



## Child and Women Rights

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**Abstract:** A right is as an agreement or contract established between the persons who hold a right (often referred to as the "rights-holders") and the persons or institutions which then have obligations and responsibilities in relation to the realization of that right (often referred to as the "duty-bearers". Women's rights are the rights and entitlements claimed for female of many societies worldwide. In some places, these rights are institutionalized or supported by law, local custom, and behavior, whereas in others they may be ignored or suppressed. They differ from broader notions of human rights through claims of an inherent historical and traditional bias against the exercise of rights by women and girls, in favour of male.

**Key words:** discrimination, good governance, globalization, Human Rights

*"Democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing."*

**Introduction:** United Nations Children's Fund was one of the first agencies to introduce the concept of children's rights in its programme of work by incorporating the 1989 Convention on the Rights of the Child (CRC) in its 1996 Mission Statement. The first international consensus on the centrality of human rights in the women's rights and children's rights agenda was forged at the World Conference on Human Rights in Vienna in 1993. The human rights of women and the child are an inalienable, integral and indivisible part of human rights. The full and equal participation of women in political, civil, economic social and cultural life, at the national, regional and international levels, and the eradication of all forms of discrimination on grounds of sex are priority objectives of the international community.

**Human Rights as a Strategy for Development:** The link between human rights and development is of recent

origin. Rights-based approaches are aimed toward enforcing accountability in the development process by identifying claim-holders and corresponding duty-bearers. These approaches examine the positive obligations imposed upon duty bearers and the entitlements of claim-holders. Such approaches also seek development of strong laws, policies, institutions and administrative practices and call for the adoption of benchmarks for measuring progress and accountability. Rights-based approaches require a high degree of participation from all peoples, including women and children.

Human rights and sustainable human development are interdependent and mutually reinforcing. For example, human rights are enhanced when gender equity or poverty reduction programmes empower people to claim their rights. The links between human rights and development are clearly present in the people centred, rights-based approach to



development, poverty eradication, human rights mainstreaming, good governance and globalization. In 2003, the United Nations endorsed a "Common Understanding of a Human Rights Based Approach to Development Cooperation." This agreement lays out the requirements that underlie the application of a human rights-based approach to development programming. They are:

- All programmes should further the realisation of human rights as laid down in the Universal Declaration of Human Rights and other international human rights instruments;
- Human rights standards and principles should guide all development cooperation and programming in all sectors and in all phases of the programming process, and;
- Development cooperation should contribute to the development of the capacities of duty-bearers to meet their obligations and/or rights-holders to claim their rights.

### **What are Child Rights?**

A right is as an agreement or contract established between the persons who hold a right (often referred to as the "rights-holders") and the persons or institutions which then have obligations and responsibilities in relation to the realization of that right (often referred to as the "duty-bearers".) Child rights are specialized human rights that apply to all human beings below the age of 18.

Universally child rights are defined by the United Nations and United Nations Convention on the Rights of the Child (UNCRC). According to the UNCRC Child Rights are minimum entitlements and freedoms that should be afforded to all persons below the age of 18 regardless

of race, colour, gender, language, religion, opinions, origins, wealth, birth status or ability and therefore apply to all people everywhere. The UN finds these rights interdependent and indivisible, meaning that a right cannot be fulfilled at the expense of another right.

The purpose of the UNCRC is to outline the basic human rights that should be afforded to children. There are four broad classifications of these rights. These four categories cover all civil, political, social, economic and cultural rights of every child.

**Right to Survival:** A child's right to survival begins before a child is born. According to Government of India, a child life begins after twenty weeks of conception. Hence the right to survival is inclusive of the child rights to be born, right to minimum standards of food, shelter and clothing, and the right to live with dignity.

**Right to Protection:** A child has the right to be protected from neglect, exploitation and abuse at home, and elsewhere.

**Right to Participation:** A child has a right to participate in any decision making that involves him/her directly or indirectly. There are varying degrees of participation as per the age and maturity of the child.

**Right to Development:** Children have the right to all forms of development: Emotional, Mental and Physical. Emotional development is fulfilled by proper care and love of a support system, mental development through education and learning and physical development through recreation, play and nutrition.



### **Impact of the Convention of the Child Rights:**

A milestone in the international human rights legislation, the 'Convention on the Rights of the Child' has been instrumental in putting all the issues pertaining to children issues on the global as well as national agenda. In addition to 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 Rights. It took several years of movements and activism on shaping favourable, 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 committed to this cause, and the overall effectiveness of the systems put in place for the execution process have a bearing on the success of child well-being outcomes.

Over the last 20 or so years, implementation of the Convention and its effect on child well-being varied from country to country and from one region of the world to the other. Based on analysis, there has been outstanding progress at a global level in addressing the issues related to children. These include progress in access to services, reaching their fullest potential through education, enactment of laws that upholds the principle of the best interests of child, and child survival.

Though a noteworthy progress has been achieved, yet in developing countries, particularly India, there is still a long way to go in realizing the rights of children. Though all the relevant rules and policies are in place, there is a lack

in enforcement initiatives. As barriers, there are several factors that forbid effective implementation of the laws. Due to relatively low success in achieving concrete child development outcomes in India, the condition of underprivileged kids and underprivileged youth is harsh and needs urgent attention. There is a need to intensify efforts for children welfare at all levels to implement the rules and provisions of the Convention and contribute to create a world suitable for children.

### **Women rights in India**

Women's rights are the rights and entitlements claimed for women and girls of many societies worldwide. In some places, these rights are institutionalized or supported by law, local custom, and behavior, whereas in others they may be ignored or suppressed. They differ from broader notions of human rights through claims of an inherent historical and traditional bias against the exercise of rights by women and girls, in favour of men and boys. Issues commonly associated with notions of women's rights include, though are not limited to, the right: to bodily integrity and autonomy; to vote; to hold public office; to work; to birth control; to have an abortion; to be free from rape; to fair wages or equal pay; to own property; to education; to serve in the military or be conscripted; to enter into legal contracts; and to have marital or parental rights

**Right to vote:** During the 19th century some women began to ask for, demand, and then agitate and demonstrate for the right to vote - the right to participate in their government and its law making. Other women opposed suffrage, like Helen Kendrick Johnson, whose



prescient 1897 work, *Woman and the Republic* contains perhaps the best arguments against women's suffrage of the time. During the 19th century the right to vote was gradually extended in many countries, and women started to campaign for their right to vote. In 1893 New Zealand became the first country to give women the right to vote on a national level. In India, under colonial rule, universal suffrage was granted in 1935.

**Right to education:** The right to education is a universal entitlement to education. The International Covenant on Economic, Social and Cultural Rights states at Article 3 that "The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant", with Article 13 recognizing "the right of everyone to education". While women's right to access to academic education is recognized as very important, it is increasingly recognized that academic education must be supplemented with education on human rights, non-discrimination, ethics and gender equality, in order for social advancement to be possible

**Reproductive rights:** Reproductive rights are legal rights and freedoms relating to reproduction and reproductive health. Reproductive rights were endorsed by the twenty-year Cairo Programme of Action which was adopted in 1994 at the International Conference on Population and Development (ICPD) in Cairo. Reproductive rights represents a broad concept, that may include some or all of the following rights: the right to legal or safe abortion, the right to control

one's reproductive functions, the right to access quality reproductive healthcare, and the right to education and access in order to make reproductive choices free from coercion, discrimination, and violence. Reproductive rights may also be understood to include education about contraception and sexually transmitted infections. Reproductive rights are often defined to include freedom from female genital mutilation (FGM), and forced abortion and forced sterilization

**Progress of women laws & councils in India:**

The status of women in India has been subject to many great changes over the past few millennia. With a decline in their status from the ancient to medieval times, to the promotion of equal rights by many reformers, the history of women in India has been eventful. In modern India, women have held high offices in India including that of the President, Prime Minister, Speaker of the Lok Sabha and Leader of the Opposition. Women's rights are secured under the Constitution of India — mainly, equality, dignity, and freedom from discrimination; further, India has various statutes governing the rights of women. As of 2011, the Speaker of the Lok Sabha and the Leader of the Opposition in the Lok Sabha (Lower House of the parliament) were women. The following are the progress of women laws:

- In rural India in the agriculture and allied industrial sectors, females account for as much as 89.5% of the labour force. In overall farm production, women's average contribution is estimated at 55% to 66% of the total labour. According to a 1991 World Bank report, women accounted for 94% of total



employment in dairy production in India. Women constitute 51% of the total employed in forest-based small-scale enterprises.

➤ In most Indian families, women do not own any property in their own names, and do not get a share of parental property. The Hindu personal laws of 1956 (applying to Hindus, Buddhists, Sikhs and Jains) gave women rights to inheritances. However, sons had an independent share in the ancestral property, while the daughters' shares were based on the share received by their father. Hence, a father could effectively disinherit a daughter by renouncing his share of the ancestral property, but a son would continue to have a share in his own right. Additionally, married daughters, even those facing marital harassment, had no residential rights in the ancestral home. Thanks to amendment of the Hindu laws in 2005, women now have the same status as men. Similarly, Christian women have struggled over years for equal rights in divorce and succession. In 1994, all churches, jointly with women's organisations, drew up a draft law called the Christian Marriage and Matrimonial Causes Bill. However, the government has still not amended the relevant laws.

➤ Child marriage has been traditionally prevalent in India and continues to this day. Historically, child brides would live with their parents until they reached puberty. In the past, child widows were condemned to a life of great agony, shaved heads, living in isolation, and being shunned by society. Although child marriage was outlawed in 1860, it is still a common practice. The Child Marriage Restraint Act, 1929 is the relevant legislation in the country.

➤ The National Crime Records Bureau reveal that a crime against a woman is committed every three minutes, a woman is raped every 29 minutes, a dowry death occurs every 77 minutes, and one case of cruelty committed by either the husband or relative of the husband occurs every nine minutes. This occurs despite the fact that women in India are legally protected from domestic abuse under the Protection of Women from Domestic Violence Act.

➤ In 1961, the Government of India passed the Dowry Prohibition Act,<sup>[75]</sup> making dowry demands in wedding arrangements illegal. However, many cases of dowry-related domestic violence, suicides and murders have been reported. A 1997 report claimed that each year at least 5,000 women in India die dowry-related deaths, and at least a dozen die each day in 'kitchen fires' thought to be intentional.<sup>[77]</sup> The term for this is "bride burning" and is criticized within India itself. Amongst the urban educated, such dowry abuse has reduced considerably. In 2011, the National Crime Records Bureau reported 8,618 dowry deaths.

**Constitutional Provisions for Children, citizens, adult male or female:** Constitutional Guarantees that are meant specifically for children 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))

- Right to early childhood care and education to all children until they complete the age of six years (Article 45)

Besides, Children 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 minorities for protection of their interests (Article 29)
- Right of weaker sections of the people to be protected from social injustice and all forms of exploitation (Article 46)
- Right to nutrition and standard of living and improved public health (Article 47)

**Conclusion:** The process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in all areas and at all levels. It is a strategy for making women's as well as men's concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic, and societal spheres so that women and men benefit

equally and inequality is not perpetuated. The ultimate goal is to achieve gender equality"

Every State needs an independent human rights institution with responsibility for promoting and protecting children's rights. The institution, whatever its form, should be able, independently and effectively, to monitor, promote and protect children's rights"

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