

CHILD RIGHTS AND ITS HISTORY OF DENIAL AND SUBJUGATION

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Abstract: The future of any nation depends upon the well-being of its children. It is they who shape the destiny of their nations. But ironically, most children are denied their rights and liberties. Especially, the children in the third world countries live a life of denial and despair. Most children are unaware of their rights and even those who are aware of it do not have the ways and means to voice their issues. Denial and subjugation of child rights not just affect the children but it affects the society at large. Therefore, the international community has expressed its commitment to protect the rights of the children through various conventions. It has also highlighted the role of the national governments in this endeavour.

The paper explains the importance of the protection of child rights. It highlights the negative consequences of their rights not being protected. It explains the pitiable condition of the children and the exploitations they face. The paper also analyzes the reasons for the denial and subjugation of the rights of the child. Measures to secure the rights of the child have also been discussed. The study is descriptive in nature and secondary data has been relied upon. The basic sources of data are books, magazines, journals and websites.

Keywords: Children, denial, exploitation, rights.

Introduction: Children have particular needs, very different from those of adults. As they are very vulnerable, they look up to others for their well being. This is not so even in the case of other marginalized groups. The very survival of children is dependent on various external factors. Keeping in mind the vulnerability, the Convention on the Rights of the Child asserted that the child is entitled to special care and protection and it is the duty of the international community to provide a harmonious environment enabling the fuller development of the child's personality¹. It guarantees every child the right to survival, protection, development and participation². Taking into consideration the children who work to financially support their families, organizations like the International Labour Organization have committed themselves to secure the rights of the children pertaining to their working hours, work environment, work load and so on³. Countries like India have also given constitutional recognition to the rights of the children. The Directive Principles of State Policy (Article 39) persuades the State to provide children with opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood is protected against exploitation and moral and material abandonment. Despite such universal recognition and acceptance of the significance of the protection of Child Rights, the condition of the children are mostly nothing but pathetic. In the case of most children, childhood is dominated by isolation, sadness, exploitation, oppression, cruelty and abuse⁴.

Child Rights-Safeguarding The Future: The Geneva Declaration on the Rights of the Child, 1924 rightly stressed on the fact that mankind owes to the child the best it has to give. Taking the lead from the League of Nations, the United Nations General As-

sembly proclaimed its own Declaration on the Rights of the Child in 1959. The year 1975 was declared as the International Year of the Child encouraging the world countries to adopt a committed approach towards the protection of Child Rights. The Convention on the Rights of the Child has gained universal ratification proving the fact that there is no second opinion on the protection of the basic human rights of the children⁵. Thus, the importance of children is well recognized by the United Nations and UNICEF and hence, both are actively involved in the promotion of the rights of the children.

The protection of child rights is considered very important because, it is the children, the future citizens, who will determine the destiny of their nations. Violence against children can damage the future of these nations. When children are guaranteed their basic rights, enabling the fuller realization of their potential, they become assets to their nations, contributing immensely to their progress and well-being. The nation benefits from their abilities and capabilities. Thus the efforts taken to protect the rights of the children do not go ineffectual.

Child Rights- Denial and Subjugation: The factors that lead to the denial and subjugation of child rights are many and varied. Poverty, social exclusion, hunger and homelessness have a serious impact on the early life of the child. Ironically, children are mostly the strongest members of the family and hence they are left with no choice but to work. This is when the child is denied the joy of childhood, which is considered to be the worst form of human rights violation against the child. Children, because of their vulnerability, fall easy prey to slavery and are trafficked to work in exploitative industries and are forcefully engaged in sex trade⁶. Trafficking in children is mainly because of poverty, unemployment, lack of aware-

ness, lack of political will, absence of stringent legislations and ineffective implementation of existing laws⁷. With growing insurgencies and terrorist activities across the globe, helpless children are recruited as child soldiers. Though the Red Cross and the International Labour Organization condemn the use of children in armed forces declaring it a war crime, there has only been an increase the number of children recruited as child soldiers⁸.

Poverty takes a toll on the health of the children. Right to Health, which is a basic human right is denied to the child. Poverty also results in the child being denied the right to education. It is in this context that India provides free and compulsory education to children within the age group 6-14, through the Right to Free and Compulsory Education Act, 2009. Homelessness is also the result of poverty and abandonment of the family due to economic reasons. These children in the streets are slowly lured into gambling, stealing and anti-social activities. Child marriage is also an issue of serious concern in conventional societies that are rooted in age-old traditions. It results in early childbearing, increase in the maternal and infant mortality rate, sexually transmitted diseases and unsafe abortions. Ultimately, it is only the child that is affected. The helpless and innocent children are sexually exploited and there has been an increase in cases relating to child abuse in recent times. Though children of both the genders suffer, the girl child is sometimes even denied the basic right to life due to the prevalence of female infanticide and other methods of selective abortions⁹. The girl child is not only considered inferior but is regarded a burden to both the family and the society. Their opportunities and exposures are mostly very limited. All through their life they suffer due to patriarchy and orthodoxy. Traditional hierarchies in the society work against the interest and well being of the girl child¹⁰. The differently abled children do not have a choice but to live in a very non-supportive environment. Their special and specific needs are mostly ignored by the rest of the society. Also, the children belonging to the marginalized communities, minority groups and the children of refugees face untold miseries as they suffer from social exclusion and deprivation¹¹.

Measures to Secure the Rights of the Children: It is the responsibility of the government and the civil society, to secure the rights of the children. It is widely accepted that education is the panacea to all social evils related to the children. Education is the key factor in the protection and promotion of the rights of the children. It is the responsibility of the government to make available opportunities for children to receive quality education. The government should

ensure that proper care and protection is given to the children right from their birth¹². The government can also organize programmes in local languages disseminating information about the existing laws and conventions on the rights of the child at both the national and international level. The parliamentarians, local authorities and administrators should be sensitized on the importance of child rights and the need for effective implementation of laws protecting the children. Programmes creating awareness can be organized for important members of the society i.e parents, educators, religious leaders etc. Mass media can be used as an effective tool to popularize the schemes and policies that aim to protect and develop the children¹³.

Attempts should be made by the government to eradicate traditional and customary practices that harm the well-being of the child¹⁴. More powers and responsibilities can be given to the independent bodies at the national level enabling them to effectively tackle issues relation to exploitation of children. Better coordination between the different agencies and departments that work for the children is also required to achieve the desired results. Immediate steps need to be taken to address the problem of poverty so that the child is not forced to work to support the family. Most importantly, it is the duty of the national government and the international community to provide opportunities to the children to participate in decisions and policies that directly affect them¹⁵. Non-Governmental Organizations also have a great role to play in not just protecting the rights of children but also in making the society aware of the significance of the protection of those rights.

Conclusion: The right to development is an inalienable human right that cannot be denied to the children. Therefore, progress and well being of the children should be the primary motive of all the welfare states in the world. Only by securing the rights and liberties of the children, the future of the nation can be secured. The development and advancement of children are the key factors to build a better international community. Realizing the significance of protecting and promoting the rights of children, huge investments have to be made to provide the children with basic needs so as to create an environment that would facilitate the fuller development of their personalities. Development should mean access to opportunities guaranteeing every child a life of dignity and freedom. There should be a combined effort from both the international community and the national governments to stand together making children their priority as it is they who decide the destiny of the nations.

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