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THE ROLE OF GOVERNMENT TO PROTECT THE HUMAN RIGHTS

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Human Rights and children

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Abstract

There are more than 300 million vulnerable children living in fragile contexts where their child rights are denied and their childhoods stolen from them by abuse, exploitation or slavery child rights are the human rights of children with particular attention to the rights of special protection and care afforded to the young, including their right to the association with both biological parents, human identity as well as the basic needs for food, universal state paid education health care and criminal law appropriate for the age and development of the child. Child Rights are fundamental freedoms and the age of 18. These rights apply to every child respect of child's parents or legal guardians race, colors, sex, creed of the status. The government of India set up national communication for protection of child rights to ensure child rights practices and in response to India's commitment to UN declaration the commission of parliament on December 29, 2006.

Introduction

Human beings are rational beings. They by virtue of their being human possess certain basic and inalienable rights which are commonly known as human rights. It is something to which are entitled by virtue of being human. Human rights are based on the principle of respect for the individual. Their fundamental assumption is that each person is a moral and rational being who deserves to be treated with dignity. They are called human rights because they are universal. "A Child is a father of the man". This famous line quoted by William Wordsworth refers to be the importance of the child in a society for the development of society as well as for the development of the whole nation. For welfare and development of the nation a child should be introduced to high education and should be devoid of several social evils. Improvement in the condition of children after independence various laws for the development and welfare designing of plans and policies are on increase nowadays. International human rights law lays down obligations of Governments to act in certain ways or to refrain ways or the from certain acts, in order to promote and protect human rights and fundamentals freedom of individuals or group.

Research Method

The nature of the paper is descriptive and analysis of references. Researcher has used secondary medium of the research. Data collected from various books, journal, newspapers and websites.

Objectives of research Study

- 1) To define the concept of human right in India
- 2) To define the concept of children
- 3) To make a survey of human right's effect on children.
- 4) To study Role of National Commission for protection of child Right.
- 5) To study Different types of children's rights.

Hypothesis

- 1) The declaration of human right helps children's overall development.
- 2) National commission protect child Rights

Importance of study

Human rights awareness establishes total equality in India. So the development of Indian Society is speed up. In advocating to protect children's rights, to help meet their basic needs and to expand their opportunities to reach their full potential, UNICEF helps to change the legal and policy framework of states parties and to improve understanding of convention itself at all levels of society.

Definition of human Rights

- 1) According to "Oxford Concise Dictionary of Politics" Rights are those conditions of social life, without no man can be his best self. Human Rights are a special sort of inalienable moral entitlement. They attach to all persons equally. Human rights specify the minimum conditions for human dignity and a tolerable life.

2) As Jack Donnelly has written. “ we have human rights not be to the requisites for health but to those things ‘needed’ for a life of dignity, for a life worthy of human being of life that cannot be enjoyed without these rights”

Definition of child –

The convention on the rights of the child 1989 (CRC) defines the term child to mean “Every human being below the age of eighteen years unless under the law applicable to the child majority to be attained earlier.” In India the census of India and the constitution of India defines persons below the age of fourteen as children, The children Act defines child as a person who has not attained the age of 16 years if it is a boy or 18 years if it is a girl.

Understanding the Rights of the children

Children’s rights includes their right to association with both parents, human identity as well as the basic needs for physical protection, food, universal state paid education, health care, and criminal laws appropriate for the age and development of the child, equal protection of the child’s civil rights and freedom from discrimination on the basis of the child’s race, gender, sexual orientation, gender identity, national origin religion, disability, color etc. In other hand including civil, cultural, economic, political and social right as well as aspects of humanitarian law.

A history of children’s rights -

Following the devastating aftermath of the world wars and the psychological and physical impact on children the united nations (UN) decided that children required special protection of their human rights After world war I the league of Nation drafted Universal Declaration of Human Rights which included the right to life, food, shelter, education, freedom of speech and religion, justice and peace Recognizing that children were specially unalterable the UN agreed to adopt the Declaration of Geneva on children’s Rights. This declaration was short Only five statements but it outlined a list of responsibilities towards children who were considered vulnerable After the second war, the United Nations General Assembly Accepted the Declaration of the Rights of the child This Declaration paved the way for the adoption of the convention on the Rights of the child in 1989 which became the first legally binding international text to protect children’s rights.

Children’s Rights –

The UNCRC outlined the fundamental human rights that should be afforded to children in four broad classification that suitably cover all civil, political, social, economic and cultural rights of every child : India ratified the UN Convention the child on 1992 and lists the following as the rights of the child.

Right to Survival –

- Right to be born
- Right to minimum standards of food, shelter and clothing
- Right to live with dignity
- Right to health care to safe drinking water, nutritious food, a clean and safe environment and information to help them stay healthy.

Right to Protection-

- Right to be protected from all sorts of violence
- Right to be protected from neglect.
- Right to be protected from physical and sexual abuse.
- Right to be protected from dangerous drugs.

Right to participation -

- Right to freedom of opinion.
- Right to freedom of expression.
- Right to freedom of association.
- Right to information.
- Right to participate in any decision making that involves him/her directly or indirectly.

Right to Development –

- Right to education.
- Right to learn.
- Right to relax and play.
- Right to all forms of development – emotional, mental and physical.

**Impact of the convention of the child Right –**

A milestone in the international human rights legislation, the 'Convention on the Rights of the child' has been instrument in putting all issues pertaining to children on this. It has extensively mobilized actions for the realization of the rights and development of children worldwide. It was not an overnight initiative that resulted in the adoption of the child Right It took several years of movement and activism on shaping favorable, positive and constructive attitudes toward children and also inciting actions to improve their well – being. The enormous efforts involved toward the implementation of the convention, the significant amount of resources emitted to the cause and the overall effectiveness of the systems put in place for the exaction process have a bearing on the success of child well – bangoutcomes.

Role of National Commission for protection of child Rights-

The national commission for protection of child right (NCPCR) is an Indian government commission, established by and Act of parliament, the commission for protection of child Right's Act in December 2005, Thus is statutory body. The commission works under the aegis of ministry of women and child development. The commission considers that mandate is to ensure that all laws, policies, programmers, and Administrative mechanisms are in consonance with the child rights perspective as enshrined in the constitution of India and the UN convention on the Rights of the child. Commission had asked to form special cells in schools to solve problems of children. The cell will examine the mental and physical torture against children. Complaints regarding sexual harassment. Mental harassment etc. should be informed to the talukaor District legal services Authority within 48 hours.

Indian constriction and children Right -

The constitution of India is the basic law of the country that includes the fundamental rights and directive principles for every Indian citizen.

A) The fundamental Rights in the constitution that directly related to children are.

- 1) Article 15 (3) requires the state to make special provisions for children.
- 2) Article 21- A provides free and compulsory education to all children of the age 6 -14 years. In such a manner as the state may by law determine.
- 3) Article 23 prohibits trafficking of human beings including children.
- 4) Article 24, mendates that no child below 14 years can work in any hazardous occupation or industry

B) The Directive principle of state policy that directly related to children are

- 1) Article 39 (a) & (&) direct that state policies are directed towards securing the tender age of children.
- 2) Article 45 states that the state shall Endeavour to provide early childhood care and education for all children until they complete the age of six years.
- 3) Article 51 –A says that it shall be the fundamental duty of the parent and guardian to provide opportunities for education to his child or as the case may be word between the age of six and fourteen.

Conclusion –

Child is a bud let it blossom as a flower with nutrition of rights with fruits of freedom and with care and attention not only from parents but also from the auspices of the society. The Indian legal system has to evolve great deal for securing the rights of the children and providing justices to the children Researcher have indentified children as needing to be recognized as participants in society whose rights and responsibilities need to be recognized at all ages.

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