

Children and Human Rights

Children and Human Rights Barrister Harun ur Rashid (*) Children are the future of a nation. They need to be looked after spiritually, materially and physically so that they can become worthy citizens of a country. In fact some say that the yardstick to measure the progress and development of a country lies on how a nation looks after its children. If they are healthy, if all of them receive education and live within a comfortable and safe environment, these elements will indicate that a nation has progressed. Children, by reason of their physical and mental immaturity, are one of the most vulnerable groups in any society. They are weak and are liable to be abused by elders. One of the gross violations of children's basic rights is the child labour. Child labour occurs primarily because of poverty, discrimination, migration, and scarcity of jobs for adults and armed conflicts.

ILO's grim statistics on child labour

According to a report of the Geneva-based International Labour Organisation (ILO), released in May 2002, about 246 million children are involved in unacceptable forms of child labour. Of these, 179 million, most under 15 years of age, are in hazardous employment, such as mining, fishing, forestry and construction. About 8.4 million are trapped in slavery, trafficking and forced recruitment for armed conflicts. Of the millions of children working in hazardous and unacceptable environment, 60 per cent live in Asia-Pacific region, 23 per cent in Sub-Saharan Africa and only 1 per cent in developed countries. The disparity of the above statistics shows that with economic progress, child labour diminishes. In the 19th century, Britain employed children in many industrial plants and the social injustice, perpetrated on child workers, was aptly described by English novelist, Charles Dickens, in his novels, such as, *Oliver Twist* (1839) and *David Copperfield* (1850). With the economic development in Britain, child labour disappeared in the 20th century.

1989 UN Convention on Rights of the Child

The international community agreed that some basic document on rights of Children must be prepared. Finally, in 1989, the UN Convention on the Rights of the Child was adopted. It is a very comprehensive document with regard to every aspect of rights of a child. A child has been defined in the Convention as any person under the age of 18. Many countries however consider persons under 14 as children. Therefore there remains a discrepancy between the UN Convention and domestic laws of many countries. The core of the Convention is described in Article 3: "In all actions concerning children, whether undertaken by public or private social welfare organisations, courts, administrative authorities, or legislative bodies, the best interests of the child shall be a primary concern." The above paragraph demonstrates that all agencies of the state and private sectors must consider and accord priority to the interests of the child. What are the interests of a child? Although the Convention does not define it, it indirectly indicates that a child should have an upbringing in an environment in which a child can develop his/her full potentials in adult life. Common sense dictates that the fundamental interests of a child lie in the right to nutritious food, shelter, primary health care and education. If all these aspects of a child are cared for, the child will emerge as a worthy citizen. Another aspect that has been highlighted in the 1996 European Convention on the Exercise of Children's Rights is the right of the children to be consulted for any decision made in respect of them by adults. It means that children should be informed by media campaign of possible consequences of any decision adopted by adults in respect of them (Article 3 of the Convention).

Children Rights and broken marriages

Another issue is the wrongful removal of a child by one of the separated or divorced parents without his/her consent. Such cases are frequent in broken marriages and separated parents hardly think of the views of the child. The case of Elian Gonzales, a six-year old Cuban boy, aroused interest across the globe, when the boy was rescued, from the sea in 1999, while his mother was drowned. The question of custody of that boy arose between his biological father and close relatives of the mother, settled in Florida. The father wanted the boy to grow up in Cuba while his relatives want him to live with them and get all the facilities available in the US. The US government intervened and forcibly removed the boy from the custody of the relatives and handed over the boy to his father who came to USA from Cuba. Some lawyers suggest that at present there is no international law that governs such cases of custody of a child. The question is whether the Cuban boy should have the right or be able at that age to voice his priority as to where to live, in Cuba or USA. This remains a difficult question because his mother died while escaping from Cuba. Some argue that Elian's mother's escape from Cuba demonstrates that his mother wanted him to have a better quality of life in the US. Others argue that in the absence of the mother, the boy should grow up with his father. The 2002 UN special session on children

At the Special Session of the UN General Assembly, 180 countries attended. It was the first session that was devoted to the rights of children of the General Assembly. It was for the first time that children were allowed to speak from the rostrum of the UN Assembly. One female child (13) from Bolivia, Gabriela Azurdy, made it clear for adults: "We are the children whose voices are not being heard? We want a world fit for children, because a world fit for children is a world fit for everyone." It was a powerful message from a child of a poor Latin American country, where she and her parents struggle to live day-to-day. Finally a UN document "A World Fit for Children" was prepared and adopted. Concluding remark

The rights of children are interconnected with economic progress of a country. So long a country is riddled with poverty, abuse of rights of children will occur including child labour. Another aspect is to consider whether a child should work or starve at home in an environment where parents cannot feed all of the children. According to some experts, ILO's strict regulation prohibiting child labour may end in denying the fundamental right of a child, that is right to food to live. Therefore, the issue of child labour is a difficult subject of humanitarian consideration and there will always be two strong opposite views on child labour. (*) The author is former Bangladesh ambassador to the UN, Geneva.

About the Author

