



“United Nations Convention on the Rights of the Child and Indian Children”

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ABSTRACT

Child rights are specialized human rights that apply to all human beings below the age of 18. Universally child rights are defined by the United Nations and United Nations Convention on the Rights of the Child (UNCRC). According to the UNCRC Child Rights are minimum entitlements and freedoms that should be afforded to all persons below the age of 18 regardless of race, colour, gender, language, religion, opinions, origins, wealth, birth status or ability and therefore apply to all people everywhere. This present paper is an attempt to explore and examine the situation of Child Rights related education, health and employment in India. The major objective of the paper is to highlight the gap between the UN Convention on the Rights of the Child and India's performance to protect these rights. To fulfill the objective, a deep study of the available literature was done. Secondary sources of data like UNCRC, ILO reports, UNICEF reports, Child Labour Act 1986, Indian Govt. reports on education and health, books, Journals, Newspapers were consulted to gather latest information about the concerned problem. Paper concludes that while India is doing better in protecting some child rights still it is far behind of the European and many Asian Nations. For a long time India has not been doing well to provide education to all, to eradicate child labour, to provide safe drinking water and health facilities. Many reports of the committees on the UNCRC highlight that India is very rich in making policies and programmes to protect child rights but is very poor in its action-plan and implementation.

KEYWORDS : Child, Rights, Education, Health, Convention.

I Introduction

Over history there have been a number of international treaties and documents that outline the rights of a child. Prior to World War II the League of Nations had adopted the Geneva Declaration of the Rights of the Child in 1924. The United Nations (UN) took its first step towards declaring the importance of child rights by establishing the United Nations International Children's Emergency Fund in 1946 (The name was shortened to **United Nations Children's Fund** in 1953, but kept the popular acronym UNICEF). Two years later the **UN General Assembly** adopted the Universal Declaration of Human Rights, making it the first UN document to recognise children's need for protection.

The first UN document specially focused on child rights was the Declaration on the Rights of the Child, but instead of being a legally binding document it was more like a moral guide of conduct for governments. It was not until 1989 that the global community adopted the **United Nations Convention on the Rights of the Child**, making it the first international legally binding document concerning child rights. The convention consists 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.

II Significance of the Study

The United Nations (UN) has given some special rights to all the children so that their social, educational, economic, cultural and moral development can take place without any hindrance. As per the UNCRC (Article 27) all children must have a good standard of living, must get free and compulsory education (Article 28), and should not involve in hazardous occupation (Article 32). But it is great pity that Indian children still not enjoying their rights in full way. Millions of children are out of schools, world's highest child labourers are living in India and malnourishment is also a major issue of concern. In the light of above background it becomes pertinent to study the problem in depth so that solutions of the problems can be found out and policies and programmes can be formulated to protect child rights in India. The findings of the study will be very useful for the policy makers, educators, child right activists, social workers, parents and young researchers. Hence the study has a very great relevance in present situations since India is a signatory to UNCRC.

III Statement of the Problem

Child rights are specialized human rights that apply to all human

beings below the age of 18. Universally child rights are defined by the United Nations and **United Nations Convention on the Rights of the Child (UNCRC)**. According to the UNCRC Child Rights are minimum entitlements and freedoms that should be afforded to all persons below the age of 18 regardless of race, colour, gender, language, religion, opinions, origins, wealth, birth status or ability and therefore apply to all people everywhere. The UN finds these rights interdependent and indivisible, meaning that a right cannot be fulfilled at the expense of another right. This present study is an attempt to explore and examine the situation of Child Rights related education, health and employment in India. The major objective of the study is to highlight the gap between the UN Convention on the Rights of the Child and India's performance to protect these rights.

IV United Nations Convention on the Rights of the Child (UNCRC)

A convention is an agreement between countries to obey the same law. When the government of a country ratifies a convention, it means it agrees to obey the law written down in that convention. The government of India ratified the UNCRC in 1992. That means our government now has to make sure that every child has all the rights in the Convention. Our study is limited to the UNCRC article 27, 28, and 32. We will further discuss about these articles:

Article 27

1. States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.

Article 28

1. States Parties recognize the right of the child to education and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:

- (a) Make primary education compulsory and available free to all;
- (b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need.

Article 32

1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be

harmful to the child's health or physical, mental, spiritual, moral or social development.

V Observations of UN Committee on the Rights of the Child I Follow-up measures taken and progress achieved by the State party

1. The Committee welcomes the adoption of the following legislative measures:

- (a) The National Food Security Act, on 10 September 2013;
- (b) The Protection of Children from Sexual Offences Act, on 14 November 2012;
- (c) The Right of Children to Free and Compulsory Education Act, in August 2009.

2. The Committee also welcomes the following institutional and policy measures:

- (a) The National Early Childhood Care and Education Policy, on 27 September 2013;
- (b) The National Policy for Children, on 26 April 2013.

II Main areas of concern and recommendations

1. The UN Committee urges the State party to consider withdrawing its declaration on article 32 of the Convention, in line with the Committee's previous recommendations (CRC/C/15/Add.115, para. 66 and CRC/C/15/Add.228 para. 8).

2. The Committee notes the adoption of the National Policy for Children, in 2013. However, the Committee is concerned that:

- (a) The National Plan of Action to implement the policy has not yet been developed;
- (b) There is a lack of information on progress at the state and district levels in the development of their respective action plans, in line with the National Policy for Children, and on resources allocated to ensure the effective implementation of the policy.

3. The Committee is particularly concerned at the scarcity of available data on children between 15 and 18 years and in the type of data collected, which does not cover all areas of the Convention.

4. The Committee notes that a 24-hour helpline for children is being run by the State party in collaboration with Child line India Foundation. However, the Committee is concerned that the helpline is not accessible to all children at the national level.

5. The high levels of chronic malnutrition (stunting), wasting (acute malnutrition) and underweight among children, in particular children under 5 years, which are closely linked to maternal undernutrition and anaemia and inadequate feeding practices of infants and young children.

6. The fact that only 46 per cent of children under six months are exclusively breastfed and only 24 per cent of children are breastfed within one hour of their birth. That situation implies the use of infant formula and the related negative impact on the health status of infants; The low improvement in the immunization rate and the fact that only 21 percent of children are fully vaccinated.

7. The Committee is concerned at the prevalence of poverty among children, in both urban and rural areas, as well as the large disparities in the standard of living among children, with children in disadvantaged and marginalized situations being particularly vulnerable.

8. The Committee reiterates its serious concern that, there is still a large number of children involved in economic exploitation, including child labour in hazardous conditions, such as in mining, bonded labour in the informal sector as domestic servants and in agriculture.

VI Conclusion

In spite of having much legislation, policies and institutions in place, yet children of our country are suffering from blatant child rights

violations. There is hardly any effort towards raising awareness among people on child protection and child rights. The implementation of policies is very weak. Structures in place are inadequate, dilapidated and tired. The staff is ill trained, corrupt and inadequate. Lack of manpower and lack of funds are the major problems. Census 2011 showed that about 32 million children aged between 6 and 13 years have never attended any educational institution, even though government estimates of out-of-school children show substantially lower numbers. World Bank data indicates that India has one of the world's highest demographics of children suffering from malnutrition – said to be double that of Sub-Saharan Africa with dire consequences. India's Global Hunger Index India ranking of 67 the 80 nations with the worst hunger situation places us even below North Korea or Sudan. 44% of children under the age of 5 are underweight, while 72% of infants have anaemia. According to a Campaign Against Child Labour (CAC) study, India has 1, 26, 66, 377 child labourers of which UP has 19,27,997 child labourers. Overall it can be concluded that India has progressed at some levels to protect child rights but still a lot has to be done to eradicate child labour, education to all, health and nutrition to all, discrimination against the children of socially lower sections of society, child marriages, female feticides and good quality of life to all children.

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