

# A Study on Child Rights: From Paper to Practice

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## Abstract

*Child rights are a vital aspect of ensuring the well being and development of children worldwide. These rights are enshrined in various international agreements, such as the United Nations Convention on the Rights of the Child (UNCRC), which sets out the civil, political, economic, social, and cultural rights that all children are entitled to. However, the challenge lies in translating these rights from theoretical concepts on paper into practical actions and policies that effectively protect and promote children's rights in reality. To bridge the gap between theory and practice, it is essential to focus on implementation strategies. This involves creating legal frameworks that align with international standards, establishing mechanisms for monitoring and enforcing these rights, and raising awareness among communities, policymakers, and stakeholders about the importance of upholding child rights. Exploring case studies related to child rights provides valuable insights into the practical application and challenges of upholding children's rights in different contexts. Through the analysis of these case studies, we can identify best practices, gaps in implementation, and opportunities for improvement in promoting and protecting child rights at local, national, and global levels.*

**Keywords:** Child Rights , Case studies , Challenges , Protection , enforcement.

## Introduction

Children's rights are human rights designed to protect and promote the well being of children. These rights are enshrined in the United Nations Conventions on the Rights of the child (UNCRC), the most widely recognized human rights treaty in history. The UNCRC outlines the civil, political, economic, social, and cultural rights that all children have. These rights include the right to life, education, health care, protection from violence and the right to participate in decisions that affect them. Ensuring that children receive the protection and opportunities they deserve. The process requires governments, organizations, communities and individuals to work together to develop policies, programs and practices that support children's rights. It involves raising awareness, providing resources and advocating for children's rights to be respected and to succeed in everyday life. It is only a page but it is alive. In order for every child to thrive and reach their full potential, it is necessary to ensure that children's rights are not only recognized in legal documents but also promoted and protected in all areas of society.

## **Literature Review**

The article “child right and child development in India” by Chandhan Roy (2013) pointing that the Constitution of India guarantees certain child rights covering basic issues like health, education and protection from hazardous employment and exploitation. However, despite the existence of many legal provisions, the vulnerability of Indian children in different dimensions cannot be undermined, and also he mentioned about the challenges of child rights in India.

The article “child right in India: issues and challenges” by Dr.NM Khirale (2019) points out that despite numerous laws enacted both at central and state level for children. The effective implemented of these laws is missing. In fact in our country there is no single legislation for dealing exclusively with all type of problems of child exploitation and child abuse. On other hand, he also mentioned about the laws and schemes of both central and state level.

## **Objectives of the Study**

- To understand how child rights are implemented in real life.
- To know about the legislation and international conventions on child rights.
- To evaluate the effect of policies on children’s rights.
- To identify challenges in implementing child rights.
- To suggest ways to improve the practical implementation of child rights.

## **Importance of study**

Child rights are incredibly relevant in today’s world. They ensure that every child has the right to survival, protection, development, and participation. In the current context, where children face various challenges such as online risks, exploitation, climate change effects, social inequalities, mental health issues, and changes in education etc..so upholding child rights is crucial. By advocating for child rights, we can create a safer, more inclusive environment for children to thrive and reach their full potential.

## **Discussion**

Child rights refer to the human rights of children, encompassing their well-being, protection, and participation in society.

## **Importance of Child Rights**

1. Ensure children’s development and welfare.
2. Promotes social justice and equality
3. Supports economic growth and sustainable development
4. Strengthens families and communities
5. Protect children from harm and exploitation

## **Fundamental Rights of a Child in India**

In India, children are entitled to various fundamental rights to ensure their well-being and development. These are as follows:-

1. **Right to Life:** Every child has the right to life; the right to be born and cared for, regardless of gender or social background. This right emphasizes the importance of proper nutrition, health care and a safe environment for all children to develop and achieve their potential.
2. **Right to Education:** According to the Education Act, children under the age of 14 in India have the right to free and compulsory education. This right aims to ensure that all children receive quality education.

3. **Right to Protection:** Children have the right to be protected from violence, abuse and neglect. Legislations such as the Juvenile Justice Act (2015) and the Protection of Children from Sexual Offences Act (2012) aims to promote children's rights and ensure their protection.
4. **Right to Participation:** Children have the right to express their views and be involved in decisions that affect them. Initiatives such as children's rights organisations and children's organisation support children's participation in issues that affect them.
5. **Right to Development:** Children have the right to full development, including physical, mental, and emotional development. Programs focused on child development, early childhood care, and education support this right.
6. **Right to Health and Well-Being:** Health is the foundation of a child's development. This right includes adequate healthcare, nutrition, immunization, and sanitation to prevent diseases and promote the child's overall health.
7. **Right to Identity:** Every child has the right to a name, nationality, and identity. Birth registration is important for children to access rights and services.
8. **Right to Expression:** This right promotes freedom of expression and allows children to express their thoughts, ideas, and creativity without fear.
9. **Right against Discrimination:** Discrimination based on gender, race, religion, or any other reason has no place in society. This right ensures that all children, regardless of their background, are treated equally and are able to reach their full potential.
10. **Right to a Safe Environment:** This right refers to the need for children to have a clean, safe, and stable environment to ensure that they have a good environment for their health and well being.
11. **Legislation and International Conventions on Child Rights**

**In India, child rights are safeguarded through legislation and adherence to international conventions. The key legislation and international conventions on child rights in India include:**  
**Legislation**

1. **Right to Education Act:** Provides free and compulsory education for children between the ages of 6 and 14.
2. **Juvenile Justice (Care and Protection of Children) Act:** Target and protect children in need of care and protection, and children in conflict with law.
3. **Protection of Children from Sexual Offences (POCSO) Act:** Addresses the issue of sexual abuse and violence against children and provides special mechanisms to deal with such acts.
4. **Child Labour (Prohibition and Regulation) Act:** Prohibit children from engaging in hazardous work and regulate child labour activities.
5. **National Commission for Protection of Child Rights (NCPCR) Act:** Establishes NCPCR to protect, promote, and safeguard child rights in India.

**International Conventions**

1. **United Nations Convention on the Right of the Child (UNCRC):** It governs the civil, political, economic, social, health and cultural rights of children. India ratified the UNCRC in 1992.
2. **Optional Protocols to the UNCRC:** Includes the Optional Protocol in the involvement of children in armed conflict and on the sale of children, child prostitution, and child pornography.
3. **International Labour Organization (ILO) Conventions:** India has ratified various ILO conventions on child labour such as Convention 138 on Minimum Age and Convention 182 on the Worst Forms of Child Labour.

Role of National Human Rights Commission of India in protecting and promoting the rights of children.

The NHRC has a major part in protecting and promoting and promoting child's rights in the country. Here are some key ways in which the NHRC contributes to safeguarding child rights:

1. **Monitoring and Investigation:** The NHRC monitors and investigates violations of child rights. It conducts inquiries and takes action to address human rights violations against children.
2. **Recommendations and Advocacy:** The NHRC makes recommendations to the government and other relevant authorities to improve policies, laws, and programs related to child rights. It advocates for the implementation of measures that protect and promote the well-being of children.
3. **Awareness and Education:** The NHRC plays a role in raising awareness about child rights issues through campaigns, workshops, and educational programs. By promoting awareness, the NHRC aims to empower children, parents, and communities to understand and advocate for their rights.
4. **Legal Interventions:** The NHRC can intervene in legal cases related to child rights violations, providing legal assistance and support to ensure justice for children who have been victims of abuse, exploitation, or neglect.
5. **Policy Development:** The NHRC contributes to the development of policies and guidelines that uphold child rights. It works with government agencies, NGO's, and other stakeholders to create a protective environment for children and ensure their rights are respected.

### **Articles in the Indian Constitution that Specifically Address Child Rights**

1. **Article 15(3):** The state is allowed to make special provisions for children. This article encourages the government to frame laws and regulations to provide support and welfare to children and to take care and protect their rights and interests.
2. **Article 21A:** Provide free and primary education to children between the ages of 6 and 14 without discrimination.
3. **Article 24:** Children below the age of 14 years are prohibited from doing hazardous work.
4. **Article 39(f):** Ensuring equality and space for children to develop in conditions of freedom and dignity.

### **Challenges in Implementing Child Rights**

- **Gap between policy and practice:** Despite existing laws, there can be challenges in effectively implementing and enforcing child rights due to limited resources, inadequate infrastructure, and lack of awareness.
- **Child labour and exploitation:** The persistence of child labour is a significant issue influenced by poverty, lack of education, and societal norms, making it challenging to eradicate despite legal provisions against it.
- **Access to quality education:** Ensuring all children have access to quality education faces obstacles like insufficient schools, trained teachers, and resources, particularly in remote or marginalised areas, depriving children of their right to learn and develop.
- **Access to healthcare:** Ensuring all children have access to quality healthcare services and facilities remains a challenge in many regions due to limited infrastructure in remote areas, high costs, lack of insurance, and shortages of healthcare professionals and supplies.
- **Inadequate data and monitoring:** Limited data on child rights violations and inadequate monitoring mechanisms hinder the assessment of progress and the identification of areas needing improvement in safeguarding children's rights.

### **Suggestions**

- Conduct education campaigns to inform the public about child rights and the importance of upholding them.
- Ensure sufficient funding and resources are dedicated to child welfare programs and initiatives.
- Implement robust monitoring systems to track progress and ensure compliance with child rights laws and policies.
- Promote collaboration among civil society organizations, government agencies and other stakeholders to emphasize children's rights in decision-making processes and policy development.

### **Conclusion**

In conclusion, it's vital to move from just talking about child rights on paper to actually making a difference in children's lives. By prioritizing awareness, adequate funding, monitoring mechanisms, and stakeholder collaboration, we can effectively bridge the distance between children's rights on paper and the real-world impact on children's lives. It is through sustained efforts and commitment to translating these principles into actionable measures that we can guarantee the welfare and security of children everywhere.

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