

## RESEARCH ARTICLE



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## Issues and challenges of child rights: A theoretical discourse on the role of Government

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### Abstract

*There are several child right issues that need to be addressed in India. The people in India need awareness and education on these rights. Parents play a crucial role in the protection of child rights in any society. Proper awareness among the children about their rights makes a significant change. School education can play a vital role in educating the children about their rights, including their right to education. Stringent laws need to be framed and executed to protect the rights of the child. Though child right is a common concern for most of the countries in the world, the strategists protect the child right differs from country to country. Child protection service seems to be the most pro-active approach to safeguard the rights of the children. The practice of child right has undergone significant changes during the last century. The rights and welfare of children depended on specific values of the society in India. It is only during the 12<sup>th</sup> century, the concept of child rights emerged in most of the countries. A critical review of child protection would help the policy makers in India to broaden the knowledge about the existing structures and child protection services. In this view, the present paper discusses the theoretical perspective of child rights in India.*

**Keywords:** Child rights; child protection; government; society

### Introduction

The issue of child rights got its importance and attention with the formation of United Nations Organisations (UNO). Universal Declaration of Human Rights (UDHR) laid down that all human beings are born free, and there is equality in dignity and rights. However, children are more vulnerable and are provided with exclusive protection rights. The protection of children's rights included in the first Declaration of the Rights of the Child

and adopted by the League of Nations in 1924 became the first international law. It had only five laws with which the member nations should implement child rights. The most comprehensive and elaborate international document on the protection of child right is the UN Convention on Child Rights. It has spoken about the survival, development, protection and participation rights of the children. A good living standard and access to health service are necessary under the survival rights of the children.

Children's right to education, access to information, recreation, cultural activities and freedom of thought, conscience and religion are mandated by the developmental rights (Challa 2012). Children are guarded against economic exploitation, sexual exploitation, cruelty, separation from their families and abuse by the criminal justice system through protection rights. The principle of the best interest of the children is the central focus of the convention. Signatories must make special provisions for the protection of orphans, refugee children, disabled children, children of minority and indigenous groups. There are also provisions to guard the right of the children against drug trafficking and armed conflicts. Children under 15 years should not be recruited to the armed forces in any country. Every member country needs to report to the UNCRC periodically regarding the measures taken to meet the goals on the rights of the child (ibid.).

## Child protection and family support

Child Protection is the protection of children from various external threats that prevail in society. The government initiated various policies, provisions and schemes in favour of child development, especially in the field of social welfare, education, health, protection, and justice. Child right violation gets accumulated by various factors such as injury, neglect, emotional abuse, sexual abuse, physical problems of children, behavioural problems of children, and environmental and family history (Jones 1996).

There is a need for sufficient balance between child protection and family support. Mothers play a crucial role in child protection as caretakers. However, in our existing society women feel that they are blamed, and the parents question their moral fitness. It was a humiliating experience for women (Farmer 1993).

Educational service and government responsibility play a crucial role in child protection. Increasing the responsibilities of schools to be proactive in the area of child protection enhances child protection. There is a need for comprehensive policy and its implementation of child protection in primary level schools. Primary school teachers play an active role in educating the children and parents in the field of child protection (Webb and Graham 2001).

India needed a child-friendly juvenile system for a long time. Ratification of a convention on the Rights of Child (CRC) by India in 1992, necessitated a change in the approach to the juvenile justice system. The Supreme Court decisions related to juvenile criminality reflected a change in social attitudes and called for new approaches towards children in conflict with the law. The Juvenile Justice (Care and Protection of Children) Act 2000 included children who need care and protection on the one hand and the children who conflict with the law on the other hand who are facing detention, prosecution, penalty or sentence of imprisonment (Bajpai 2017).

The new act included various categories of children into its neglected juvenile group. Thus, it became the responsibility of the state and other responsible organisations to extend a child-friendly approach in rehabilitating the children with mentally and physically disabled, suffering from terminal diseases, abused, tortured and victimised by armed conflict, affected by natural calamities, beggars in the streets, labourers, abandoned, surrendered and run-away whose parents not found. The presence of millions of children in the streets of India shows that the existing schemes and rules are not helping them to find any other alternative way of life. For many children, the street has become their habitual abode. They are not protected and supervised by any responsible persons. Some of these children went home during the night, some of them maintained family links and many others wholly abandoned to live on the street—open shelters provided to rehabilitate the street children under the ICPS scheme. Unfortunately, the state has not provided enough number of such open shelters to provide safe environments to the street children. The rights of the street children are violated as they are not provided with any welfare services. Many of them are child labourers. They are not able to attend any school. These children have lost their childhood, health and right of education (ibid).

UNICEF in 2008 estimated that around 2.2 billion individuals are under the age of 18 years in which one-third of children are under the age of five years. Policies were framed based on only 10 per cent of children who lived in developed countries. The Multiple Indicator Cluster Survey (MICS) is the one which gives data on the development aspects such as nutrition, feeding, caregiving, discipline, and home environment. The CRC is the most widely approved human rights treaty, which mainly focuses on the rights of the child from the family and distal context, which impact the child development (Hodgkin and Newell 2007).

Disciplinary practices and housing quality closely linked with the protection of child rights. During the early years, children develop in several domains such as language, reading books, songs, naming objects. In this stage, care givers influence children's survival and development in apposite manner (Bornstein 2006). CRC ensure the child development for not only preparing them for adulthood but also their early years are well looked after, and their rights are maintained well. In 2008, 8.8 million infants and young children died, but now it has declined from 9.7 per cent to 5 per cent. These deaths can be prevented by several steps such as breastfeeding, clean drinking water, nutrition, disease-resistant environment and hygienic sanitation (Arabi *et al.* 2012). Bradley and Putnick (2012), analysed these situations by comparing 28 countries together and revealed that poor quality of housing, piped water and improper toilet facilities are the main risk factors that affect child development. The optimal environment should be provided to the child during

the early years by parents through proper interaction with each other, taking the mout and by allowing them to play with other children. Also, engage them with some teaching techniques such as naming, counting and other learning activities (Engle et al. 2007). Verbal engagement plays a vital role in child development by talking with the child and by telling stories and by providing books to them.

These will help the child not only to develop language literacy but also the socio-emotional development (Custodero and Britto and Brooks-Gunn 2003). Lansford and Deater-Deckard (2012) focused on disciplinary practices, including both physical and non-physical. Use of strong verbal in the family affects child negatively and creates an impact on their growth in aspects such as personal, social, economic and cultural. Most of the mothers believe that physical punishment is necessary for childrearing, but there are chances of occurring death due to unintentional injuries and lack of safety. Children who face violence within the home were afraid to report the incidents in fear of consequences against them (Neugebauer2000). Children should not be left alone in the home and quality of house should be better for living, learning and health issues and also should be given attention from unusual accidents and other disasters (Bornste in and Putnick 2012).

## Human development index and child development

UNDP developed Human Development Index (HDI), represents a global shift from economic thinking to human well-being which monitors improvement in health, population, education, and income. HDI focusses on child development through life expectancy, education, breast feeding. National policies are varied from each developing country as they were multi-dimensional. They provide interventional and prevention services to children by focussing mainly on health and nutritional issues (Britto and Cerezo and Ogbunugafor 2008). Reading and writing efficiency of the child can develop the learning and listening abilities through book reading and storytelling from parents. It boosts the child to participate in different reading competitions by which their confidence gained up. Mothers play an important role in child development (Aboud 2007).

Families should reduce physical abuse, hard punishment, stress and negligence towards the child. The policy frame work should consider better parent in programmes. (Al-Hassan and Lansford 2010). Social protection also happens through cash transfer mechanism. Cash transfer programs came into existence to reduce poverty which helps the child in education, health and other community developments. Cash transfer programmes were successfully implemented in Latin America (Fernald and Gertler and Neufeld 2008). Countries which are low in HDI do not have proper care and a safe environment for child development. Children should

be grown up with the positivity of physical, mental and emotionally healthy relationships. Right to participation can also help their development (Weiss 1995). Global policies should re-consider all the different aspects affecting child development and make policy interventions even in aspects of urban and rural structures. CRC is a significant framework for ensuring child development with quality care and learning opportunities. Human capital should be increased more for improving family through income, consumption and investment, which develops a child (Britto and Nurper 2012).

Child rights were mainly framed for the tender age children not to get abused and exploited. We live in a society where no proper sex education provided for the children. Child mortality rate, malnutrition and neglect of education are the fundamental violations of child rights. The government should bring more provisions for the improvement of child rights, which help them to develop positively (Roy2013).

The socio-economic conditions in some of the states are not favourable to the development of children. The children living in urban slums and rural areas face difficult and vulnerable situations. The declining child sex ratio in many states is destroying the social and human fabric in this country. Due to poverty, the health and nutrition status of many children is adversely affected. More than 47 per cent of the population was below the poverty line in Orissa from 1999 to 2000. Any family living below the poverty line will not be able to concentrate on the survival and development of their children. The government needs to implement the developmental programs to bring up the living standard of the people. There is a need for a uniform definition of the child in various legislation. It should conform with CRC. It includes a person below the age of 18 years as a child. Many parents are not able to send their children to school due to poverty-related reasons. When the government has not succeeded to formulate and implement effective plans to ameliorate poverty, it cannot expect all the parents to send their children to school, though education of the children between the age of six and 14 has become a fundamental right (Bhakhry2006).

Child labour and child abuse are the main problems to be eradicated, particularly in India. Child labour was slowly taken into action, but child abuse acts towards children were not at all taken into consideration (Roy 2013). However, India is a signatory to the International Programme on the Elimination of Child Labour 1991, under ILO. The NHRC of India also deals with the elimination of child labour from India through sensitization programs and workshops with the help of the state governments. Poverty is reported to be one of the primary reasons for child labour in India. Millions of people are living below the poverty line in India. Many families send their children to work to earn money to help the family. The low rate of the wage earned by the head of

the family is not sufficient to sustain the whole family. Hence, they are compelled to send their children also for some work. State governments are often not doing enough to implement child labour prohibition laws in the state. There is a lack of educational and health facilities in the remote rural areas of the country, and many children are exploited through child labour. The government, as well as the members of the society, should make sure that the childhood is not spent in the activities that are hazardous for its social, moral and physical development (ibid.).

## Child protection and gender discrimination

In India, a girl child faces a lot of problems and pressures within society. In Hindu religion, the son is responsible for the lighting of parent's bonfire, in order to reach them Nirvana and also people considered boy as a grant and girl as a burden. It made girl child face discrimination and violation in society. Girl children are facing a high violation of their rights because of the only reason that they are girls. Even today, many girl children are killed in their mother's womb and remained as oppressed, abused and exploited (Singhand Aparna 2010). Female infanticides are one of the primary reasons for the less population of girl children. Tamil Nadu is the first state in India which officially seen female infanticide as a problem. 2001 census revealed that for every 1000 boys there are only 939 girls in 0–6 age groups in Tamil Nadu. During 1994 to 1999, around 18,900 female infanticide deaths were reported. To overcome this problem, government-initiated programs which include girl child protection scheme, gendering health policy and social mobilization campaign (Srinivasan 2001). Another problem faced by girl children is child trafficking. In rural areas, child marriage is often used as a technique for child trafficking and later sell into prostitution. The girl child is seen as a material gain for some families. Some families go to such an extent that they use their child as labour, and due to poverty or indebtedness, they sell their daughters into exploitive occupations. In rural areas, due to illiteracy and early marriages, they are seen as domestic servants or else as sexual objects (Bagchi and Guha and Sengupta 1997).

In 1991, the government initiated Reproductive and Child Health Policy (RCH) to create gender sensitisation among the population of India. Policymakers constructed four value structures of women and gender: firstly, as mothers and secondly, as supporting role in development efforts; thirdly, the idea of equality and fourth, was the notion of gender in sex-neutral rather than sex-specific ways. However, these factors did not bring any changes in a way to think that the nation is gender-sensitive (Kumar 2002). Education builds a positive attitude, self-image, skills, abilities, mental power, and self-confidence among girls and develops their critical thinking. The girl child was given less access to education

by traditional attitudes like early marriages and pregnancies. Female literacy rate shows positive with age at marriage, life expectancy and enrollments in economic and other sectors. However, negative parental attitudes show that educating the girl child is a waste of money and may bring comparatively educated husband who has high dowry expense (Croll 2006).

## Nutrition and child development

Malnutrition is a condition observed in both boys and girls at every age of the infant or in childhood. It is the foundation of poor health condition. Children suffering from malnutrition are not only below-average weight for height but also grows very slowly and looks to be dull, pale and tired while compared to other children who seem to be active. Malnutrition in childhood also affects adult life. Hence, care should be taken to gain healthy weight by giving special attention by parents, teacher or school caretaker (Clark 1921). Child malnutrition has lifelong implications. Malnutrition often starts in-utero and extends well into adolescent and adult life. It also spans into generations. Firstly, low birth weight (LBW) infants who have suffered intra-uterine growth retardation (IUGR) as foetus are born undernourished and are at a far higher risk of dying in the neonatal period or later infancy. Secondly, during infancy and early childhood, infections and insufficient intake of nutrients exacerbate the effects of foetal growth retardation. Underweight children tend to have more severe illnesses, including diarrhoea and pneumonia. Thirdly, during adolescence, the second period of rapid growth will be observed as an opportunity for compensating early childhood growth failure. However, the potential for a significant catch up at this time is limited (Seckler 1982).

Food availability can be affected by production and distribution of food distribution not just within the country, but also within the household- where girls and women may be disadvantaged. Women's status even affects the availability of food and household food. The child's health and nutritional status will also be determined, as mentioned above, by the quality of environmental conditions such as safe drinking water, sanitary means of excreta disposal, hygiene practices and the quality of health services. The ability of children to absorb nutrients will be affected by the vulnerability to diarrheal diseases, sanitation and proper hygiene (Radhakrishna and Ravi 1992).

Child right is a common concern for most of the countries in the world; the strategies to protect the child right differs from country to country. Child protection service seems to be the most pro-active approach to safeguard the rights of the children. The practice of child right has undergone significant changes during the last century. The issue of child rights got its importance and attention to the formation of UNO. UDHR laid down that all human beings are born free, and there is equality in dignity and rights. The government



initiated various policies, provisions and schemes in favour of child development, moreover, especially in the field of social welfare, education, health, protection and justice.

India needed a child-friendly juvenile system for a long time. In 1992, India's ratification of the convention on the Rights of Child necessitated a change in the approach to the juvenile justice system. Discipline practices and housing quality are closely linked with child protection rights. During the early years, children develop in several domains such as language, books, songs, naming objects. In this stage, caregivers influence children's survival and development positively. Families should reduce physical abuse, hard punishment, stress and neglect towards the child. Children have the right to live a good standard of living. India is witnessing various child right violation cases across the country. In contemporary times India is also witnessing various girl child sexual assault, physical and mental abuse, rape attempt on girl children, child marriages, child labour, child trafficking and school dropouts.

The policy framework should consider better parenting programs by analysing parent's knowledge, attitude and behaviour towards the child. Legal reforms should cover families, social institutions and also provide justice to child victims of abuse and violence. In Post-independent India, the government introduced various policies and provisions for the protection of child rights and the overall development of children. In the process of development, government five-year plan periods are one of the critical elements of all-round protection and development of childhood as well as protection of child rights in India.

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