

Children's Rights in India and the United States

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Abstract

The problem of child labour is pernicious which has not only affected the developing countries but has whipsawed the developed countries as well. India has introduced ample of legislations and policies but it has been lacking in its enforcements whereas America does not have enough laws to address the issues of child labour. Despite the fact, both the countries with their endeavour have seen reduction in cases of child labour but even then, the problem seems to persist involving children in hazardous work. Therefore, in order to obviate child labour both countries need a balanced combination of legislations and their implementation to remove this evil from our society.

Research paper 1.

Children's rights in India and the United States

Children's rights play a crucial role in fostering a society that is willing to look towards a brighter and stronger future. 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. Children must be cherished and

UN:

There are many reasons for singling out children's rights in a separate human rights Convention:



Children are individuals

Children are neither the possessions of parents nor of the state, nor are they mere people-in-the-making; they have equal status as members of the human family.

Children start life as totally dependent beings

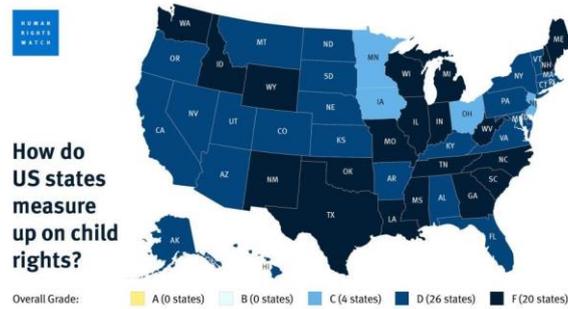
Children must rely on adults for the nurture and guidance they need to grow towards independence. Such nurture is ideally found from adults in children's families, but when primary adult caregivers cannot meet children's needs, it is up to the State as the primary duty bearer to find an alternative in the best interests of the child.

The actions, or inactions, of government impact children more strongly than any other group in society

Practically every area of government policy – from education to public health – affects children to some degree. Short-sighted policymaking that fails to take children into account has a negative impact on the future of all members of society.

Children's views should be heard and considered in the political process

Children generally do not vote and do not traditionally take part in political processes. Without special attention to the opinions of children – as expressed at home and in schools, in local communities and even in governments – children's views go unheard on the many important issues that affect them now or will affect them in the future.



Many changes in society are having a disproportionate, and often negative, impact on children

Transformation of the family structure, globalization, climate change, digitalization, mass migration, shifting employment patterns and a shrinking social welfare net in many countries all have strong impacts on children. The impact of these changes can be particularly devastating in situations of armed conflict and other emergencies.

The healthy development of children is crucial to the future well-being of any society

Because they are still developing, children are especially vulnerable – more so than adults – to poor living conditions such as poverty, inadequate health care, nutrition, safe water, housing and environmental pollution. The effects of disease, malnutrition and poverty threaten the future of children and therefore the future of the societies in which they live.

The costs to society of failing its children are huge

Social research findings show that children's earliest experiences significantly influence their future development. The course of their development determines their contribution, or cost, to society over the course of their lives.

UNICEF works in over 190 countries and territories to defend children's rights in a number of ways. With UNICEF's help, and inspired by the CRC, governments have changed laws and policies and made investments so that more children could get what they need to thrive and reach their full potential. There are stronger safeguards in place to protect children from violence and exploitation. And more children are having their voices heard and are finding opportunities to participate in their societies.

Despite all this progress, the CRC, which came into force in 1990 and has 196 signatory countries, is still not fully implemented or widely known or understood. Millions of children continue to suffer violations of their rights when they are denied adequate health care, nutrition, education and protection from violence. Childhoods continue to be cut short when children are forced to leave school, flee disasters, do hazardous work, get married or fight in wars.

And there are more children in need of humanitarian assistance today than at any other time since World War II. Across the globe, children and their families are facing a deadly mix of crises, from conflict, natural

disaster and displacement to disease outbreaks and soaring rates of malnutrition. Meanwhile, climate change is making these crises worse and unleashing new ones.

Any threat to a child's rights is a threat to their future — and the future of the societies in which they live. The course of their development will determine their contribution—or cost—to society over the course of their lives.

INDIA

The Indian constitution accords rights to children as citizens of the country, and in keeping with their special status the State has even enacted special laws. The Constitution, promulgated in 1950, encompasses most rights included in the UN Convention on the Rights of the Child as Fundamental Rights and Directive Principles of State Policy. Over the years, many individuals and public interest groups have approached the apex court for restitution of fundamental rights, including child rights. The Directive Principles of State Policy articulate social and economic rights that have been declared to be “fundamental in the governance of the country and ... the duty of the state to apply ... in making laws” (Article 37). The government has the flexibility to undertake appropriate legislative and administrative measures to ensure children's rights; no court can make the government ensure them, as these are essentially directives. These directives have enabled the judiciary to give some landmark judgements promoting children's rights, leading to Constitutional Amendments as is in the case of the 86th Amendment to the Constitution that made Right to Education a fundamental right.

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)

UNITED STATES:



Children's rights are human rights that are essential to living as human beings. Children's rights are absolute and fundamental to advancing the human rights of all human beings. Each child has a right to be raised in a nurturing, loving family, with basic needs like food, primary health care, and formal education. In addition, each child has the right to be protected from abuse, neglect, and maltreatment. Children should be protected from kidnapping and trafficking. Children have a right to protection under the law, and each child has a right to have decisions made in his or her best interests.

Over the years, it has been a primary responsibility of governments to intervene on behalf of children when parents or other caregivers violate their rights to protection. In the United States, President Theodore Roosevelt hosted the first White House Conference on the Care of Dependent Children. One of the greatest accomplishments of the first Conference was the creation of the Children's Bureau—which, for the first time, focused the aim of child welfare on all children, not merely disadvantaged children. In the decades that followed, the conferences became devoted to improving the lives of children across the country. CWLA traces its roots to that first conference, and has been at the forefront of advocating for federal child welfare policy since that time.

Prior to 1974, the federal government played a useful but minor role in child protection. The Child Abuse Prevention and Treatment Act (CAPTA), which passed that year was the first federal legislation on child protection. In fact, while the Bureau was concerned with the welfare of poor and disadvantaged children, nationwide little attention was paid to child maltreatment until the 1960s. Child abuse-reporting laws and enhanced awareness of child abuse produced an increase in attention and the development of strategies for intervention.

CONCLUSION:

The problem of child labour is pernicious which has not only affected the developing countries but has whipsawed the developed countries as well. India has introduced ample of legislations and policies but it has been lacking in its enforcements whereas America does not have enough laws to address the issues of child labour. Despite the fact, both the countries with their endeavour have seen reduction in cases of child labour but even then, the problem seems to persist involving children in hazardous work. Therefore, in order to obviate child labour both countries need a balanced combination of legislations and their implementation to remove this evil from our society.

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