



UNDERSTANDING CHILD RIGHTS

WHO IS A 'CHILD'?

According to international law, a 'child' means every human being below the age of 18 years. This is a universally accepted definition of a child and comes from the United Nations Convention on the Rights of the Child (UNCRC), an international legal instrument accepted and ratified by most countries.

India has always recognised the category of persons below the age of 18 years as distinct legal entity. That is precisely why people can vote or get a driving license or enter into legal contracts only when they attain the age of 18 years. Marriage of a girl below the age of 18 years and a boy below 21 years is restrained under the Child Marriage Restraint Act 1929. Moreover, after ratifying the UNCRC in 1992, India changed its law on juvenile justice to ensure that every person below the age of 18 years, who is in need of care and protection, is entitled to receive it from the State.

There are, however, other laws that define a child differently and are yet to be brought in conformity with the UNCRC. But, as stated earlier, the legal understanding of the age of maturity is 18 for girls and 21 for boys.

This means all persons in your village/town/city below the age of 18 years have to be treated as children and need your assistance and support.

What makes a person a 'child' is the person's 'age.' Even if a person under the age of 18 years is married and has children of her/his own, she/he is recognised as a child according to international standards.

Key points

- All persons below the age of 18 are children.
- Childhood is a process through which every human being passes.
- Children have different experiences during childhood.
- All children need to be protected from abuse and exploitation.

Why do children need special attention?

- Children are more vulnerable than adults to the conditions under which they live.
- Hence, they are more affected than any other age group by the actions and inaction of governments and society.
- In most societies, including ours, views persist that children are their parents' property, or are adults in the making, or are not yet ready to contribute to society.
- Children are not seen as people who have a mind of their own, a view to express, the capacity to make a choice and an ability to decide.
- Instead of being guided by adults, their life is decided by adults.
- Children have no votes or political influence and little economic power. Too often, their voices are not heard.
- Children are particularly vulnerable to exploitation and abuse.

Children's rights are human rights!

WHAT ARE CHILD RIGHTS?

All people under the age of 18 are entitled to the standards and rights guaranteed by the laws that govern our country and the international legal instruments we have accepted by ratifying them.

The Indian Constitution

The Constitution of India guarantees all children certain rights, which have been specially included for them. These include:

- Right to free and compulsory elementary education for all children in the 6-14 year age group (Article 21 A).
- Right to be protected from any hazardous employment till the age of 14 years (Article 24).
- Right to be protected from being abused and forced by economic necessity to enter occupations unsuited to their age or strength (Article 39(e)).
- Right to equal opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and guaranteed protection of childhood and youth against exploitation and against moral and material abandonment (Article 39 (f)).

Besides these they also have rights as equal citizens of India, just as any other adult male or female:

- Right to equality (Article 14).
- Right against discrimination (Article 15).
- Right to personal liberty and due process of law (Article 21).
- Right to being protected from being trafficked and forced into bonded labour (Article 23).
- Right of weaker sections of the people to be protected from social injustice and all forms of exploitation (Article 46).

The State must:

- Make special provisions for women and children (Article 15 (3)).

- Protect interest of minorities (Article 29).
- Promote educational interests of weaker sections of the people (Article 46).
- Raise the level of nutrition and standard of living of its people and the improvement of public health (Article 47).

Besides the Constitution, there are several laws that are specifically for children. As responsible teachers and citizens, it is advisable that you are aware of them and their significance. These have been described in different sections of this booklet along with the issues they deal with.

United Nations Convention On The Rights Of The Child

The most significant of all international laws for children is the UN Convention on the Rights of the Child, popularly referred to as the CRC. This, together with our Indian Constitution and Laws, determine what rights all children must have.

What is the UN Convention on the Rights of the Child?

Human rights belong to all people, regardless of their age, including children. However, because of their special status - whereby children need extra protection and guidance from adults - children also have some special rights of their own. These are called children's rights and they are laid out in the UN Convention on the Rights of the Child (CRC).

Significant features of the UN Convention on the Rights of the Child (CRC)

- Applies equally to both **girls and boys up to the age of 18**, even if they are married or already have children of their own.
- The convention is guided by the principles of **'Best Interest of the Child'** and **'Non-discrimination'** and **'Respect for views of the child.'**
- It emphasises the **importance of the family and the need to create an environment that is conducive to the healthy growth and development** of children.

- It obligates the state to respect and ensure that children get a **fair and equitable deal** in society.
- It draws attention to four sets of civil, political, social, economic and cultural rights:
 - **Survival**
 - **Protection**
 - **Development**
 - **Participation**

Right to Survival includes

- Right to life.
- The highest attainable standard of health.
- Nutrition.
- Adequate standard of living.
- A name and a nationality.

Right to Development includes

- Right to education.
- Support for early childhood care and development.
- Social security.
- Right to leisure, recreation and cultural activities.

Right to Protection includes freedom from all forms of

- Exploitation.
- Abuse.
- Inhuman or degrading treatment.
- Neglect.
- Special protection in special circumstances such as situations of emergency and armed conflicts, in case of disability etc.

Right to Participation includes

- Respect for the views of the child.
- Freedom of expression.
- Access to appropriate information.
- Freedom of thought, conscience and religion.

All rights are dependent on each other and are indivisible. However, because of their nature all rights are divided into:

- **Immediate Rights** (Civil and Political Rights) which include such things as discrimination, punishment, right to a fair hearing in criminal cases and a separate system of juvenile justice, right to life, right to nationality, right to re-unification with the family.

Most protection rights fall within the category of immediate rights and therefore demand immediate attention and intervention.

- **Progressive Rights** (Economic, Social and Cultural Rights), which include health and education and the rights that are not covered by the first category.

They are recognised in the CRC under Article 4, which states:

“With regard to economic, social and cultural rights, State Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation.”

In this booklet we will deal specifically with Right to Protection of children and the role Teachers and Schools can play in ensuring them.

Note: Children acquire different capacities and degrees of maturity as they grow older. This does not mean they require no protection if they are 15 or 16 years old. For instance, children in our country are made to marry and work under the age of 18. But they should not receive less protection because the community feels they have matured. They must receive the very best protection, opportunities and help in order to ensure them the best start in life on their journey to adulthood.