
UNIT 11 CHILD RIGHTS AND LEGISLATION

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11.1 INTRODUCTION

India portrays a dismal picture with respect to protection of child rights. One-third of population of India comprises children below 18 years. It has a high child mortality rate, malnutrition rate and low- birth-weight babies. In the educational scenario we see more out of school children and high dropout rate. Girls get married by the age of 18 and become mothers soon after. India remains to be home to the highest number of child labourers in the world and has the world’s largest number of sexually abused children. Masoodi (2015) describes the deplorable condition of child labour in India by pointing out some hard-hitting statistics on the issues of child labour in India. He pointed out that one in every 11 children is working in India, 80 percent of working children reside in rural areas, the children between the age group of 15 to 17 years doing hazardous work form 62.8% of the overall child labour population and more boys (38.7 million) than girls (8.8 million) are drawn in hazardous work.

In order to save children from the deplorable condition, as a teacher, we should know about child rights, Universal Declaration of Child Rights and the rights ensured

by our Constitution to protect our children. In this unit we will discuss in detail about each of these.

11.2 OBJECTIVES

After going through this Unit you should be able to:

- identify the concept of the child in India;
- explain the rights of the child;
- describe child rights from human rights perspective;
- examine the child rights in the context of right to parental care, education, protection against sexual abuse and economic exploitation;
- elucidate the various initiatives taken by national and international organisations to protect the rights of children;
- familiarize with various articles of the United Nations Convention on the Rights of the Child (UNCRC), 1989; and
- evaluate the contributions made by UNCRC, UNICEF, WHO, NCPCR and NHRC in protecting child rights.

11.3 WHO IS A CHILD?

You have studied about the definition of child in Unit 1 of Block 1 of the Course ‘Childhood and Growing Up’. There is always discussion about who a child is. What should be the age limit of a child? According to the Census of India a child is a person below the age of 14. The Universal Declaration of Child Rights defines ‘*a child as every human being below the age of eighteen years unless, under the law applicable to the child, majority is attained earlier*’. The declaration permits each country to determine the age limit of the child according to their own laws. But in the case of our country, various laws related to children consider the age limit at different levels. For example, different laws like The Indian Penal Code (IPC) 1860 considers age of children till seven and for mental disability child till twelve years (Sec 83 IPC). Article 21 (a) of the Indian Constitution considers the ages of six to fourteen, The Child Labour (Prohibition and Regulation) Act, 1986 fourteen years of age, The Juvenile Justice (Care and Protection of Children) Act, 2000 as eighteen years, etc.

Activity 1

Go through various laws by national organizations and find out why they suggest that particular age limit for children.

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Check Your Progress 1

Notes: (a) Write your answer in the space given below.

(b) Compare your answer with the one given at the end of the unit.

i) What age do you prefer as the age limit of a 'child' and why?

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11.4 RIGHTS OF A CHILD – AN OVERVIEW

Read the following case:

Case 1: NCPCR's report (2013) on child labourers rescued in Agra prepared by Dr. Yogesh Dube and Ms. Shaista Khan depicts the situation of a child working in a bangle manufacturing unit where he worked for 15 hours a day with a remuneration of Rs. 500 a month. The employer treated him badly and hit him whenever he worked slowly. He even did not allow the child to talk to his family members nor visit them. The child was malnourished and had related health problems. There were scars in his hands as a result of the proximity with harmful chemicals. He could not share his ordeal to anyone. The employer also deducted from his salary the amount that was used for the boy's medical treatment.

Source: Dube, Yogesh., & Khan, Shaista. (2013). *Report on child labourers rescued in Agra and efforts made for their repatriation and rehabilitation*. Retrieved on December 2, 2015, from <http://ncpcr.gov.in>.

When we analyze this case based on the rights ensured by our Constitution, it is evident that the employer violated the Article 39 (f) of our Indian Constitution. It states that "children are to be given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment". Our constitution ensures the well-being of our children and underlines the right of children to live with dignity and identity and serve their society and nation irrespective of their colour, caste, creed, etc.

Go through the following research study:

Ministry of Women and Child Development, Government of India (2007) conducted a study on child abuse in India that reveals that out of 12,447 child respondents, 69% of children were physically abused in one or more situations. Children faced high level of physical abuse in their family itself by their parents. (88.6%). 53.22% of children faced one or more forms of sexual abuse, 21.90% child suffered severe forms of sexual abuse, 50.76% other forms of sexual abuse, and 5.69% reported being sexually assaulted. The children on street, children at work and children in institutional care were most insecure and they faced the highest incidence of sexual assault.

Let us now look into the basic rights of a child

i) *Right to Survival*

It includes a child's right for basic needs like food, shelter and medical treatment.

ii) *Right to Development*

It includes a child’s right for growing themselves and best use of their skills and strength, for development. Rights for development permit them to play, enjoy leisure, to get education and access information.

iii) *Right to Participation*

It includes right to express opinions; take part with members of their society in all the matters which take place in their community.

iv) *Right to Protection*

It gives the guarantee for protecting child from all anti-social activities against child like child abuse, child labour, mental and sexual harassment.

Activity 2

Case 2: Aswathy was a 12 year old girl. After the death of her father, her mother tried to poison her children as well as herself because she was not in a position to look after the family. Unfortunately here mother died while Aswathy and her siblings survived the attempt. Due to adverse circumstances they couldn’t continue their studies and were forced to do child labour.

Go through the incident of Aswathy and suggest what child rights were denied to her?

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Check Your Progress 2

Notes: (a) Write your answers in the space given below.
(b) Compare your answers with the one given at the end of the unit.

i) What are the basic rights of a child?

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ii) What is meant by the right for protection? Analyze the implementation of this right in our Indian society.

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Do you wish to know what progress is made with respect to these rights in our country? Let us start from our constitution. Part III and Part IV of the Indian Constitution pertaining to Fundamental Rights and Directive Principles of State Policy includes provisions for survival, development and protection of children. It is either in the Concurrent List or in the State List. But in the real sense, various welfare schemes of the central government are carried out by the State Governments only. After the 73rd and 74th amendments of the Constitution, the Panchayat Raj institutions have got administrative and financial powers to undertake various activities for the well-being of the children.

Our first five-year plan started in 1951 emphasized the welfare of the children by giving special concern to health, nutrition and education of the children. Central Social Welfare Board (SWB) was established for assisting voluntary agencies in undertaking various programmes for children. Another initiative of the government was the establishment of 'Balwadis' and 'Mahila Mandals' for the welfare of children. Some of the Acts like Suppression of Immoral Traffic in Women and Girls Act (SIIA)-1956, Hindu Adoption and Maintenance Act, Women's and Children's Institution (Licensing) Act, Wellbeing of Children's Act-1960 passed by the government are among the early initiatives of the government for the improvement of the conditions of children.

After getting inspiration from UN's Declaration of Rights of Children, the Government of India established the Department of Social Security in June 1964. It provides to give special attention to the various issues of children. At present it works as Social Justice and Empowerment. Child Marriage Restriction Act of 1929, amended in 1975, Bonded Labour (System) Abolition Act, Juvenile Justice Act, 1986, Child Labour (Prohibition & Regulation) Act, 1986, etc. were passed by the government to save children from social injustice. After the UN declaration of 1979 as the International Year of the Child (IYC), the Government of India initiated the National Policy of Action to reach the deprived children.

Integrated Child Development Scheme (ICDS), 1975 was also initiated to improve the condition of our children. National Policy on Education, 1968 and 1986, DPEP, Operation Black Board, Universalization of Elementary Education, Sarva Shiksha Abhiyan, National Curriculum Framework (NCF), 2005, Right of Children for Free and Compulsory Education Act, 2009, etc. are major landmarks for ensuring free and compulsory education for children.

Activity 3

Prepare a time chart of various laws passed and schemes initiated for ensuring child rights.

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Check Your Progress 3

Notes: (a) Write your answers in the space given below.

(b) Compare your answers with the one given at the end of the unit.

i) Write a note on the early initiatives of the government for the protection of child rights? Summarize how it helped the later development in this direction.

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ii) How do you evaluate the progress made by India in the protection of child rights?

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11.5 CHILD RIGHTS WITHIN THE FRAMEWORK OF HUMAN RIGHTS

Do you know that child rights are part of the human rights? The case was different during earlier period. At the time of Medieval Europe, children were considered just as a human being. Child did not have special concern and was treated as an adult. There was only general category of human being and it only dealt with human rights.

Later on it was identified that needs of children are different from an adult. Different organizations also came into action like Red Cross's Geneva Convention, ILO Convention, International Convention on Human Right, etc. Geneva Declaration in 1924 and United Nations Declaration in 1959 decided to give children utmost importance. These two declarations are considered as the most powerful instrument for the protection of child rights. The basic principles introduced by these organizations created a platform for the successive progress of norms and conduct of child rights.

UNICEF (2014) defines human rights as those rights which are essential to live as human beings, basic standards without which people cannot survive and develop in dignity. Human rights are inherent to the human person, inalienable and universal. Almost all the countries have ratified Universal Declaration of Human Rights and the six core human rights treaties that include the Convention on the Rights of the Child. The rights and duties contained in the Convention on the Rights of the Child (CRC) (1989) is a part of the framework of human rights law of UNICEF. There are many rights such as 'rights to life, survival and development', 'rights concerning identity', rights to protection from abuse, neglect and exploitation.' Each of these rights is to be ensured and we are studying about them further.

Activity 4

Prepare a brief summary of the child rights acknowledged by the following conventions and declarations: Red Cross's Geneva Convention, ILO Convention, International Convention on Human Right, Geneva Declaration in 1924 and United Nations Declaration in 1959.

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Check Your Progress 4

Notes: (a) Write your answer in the space given below.

(b) Compare your answer with the one given at the end of the unit.

i) Do you think that child right is a part of human right? Substantiate your answer with reasons.

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**11.6 EXAMINING THE “CHILD RIGHTS”
PERSPECTIVE IN THE CULTURAL CONTEXT-
WITH SPECIAL REFERENCE TO INDIA**

India is a country of diversity where we can find children belonging to different races, language, class, caste, culture and child rearing practices. Ms. Malala Yousafzai (who strives for girls education) and Mr. Kailash Satyarthi, (who fought against child labour) the two Nobel Peace Prize awardees of 2014 have put their efforts in improving the lives of children. The Convention on the Rights of the Child (CRC) covers freedom of children and their civil rights, family environment, necessary healthcare and welfare, education, leisure and cultural activities and special protection measures. Though several acts were passed for the protection of children, still their problems are not specifically addressed and they continue to be the vulnerable group in society. The following description of rights describes the depth of our responsibilities to ensure minimum well-being for our children.

11.6.1 Right to Parental Care

As we all know, family is the first internal agency of growth and development of a child. It is the basic right of a child to be cared by his/her parents. The emotional, physical, educational and spiritual needs of a child need to be fulfilled. For this each and every child must be brought up in their own families. Parental care and affection is very essential for healthy and complete development of a child. Those children who lack parental care and are neglected from the society may result in a sense of insecurity and may get involved in dangerous activities to survive. Therefore, it is the duty of each parent to form a strong bond between and among the family members. Read this case:

Do you know that there are many children who are living without any parental care? The children who have lost one or both parents, who are living in a child headed households, separated from parents due to wars and natural disasters, living in residential institutions, living in an alternative care setting as a result of an administrative decision, immigrant children who left home without care for the majority of the day/ night for various reasons, children from families where parents live and work away from their home due to various reasons like those who are working with armed forces who leave their family home and also street children are considered as children living without parental care or having minimal parental care.

UNICEF (2014) pointed out that millions of children around the world are living without one or both of their parents. Another alarming fact is that more number of

children is at the risk of separation because of poverty, disability, HIV/AIDS, natural disasters and wars. The children without the support and care of parents face discrimination, sexual abuse and exploitation that negatively affect their emotional and social development. Early separation from parents damages the proper emotional and physical development of the child which in turn leads to serious emotional problems and death. Poverty, natural disasters and diseases force parents to often neglect their children. They may depend on public institutions for support, which, at times lack quality and therefore ultimately the children fall back in education, food and other basic facilities.

Check Your Progress 5

Notes: (a) Write your answer in the space given below.

(b) Compare your answer with the one given at the end of the unit.

i) What are the consequences of lack of parental care? How does it affect the life of an individual child?

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11.6.2 Right against Economic Exploitation

Case 3: Padmini Sivarajah, Times of India reporter in May 2012 reported the horrible condition of sending more than 50,000 children from Madurai, Theni and Dindigul to the factories of Northern States by local merchants. She also narrates the story of a 14 year old child C. Visakan of Kottapatti, Theni district who was sold by his father for Rs 1,500 to a local broker, Solairaj during his school holiday time. He was sent to a 'muruku' factory located at Chhattisgarh where he worked twenty hours a day along with other children of similar age. However, he was sent to his hometown when he couldn't work because his employer poured hot oil over his body.

Source: Sivarajah, Padmini. (2012). *Over 50,000 kids from south Tamil Nadu deployed as child*. Retrieved on 15 December, 2015, from <http://makir.mak.ac.ug/labour/http://timesofindia.indiatimes.com>

The Article 32 of the Convention of Child Rights accepts the right of the child to be protected from economic exploitation, make them free from performing hazardous work and also engaging in work that affects their education, are harmful to health and also adversely affects their physical, mental, spiritual, moral or social development. The convention requested the state parties to take positive actions in providing a minimum age for employment, deciding the working hours, improving the conditions of employment and also giving penalties to ensure proper implementation of Article 32.

It is an unquestionable fact that poverty is the primary and root cause of economic exploitation. Due to many reasons, children are forced to do some kinds of work. Parental illiteracy and ignorance, traditional view of making children learn ancestral works from the early childhood days, lack of rigidity in policy making for compulsory primary education, non-accessibility of schools, gender differential, etc are some reasons.

Violation of any type of right (need) of a child can be termed as exploitation. All needs of a child are important, they should be protected from every form of

exploitation say, economic, social and cultural rights. When we say about economic exploitation of children, it reflects the consequences of child labour, because economic exploitation is a product of child labour. Child labour means work done by a child (below the age of 14) or any kind of work that places a child at risk. Child labour is equally harmful for physical, mental, social, emotional and psychological development of a child. The major causes of the child labour are illiteracy of the parents, poverty, the tradition of making children learn family skills, etc. The National Policy on Child Labour (1987) has helped in improving the condition of the children and also reducing child labour in India to some extent.

Activity 5

Study the National Policy on Child Labour and make a brief note on it and present in your class.

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Check Your Progress 6

Notes: (a) Write your answer in the space given below.

(b) Compare your answer with the one given at the end of the unit.

i) What is Right against Economic Exploitation? What are the major factors that lead to child labour in our country?

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11.6.3 Right to Protection against Sexual Abuse and Exploitation

Children all over the world suffer violence, exploitation and sexual abuse due to various reasons like living in street, disabilities, unemployment, poverty, natural disasters, armed conflicts, etc. In most of the cases children are sexually abused by family members and close relatives.

Child abuse is termed as the violence, misbehaviour or neglect suffered by child from any person on which the child trust or who is responsible for the child’s care and protection. Child abuse can be different kinds such as physical abuse, sexual abuse, neglect, emotional abuse and exposure to domestic violence.

When a child is provoked for sexual activities by an adult or adolescent it is known as sexual abuse. Any type of sexual activity or behaviour exposed to child, including intercourse, rape, oral sex, touching or kissing child’s genitals, using child in the production of pornography, such as a film or magazine is referred as sexual abuse.

In order to save children from sexual offences the Ministry of Women and Child Development introduced the Protection of Children from Sexual Offences (POCSO) Act in 2012. The act considered child as a person below 18 years of age and gives importance to interest and wellbeing of a child at every stage. The act ensures healthy

physical, emotional, intellectual and social development of the child. Trafficking of child for sexual purposes is also punishable under this act. The National Commission for Protection of Child Rights has been given the duty to monitor the implementation Protection of Children from Sexual Offences (POCSO) Act and Rule 6 of POCSO Rules, 2012.

Anosh M (2009) narrates the problems faced by children in Kerala due to HIV through a study titled ‘Situational analysis on children affected by HIV/AIDS in Kerala’ sponsored by UNICEF. He depicts the feelings of some of the children and parents through the following quotes:

- *“The school authorities were unwilling to let my HIV infected child continue his education after his status was revealed to them. He lost one year and after a lengthy process of petitioning higher authorities, he was readmitted in the school. He is now studying in standard 5”* – a parent from Kannur.
- *“Many students are leaving the school and joining other schools because HIV-positive children are studying here”* – an HIV affected child from Kollam
- *“My child was refused admission in a school six years ago because we (the parents) were HIV-positive, but her younger sister, who is infected, is studying in another school without revealing her HIV status”* – an HIV-positive mother from Malappuram

The study concludes that denial of education to the children was a serious problem faced by HIV affected children. Many of the time the children have to find out another school if they disclose their disease. Other parents also stop schooling of their children and search for another school as a precautionary measure. Let us examine what the RTE Act, 2009 deals with.

11.6.4 The Right of Children to Free and Compulsory Education (RTE) Act, 2009

Read the case given below:

Case 4: *Ashok, a 14-year-old boy spent most of his childhood period away from home to protect his family. He left his school at the age of 10. He wished to go to school and spend time with friends and family. But he had to be at work for sustaining his family.*

From the above case, it can be found out that Ashok is denied the right to education. Let us examine in detail about this right.

The Right of Children to Free and Compulsory Education (RTE) Act, also known as the Right to Education Bill, was passed by the Indian parliament on 4 August 2009. The Right of Children to Free and Compulsory Education (RTE), Act came into effect on 1 April 2010. ‘Free education’ means that no child shall be liable to pay any kind of fee or charges or expenses which may prevent him or her from pursuing and completing elementary education. It means that no direct (school fees) or indirect cost (uniforms, textbooks, mid-day meals, transportation) will be borne by the child or their parents to get elementary education. ‘Compulsory education’ means it is an obligation of the government and local authorities to provide and ensure admission, attendance and completion of elementary education by all children in the age group of 6-14. Now it is a legal obligation on the Central and State Governments to put into practice the fundamental child right as enshrined in the Article 21A of the Constitution, in accordance with the provisions of the RTE Act.

One of the important provisions of the act is age appropriate admission. It means that a child gets admission in a class where s/he would normally be if they had joined school from class 1 at six years of age. When we go through the Act we can see that many issues related to the primary education of the children are addressed by the Act. The students from the weaker sections and the disadvantaged groups of our society get opportunities to study in private schools as the 25% of their class strength is assigned to the group. It also ensures guarantee against donation and capitation fee, admission test or interview either for child or parents, physical punishment and mental harassment. In order to monitor the implementation of the act, the government entrusted the duty to the National Commission for Protection of Child Rights (NCPCR).

Main Features of the Act

It ensures free and compulsory education to all children in the age group of six to fourteen, no detention, age appropriate admission, no denial of admission if not produced the certificate of age proof, 25 % reservation for children belonging to economically disadvantaged communities in Class I, clear mandates for the improvement in quality of education, sharing of financial burden by state and central government, etc.

From the above discussion it is clear that the Central government has taken a bold step to ensure minimum quality education to the children of India. It is the responsibility of the central and state governments including local self governments to fulfill the dreams set for the children.

Activity 6

Study the Protection of Children from Sexual Offences (POCSO) Act, 2012 and conduct panel discussion on the relevance of the act.

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Check Your Progress 7

Notes: (a) Write your answer in the space given below.

(b) Compare your answer with the one given at the end of the unit.

i) What comes under the Right to Protection against Sexual Abuse and Exploitation? Analyze its importance in the present Indian society?

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11.7 PROTECTION OF CHILD RIGHTS: ROLE AND CONTRIBUTION OF IMPORTANT ORGANIZATIONS

Several international organizations like UNICEF and WHO and national organizations such as NCPCR, NHRC, etc. are working hard for the protection of child rights. Let us discuss in detail about their role and contributions.

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

The landmark in the history of child rights is the Convention on the Rights of Child (CRC) which was adopted by the UN General Assembly in 1989. The convention states that the “children should be fully prepared to live an individual life in society, and brought up in the spirit of the ideals proclaimed in the Charter of the United Nations”.

Signed in 1990, the convention guides all actions which are to be provided for all children without parental care. CRC strongly establishes that it is the responsibility of the family to protect and care the child and the government and other agencies should ensure support to provide healthy child family relationship.

Now let us familiarize ourselves with some of the articles made by the convention to protect the rights of children. Article 1 deals with the definition of a child. The Convention defines a ‘child’ as a person below the age of 18, unless the laws of a particular country set the legal age for adulthood younger.

Article 2 states that no child should be treated unfairly on any basis, caste, creed, colour, sex, socio-economic status, language, culture, etc. Article 3 deals with the protection of the best interests of the child. Article 4 gives responsibility to the Government to take all possible measures to make sure children’s rights are respected, protected and fulfilled. Article 5 respects the responsibilities, rights and duties of parents towards the child. Article 6 states that *‘Children have the right to live. Governments should ensure that children survive and develop healthily’*.

Article 9 has underlined that children must not be separated from their parents without their will. Article 11 gives the responsibility to the Governments to take steps to stop children being taken out of their own country illegally. This article criticizes parental abductions and against the sale of children, child prostitution and child pornography. Article 12 deals with respect for the views of the child, 13 and 14 are related to child’s freedom of expression. It recommends child’s right to express her/his views regarding the decisions taken by the adult that affect them, right to share information in any way they choose, including by talking, drawing or writing, and their right to think and believe what they want and to practice their religion.

Article 18 is related to parental responsibilities and duties of the state in helping the parent’s assistance. It says *‘Both parents share responsibility for bringing up their children, and should always consider what is best for each child. Governments must respect the responsibility of parents for providing appropriate guidance to their children’*. Article 19 (Protection from all forms of violence) is most important as it suggests that *“The children have the right to be protected from being hurt and mistreated, physically or mentally”*. Article 23 (children with disabilities) states that *“Children who have any kind of disability have the right to special care and support, as well as all the rights in the Convention, so that they can live full and independent lives”*.

Article 24 (Health and health services) and Article 25 (Review of treatment in care) are related with children’s health and the first one reads thus *“Children have the right to good quality health care – the best health care possible – safe drinking water, nutritious food, clean and safe environment, and information to help them stay healthy. Rich countries should help poorer countries achieve this”*. Article 28 and 29 are related with right to education and goals of education. Article 28 says *“All children have the right to a primary education, which should be free”*. Article 29 says, *“Children’s education should develop each child’s personality, talents and abilities to the fullest”*. Article 32 (Child labour) protects

child from engaging in harmful and exploitative work. It says “*The government should protect children from work that is dangerous or might harm their health or their education*”. Article 33, 34, 35 and 36 are the most important in the present society as these articles protect children from drug abuse, sexual abuse and abduction and other forms of exploitation.

Article 33 says, “*Governments should use all means possible to protect children from the use of harmful drugs and from being used in the drug*”. Article 34 says, “*Governments should protect children from all forms of sexual exploitation and abuse*” and Article 35 states, “*The government should take all measures possible to make sure that children are not abducted, sold or trafficked*”. Article 37 says that “*No one is allowed to punish children in a cruel or harmful way. Children who break the law should not be treated cruelly*”. Articles 43-54 (implementation measures) suggest how governments and international organizations like UNICEF ensure that all children are sheltered in their rights.

It is also worth noticing that Asia has the highest number of orphans due to all causes. Hence, the governments of the respective Asian countries have to take care of strengthening child welfare services, programmes to reduce poverty, regulation and monitoring of public care institutions and enforcement of legislation of law for the protection of children.

Check Your Progress 8

Notes: (a) Write your answer in the space given below.
(b) Compare your answer with the one given at the end of the unit.

i) What are the major recommendations of CRC? Examine how its effective implementation is essential in the present scenario of our country.

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11.7.2 United Nations International Children’s Emergency Fund (UNICEF)

United Nations International Children’s Emergency Fund (UNICEF) was formed in 1946 by the United Nations General Assembly after the World War II. The major purpose of its formation was to help children after World War II in Europe. In 1953 it became a permanent division of United Nations System.

United Nations General Assembly made it essential for UNICEF to act for the protection of children’s rights. It assures the special protection of disadvantaged children who are victims of war, natural catastrophe, poverty, and other extreme violence and exploitation. It also ensures fulfillment of the basic needs of children and to extend their opportunities to use their skills and protection. UNICEF is also responsible for children who are living without parental care.

Some of the issues aimed by UNICEF child protection programmes are:

- Child Labour
- Child Trafficking
- Children in Conflicts and Emergencies

- Children and Justice
- Children without parental care
- Sexual exploitation
- Violence and Neglect

Thousands of UNICEF people are working in more than 150 countries in the world. UNICEF has been trying to help children make the best start in life, to survive and succeed in emergencies and to go to school. UNICEF works for achieving Millennium Development Goals set by United Nations in 2000. Some of the important works in the direction are: ‘Young Child Survival and Development programme’ of the federation to reduce child mortality and also providing financial and technical support to national and community based education and intervention programmes on health care and nutrition. Moreover, with the support of the World Health Organization (WHO), UNICEF supports local programmes to improve access to basic water and sanitation. In order to support millennium development goal, UNICEF with the support of the countries undertakes and supports various programmes to achieve universal primary education and gender equality. Another significant contribution is in the field of saving children from HIV/AIDS by undertaking programmes to prevent mother-to-child transmission of HIV/AIDS and also provide shelter to the orphans. The Federation also has done notable works in the area of protecting children living in the environment of violence, exploitation, sexual abuse, etc. Thus through research, advocacy, partnership, etc UNICEF plays a critical role in saving the life of children.

11.7.3 World Health Organisation (WHO)

Access to health and health services are not only the need of a human being but these are fundamental rights too. United Nations Convention on the rights of the child (CRC) is the basic unit for protecting and achieving these rights. It works for the right standard of living and well being of children and young people below 18 years all over the world.

CRC is nominated by World Health Organization (WHO) to regulate the health and development of children and adolescent internationally. Members from WHO and countries undertake studies about the needs, obligations and rights of children and adolescents. It also looks for how CRC can be utilized by WHO in policy making, planning, monitoring and managing programmes which are arranged for child and adolescent health.

WHO supports and strengthen the activity of a number of countries that work in favour of rights of children in their country. Child and Adolescent health (CAH) is also a part of WHO.

Activity 7

Study the role played by international organizations in protecting child rights and conduct brainstorming sessions on it. Prepare a report on it.

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Check Your Progress 9

Notes: (a) Write your answer in the space given below.

(b) Compare your answer with the one given at the end of the unit.

i) What are the contributions made by international organizations in protecting child rights? Evaluate their success in this direction.

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11.7.4 National Commission for Protection of Child Rights (NCPCR)

National Commission for Protection of Child Rights (NCPCR) was formed in March 2007. It comes under the commission for protection of child rights act, which became an act of parliament in December 2005. The main purpose of the commission is to make sure that the laws, policies, programmes and administrative strategies completely agree with the child rights enlisted in the constitution of India.

The commission tries to merge different responses at the state, district and other smaller levels into National Policies and Programmes. The Commission tries to include each and every child by going deeper and deeper into communities and households and collects all the experiences and brings these into the consideration of higher level authorities.

Thus the commission plays a commendable role in regulating the activities of state, central and local bodies for the welfare and well-being of their children. The Commission also has a special cell for solving problems of school children. The cell works against the mental, physical and emotional harassment of the children. The complaint against any type of abuses will be informed to the taluk/district legal services by the cell within 48 hours.

11.7.5 National Human Rights Commission (NHRC)

National Human Rights Commission of India established under the protection of Human Rights ordinance is an autonomous public body constituted on 12 October 1993 for the protection and promotion of human rights. The NHRC was given a statutory basis by the Protection of Human Rights Act, 1993 and is the responsible National Human Rights Institution for the protection and promotion of human rights. The Act defines the human right as “rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodied in the International Covenants”.

Main functions of NHRC are:

- Directly or indirectly inquire about the violation of human rights;
- Interfere in the court proceeding related to human right;
- Study and make rectifications in the living conditions of people those who are admitted or lodged in jail or some other institutions for the purpose of different forms of protection or treatment;

- Review and assess protection of human rights under constitution and for its implementation;
- Conduct research in the field of human rights;
- Give awareness and engage in human rights education, collaborate with various agencies of society and other mediation like publication, seminars and media; and
- Support and encourage NGOs and other institute work for human rights.

Activity 8

Examine the role played by various national organizations in protecting child rights and conduct essay competition on the topic in your school.

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Check Your Progress 10

Notes: (a) Write your answer in the space given below.

(b) Compare your answer with the one given at the end of the unit.

- i) What are the contributions made by National Commission for the protection of Child Rights (NCPDR) in protecting child rights in India? Analyze its importance in the current Indian context.

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11.8 ROLE OF TEACHERS IN PROTECTION OF CHILD RIGHTS

You are aware that children can be subjected to drug abuse, sexual assault, violence, neglect and other forms of exploitation anywhere. This may happen inside the school premises or outside the school environment. Sometimes their rights are denied at home. In your classroom, sometimes there may be children with special needs. Are you able to accommodate the needs of such children along with others? You have to identify such disabled children and children who are subjected to any form of exploitation and ensure protection of their rights. As a part of children’s community and environment, a teacher has to promote and protect the rights of children. S/he should consider children’s rights as human rights. As far as, teacher’s role in protection of child rights is concerned, you may consider the following:

- Act as a second parent of the child.
- Identify the children who are victimized to abuse, neglect or any form of disability.
- Try to engage in informal discussion with children so that they can express their feelings openly.

- Be a good listener and discuss their problems at home, school and community.
- Discuss child rights issues in parent-teacher associations.
- Use positive reinforcement in classroom instead of corporal punishment so that the self-esteem of a child can be improved.
- Avoid stereotyping the lives of children belonging to various contexts such as marginalized children, children with disability, children belonging to various caste, class, race, religion and colour.
- Create a safe learning environment in your classroom.
- Report child right violations to concerned authority.

11.9 LET US SUM UP

In this Unit, you have studied the definition of a child mainly in the perspective of legal and social policies. Then, you have gone through the basic rights of a child which include the right to survival, the right to development, the right to participation and the right to protection. You have understood that child rights are considered as human rights of children with particular attention to the right of special protection and care afforded to minors. Next you have examined ‘child rights’ perspective in the cultural context of India. A detailed description of the Right of Children to Free and Compulsory Education (RTE) Act was also included in this Unit. You have also analyzed the role and contribution of various national and international organizations that stood for the protection of child rights. Finally, you have read the role of teacher in protecting the rights of children. India’s one third of population consists of children; hence, we have to move a great extent to ensure the rights of children to protect them from child labour, sexual abuse and other forms of exploitation.

11.10 UNIT-END EXERCISES

1. Describe the major child rights acts passed by national and international organizations. Highlight its effects on the society and suggest ways for effective implementation of the rights.
2. Collect the cases of child right violations and discuss how the children can get justice through the rights.
3. Analyze the role played by the national organizations to protect child rights in India? Discuss the areas in which more concentration is needed for the effective implementation of the rights.

11.11 ANSWERS TO CHECK YOUR PROGRESS

1. i) A human being should be considered as a child till 14 years because after 14 years or secondary education a child will be in a position to think about his life and be mature enough to work for his own livelihood.
2. i)
 1. Rights for Survival
Child’s right for basic needs like food, shelter and medical treatment.
 2. Rights for Development
 3. Rights for Participation
 4. Rights for Protection

- ii) Rights for Protection means that protecting a child from all kinds of anti social activities like child abuse, child labour, mental and sexual harassment. Refer Section 11.4
3. i) Child rights are part of the human rights. Human rights are inherent to the human person, inalienable and universal. The rights and duties contained in the Convention on the Rights of the Child is a part of the framework of human rights law of UNICEF.
- ii) Write your own answer.
4. i) Write your own answer.
5. i) The lack of parental care leads to insecurity feelings among children, poverty, disability, HIV/AIDS, discrimination, sexual abuse and exploitation, etc. Refer 11.6.1
6. i) The Article 32 of the Convention of Child Rights accepts the right of the child to be protected from economic exploitation to make them free from performing hazardous work and also engaging in work that affects their education, are harmful to health and also adversely affects their physical, mental, spiritual, moral or social development.
- Poverty, parental illiteracy and ignorance, traditional view of making children learn ancestral works from the early childhood days, lack of rigidity in policy making for compulsory primary education, non-accessibility of schools, etc. are the major causes of the child labour
7. i) Child abuse is termed as the violence, misbehaviour or neglect suffered by child from any person on whom the child trusts or who is responsible for the child's care and protection. It can be of different kinds such as physical abuse, sexual abuse, neglect, emotional abuse and exposure to domestic violence.
- When a child is provoked for sexual activities by an adult or adolescent it is known as sexual abuse. Intercourse, rape, oral sex, touching or kissing child's genitals, using child in the production of pornography, such as a film or magazine is referred to as sexual abuse.
8. i) Article 2, 4, 9, 11, 13, 14, 19, 24, 25, 28, 32, 34 etc. of CRC of 1989. For more details refer section 11.7.1.
9. i) WHO regulates the health and development of children and adolescent internationally. It undertakes studies, plan and monitor programmes. Refer section 11.7.3.
10. i) NCPCR makes sure that the laws, policies, programmes and administrative strategies completely agree with the child rights enlisted in the constitution of India. Refer section 1.7.4

11.12 REFERENCES AND SUGGESTED READINGS

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