of Geneva, in 1924. The

process of recognition of children's rights continued with the adoption of the Declaration of children's rights in 1959. The recognition of the child's interest and his rights becomes real on 20 November 1989 with the adoption of the International Convention on the Rights of the Child which is the first international legally binding text recognizing all the fundamental rights of the child. Children's rights are human rights. They protect the child as a human being. As human rights, children's rights are constituted by fundamental guarantees and essential human rights:

1. Children's rights recognize fundamental guarantees to all human beings: the right to life, the non-discrimination principle, the right to dignity through the protection of physical and mental integrity (protection against slavery, torture and bad treatments, etc)
2. Children's rights are *civil and political rights*, such as the right to identity, the right to a nationality, etc.
3. Children's rights are *economic, social and cultural rights*, such as the right to education, the right to a decent standard of living, the right to health, etc.
4. Children's rights include *individual rights*: the right to live with his parents, the right to education, the right to benefit from a protection, etc.
5. Children's rights include *collective rights*: rights of refugee and disabled children's, of minority children or from autochthonous groups.

4. UN Convention on the Rights of the Child

4.1 Responsibilities of Parents and Government

On November 20, 1989, the United Nations General Assembly adopted the Convention on the Rights of the Child, a landmark for human rights. It is the first international treaty that recognizes the civil, political, economic, social and cultural rights of children. In December 1991, Canada ratified the Convention on the Rights of the Child and thus committed itself under international law to respect, protect, promote and fulfil the rights of children in Canada. India ratified the Convention on 1992. The Convention on the Rights of the Child is the most widely accepted human rights treaty – of all the United Nations member states, only the United States and Somalia have not ratified it. The Convention on the Rights of the Child has 54 articles (sections), and most of these articles list a different right that children have, and different responsibilities that the Government, and others including parents, have to make sure that children have these rights. This includes:

1. **Making sure that children are equal:** The Government must make sure that all children have the rights in the Convention, regardless of their or their parent's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status (article 2).
2. **Children's best interests:** The Government must make sure that your best interests are taken into account when any decision is made which affects you. All organisations working with children should work in a way that is best for children (article 3).
3. **Parent's rights and right to family life:** The Government must respect the rights of your parents / family / carers to raise you, where they are raising you in

- a way that respects your rights (article 5). You also have the right to know and be cared for by your parents (article 5), and the government must make sure that you are not taken away from your parents against your will, unless this is in your best interests (articles 8 and 9). Where you are separated from one or both of your parents (for example, where your parents have separated), the Government must make sure that you have contact with the parent you are separated from, unless this is not in your best interests (for example, where it might because you harm to see your parent) (article 9). For children who have parents living in different countries, the Government must make sure that you can stay in regular contact with both parents (article 10). Parents or guardians have the responsibility to bring you up, and they should do this in a way that is in your best interests. The Government must give help to your parents where this is necessary to help them for you properly (article 18).
4. **Right to have an identity:** The Government must make sure you are registered at birth (i.e. that you have a birth certificate), and that you have a name and a nationality and that you know who your parents are (articles 7 and 8). Having your birth registered is important because it helps you to exercise your other rights (e.g. to get access to education, housing and other support if you need it, and will allow you to register to vote).
 5. **Going abroad:** The Government must make sure that children are not taken out of the UK illegally (article 11).
 6. **Having your opinions heard:** You must be given the chance to give your opinion when decisions are made that affect you, and the Government must make sure that these opinions are taken into account by the people making the decision (article 12).
 7. **Freedom of expression and getting information:** You must be able to get and share information with others, as long as this does not damage others (article 13). The Government must make sure that you can get information from many sources, like different papers and television and radio programmes, and must make sure that the media includes programmes and information that are relevant to children and do not harm you (article 17).
 8. **Freedom of thought and religion:** The Government must make sure that no one interferes with your opinions and your ability to do things that you want to do because of your religion, as long as this doesn't cause you or anyone else any damage, or interferes with anyone else's rights. Your parents are allowed to give you guidance on practicing your religion (article 14).
 9. **Freedom to gather together and join organisations:** You must be able to gather together with other people and to join organisations, as long as this does not cause anyone harm, or interfere with other people's rights (article 15).
 10. **Privacy:** The Government must make sure that no one is able to interfere with your privacy or attack your honour or reputation (article 16).
 11. **Protection from violence, exploitation, abuse, neglect and maltreatment:** The Government must make sure you are protected from any type of physical or mental violence, injury or abuse, neglect, maltreatment or exploitation, including sexual abuse or exploitation, while you are living with your parents or in the care of anyone else (article 19). Special procedures must be set up to help you if you have been the victim of abuse.
 12. **Health:** The Government must make sure you are able to be as healthy as you can be, and that you are able to get health care when you need it. You must also be able to get clean water, nutritious food and live in a healthy environment. The Government must also make sure you can get information about staying healthy (article 24).
 13. **Benefits:** The Government must make sure that you and your parents or carers can get financial help when you need it (article 26).
 14. **Standard of living:** You have the right to a standard of living that is necessary for your physical, mental, spiritual, moral and social development. It is your parents' responsibility to make sure you have these needs met, but the Government must help your parents by giving them support if they can't afford to do this (article 27).
 15. **Education:** The Government must make sure you get a good quality education. This includes making sure that primary and high school is free and available to you, that you can attend school regularly and that schools don't discipline you in a way that causes you harm and only in a way that respects your dignity (article 28). Your education should make sure you develop to your full potential and learn to respect human rights, your parents and the values, language and culture of the UK and other countries (article 29).
 16. **Rest and leisure:** The Government must make sure you have rest and leisure time, and can be involved in cultural activities (article 31).
 17. **Work:** The Government must make sure that you do not do any work that is harmful to you, or that interrupts your education (article 32).
 18. **Drugs:** The Government must protect you from using illegal drugs (article 33).
 19. **Sexual abuse:** The Government must protect you from any form of sexual abuse (article 34).
 20. **Abduction:** The Government must make sure you are not abducted, or sold (article 35).
 21. **Harm to you:** The Government must protect you from coming to any other type of harm or any actions that are bad for your welfare (article 36).
 22. **Torture:** The Government must make sure that you are never tortured or never treated in a way that is cruel, inhuman or degrading (article 37).
 23. **Detention:** The Government must not put you in detention except where this is a last resort and this must only be for the shortest amount of time. If you are put in detention after you break the law or for another reason (if you need mental health treatment, for example), you must be treated with respect and dignity and should never be locked up with adults. You must be able to contact your family and get a lawyer to help you (article 37).
 24. **Joining the army:** The Government must not let you join the army before you turn 15. You should get special protection in war zones (article 38).
 25. **Recovery from abuse:** If you have been the victim of abuse, the Government must make sure you are given help to recover (article 39).
 26. **Children not living with their parents:** If you are not living with your parents, or have had to be removed from your parents, the Government must make sure that you are cared for, and that you are given special assistance and protection (article 20). If you are looked after by local authorities (e.g. in foster care) or put in a special

facility to provide you special care or treatment for a physical or mental health problem, you must have someone review your situation regularly (article 25).

27. **Adoption:** If you are going to be adopted, the Government must make sure that your best interests are the most important thing taken into account (article 21).
28. **Refugee children:** If you have come from abroad and are a refugee, or are trying to be recognised as a refugee, the Government must give you protection and support in making sure you have the rights in the Convention, whether you have come to the UK with a family member or alone. If you have come to the UK alone, the Government must treat you the same as if you were any other child in the UK who cannot live with their parents (article 22). This means that the Government must make sure that you are cared for, and that you are given special assistance and protection (article 20). This can include, for example, making sure there are foster carers available.
29. **Children with disabilities:** If you have a mental or physical disability, the Government must make sure that you are able to live a full and decent life and they must help you to do be able to do things independently, and be involved in the community. People who care for you must be given support if they need it (article 23).
30. **Children from minority groups:** If you are from an ethnic, religious or linguistic minority group, the Government must make sure you are able to use the language and culture of your group (article 30).
31. **Children who have broken the law:** If you have been accused of breaking the law, the Government must treat you with respect and dignity. You must be treated as innocent until you have been proved to be guilty, be told about why you have been arrested straight away, and be able to get help from your family and a lawyer (article 40) [4].

5. Indian Constitution and Children Rights (Present Legal Framework)

The Government of India has articulated its commitment to children through various provisions in the Indian Constitution. The Constitution of India is the basic law of the country that includes the fundamental rights and directive principles for every citizen. The fundamental rights in the Constitution of India impose on the state a primary responsibility of ensuring that all the needs of children are met and that their basic human rights are fully protected. Fundamental rights if violated can be brought before the courts. Directive Principles lay down the guidelines the Government have to follow. If they are violated they cannot be taken before the courts but because of judicial interpretation, many of the directive principles have now become enforceable through legal actions brought before courts.

5.1 The Fundamental Rights in the Constitution that directly relate to children are

1. Article 15(3) requires the state to make special provisions for children.
2. Article 21A provides for free and compulsory education to all children of the age 6 – 14 years. In such a manner as the state may by law determine. This Article 21A of the Constitution of India envisages that children of age

group 6 to 14 years have a fundamental right to education.

3. Article 23 prohibits trafficking of human beings including children.
4. Article 24 mandates that no child below 14 years can work in any hazardous occupation or industry.

5.2 The Directive Principles of State Policy that directly relate to children are

1. Article 39(a) & (f) direct that the state policies are directed towards securing the tender age of children.
2. Article 45 states that the state shall endeavour to provide early childhood care and education for all children until they complete the age of six years.
3. Article 51A mentions that it shall be the fundamental duty of the parent and guardian to provide opportunities for education to his child or as the case may be, ward between the age of six and fourteen.
4. 86th constitutional Amendment – Right to Education, is a fundamental right. It was after a long struggle that the 86th constitutional amendment to make the right to education as a fundamental right in 2001 was made. The State laws have not yet been drafted. The Government of India has prepared a draft bill on the Right to Education Bill, 2005, seeks to give effect to the 86th constitutional Amendment. The Preamble of the draft bill states that it is put into effect the Right to Free and Compulsory Education to all children in the age group of 6 – 14 years [5].

6. Children in Need of Protection

Every child has the right to protection. This not only includes children who are in different circumstances and those who have suffered violence, abuse and exploitation, but also those who are not in any of these adverse situations and yet need to be protected in order to ensure that they remain within the social security and protection net. Child protection is about protecting children from or against any perceived or real danger/risk to their life, their personhood and childhood. It is about reducing their vulnerability to any kind of harm and in harmful situations.

Child protection is integrally linked to every other right of the child. The failure to ensure children's right to protection adversely affects all other rights of the child and the development of the full potential of the child. Child protection is about protecting every right of every child. It must also relate to children's capacity for self-reliance, self-defence, and to the roles and responsibilities of family, community, society and state. The need to protect some children is certainly greater than others due to their specific socio-economic and political circumstances and geographical location [6]. These are the children who are more vulnerable in term of the harm/danger/risk to their right to survival/development/ participation.

1. Homeless children (pavement dwellers, displaced/evicted, etc.)
2. Refugee and migrant children
3. Orphaned or abandoned and destitute children
4. Children whose parents cannot or are not able to take care of them
5. Street and working children

6. Child beggars
7. Victims of child marriage
8. Trafficked children
9. Child prostitutes
10. Children of prostitutes
11. Children of prisoners
12. Children affected by conflict/civil strife
13. Children affected by disasters both natural and manmade
14. Children affected by substance abuse, HIV/AIDS and other terminal diseases
15. Disabled children
16. Children belonging to ethnic, religious minorities and other marginalized groups
17. The girl child
18. The unborn child
19. Children in conflict with law(those who commit crime)
20. Children who are victims of crime.

7. Importance of Human Rights Education to Children

Here are some of the reasons why human rights education is important to children:

1. Because it's their right! Article 42 of the Convention on the Rights of the Child stipulates that children have the right to know their rights. Adults have the responsibility to ensure that children are informed and can exercise their rights.
2. To increase respect for human rights: Knowing about your rights is the first step in promoting greater respect for human rights. In places where children are aware of their rights, there is generally a better respect for and fewer abuses of children's rights.
3. Because human rights values are universally recognized: Adults who work with children are constantly faced with the task of trying to determine which behaviours are acceptable and which are not acceptable. Making these types of decisions often involves relying on personal experiences or values. Human rights education provides a clear framework for evaluating when and how to intervene by referring to the universally recognized values that stem directly from the Universal Declaration of Human Rights.
4. To encourage the development of self-esteem and active participation: Once children become aware of their rights, they begin to recognize their own importance as human beings. They also start to realize that what they live, think and feel has value and that they can make a positive contribution to the life of the group, of their family, their school, and their community. Learning about rights encourages children to become more actively involved [7].
5. To reinforce positive behaviours: Human rights education is one of the most effective ways of encouraging positive behaviour because it involves both critical reflection and a strengthening of the child's sense of responsibility. Human rights education encourages children to reflect on how they interact with others and on how they can change their behaviour to better reflect human rights values. The result is that they are not only more aware of the importance of respect, cooperation, and inclusion, but also better equipped to put these values into practice in their daily lives.

8. Child Right Issues

The United Nations Convention on the Rights of the Child (CRC) represents a turning point in the international movement on behalf of child rights. This comprehensive document contains a set of universal legal standards or norms for the protection and well-being of children. Child soldiers, Juvenile life without Parole, The Right to Education are the major child right issues.

8.1 Child Soldiers: From cradle to War

Worldwide, hundreds of thousands of children are recruited into government armed forces, paramilitaries, civil militia and variety of other armed groups. Under international law, the participation of children under 18 in armed conflict is generally prohibited, and the recruitment and use of children under 15 is a war crime. Yet worldwide, hundreds of thousands of children are recruited into government armed forces, paramilitaries, civil militia and a variety of other armed groups. Often they are abducted at schools, on the streets or at home. Such children are robbed of their childhood and exposed to terrible dangers and to psychological and physical suffering. They are placed in combat situations, used as spies, messengers, porters, servants or to lay or clear landmines. Girls in particular are at risk of rape and sexual abuse.

8.2 Juvenile Life without Parole: Demand Juvenile Justice

Children can and do commit terrible crimes. When they do, they should be held accountable but in a manner that reflects their special capacity for rehabilitation. However, in the United States the punishment is all too often no different from that given to adults. There are about 2,500 people in the US serving life imprisonment without the possibility of parole for crimes committed when they were under 18 years old. The United States is believed to stand alone in sentencing children to life without parole. Although several countries technically permit the practice, Amnesty International knows of no cases outside the US where such a sentence has been imposed in recent years.

A life without parole sentence when imposed on a defendant who was under 18 at the time of crime violates international law and standards which are almost universally accepted around the world. These standards recognize that, however serious the crime, children, who are still developing physically, mentally and emotionally, do not have the same level of culpability as adults and require special treatment in the criminal justice system appropriate to their youth and immaturity.

8.3 The Right to Education: Education is a Human Right

Everyone has the right to education – which should be available free to all at least at the primary level. Education is also indispensable in realizing other human rights. Across the world many children miss out on their education because:

1. They are made to work
2. They are recruited into armed forces
3. Their families do not have the means to pay for schooling
4. Discrimination and racism undermine their chance to receive an education

5. They face violence as they pursue their education [8].

8.4 The Convention on the Rights of the Child defines basic rights of children covering multiple needs and issues which are as follows

1. The right to Education: 50% of Indian children aged 6-18 do not go to school Dropout rates increase alarmingly in class III to V, its 50% for boys, 58% for girls.
2. The right to Expression: Every child has a right to express himself freely in whichever way he likes. Majority of children however are exploited by their elders and not allowed to express.
3. The right to Information: Every child has a right to know his basic rights and his position in the society. High incidence of illiteracy and ignorance among the deprived and underprivileged children prevents them from having access to information about them and their society.
4. The right to Nutrition: More than 50% of India's children are malnourished. While one in every five adolescent boys is malnourished, one in every two girls in India is undernourished.
5. The right to Health & Care: 58% of India's children below the age of 2 years are not fully vaccinated. And 24% of these children do not receive any form of vaccination. Over 60% of children in India are anaemic. 95 in every 1000 children born in India do not see their fifth birthday. 70 in every 1000 children born in India do not see their first birthday.
6. The right to protection from Abuse: There are approximately 2 million child commercial sex workers between the age of 5 and 15 years and about 3.3 million between 15 and 18 years. They form 40% of the total population of commercial sex workers in India. 500,000 children are forced into this trade every year.
7. The right to protection from Exploitation: 17 million children in India work as per official estimates. A study found that children were sent to work by compulsion and not by choice, mostly by parents, but with recruiter playing a crucial role in influencing decision. When working outside the family, children put in an average of 21 hours of labour per week. Poor and bonded families often "sell" their children to contractors who promise lucrative jobs in the cities and the children end up being employed in brothels, hotels and domestic work. Many run away and find a life on the streets.
8. The right to protection from Neglect: Every child has a right to lead a well protected and secure life away from neglect. However, children working under exploitative and inhuman conditions get neglected badly.
9. The right to Development: Every child has the right to development that lets the child explore her/his full potential. Unfavourable living conditions of underprivileged children prevent them from growing in a free and uninhibited way.
10. The right to Recreation: Every child has a right to spend some time on recreational pursuits like sports, entertainment and hobbies to explore and develop. Majority of poor children in India do not get time to spend on recreational activities.
11. The right to Name & Nationality: Every child has a right to identify himself with a nation. A vast majority of underprivileged children in India are treated like

commodities and exported to other countries as labour or prostitutes.

12. The right to Survival: Of the 12 million girls born in India, 3 million do not see their fifteenth birthday, and a million of them are unable to survive even their first birthday. Every sixth girl child's death is due to gender discrimination.
13. Creating "child rights" awareness among the society is the first step towards protecting and realizing children's rights.

9. Addressing the Needs of Children

Governments must be sensitive to the rights of all their citizens—not just to those of children—but the world community recognizes that priority should be given to protecting children's rights. There are many reasons for singling out children's rights in a separate human rights Convention:

1. Children are individuals: Children are neither the possessions of parents nor of the state, nor are they mere people-in-the-making; they have equal status as members of the human family.
2. Children start life as totally dependent beings: Children must rely on adults for the nurture and guidance they need to grow towards independence. Such nurture is ideally found in adults in children's families, but when primary caregivers cannot meet children's needs, it is up to society to fill the gap.
3. The actions, or inactions, of government impact children more strongly than any other group in society: Practically every area of government policy (for example, education, public health and so on) affects children to some degree. Short-sighted policymaking that fails to take children into account has a negative impact on the future of all members of society by giving rise to policies that cannot work.
4. Children's views are rarely heard and rarely considered in the political process: Children generally do not vote and do not otherwise take part in political processes. Without special attention to the opinions of children—as expressed at home and in schools, in local communities and even in governments—children's views go unheard on the many important issues that affect them now or will affect them in the future.
5. Many changes in society are having a disproportionate, and often negative, impact on children. Transformation of the family structure, globalization, shifting employment patterns and a shrinking social welfare net in many countries all have strong impacts on children. The impact of these changes can be particularly devastating in situations of armed conflict and other emergencies.
6. The healthy development of children is crucial to the future well-being of any society: Because they are still developing, children are especially vulnerable—more so than adults—to poor living conditions such as poverty, inadequate health care, nutrition, safe water, housing and environmental pollution. The effects of disease, malnutrition and poverty threaten the future of children and therefore the future of the societies in which they live.
7. The costs to society of failing its children are huge: Social research findings show that children's earliest experiences significantly influence their future development. The

course of their development determines their contribution, or cost, to society over the course of their lives [9].

10. Governmental Commitment to Fulfilling Protection Rights

The Government's commitment and priority to child protection is critical to the creation of a protective environment for its children. The Government needs to demonstrate this commitment through the acceptance and recognition of problems, formulation of appropriate policy, strong legal frameworks and programming, and allocation of adequate resources to programs. It needs to ensure that mechanisms for child protection are child friendly, functional and in a position to reach children in needs of protection [10]. Some such initiatives taken by the Indian Government towards creating a protective environment for children as per the law are the,

1. Juvenile Justice (Care and Protection) Act, 2000 [11].
2. The CHILDLINE 1098 service in partnership with Integrated Program for street children, signing and ratification of the United Nations Convention on the rights of the child (UNCRC), and
3. Ratification of the Optional Protocols
4. The National Plan of Action, 2005
5. The National Policy for Children, 1974
6. Study on Child Abuse 2007.

11. Recommendations: Prevention of Child Rights violation

11.1 At Society

1. Sexual education for children
2. Punish those who commit the acts against child
3. Create support centres for victims
4. Set up free phone lines to break the silence
5. Ensure children's safety
6. Educate children about sexual violence
7. Ratify and conform to laws protecting children
8. Create preventative laws and disseminate information about them
9. Create committees for eliminating violence against children
10. Find healthy ways for children to spend their free time
11. Limit TV Channels
12. Forbid harmful traditional practices by law
13. Launch awareness campaigns for the community
14. Create local committees for child protection.

11.2 At work place, in the streets and in institutions

1. sensitise employers about child rights and consequences of corporal punishment to children
2. respect children
3. educate employers to listen to children
4. ensure employers to listen to children
5. ensure children's safety at work
6. value alternative education methods
7. Encourage and support the development of child led organizations.

11.3 At School

1. increase the number of education advisers and sensitise teachers about corporal punishment
2. create councils for discipline in schools that can work in partnership with children's organisations
3. establish and disseminate internal rules of conduct
4. sensitise education inspectors about corporal punishment
5. ensure children's security in schools
6. parents have to accompany younger children to school
7. offer alternative punitive measures.

11.4 At Home

1. sensitise parents about the consequences of violence against children
2. teach parents how to communicate with their children (parents' school)
3. prioritise dialogue with children
4. train them on education without violence
5. offer alternative disciplining methods
6. inform parents about child rights and laws that ban corporal punishment
7. alleviate poverty and increase family benefits for children
8. parents must let go to know their children better and reasons for them misbehaving
9. Adopt and implement laws on violence against children.

11.5 Other Recommendations to Government of India to Prevent Child Rights Violation

It is just not possible for the government to fight the battle alone. Every individual in the society should contribute to this effort. For a participative action, government should be encouraging the following projects:

1. Start a scheme "Sponsor a child" and get sponsor ship from Individuals, business man, politician, Cinema field etc. Give the sponsors some tax benefit to encourage sponsorship.
2. More child help line telephone numbers should be in place and popularise those by means of advertisements campaigns.
3. Minimum Rs.1/- Project: Collect a minimum of Rs.1/- from every Indian (Close to 100 crores can be collected) and use it for poor child development - (Keep Hundi in Government Banks to collect this)
4. Strict Law to be amended on TV Channels which telecast and encourages violence, sex and vulgar programs.
5. Celebrate Pandit Jawaharlal Nehru's birthday as "Children's Rights Day" rather than children's day alone.
6. Release a postal cover / post card with campaigning information on Child Rights.
7. Special police stations for protecting "Child" (Like Women police stations).
8. Form local communities with volunteers for campaigning and creating awareness on child rights.
9. Schools to have awareness classes for "Child Rights" [12].

12. Challenges Ahead

Like many developing countries, India faces problems of infant mortality, child marriage, maternal mortality and the phenomena of child widows, sex tourism, and child

trafficking even across national borders for prostitution, child abuse and child labour. There are several challenges ahead. Of all the demographic groups, the girl child are probably the most socially disadvantaged. At every stage of her life cycle – from conception to adulthood – she is especially vulnerable to human rights abuses. Recent incidents of Delhi gang rape and Pondicherry Acid attack cases can be quoted as examples for the human rights abuse of girl child.

So, a child focused culture has to be developed. The legal system should interpret the laws in the context of the rights and standards given in the CRC. This will give the child access to justice through the court system. All the children's legislations need to be reviewed in the context of CRC and its standards and there has to be linkages between them. The Indian legal system has to evolve a great deal for securing the rights of the child and providing justice to the child. Legal reform alone cannot bring justice to the child. Undoubtedly, the most effective preventive measure is awareness of such possible abuse and how to deal with it amongst the various service providers – the doctors, teachers, lawyers, judges, police, volunteers, parents, trade unions, and social workers – so that they can significantly reduce the risk of abuse, if it does occur, by responding appropriately.

Thus to conclude these challenges have to be rapidly addressed. And above all, the core value of the universal legal principle that policies be made, structures and processes be established, and actions be taken that are always and invariably in the best interest of the child should be followed. Child is a bud, let it blossom as a flower with nutrition of rights, with fruits of freedom and with care and attention not only from parents but also from the state under the auspices of the society. The struggle for realization of the rights of the child is going to be a long journey.

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