



The Rights of Children and Women –A snapshot

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Abstract: Child protection is hence the means through which all other rights of a child can be upheld. Child has a right to live a normal childhood in a family environment. The child protection framework need to first take steps to ensure families are able to survive by providing them when health, education, and food for free or at minimal cost. For promotion of equality between men and Women granting of legal capacity to Women identical to that of men is not sufficient to eliminate the discrimination against Women. It needs modification and abolition of existing discriminatory laws, customs, regulations and practices.

Key words: Child protection, health, education, food

*"Unless you turn and become a child you shall not enter the kingdom of God."
"Yatra naryantu pujanya tatra ravanta devataa."*

Introduction: The aphorisms illustrate the significance children and women enjoy in different religions and cultures. But in practice the position of children and women hasn't improved much. Painfully it has deteriorated in some respects. These two important sections of society still continue to be vulnerable to exploitation and marginalization. The problems such as, illiteracy, malnutrition, female Feticides, sexual exploitation of children, dropouts, corporal punishments, system of child labor, acid attacks on women, sexual harassment, dowry system, domestic violence ETC still continue to haunt children and women. As children and women constitute nearly 60% of our population, their needs, aspirations and attitudes need to be taken in to serious consideration. Government agencies and NGO's have to check out plans for the empowerment and upliftment of women and children. Their main streaming is of paramount importance for democracy to thrive as unity in diversity has been the unique feature of Indian democracy.

Objectives:

1. To discuss the meaning and definition of child rights.
2. To analyze the right to protection.
3. To present the right to development.
4. To highlight the importance of the right to participation.
5. To throw light on some important International provisions and instruments of Human Rights.
6. To discuss equality and Political rights of Women.
7. To estimate the problem of discrimination against women and to explain laws that prohibits discrimination against Women.
8. To suggest measures for the improvement of the situation of Women in rural areas
9. To assess the role of Women in the field of health care.
10. To find ways of improving the situation of Women in media and society.

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.

What is Child Protection?

UNICEF considers child protection as the prevention of or responding to the incidence of abuse, exploitation, violence and neglect of children. This includes commercial sexual exploitation, trafficking, child labour and harmful traditional practices, such as female genital mutilation/cutting and child marriage. Protection also allows children to have access to their other rights of survival, development, growth and participation. According to the Integrated Child Protection Scheme (ICPS) Child Protection is about keeping children safe from a risk or perceived risk to their lives or childhood. It is about recognizing that children are vulnerable and hence reducing their vulnerability by protecting them from harm and harmful situations. Child protection is about ensuring that children have a security net to depend on, and if they happen to fall through the holes in the system, the system has the responsibility to provide the child with the necessary care and rehabilitation to bring them back into the safety net.



Child Protection

- Law and Policies
- Processes and Protocols
- Mechanisms and Systems
- Monitoring
- Sensitization and Awareness Building

- Laws and Policies
- Access and Assistance
- Immediate Relief (SOS attention)
- Restoration of rights/Status Quo
- Punish violators
- Laws and Policies
- Long term care until age 18
- Skills and Training

Understanding the Difference

Child protection is hence the means through which all other rights of a child can be upheld. For example a child has a right to live a normal childhood in a family environment. The child protection framework need to first take steps to ensure families are able to survive by providing them when health, education, and food for free or at minimal cost. The next step is to address the needs of children who have fallen through the cracks such as destitute, abandoned, and orphan children. The framework includes the mechanisms to relocate these children into caring families either through adoption or foster care and provide these children with access to health and education services. Hence the framework is not a single ministry or single government body it is the interlinking functions of all ministries and sectors.

According to the United Nations Convention on the Rights of the Children - that India ratified in 1992 - all children are born with fundamental rights.

- Right to Survival - to life, health, nutrition, name, nationality

- Right to Development - to education, care, leisure, recreation, cultural activities
- Right to Protection - from exploitation, abuse, neglect
- Right to Participation - to expression, information, thought, religion

The Rights of Women: Advancement of right of women has been the concern of world community since the end of Second World War. The preamble to the Charter of the United Nations mentions the determination of the people of the United Nations "to the reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women" and "to employ International machinery for the promotion of the economic and social advancement of the people." Similarly provisions are also incorporated in the Charter of the Nations and other human rights instrument which provide for the protection and advancement of the rights of women.

Equality and Political rights of Women: The General Assembly in its resolution of 11 December, 1946 noted that certain Member States had not granted to Women political rights equal to the men. Thus, it had requested to such States to grant to women the same political rights as to men in conformity with the purposes and aim of the Charter of the United Nations. Since then the question of equal Political Rights of women has been dealt with at the International level and following three important Conventions and Declaration have been adopted. (i) The Convention on the Political Rights of Women. It was adopted by the 1954; (2) The Declaration



on the Elimination of Discrimination against Women. It was made by the General Assembly on 7th November 1967; and (3) the Convention on the Elimination of All Form of Discrimination against Women. It was adopted by the General Assembly on 18 December 1979 and entered into force on 3 September 1981.

The Convention on the Political Rights of Women is the most significant document which contains provisions regarding the Political Rights of Women. It contains following rights.

The Right to vote: Article 1 of the Convention lays down that the Women shall be entitled to vote in all elections on equal terms with men, without any discrimination. Similar rights have been guaranteed under Article 4 of the Declaration on the Elimination of Discrimination against Women which lays down that all appropriate measures shall be taken to ensure to Women on equal terms with men and without any discrimination the right to vote in all elections and the right to vote in all public referendum. The Convention on the Elimination of All Forms of Discrimination against Women contains similar provisions. Article 7 of the Convention provides that the States Parties shall ensure to Women, on equal terms with men he right to vote has been finally settled on equal terms with men. In India principle of adult suffrage is followed under which all men and Women of eighteen Years of age are entitled to vote at elections.

Eligibility for election: Article II of the Convention on the Political Rights of Women provides that women shall be eligible for election to all publicly elected bodies, established by national law, on

equal terms with men and without any discrimination. Similarly Article 4 of the Declaration on the Elimination of Discrimination against Women provides that all appropriate measures shall be taken to ensure that Women shall be eligible for election to all public elected bodies. Similar provisions have been made under Article 1 of the Convention on the Elimination of All Forms of Discrimination against Women. Thus Women are eligible for election to all publicly elected bodies on equal terms with men.

Abolition of discriminatory laws:

For promotion of equality between men and Women granting of legal capacity to Women identical to that of men is not sufficient to eliminate the discrimination against Women. It needs modification and abolition of existing discriminatory laws, customs, regulations and practices. Thus, to accord adequate legal protection to the Women against any kind of discrimination it is necessary on one hand that provisions relating to the principle of equality of men and Women against any kind of discrimination it is necessary on one hand that provisions relating to the principle of equality of men and Women should be incorporated in the constitution and on the other the discrimination against Women should be discriminatory laws customs, regulations and practice, as well as, the imposition of sanctions where necessary. Moreover, the International human rights of sanctions where necessary. Moreover, the International human rights instruments relating to the Elimination of discrimination against Women should be observed and fully implemented.



Improvement of the situation of Women in rural areas:

In the present situation, the Women in the rural areas particularly in the developing countries contribute substantially towards the food production and that Women generally carry major responsibility in procuring and preparing food for family consumption. Apart from this, they have no other constructive role to play; as a result severe problems of rural unemployment, under employment and misallocation of human resources are caused among the Women of rural areas.

Improvement of the status and role of Women in the field of health care:

Women play very significant role in providing primary health care in the capacity wives, mothers, or community health workers. Stress has been laid, by the Commission on the Status of Women, upon the occupational health and safety of Women, the ability of Women to control their own fertility and to take decisions about the number of children they want to have, and the access of Women to adequate Commission on Prevention of Discrimination and Protection of Minorities has concentrated its attention on the traditional practices which affect the health of Women and children.

The World Conference of the United Nations the Decade for Women: Equality Development and Peace, held in Copenhagen in 1980, adopted the question of health as sub theme- "Employment, Health and Education" in order to signify the importance of health in the overall Advancement of Women.

Women in the media and in society: The Commission on the Status of Women laid stress on the role of mass communication media on the formation

of new attitudes towards the role of Women in present day society. The Commission expressed the concern that in several countries the media is simply perpetuating the traditional deep-rooted attitudes held by the society towards Women about their role in the society. This role of media hampers the efforts made to promote equal rights of Women and men and the integration of Women in the Development efforts, Keeping this in view, the Economic and Social Council through the resolution of 16 May, 1974, invited all the organisations of the United system and particularly UNESCO to take appropriate measures and develop their audiovisual programmes in such a way as to promote the integration of Women in the Development in such a way so to promote the integration of Women in the Development. At the same the governments were also required to urge the mass media, in their respective countries without curtailing their freedom of expression to adopt their programmes in order to provide for men as well as Women a continuing education as to their Economic and professional prospects and opportunities for leisure, family life and broadening horizons.

The General Assembly in its resolution of 16 December 1991 has expressed its commitment to encourage the full participation of Women in Economic, Social, cultural, civil and political affairs and to promote Development, cooperation and International Peace. The Member States were also urged "to give priority to policies and programmes for the empowerment of Women and to issues relating to the role of Women in Economic and political decision, making, population, the environment and information. As long as Children Women



are not granted their dew share in the process of Nation-building, India's Rosy dreams of becoming the knowledge super power will not materialize.

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