

UNIT – 1:

CONCEPT OF CHILD RIGHTS

Perceptions and myths about children – History of Child Rights in Tamil Nadu – Understanding child rights – United Nations Convention on the Rights of the Child (UNCRC) - Definition of a child in India.

Concept and Definition of Child

Children are not seen as a separate group but were traditionally thought of as a property of their parents. A child is generally defined as a young human being who is below a certain age or has not yet reached adulthood. The specific age at which an individual is considered a child can vary depending on the legal, cultural, and social contexts. In many countries, including India, the United Nations Convention on the Rights of the Child (UNCRC) provides a widely accepted definition of a child. According to the UNCRC, a child is defined as any individual below the age of 18, unless the age of majority is reached earlier under the national legislation of a particular country. It is important to note that different laws and regulations may have their own specific definitions and age limits for children based on their respective purposes and requirements. These definitions can vary across jurisdictions and can cover different aspects such as protection, education, labour, and criminal responsibility.

Historic Treatment of Children

Children were treated differently throughout history and across different cultures. It's important to note that child-rearing practices and attitudes toward children have evolved significantly over time, influenced by factors such as social, economic, religious, and cultural beliefs. Early civilizations often saw children as valuable members of the community and future contributors to society. In ancient Rome, for example, children were considered the property of their fathers, and their well-being was primarily the responsibility of the family. In ancient Greece, education and physical training were highly valued for both boys and girls. During the Middle Ages in Europe, children were generally viewed as miniature adults who were expected to contribute to the family's livelihood. They often had to work from an early age and were not afforded the same protections or rights as adults.

In the 17th and 18th centuries, Enlightenment thinkers began to advocate for more humane treatment of children. The concept of childhood as a distinct and vulnerable stage of life emerged, emphasizing the importance of nurturing and educating children. Philosopher John Locke's ideas about the tabula rasa (blank slate) and the need for gentle upbringing influenced parenting practices during this period.

The Industrial Revolution in the 18th and 19th centuries brought significant changes to the lives of children. Many children were forced to work in factories and mines under harsh conditions, often enduring long hours and dangerous tasks. The plight of child laborers eventually led to labour reforms and laws aimed at protecting children from exploitation. Throughout the 20th century, there was a growing recognition of children's rights and the need for their protection. The United Nations Convention on the Rights of the Child, adopted in 1989, outlined the fundamental rights of children, including the right to life, health, education, and protection from abuse and exploitation.

Today, Children are considered vulnerable for several reasons due to their unique characteristics and circumstances:

Physical Vulnerability: Children's bodies are still developing, making them more susceptible to illnesses, injuries, and physical harm. They have less strength and resilience compared to adults, which can make them more vulnerable to accidents, abuse, and neglect.

Cognitive Vulnerability: Children's cognitive abilities are still developing, and they may lack the knowledge, understanding, and critical thinking skills to navigate complex situations and make



informed decisions. This cognitive immaturity can make them more vulnerable to manipulation, exploitation, and abuse.

Emotional Vulnerability: Children may not have developed the emotional resilience and coping mechanisms necessary to deal with stress, trauma, and adversity. They may be more easily overwhelmed by negative experiences, which can have long-lasting effects on their mental and emotional well-being.

Dependency: Children are reliant on adults for their care, protection, and support. They depend on adults to meet their basic needs, provide a safe and nurturing environment, and guide their development. This dependency puts them at the mercy of their caregivers and makes them vulnerable to mistreatment and neglect.

Lack of Power and Agency: Children often have limited social, economic, and political power. They may lack the ability to assert their rights, advocate for themselves, or make decisions that affect their lives. This power imbalance can leave them more vulnerable to exploitation, discrimination, and violations of their rights.

Legal Protection: Laws and regulations in many countries recognize children's vulnerability and provide specific legal protections for their rights. These laws aim to ensure their well-being, safety, and development and to safeguard them from abuse, exploitation, and discrimination.

It's important to note that vulnerability is not a fixed characteristic of childhood but varies depending on the individual child's circumstances, environment, and support systems. While children are vulnerable, it is the responsibility of adults, communities, society, and the state as a whole to protect and support them, ensuring their rights and well-being are upheld.

Concept and Definition Child rights

The concept of child rights is based on the recognition that children, as individuals, have specific rights that are essential for their survival, development, protection, and participation in society. Child rights are rooted in the principles of equality, non-discrimination, and the best interests of the child.

The United Nations Convention on the Rights of the Child (UNCRC) is the most comprehensive international treaty on child rights. It sets out a range of civil, political, economic, social, and cultural rights that should be guaranteed to all children.

Child rights are not just theoretical principles but have practical implications for policies, laws, and practices that aim to safeguard and promote the well-being of children. Governments, communities, families, and individuals all have a responsibility to uphold and respect child rights, ensuring that children are able to grow, develop, and thrive in a nurturing and supportive environment.

Perceptions and myths about children

Perceptions and myths about children can vary across different cultures, societies, and historical periods. Here are some common perceptions and myths that have been associated with children:

1. **Children are innocent:** There is a widespread belief that children are inherently innocent and pure. This perception often associates children with qualities such as honesty, trustworthiness,

and naivety. However, it is important to recognize that children, like adults, are capable of a range of behaviours and emotions.

2. **Children are fragile:** Another common perception is that children are fragile and vulnerable. While it is true that children are physically developing and require care and protection, they also possess remarkable resilience and adaptability. Underestimating their capabilities can hinder their growth and development.
3. **Children are blank slates:** This perception suggests that children are completely malleable and shaped solely by their environment. While the environment plays a crucial role in child development, children also have innate characteristics and genetic predispositions that influence their behaviour and personality.
4. **Children are naturally obedient:** There is a myth that children should always obey without question and that disobedience is a sign of disrespect or misbehaviour. However, children naturally explore boundaries, develop autonomy, and question authority as part of their cognitive and emotional development.
5. **Children are all the same:** It is often assumed that children of a particular age or gender exhibit similar characteristics or behaviours. However, children have unique personalities, abilities, and interests, and they should be recognized as individuals with their own strengths and weaknesses.
6. **Children are manipulative:** Some people believe that children purposefully manipulate adults to get what they want. While children may exhibit behaviours that seem manipulative, it is often a result of their limited understanding of social dynamics and their attempts to meet their needs and desires.
7. **Children are solely the responsibility of their parents:** Although parents have a primary role in raising children, it is important to recognize that children are part of a broader community and need support from various sources, such as extended family, schools, and society.

It is crucial to approach these perceptions and myths with a critical mindset and recognize the diversity and individuality of children. Understanding the realities of childhood can help foster healthier and more informed attitudes towards children and their development.

Understanding child rights from the perspective of affected people

The Indian society is ridden by inequalities based on class, caste, religion, ethnicity and gender. The economic class very often endures the generation-old caste-based divisions of the Indian society. As a result, the Dalit communities are even today subjugated to feudal practices such as bondage, and untouchability, owing to lack of access to education, health facilities, for economic uplifting it becomes extremely difficult for these communities to break the shackles of poverty and exploitation. The plight of the backward classes including the poor peasants and the small artisans is also grave and it is very often found that the worst forms of violation take place against these sections of the Indian society. The socio-economic status in terms of education, employment health etc. of the religious minorities in India is very often poorer compared to the other sections of the population. The

indigenous communities in India have by and large faced isolation and alienation not only on account of their cultural differences with the so-called ‘Mainstream society’ but also because of the active role played by this so-called mainstream society in stripping them of their right to life and livelihood by taking over their land, environment and culture. Similarly, women have for long been exploited and continue to suffer at the hands of their men folk. The child in India also has to undergo discrimination on account of these inequalities in addition to being subjugated by the hierarchy of age. Thus, all children in India suffer from certain violation on account of their status as a child. Wherein the adults unilaterally impose their belief systems and complexities onto children where in children is property of their parents and where in children do not have any political space to retaliate the exploitative action of the adults. In addition to this, children are also subjected to discrimination on account of their class, caste religion, ethnicity, and gender. Violence against children is further aggravated due to these hierarchies.

Concept of Rights

The concept of “Rights” and basic human rights values has a long history. At every moment in history, when there is a protest against any kind of oppression, be it religious, caste or one single individual, there is a strong commitment for human rights. (Eg: Evolutionary Theory by Darwin and how it initiated discussions among religious groups).

In very early days, when human beings lived in small groups, oppressive thoughts were not found. When there was evolution of family and property, power based oppressive behaviors slowly crept in. When there was accumulation of wealth and feudal societies were growing up, we could see the emergence of Ruler and Ruled and slowly women’s oppression too started.

In feudal society, the common people lost all their basic human rights and were forced to be slaves.

Why are Rights important?

As a guarantee for all persons, communities and oppressed peoples the right to live in dignity and security – human rights deny any form of inhuman existence or practices.

- i. It is a guarantee for all persons, communities and oppressed peoples the right to live in dignity and security. Human rights deny any form of inhuman existence or practices.
- ii. Rights are significant for monitoring actions and institutional decisions of the state and its agencies, the corporate sector.
- iii. Including human rights standards that are internationally accepted helps alleviating the oppressed from their miseries. International standards also help evaluate a country and ensure that its government is accountable.
- iv. Human rights are also customary rights that are not discriminatory and unequal. These rights are not always respected or recognised by State law. Yet they are important human rights for the oppressed and marginalized peoples especially in third world countries.
- v. Rights are important for adults and children –it creates a democratic thinking and culture –it supports efforts for transparency and accountability.

- vi. Human rights are especially significant in our country for the articulation of the voices of oppressed and exploited, of indigenous peoples, fishing communities, women, Dalits, children, workers, artisans and peasants- it is essential for the voices from below against exploitation, domination and corruption of the ruling classes and castes.

Human rights are important for the creation and continuance of decent standard of living and sustainable ecosystems in all regions and across class, caste, gender, ethnicity, and nationality. It is concerned about an economic and cultural system that does not undermine the sustainability of ecology and livelihoods for the present and future generations. Central Human Rights are political systems which do not repress their own citizens and a system of national and international supervision which can prevent government from infringing human rights standards.

Increasingly today the state subverts its own laws meant for the promotion and protection of human rights the state indulges in torture, killings, discrimination and neglect lawlessness and secrecy in decisions. Security forces have been given unlimited powers to shoot and kill or detain persons and a host of antiterrorist laws under preventive detention laws like “Goondas” Act, National Security Act etc. in these conditions human rights of persons to resist and protect themselves against state oppression is very significant.

- i. To enable victims of human rights violations to seek justice and human rights protection- Rights are essential for seeking justice for the victims and services such as obtaining compensation, counselling, rehabilitation, shelter etc.
- ii. In societies where inequalities exploitation and social injustice prevails human rights of persons and communities who are discriminated against are exploited this culture of rights to resist and dissent.
- iii. Right to life and liberty is the core of all human rights, to defend and gain new rights we need a human rights approach.
- iv. The core of democracy is information-we need rights to be able to gain access to information and disseminate the same.
- v. Very importantly rights are important to create a culture and understanding of our Constitution – to ensure that resources are equally shared and all actions by the propertied classes / castes to concentrate wealth and resources is a violation of human rights.

Human Rights Declaration:

The Universal Declaration on Human Rights in 1948 spelt out clearly that freedom, social justice and Peace can be ensured only when human dignity, equality and basic human rights are ensured. The importance of basic human rights is recognized by the entire world after this declaration.

Human Rights – a definition:

Human Right is universal Legal Guarantees protecting individuals and groups against actions, which interface with fundamental freedoms and dignity. It gives basic moral guarantees that people in all countries and cultures allegedly have their basic rights simply because they are people, which means, it gives recognition of the dignity and equality of all human beings and guarantees everyone

can make claim a remedy from abuse not only from the State parties but also from non-state parties for example accountability of private business, corporate sector, etc.

Basic Principle of Human Rights:

- i. Comes with our birth as a human being.
- ii. Principle of non-discrimination
- iii. Principle of equality
- iv. No one can take them away from us
- v. Common to all
- vi. Comes with a responsibility and it is limited.

Also obliged to ensure the rights of the others.

Understanding child rights from the perspective of affected people involves recognizing the views and lived experiences of children themselves, as well as considering the insights of individuals and communities closely involved with children's lives, such as parents, caregivers, educators, and social workers. It is crucial to understand child rights through the lens of those directly impacted because they can provide valuable insights into the realities, pain, consequences, challenges, aspirations and needs of children.

Here are some key aspects to consider when seeking to understand child rights from the perspective of affected people:

1. **Respect for the child's voice:** Recognizing and respecting the views, opinions, and experiences of children themselves is fundamental. Children should be given the opportunity to express their thoughts, feelings, and concerns on matters that affect them. Their perspectives should be listened to, valued, and considered when making decisions that impact their lives.
2. **Contextual understanding:** It is essential to consider the specific cultural, social, and economic contexts in which children live. Each community may have unique challenges, traditions, and norms that influence the understanding and realization of child rights. Acknowledging these contextual factors helps to develop more effective strategies for promoting and protecting children's rights.
3. **Engaging with caregivers and communities:** Engaging with parents, caregivers, and communities is vital for understanding the needs and experiences of children. These individuals play a crucial role in shaping children's lives and have valuable insights into the barriers and opportunities related to child rights. Involving them in discussions, decision-making processes, and policy development ensures a more comprehensive understanding of child rights issues.
4. **Listening to marginalized groups:** It is important to pay particular attention to the perspectives of marginalized and vulnerable groups of children who may face multiple forms of discrimination or disadvantage. This includes children with disabilities, those from minority ethnic groups, indigenous communities, refugees, and children living in poverty. Understanding their unique challenges and experiences is crucial for developing inclusive and equitable approaches to child rights.

5. **Incorporating lived experiences:** Listening to the lived experiences of affected individuals can provide invaluable insights. This can be done through qualitative research, interviews, focus groups, or participatory methods that actively involve children and other stakeholders in sharing their stories, challenges, and aspirations. These personal narratives help to inform policies, programs, and interventions that address the real needs and aspirations of children.

By adopting a holistic and inclusive approach to understanding child rights, one can gain a deeper understanding of the challenges faced by children and work towards ensuring the realization of their rights in a meaningful and sustainable way.

Importance and the need to ensure the rights of children

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 from adults in children's families, but when primary adult caregivers cannot meet children's needs, it is up to the State as the primary duty bearer to find an alternative in the best interests of the child.
3. **The actions, or inactions, of government impact children more strongly than any other group in society.** Practically every area of government policy – from education to public health – 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.
4. **Children's views should be heard and considered in the political process.** Children generally do not vote and do not traditionally 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, climate change, digitalization, mass migration, 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.

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

Background

During the last century, universal concern for childhood has grown alongside the ideas of human rights. Human rights are today understood more in the form of the individual civil rights within a nation. United Nations Organisations has in fact established an international community, which sets up ideal standards to be laid down in many matters including the treatment of children. Thus the concern for children, which initially started as part of the concern for the future of individual nation has grown over the boundaries of the nation and became a universal concern. This was further borne out while going through the whole process of evolution of the Convention on the Rights of the Child. It is in this context that various steps were taken in protection of the interests of the child. One can say that the most significant one was “Declaration of Geneva” which was promulgated in 1924 by the “Save the Children Fund International Union”. This declaration put forward five basic principles of child welfare and protection.

The League of Nations endorsed this declaration in the same year. Then came the more devastating World War II after which the U. N. O. was set up on 24th October 1945. The Declaration of Geneva was further revised and extended in 1948 and in 1959 by the U. N. The Declaration on the Rights of the Child was adopted unanimously by the General Assembly of the United Nations on 20th November 1959.¹ However, Declarations are not conventions.

While declarations are certain general principles put forward as guidelines and are not binding. Technically these are known as “soft laws”, whereas Conventions are binding. Conventions that have been ratified by the parties to it become a legal instrument. These are known as “hard laws”. Hence though the declaration on the Rights of the Child was unanimously accepted by the U. N. General Assembly in 1959 it was not legal binding on the member states. Hence, the movement towards the convention on the Rights of the Child and finally the UN General Assembly adopted the United Nations Convention on the Rights of the Child and opened it for signature in 1989.

UNCRC

In 1989, the UN General Assembly adopted the Convention on the Rights of the Child. It came into force on September 2, 1990. The Convention consists of 54 articles that address the basic human rights of children everywhere. UNCRC outlines the fundamental rights and protections that all children around the world should enjoy. The UNCRC is based on four core principles that guide the implementation of children's rights:

1. **Non-Discrimination:** The principle of non-discrimination emphasizes that all children have the right to be treated equally and fairly, without discrimination based on factors such as race, gender, religion, disability, or social background. States Parties to the UNCRC are obligated to ensure that all children have equal access to their rights and opportunities.

2. **Best Interests of the Child:** The best interests of the child principle places the child's well-being and needs at the centre of decision-making processes. It requires that actions taken by governments, institutions, and individuals consider what is best for the child in terms of their physical, emotional, and social development.
3. **Right to Life, Survival, and Development:** The UNCRC recognizes every child's inherent right to life, survival, and development. States Parties are responsible for ensuring that children have access to adequate nutrition, healthcare, education, and other essential services to support their overall well-being and enable them to reach their full potential.
4. **Participation:** The principle of participation upholds children's right to express their opinions, have their views considered, and participate in decisions that affect them. It encourages children to actively contribute to matters that concern them, promoting their empowerment and fostering their understanding of democratic values and active citizenship.

These four principles serve as a foundation for the realization of children's rights and guide the implementation and interpretation of the UNCRC. They emphasize the importance of promoting children's dignity, protection, and active engagement in matters that affect their lives.

When a country ratifies a UN Convention, it becomes law within its territory. To monitor progress achieved in the realisation of children's rights, the CRC has established an international expert body, the Committee on the Rights of the Child, which provides awareness and understanding of the principles and provisions of this treaty. The Government of India ratified the CRC on 11 December 1992.

The CRC is “the most complete statement of child rights ever made”. It takes the ten principles of the 1959 Declaration of the Rights of the Child, and expands them to 54 articles, of which 41 relate specifically to the rights of children, covering almost every aspect of a child's life. It is indeed an innovative document in overall human rights theory and practice. In fact, it is the first United Nations human rights instrument since the UN Declaration on Human Right which brings together as inextricable elements of the life of an individual human being the full range of civil and political rights, and economic, social and cultural rights. It can do this because it treats children as complete individuals, rather than as elements in an economic or socio-political system.

The Convention aims to create a balance between the rights of children and those of the parents or adults responsible for their survival, development, and protection. This is achieved by ensuring children the right to participate in decisions concerning them and their future. It is, thus, a holistic document for each article is interlinked with the others.

The articles of the CRC could be seen at a glance in Box below.

UNCRC at a Glance

1. Preamble

It states the main sources and principles for agreements to follow in the convention.

2. Part I

It contains 41 articles (Article 1 to Article 41) to define responsibilities of the state parties towards the rights of the child. The implied rights of the child are as follows:

1. Definition of a child

All people under the age of 18, unless by law, majority is attained at an earlier age.

2. Non-discrimination

All rights apply to all children without exception, and the State is obliged to protect children from any form of discrimination. The State must not violate any right and must take positive action to promote all rights.

3. Best interests of the child

All actions concerning the child should take full account of his or her best interests. The State is to provide adequate care when parents or others responsible fail to do so.

4. Implementation of rights

The state is obliged to translate the rights in UNCRC into reality.

5. Parental guidance and the child's evolving capacities

The State has a duty to respect the rights and responsibilities of parents or the extended family to provide appropriate direction and guidance to children in the exercise of their rights.

6. Survival and development

The child has an inherent right to life, and the state must ensure the maximum survival and development of the child.

7. Name and nationality

Every child has the right to have a name from birth and to be granted a nationality.

8. Preservation of identity

The State is obliged to protect and, if necessary, re-establish the basics of a child's identity (name, nationality and family ties).

9. Separation from parents

Children have the right to live with their parents unless this is incompatible with their best interests; to maintain contact with both parents if separated from one or both; and the right to be informed by the State of the whereabouts of their parents if such separation is the result of action by the State.

10. Family re-unification

Children and their parents have the right to leave any country and to enter their own in order to be reunited or to maintain the child/ parent relationship.

11. Illicit transfer and non-return

The State is obliged to try to prevent and remedy the kidnapping or retention of children in another country by a parent or third party.

12. The child's opinion

The child has the right to express an opinion and to have that opinion taken into account in any matter or procedure affecting the child.

13. Freedom of expression

Children have the right to obtain and make known information and to express their views, unless this would violate the rights of others.

14. Freedom of thought, conscience, and religion

The child has the right to freedom of thought, conscience, and religion, subject to appropriate parental guidance and national law.

15. Freedom of association

The child has the right to meet with others and to join or set up associations, unless doing so violates the rights of others.

16. Protection of privacy

Children have the right to protection from interference with their privacy, family, home and correspondence and from libel/ slander.

17. Access to appropriate information

The media has a duty to disseminate information to children that is of social, moral, educational and cultural benefit to them, and which respects their cultural background. The State is to take measures to encourage the publication of material of value to children and to protect children from harmful material.

18. Parental responsibilities

Both parents jointly have primary responsibility for bringing up their children and the State should support them in the task.

19. Protection from abuse and neglect

The State is obliged to protect children from all forms of physical or mental violence perpetrated by parents or others responsible for their care, and to undertake preventative and treatment programmes in this regard.

20. Protection of children without families

The State is obliged to provide special protection for children deprived of their family environment and to ensure that appropriate alternative family care or institutional placement is made available to them, taking into account the child's cultural background.

21. Adoption

In countries where adoption is recognized and/ or allowed, it shall only be carried out in the best interests of the child, with all necessary safeguards for a given child and authorization by the competent authorities.

22. Refugee children

Special protection is to be granted to children who are refugees or seeking refugee status and the State is obliged to cooperate with competent organizations providing such protection and assistance.

23. Disabled children

Disabled children have the right to special care, education and training, designed to help them to achieve greatest possible self-reliance and participation to lead a full and active life.

24. Health and health services

The child has the right to the highest level of health and access to health and medical services, with special emphasis on primary and preventive health care, public health education and the reduction of infant mortality. The State is obliged to work towards the abolition of harmful traditional practices. Emphasis is laid on the need for international cooperation to ensure this right.

25. Periodic review of placement

A child placed by the State for reasons of care, protection or treatment, has the right to have all aspects of that placement evaluated regularly.

26. Social security

Children have the right to benefit from social security.

27. Standard of living

Children have the right to benefit from an adequate standard of living. It is the primary responsibility of parents to provide this and the State's duty to ensure that parents are able to fulfil that responsibility. The State may provide material support in case of need and may seek to ensure recovery of child maintenance costs from absent parents or guardians.

28. Education

The child has the right to education and the State has a duty to ensure that primary education, at least, is made free and compulsory. Administration of school discipline is to reflect the child's human dignity. Emphasis is laid on the need for international co-operation to ensure this right.

29. Aims of education

The State must recognise that education should be directed at developing the child's personality and talents, preparing the child for active life as an adult, fostering respect for basic human rights and developing respect for the child's own cultural and national values and those of others.

30. Children of minorities or indigenous people

Children of minority communities and indigenous people have the right to enjoy their own culture and to practice their own religion and language.

31. Leisure, recreation, and cultural activities

Children have the right to leisure, play and participation in cultural and artistic activities.

32. Child labour

The State is obliged to protect children from engaging in work that constitutes a threat to their health, education or development, to set minimum age for employment, and to regulate conditions of employment.

33. Drug abuse

The child has the right to protection from the use of narcotic and psychotropic drugs and from being involved in their production or distribution.

34. Sexual exploitation

The child has the right to protection from sexual exploitation and abuse, including prostitution and involvement in pornography.

35. Sale, trafficking and abduction

The State is obliged to make every effort to prevent the sale, trafficking and abduction of children.

36. Other forms of exploitation

The child has the right to protection from all other forms of exploitation not covered in Articles 32, 33, 34 and 35.

37. Torture and deprivation of liberty

The prohibition of torture, cruel treatment or punishment, capital punishment and life imprisonment. Arrest and any form of restriction of liberty must be used only as a last resort and for the shortest appropriate time. Children have the right to appropriate treatment, separation from detained adults, contact with their family and access to legal and other assistance.

38. Armed conflicts

States are obliged to respect and ensure respect for humanitarian law as it applies to children. No child under 15 years of age should take a direct part in hostilities or be recruited into the armed forces, and all children affected by armed conflict should benefit from protection and care.

39. Rehabilitative care

The State is obliged to ensure that children damaged by armed conflict, torture, neglect, maltreatment or exploitation receive appropriate treatment for their recovery and social reintegration.

40. Administration of juvenile justice

Children alleged or recognized as having committed an offence have the right to respect for their human rights and, in particular, to benefit from all aspects of the due process of law, including legal or other assistance in preparing and presenting their defence. Recourse to judicial proceedings and institutional placements should be avoided wherever possible and appropriate.

41. Respect for existing standards

If any standards set by international law or other applicable international instruments are higher than those of this Convention, it is the higher standard that applies.

Part II

It contains 4 articles (Article 42 to Article 45) to require the state parties to establish a Committee on the Rights of the Child for monitoring and coordinating the work required by the Convention in each state party. It contains 9 articles (Article 46 to Article 54) to define the procedures and instruments for state parties to have ratifications on the Convention.

UNCRC - <https://www.ohchr.org/Documents/ProfessionalInterest/crc.pdf>

As can be seen from the Box, the Convention not only provides for monitoring of the performance of States Parties at the international level but also what is being done for children at the national level. Article 43 sets out the criteria for the establishment of the United Nations Committee on the Rights of the Child, which receives, and reviews reports prepared by States Parties about their progress in implementing the Convention as required by Article 44.

Classification of Child Rights as per UNCRC

<p style="text-align: center;">Survival</p> <ul style="list-style-type: none"> ▪ Right to Life, Survival and Development (Art. 6) ▪ Standard of Living (Art 27, 18.3) ▪ Parental Guidance (Art.5) ▪ Name and Nationality (Art.7) ▪ Preservation of Identity (Art.8) ▪ Adoption (Art 21) ▪ Periodic review of placement (Art 25) 	<p style="text-align: center;">Development</p> <ul style="list-style-type: none"> ▪ Survival and Development (Art 6.2) ▪ Health and Health Services (Art. 24) ▪ Education, including vocational training and guidance (Art. 28) ▪ Leisure, Recreation and Cultural activities (Art. 31) ▪ The right to physical and psychological recovery and social integration (art 39)
<p style="text-align: center;">Protection</p> <ul style="list-style-type: none"> ▪ Non Discrimination (Art.2) ▪ Protection of Privacy (Art 16) ▪ Right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment. (Art. 37) ▪ Abuse and Neglect (Art. 19) ▪ Prohibition of Capital Punishment and life imprisonment (Art. 37 a) ▪ Economic exploitation including child labour (Art.32) ▪ Drug Abuse (Art. 33) ▪ Sexual exploitation and Abuse (Art 34) ▪ Other forms of Exploitation (Art. 36) ▪ Sale, trafficking and abduction (Art. 35) 	<p style="text-align: center;">Participation</p> <ul style="list-style-type: none"> ▪ Respect the views of Child (Art. 12) ▪ Freedom of Expression (Art. 13) ▪ Freedom of Thought, Conscience and Religion (Art. 14) ▪ Freedom of Association and Peaceful assembly (Art. 15) ▪ Right to Appropriate Information (Art. 17)

Definition of a child under various laws in India

In India, the definition of children varies depending on the legislation or law being referred to. Here are some common definitions of children as per different legislations in India:

Legislations	Purpose	Age	
		Boys	Girls
Right to Education Act, 2009 (http://mhrd.gov.in/rte)	To protect the Right to Education of Children	14	14
Child Labor (Prohibition and Regulation) Act, 1986 (http://labour.gov.in/content/division)	To prohibit the engagement of children in certain employment's and to regulate the conditions of	14	14
Mines Act 1952 (http://indiacode.nic.in/fullact1.asp?tfnm=195235 , http://faolex.fao.org/docs/pdf/ind132410.pdf)	To prohibit the engagement of children from hazardous work situations	18	18
Factories Act 1948	To prevent children from being employed in factories.	14	14
Juvenile Justice Care and Protection of Children Act, 2015 (http://wcd.nic.in/childprot/jjactament.pdf)	To ensure child protection and to prevent abuse of child	18	
Prohibition of Child Marriages Act 2006 https://www.indiacode.nic.in/handle/123456789/2055?sam_handle=123456789/1362	To prohibit Child marriage	21	18
Protection of Children from Sexual Offences Act 2012 https://www.indiacode.nic.in/handle/123456789/2079?sam_handle=123456789/1362#:~:text=India%20Code%3A%20Protection%20of%20Children%20from%20Sexual%20Offences%20Act%2C%202012&text=Long%20Title%3A,connected%20therewith%20or%20incidental%20thereto.	To prevent children aged less than 18 from offences like sexual harassment, sexual assault, and child pornography.	18	18

History of Child Rights in Tamil Nadu and India

Children have not always been on the Human Rights Agenda. Child rights in Tamil Nadu and India have evolved over time, influenced by historical, social, and legal developments. Here's an overview of the history of child rights in Tamil Nadu and India:

Pre Independence:

Before independence, child rights in India were not explicitly recognized or protected.

The prevailing socio-cultural norms and economic conditions often led to the exploitation and neglect of children, including child labour, child marriage, and limited access to education and healthcare.

Before India's independence, there were several notable social reformers in who fought against social injustices and advocated for the rights and welfare of children. Here are a few prominent figures:

1. **Mahatma Gandhi:** Mahatma Gandhi, the father of the Indian nation, was a strong advocate for children's rights. He emphasized the importance of education and child welfare. Gandhi believed that children should be given freedom, love, and a nurturing environment. He advocated against child marriage, child labour, and the exploitation of children in any form.
2. **Muthulakshmi Reddy:** Dr. Muthulakshmi Reddy was a pioneering social reformer and the first female legislator in India. She played a significant role in the Women's Indian Association and fought against child marriage and the devadasi system. She also worked towards improving healthcare and education for children.
3. **Periyar E. V. Ramasamy:** Periyar was a social activist and politician who championed the cause of social justice and equality. He emphasized the importance of education and fought against child marriage and caste-based discrimination, advocating for equal rights and opportunities for children of all backgrounds.
4. **Dr. B R Ambedkar** incorporated special provisions for the rights of girl children in the Indian Constitution. He has upheld the rights of children by Right to Education.
5. **Pandit Ishwar Chandra Vidyasagar:** Ishwar Chandra Vidyasagar was a prominent social reformer and educator in the 19th century. He worked tirelessly to improve the status of women and advocated for child marriage laws. He played a key role in the passage of the Widow Remarriage Act of 1856, which aimed to abolish the practice of child marriage.
6. **Bharathiyar (Subramanya Bharathi):** Bharathiyar was a celebrated poet, writer, and freedom fighter. Through his powerful poems and writings, he highlighted the importance of education and freedom for children. He advocated for gender equality and denounced child marriage and social inequalities.
7. **Annie Besant:** Although not originally from Tamil Nadu, Annie Besant, a British activist, made significant contributions to child welfare in the region. She founded the Central Hindu School in Chennai and worked towards improving education and child rights in the area.

8. **Raja Ram Mohan Roy:** Raja Ram Mohan Roy, one of the pioneers of the Bengal Renaissance, worked towards the eradication of social evils prevalent in society, including child marriage and the practice of Sati. He believed in the importance of education and campaigned for its accessibility to all, regardless of gender or caste.
9. **Savitribai Phule:** an Indian social reformer and poet, made significant contributions to the field of child rights during the 19th century. Savitribai Phule was a strong advocate for girls' education at a time when it was widely neglected in India. She established the first school for girls in Pune in 1848, providing them with access to education that was previously denied to them. By focusing on girls' education, she aimed to empower them and break the cycle of oppression and discrimination.

These reformers played a crucial role in challenging social norms and fighting for the rights and well-being of children in Tamil Nadu during the pre-independence era. Their efforts laid the foundation for subsequent advancements in child rights and welfare in the state and continue to inspire future generations.

Independence and Constitution:

After gaining independence in 1947, India recognized the need to protect the rights of children.

The Constitution of India, adopted in 1950, included provisions for the protection and welfare of children.

- i. Article 15(3) allowed the state to make special provisions for children.
- ii. Article 24 prohibited the employment of children in hazardous industries.

Formation of Policies and Institutions:

In the 1970s and 1980s, several policies and programs were implemented to address child rights issues.

- i. The National Policy for Children was formulated in 1974, focusing on children's rights, health, education, and welfare.
- ii. The Integrated Child Development Services (ICDS) was launched in 1975 to address the nutritional, health, and developmental needs of young children.
- iii. The Tamil Nadu Integrated Nutrition Project (TINP) was implemented in the late 1980s to address child malnutrition and improve maternal and child health.

Legislation and Legal Reforms:

The legal framework for child rights in India was strengthened through the enactment of various laws.

- i. The Juvenile Justice Act was first passed in 1986 to provide for the care, protection, and rehabilitation of neglected and delinquent children.
- ii. The Child Labour (Prohibition and Regulation) Act was enacted in 1986 to prohibit the employment of children in certain hazardous occupations.
- iii. The Right to Education Act (RTE) was passed in 2009, making education a fundamental right for children aged 6 to 14.

- iv. The Juvenile Justice (Care and Protection of Children) Act was enacted in 2015 to address the needs of children in conflict with the law.

Focus on Education and Health:

Efforts have been made to improve access to quality education and healthcare for children in Tamil Nadu and India.

- i. Programs like Samagra Shiksha (formerly Sarva Shiksha Abhiyan (SSA)) and Rashtriya Madhyamik Shiksha Abhiyan (RMSA) aim to provide free and compulsory education to all children.
- ii. The National Health Mission (NHM) and the Reproductive, Maternal, New-born, Child and Adolescent Health (RMNCH+A) strategy focus on improving maternal and child health.

Child Protection and Welfare:

The government and civil society organizations have been working to address child protection issues and promote the overall welfare of children.

- i. Child Welfare Committees (CWCs), Juvenile justice boards (JJBs) and State Commissions for Protection of Child Rights (SCPCRs) were established to ensure the implementation of child protection laws.
- ii. Various schemes and programs, such as the Integrated Child Protection Scheme (ICPS), aim to prevent and respond to child abuse, exploitation, and trafficking.

It is important to note that the history of child rights in Tamil Nadu and India is a dynamic and ongoing process. Efforts continue to strengthen the legal framework, improve service delivery, and address the evolving challenges faced by children to ensure their holistic development, protection, and well-being.

Reform and Social Justice movements in Tamil Nadu

Various movements, campaigns, coalitions and networks that are working for the rights of children in Tamil Nadu.

There are several movements, campaigns, coalitions, and networks actively working for the rights of children in Tamil Nadu. These initiatives aim to advocate for children's rights, address issues related to education, health, child labour, child protection, and overall well-being. Here are some prominent examples:

1. **Tamil Nadu Child Rights Watch (TNCRW):** TNCRW is a network of individuals and organizations working towards the promotion and protection of child rights in Tamil Nadu. It conducts research, advocacy, and campaigns to raise awareness about child rights issues and push for policy changes.
2. **Campaign Against Child Labour (CACL):** CACL is a coalition of organizations and individuals dedicated to eradicating child labour in Tamil Nadu. They work towards ensuring that children are protected from exploitative labour practices and have access to education and a safe environment.

3. **Right to Education (RTE) Forum Tamil Nadu:** The RTE Forum Tamil Nadu is a network of organizations and individuals advocating for the effective implementation of the Right to Education Act in the state. They work towards ensuring free and quality education for all children, addressing issues like access, infrastructure, teacher training, and inclusive education.
4. **Children Movement for Climate Justice -CMCJ** Children from marginalized farming families of Seven States of India between the age group of 12 to 18 united with commitment to protecting the only earth we have to make it a liveable one for every human being, especially for us as well future children, and concerned about protecting the same. **Children Movement for Climate Justice – CMCJ** stems out of the Rights Based Approach practiced by the “Palar Panchayat” under the wider support of Child Focused Community Development (CFCD) intervention initiated by Kindernothilfe (KNH), Germany and Resource Centre for Participatory Development Studies, (RCPDS) Madurai.

These movements, campaigns, coalitions, and networks play a vital role in raising awareness, advocating for policy changes, providing services, and working towards the holistic development and protection of children in Tamil Nadu. They collaborate with various stakeholders and contribute to creating an enabling environment for the fulfilment of child rights.

Non-Governmental Organisations working for Child Rights in Tamilnadu and India

Arunodhaya Centre for Street and Working Children: Arunodhaya is an NGO that works specifically for the rights of street and working children in Tamil Nadu. They provide education, vocational training, healthcare, and shelter to children living and working on the streets. Arunodhaya also advocates for the rights of these children and works towards their rehabilitation and reintegration.

Thozhamai: Thozhamai is based in Chennai that focuses on child rights and protection. They work towards preventing child abuse, child labour, child marriage, and child trafficking. Thozhamai provides rehabilitation, counseling, and educational support to vulnerable children across Tamilnadu.

Centre for Child Rights and Development (CCRD): CCRD is an NGO based in Chennai, Tamil Nadu, that focuses on child rights and child development. They work towards improving access to education, healthcare, and protection for children, especially those from marginalized communities. CCRD also conducts training programs and awareness campaigns to empower children and communities.

Tulir - Centre for the Prevention and Healing of Child Sexual Abuse is an NGO based in Chennai, India. It focuses on addressing the issue of child sexual abuse and providing support to survivors. Tulir develops and implements prevention programs to create awareness about child sexual abuse and equip children, parents, caregivers, and professionals with knowledge and skills to prevent and respond to abuse. These programs aim to educate the community and empower individuals to identify and report cases of abuse.

Enfold Trust is a non-profit organization based in Bengaluru, India, dedicated to promoting child protection and creating safe spaces for children. Enfold Trust focuses on raising awareness about child sexual abuse and promoting prevention strategies. They conduct workshops, training programs, and awareness campaigns for parents, caregivers, teachers, and other stakeholders to equip them with knowledge and skills to prevent and respond to child sexual abuse. Enfold Trust provides counseling and support services to child victims of abuse and their families. They offer a safe and confidential environment for children to express themselves and heal from the trauma of abuse. Additionally, they extend support to parents and caregivers to help them navigate the challenges and support the recovery process.

Save the Children: Save the Children is a global organization committed to improving the lives of children. They work in various states across India to protect children from harm, provide access to quality education and healthcare, and advocate for their rights. Save the Children focuses on addressing issues such as child labor, child marriage, child trafficking, and malnutrition, ensuring that every child has the opportunity to thrive.

Child Rights and You (CRY): CRY is an Indian NGO dedicated to upholding the rights of underprivileged children. They collaborate with grassroots-level organizations to provide education, healthcare, and protection to vulnerable children across India. CRY also conducts advocacy campaigns and engages in policy dialogue to create a child-friendly environment and ensure the implementation of child-friendly policies and programs.

Pratham: Pratham is one of the largest NGOs in India working to improve education outcomes for underprivileged children. They implement innovative programs to bridge learning gaps, promote foundational literacy and numeracy skills, and ensure children have access to quality education. Pratham's initiatives include remedial education, early childhood education, vocational training, and digital learning platforms.

Butterflies: Butterflies is an Indian NGO working for the rights and well-being of street and working children. They provide non-formal education, healthcare, nutrition support, and vocational training to empower children and enable them to escape the cycle of poverty and exploitation. Butterflies also engages in advocacy and awareness campaigns to address the root causes of child vulnerability.

Salaam Baalak Trust: Salaam Baalak Trust works with street and working children in urban areas, providing them with shelter, education, healthcare, and vocational training. The organization focuses on rehabilitating and reintegrating children into mainstream society and offers support for their overall development. Salaam Baalak Trust also advocates for policy changes to protect the rights of street children.

HAQ: Centre for Child Rights is an organization based in New Delhi, India, dedicated to the promotion and protection of child rights. HAQ: Centre for Child Rights has been instrumental in bringing attention to critical child rights issues in India and working towards their resolution. Through their comprehensive approach of advocacy, research, capacity building, and legal support, HAQ contributes to creating an environment where children can fully enjoy their rights and realize their potential.

The Millennium Development Goals (MDGs) and the Sustainable Development Goals (SDGs)

The Millennium Development Goals (MDGs) and the Sustainable Development Goals (SDGs) are two separate frameworks established by the United Nations (UN) to guide global development efforts. Here's a brief overview of both:



Millennium Development

Goals (MDGs): The MDGs were a set of eight specific and time-bound goals adopted by the UN member states in the year 2000. The goals aimed to address some of the world's most pressing challenges by 2015. The MDGs were as follows:

- i. Eradicate extreme poverty and hunger
- ii. Achieve universal primary education
- iii. Promote gender equality and empower women
- iv. Reduce child mortality
- v. Improve maternal health
- vi. Combat HIV/AIDS, malaria, and other diseases
- vii. Ensure environmental sustainability
- viii. Develop a global partnership for development

The MDGs were primarily focused on developing countries and targeted specific areas of development. While progress was made on some fronts, the MDGs faced limitations in terms of their scope, inclusiveness, and integration of environmental concerns.

Sustainable Development Goals (SDGs): The SDGs were adopted by the UN member states in 2015 as a successor framework to the MDGs, with a target to be achieved by 2030. The SDGs are a set of 17 interconnected goals that aim to address the economic, social, and environmental dimensions of sustainable development. The goals are as follows:

- i. No Poverty
- ii. Zero Hunger
- iii. Good Health and Well-being
- iv. Quality Education
- v. Gender Equality
- vi. Clean Water and Sanitation



- vii. Affordable and Clean Energy
- viii. Decent Work and Economic Growth
 - ix. Industry, Innovation, and Infrastructure
 - x. Reduced Inequalities
 - xi. Sustainable Cities and Communities
- xii. Responsible Consumption and Production
- xiii. Climate Action
- xiv. Life Below Water
 - xv. Life on Land
- xvi. Peace, Justice, and Strong Institutions
- xvii. Partnerships for the Goals

The SDGs are universal, applying to all countries, and aim to integrate economic, social, and environmental aspects of development. They address a wider range of challenges than the MDGs, including poverty, health, education, gender equality, climate change, biodiversity, and more. The SDGs also emphasize the importance of partnerships, data monitoring, and accountability to achieve sustainable development.

In summary, the MDGs and SDGs are both global frameworks for development, but the SDGs represent a more comprehensive and integrated approach, encompassing a broader range of issues and emphasizing the interconnections between various aspects of sustainable development.

Children's rights and Sustainable Development Goals

Children's rights and the Sustainable Development Goals (SDGs) in India are closely intertwined, as the SDGs provide a framework to address various challenges related to child rights and promote their well-being. Here are some examples of how children's rights align with specific SDGs in India:

SDG 1: No Poverty: Child poverty is a significant issue in India. Ensuring access to necessities, such as food, healthcare, education, and social protection, is crucial for lifting children out of poverty and securing their rights.

SDG 2: Zero Hunger: Addressing child malnutrition and ensuring food security are important for children's health and development. Initiatives like the Integrated Child Development Services (ICDS) and the Mid-Day Meal Scheme aim to provide nutritious meals and combat child hunger in India.

SDG 3: Good Health and Well-being: Improving child health and reducing child mortality rates are key priorities. Enhancing access to quality healthcare services, immunization programs, nutrition interventions, and addressing sanitation and hygiene issues contribute to promoting children's health and well-being.

SDG 4: Quality Education: India has made progress in improving access to education, but challenges remain. Ensuring inclusive and equitable education, eliminating gender disparities, and enhancing the quality of education are essential for realizing children's right to education.

SDG 5: Gender Equality: Promoting gender equality and empowering girls is crucial for ensuring the fulfilment of children's rights. Addressing issues like child marriage, gender-based violence, and promoting girls' education and equal opportunities contribute to gender equality and the overall well-being of children.

SDG 6: Clean Water and Sanitation: Access to clean water and adequate sanitation facilities is critical for children's health and hygiene. Initiatives like the Swachh Bharat Abhiyan (Clean India Mission) aim to provide sanitation infrastructure and promote hygiene practices, benefiting children across the country.

SDG 8: Decent Work and Economic Growth: Protecting children from child labour, promoting decent work for adults, and ensuring equitable economic growth indirectly contribute to children's rights by providing a supportive environment for their well-being.

SDG 10: Reduced Inequalities: Addressing inequalities, including those based on caste, class, gender, or geography, is vital for the realization of children's rights. It involves ensuring equal opportunities, access to services, and protection for marginalized and vulnerable children.

SDG 16: Peace, Justice, and Strong Institutions: Protecting children from violence, abuse, exploitation, and ensuring child-friendly justice systems and institutions contribute to their well-being and safety. Strengthening child protection mechanisms and ensuring child-friendly legal processes are important in this regard.

SDG 17: Partnerships for the Goals: Collaboration between the government, civil society organizations, communities, and other stakeholders is crucial for promoting and protecting children's rights. Working together to implement child-centric policies, share knowledge and resources, and advocate for child rights strengthens the overall impact.

By integrating children's rights into the implementation of the SDGs, India can make significant progress in improving the lives of children, ensuring their well-being, and creating a sustainable and inclusive future for all.

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Unit End exercises

MYTH OR REALITY ABOUT CHILDREN'S PARTICIPATION

Read carefully and select myth or reality.

What do you think?	Myth	Reality
1. Children cannot participate because they do not have enough experience.		
2. Little children are able to like or dislike anything.		
3. The right to be heard steals child's childhood.		
4. If children participate, they will no longer respect their parents or teachers.		
5. To listen to children means to respect and help them to appreciate others.		
6. Children may have good ideas to make the lessons more interesting, they can also help other children.		
7. To listen is a way to solve conflicts, also finding solutions together and promoting mutual understanding –these aspects benefit family life.		
8. In appropriate spaces, even little children are able to be considered in decision making, i.e. about their friends, parent divorce, and conflict with their parents, also about what games should they play and negotiate the rules to follow.		
9. Children become rebel and conflictive when participate		
10. Girls have less skills to participate. To them, participation is danger.		

Unit End Questions

1. Define the age of children as per UNCRC.
2. Define the age of children as per different legislations in India.
3. Discuss the myths and perceptions about children.
4. What are the key aspects to consider when seeking to understand child rights from the perspective of affected people.
5. What is UNCRC?
6. What are the key principles of UNCRC?
7. Explain the classification of child rights as per UNCRC.
8. Explain the history of child rights in India.
9. Explain the reform and social justice movements in Tamilnadu.
10. Discuss the SDGs related to child rights.