

# A BRIEF ANALYSIS ABOUT COVID-19 AND RIGHTS OF CHILDREN

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## ABSTRACT

Children's rights take into account the necessity of development of the child. The children thus have the right to live and to develop suitably physically and intellectually. Children's rights plan to satisfy the essential needs for good development of the child, such as the access to an appropriate alimentation, to necessary care, to education, etc. Children's rights consider the vulnerable character of the child. They imply the necessity to protect them. It means to grant particular assistance to them and to provide protection adapted to their age and to their degree of maturity. **The recognition of the rights of the children** Children's rights were recognised after the 1st World war, with the adoption of the **Declaration of Geneva, in 1924**. The process of recognition of children's rights continued thanks to the UN, with the adoption of the **Declaration of the Rights of the Child in 1959**. **The year 1979 is declared International Year of the Child by the UN**. That year saw a real change of spirit, as Poland makes the proposal to create a working group within the Human Rights Commission, which is in charge of writing an international charter. The Convention on the Rights of the Child is adopted unanimously by the **UN General Assembly on November 20, 1989**. Its 54 articles describe the economic, social and cultural rights of the children. Simultaneously the social safety nets, the relief programmes have to be amped up, aggressively done to reach the last family, so child vulnerability is addressed at root. To keep our children safe (in homes, in shelters, in camps, in the real world, in the cyber world), during the COVID-19 lockdown and beyond will require intention, public finance, collaboration and all hands on the deck.

**KEYWORDS-Rights, child covid-19, education, development, Ms. Malala Yousafzai, Mr. Kailash Satyarthi.**

## INTRODUCTION

### Children's rights: rights adapted to children

Children's rights are human rights specifically adapted to the child because they take into account their fragility, specificities and age-appropriate needs.

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Children's rights consider the vulnerable character of the child. They imply the necessity to protect them. It means to grant particular assistance to them and to provide protection adapted to their age and to their degree of maturity.

So, the children have to be helped and supported and must be protected against labour exploitation, kidnapping, and ill-treatment, etc.

**Etymologically, the term "child" comes from the Latin infans which means "the one who does not speak".** For the Roman, this term designates the child from its birth, up to the age of 7 years.

This notion evolved a lot through centuries and cultures to finally designate human being from birth until adulthood. But this conception of the child was wide and the age of the majority varied from a culture to another.

**The Convention on the Rights of the Child of 1989** defines more precisely the term "child":

“A child is any human being below the age of eighteen years, unless under the law applicable to the child, majority is attained earlier”

The idea, through this definition and all the texts concerning child welfare, is that the child is a human being with rights and dignity.

What characterizes the child is their youth and vulnerability. Indeed, the child is growing, a future adult, who has no means to protect them self.

So, the child has to be the object of a particular interest and a specific protection. In this perspective, texts proclaiming the protection of the child and their rights were adopted.

#### **Definition of the rights of the child**

The recognition of the rights of the children

Children’s rights were recognised after the 1st World war, with the adoption of the **Declaration of Geneva, in 1924**.

The process of recognition of children’s rights continued thanks to the UN, with the adoption of the **Declaration of the Rights of the Child in 1959**.

**The recognition of the child’s interest and their rights became a reality on the 20 November 1989** with the adoption of the International Convention on the Rights of the Child which is the first international legally binding text recognizing all the fundamental rights of the child.

In the Antiquity, nobody thought to give special protection to children. In the Middle-Age, children were considered as “small adults”.

In the middle of the 19th century, the idea appears in France to give children special protection, enabling the progressive development of “minors’ rights”. Since 1841, laws start to protect children in their workplace. Since 1881, French laws include the right for the children to be educated.

At the beginning of the 20th century, children’s protection starts to be put in place, including protection in the medical, social and judicial fields. This type of protection starts first in France and spreads across Europe afterwards.

Since 1919, the international community, following the creation of The League of Nations (later to become the UN), starts to give some kind of importance to that concept and elaborates a Committee for child protection.

The League of Nations adopts the **Declaration of the Rights of the Child on September 16, 1924**, which is the first international treaty concerning children’s rights. In five chapters it gives specific rights to the children and obligations to the adults.

**The Geneva Declaration is based on the work of the Polish physician Janusz Korczak.**

World War II and its casualties leave thousands of children in a dire situation. Consequently, the UN Fund for Urgency for the Children is created in 1947, which became UNICEF and was granted the status of a permanent international organization in 1953.

From its inception, UNICEF focuses particularly on helping young victims of WW2, taking care mainly of European children. But in 1953 its mandate is broaden to a truly international scope and its actions expanded to developing countries. UNICEF then puts in place several programs for helping children in their education, health, and their access to water and food.

Since **December 10, 1948, the Universal Declaration of Human Rights recognizes** that “motherhood and childhood are entitled to special care and assistance.”

In 1959 the General Assembly of the UN adopts **the Declaration of the Rights of the Child**, which describes in 10 principles the children’s rights. Whereas this text has not been signed by all the countries and its principles have only an indicative value, it paves the way to a Universal Declaration of Children Rights.

After the adoption of the **Universal Declaration of Human Rights**, the UN wanted to introduce a Charter of Human Rights which would be enforceable and would oblige the states to respect it. Thus, a Commission on Human Rights was set up to write this text.

In the midst of the Cold War and after hard negotiations, two texts complementary to the Universal Declaration of Human Rights were adopted by the General Assembly of the UN in New York:

- **The International Charter for Economical, Social and Cultural Rights** recognizes the right to the protection against economical exploitation, the right to be educated and the right to healthcare
- **The Charter related to Civil Rights establishes** the right to have a name and a nationality.

**The year 1979 is declared International Year of the Child by the UN.** That year saw a real change of spirit, as Poland makes the proposal to create a working group within the Human Rights Commission, which is in charge of writing an international charter.

The Convention on the Rights of the Child is adopted unanimously by the **UN General Assembly on November 20, 1989**. Its 54 articles describe the economic, social and cultural rights of the children.

**The Convention on the Rights of the Child** is the text in relation to human rights which has been the most rapidly adopted. This text becomes an international treaty and enters in force on **September 2, 1990, after being ratified by 20 states.**

The Organization for African Unity adopts the African Charter for the Rights and Welfare of the Child on July 11, 1990.

**The Worst Forms of Child Labour Convention is adopted on June 17, 1999.**

In May 2000, the optional protocol to the International Charter of the Child Rights regarding the participation of children in armed conflicts is ratified. It entered into force in 2002. This text prohibits minors taking part in armed conflicts.

As of today, the **International Charter of the Child Rights** has been signed by 190 states of 192, even though there are a few reservations concerning certain parts of the text. Only the US and Somalia have signed but not ratified.

Today, its idea and its forceful character are almost universally accepted. However, its application could still be improved and the transformation of words into acts remains to be done. In a world where the urgency is the master, where a child dies of hunger every 5 seconds, it is time to join theory together with its application....maybe it should have started with that?

They are abandoned. They do not get a chance to step in a school. They are left to fend for themselves on the streets. They suffer from many forms of violence. They do not have access to even primary healthcare. They are subjected to cruel and inhumane treatments every day. They are children innocent, young and beautiful who are deprived of their rights.

In the history of human rights, the rights of children are the most ratified. The **United Nations Convention on the Rights of the Child (UNCRC)** defines **Child Rights** as the minimum entitlements and freedoms that should be afforded to every citizen below the age of **18 regardless** of race, national origin, colour, gender, language, religion, opinions, origin, wealth, birth status, disability, or other characteristics.

These rights encompass freedom of children and their civil rights, family environment, necessary healthcare and welfare, education, leisure and cultural activities and special protection measures. The UNCRC outlines the fundamental human rights that should be afforded to children in four broad classifications that suitably cover all civil, political, social, economic and cultural rights of every 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

**Child Rights and the world**

People from across the world striving for social justice have often directed their efforts toward the most vulnerable in society the children.

From Princess **Diana's charitable** work on behalf of children to the efforts of activists like Grace Abbott and the youngest Nobel laureate in history **Ms. Malala Yousafzai**, these famous children's right activists have put commendable efforts in helping improve the lives of the youngest citizens.

**2014 Nobel Peace Prize awardees Ms. Malala Yousafzai and Mr. Kailash Satyarthi** have reminded us all of the need to keep on advancing in providing opportunities that has an important effect on all children.

The opportunities are meant to be meaningful enough to allow them to learn and gain the mindsets and skills that would empower them to be free, develop themselves, their communities and the world.

**Mr. Kailash Satyarthi's** struggle to liberate children from child labour had cost him many life threats, including bullet wounds by those who exploit young boys and girls for economic gain.

Wearing flak jackets, and armed with strong determination, he and his team raided many illegal factories and mines to rescue the children who are sold into servitude. It has been 30 years now since he started his movement. A movement that has one clear purpose—no child shall be a slave.

On the other hand, when one thinks of **Ms. Malala Yousafzai**, the first thing that pops in one's mind is education.

The second is education for girls. In 2009, when she was just 11, she wrote to BBC about the norm of banning female education under the Taliban regime in the Swat Valley (her hometown).

Her article gained tremendous momentum worldwide. She started her fight for the education of girls at that small age and began to speak publicly and to the press, which caused her and her family receive constant death threats.

"I strongly feel that this is a big honour to hundreds of millions of the children who have been deprived of their childhood and freedom and education." **Mr. Kailash Satyarthi.**

"I speak not for myself but for those without voice... those who have fought for their rights... their right to live in peace, their right to be treated with dignity, their right to equality of opportunity, their right to be educated." **Ms. Malala Yousafzai.**

2020 was an unprecedented and challenging year. Over the past year, we at Prerana documented our observations, challenges, and the overall situation of child rights and child protection on the ground, based on our field experiences in Mumbai.

Here are some of the key stories we shared that can help in understanding the field experiences of working with trafficking and child protection in India in light of COVID-19.

The COVID-19 pandemic has now become a debatable and a hot topic of discussion in the current scenario because it's impacting the lives of our youths; children are facing a lot of hurdles during this period as they are not able to seek proper education which is their right.

Children education is struggling in the wake of such a situation in our country as well as in the whole world. The education system has now started facing a hit back due to the arrival of the pandemic in the world. Child right includes "Right to Education" which is a very important part of each and every child residing in the whole world.

Poor children are the biggest sufferers in such a condition where their parents are unemployed with no savings, no money, and no expenditure to spend on their children's education; also they don't have access to a variety of gadgets, internet connection, television so that they could through online platform. Instead, these are fighting with negative hit backs of education.

Already our country has a huge population of children below the poverty line, out of them only a few are part of secondary and higher-level education, rest are involved in other professions like rag-pickers, begging, as workers in many factories as well as employed in homes.

1. The guidelines must be issued to various authorities for protecting children from violence and abuse, by their own family members, caretakers or relatives, measures to ensure availability to counseling to them.
2. Child welfare committees, Juvenile Justice Boards, Child care institutions, child courts and governments, all should take urgent measures to protect their rights to ensure security and safety to them.

The countrywide lockdown to combat COVID-19, while necessary (in a low-income, low-health-infrastructure country like India), thanks to its sudden declaration with less than four hours' notice, is catastrophic for the poor who live day to day, who do not have well-stocked refrigerators and homes with separate rooms. There are no reserves saved for a rainy day. This is the premarital population which is one disaster, one illness away from falling deeper into poverty.

As this piece in the *Guardian* put it, if coronavirus doesn't kill the poor, hunger will. Not China, not Italy, India has imposed the harshest lockdown with the least public-financed relief. This resulted in migrant workers, women, children and the elderly making a long walk home.

So if we do win the war on COVID-19, manage to flatten or reverse the curve and re-open the country, the economy will take a long time to revive, the informal sector will take even longer.

Usurious money lending and consequent debt bondage will thrive. The cash crunch and job losses will result in a serious income squeeze, livelihoods crises amongst the informal daily-wage workers. The agriculture

sector will undergo a deeper agrarian crisis, hitting the small and marginal farmers, the agricultural workers, the landless labourers too.

Children and families worldwide are experiencing disruptions to their environments with the closure of school services, childcare, job loss and limited to no access to health and other essential services in response to the pandemic.

Children are now entirely reliant on their caregivers (wherever they are available) for nurturing care to meet their physical, emotional, social and cognitive development needs. With caregivers under stress for multiple reasons, the children may be more vulnerable to toxic stress, violence, exploitation and abuse.

Long periods of school shutdowns will adversely affect children's access to education, nutrition (since the mid-day-meal scheme and the Anganwadi meal under the Integrated Child Development Scheme have been major state programmes for child nutrition).

The World Food Programme reports 300 million children globally will miss school meals amidst shutdowns. School shutdowns will also deprive children of the safety net that schools provide, the escape into the world of friends and learning, from the drudgery of their households

Though UNICEF says it is still early days to correctly predict the impact on women and children, there are some scenarios that play out after every health and humanitarian emergency of the COVID-19 kind. Child vulnerability will spike and manifest in multiple ways, for multiple reasons.

Children could be orphaned if they lose one or both parents. Children would experience trauma, thanks to the job loss of parents, their family's displacement and the long walk home and the police brutality they witnessed during the walk.

COVID-19 doesn't respect class, caste or stature but it does hit the poorest, the precarious hardest, as BBC presenter Emily Maitlis stated while correcting the language around COVID-19 as a great leveler.

Similarly, child vulnerability triggered by COVID-19 will also not respect class, caste or stature. While the rich children will be vulnerable in the confines of their homes, to cyber bullying, sexing and abuse from elders and parents, the poor children will also be vulnerable to hunger, malnutrition, conscription into the labour force and grooming and trafficking. And the poor children are more likely to fall through the cracks.

## CONCLUSION

### The clear and present danger of child trafficking

Child labour, street and working children' numbers would spike, on the back of the battering of the informal sector, the Micro Small and Medium Enterprises (MSME) sector, where adult parents could have worked. Child labour will be sourced from the agricultural households too, considering the ever-deepening agrarian crisis we are witnessing unfold. Child labour and trafficking are two sides of the same coin.

Children are trafficked first and then placed in labour either forced or for earning a sub minimal wage or in case of the more unfortunate ones, i.e. particularly girls and young boys, are forced into sexual exploitation. Usurious money-lending and debt bondage will also become a force-multiplier for sourcing child labour from the country-side, from desperate families for bondage and trafficking.

The intra-state, inter-state trafficking will increase, but it is unclear if international trafficking will spike. COVID-19 has resulted in sealed borders, because of the very nature of the pandemic. Hence globalization might be re-set, borders won't be closed, but they might not be as porous too.

It will also offer an opportunity to strengthen implementation of the progressive inter-state migrant workers' legislations, especially the 1979 Interstate Migrant Workmen Act.

Now, more than ever, the state-civil society collaboration will be necessary. In the prime minister's address to the nation on March 24, he called upon citizens and civil society to feed the working class, the poor during the lockdown.

This means the adversarial engagement and targeting of the non-profit sector, which the state machinery had indulged in, the weaponisation of FCRA (**Foreign Contribution Regulation Act**) amendments, will have to stop immediately. Hopefully there will be acknowledgement of the role of the non-profits, the CSOs, play in nation building and the collaboration possible between the state and civil society.

From a child protection angle, the NGOs, CSOs can be precious allies in building a cadre of barefoot advocates/active citizens, who recognise the tell-tale signs of drafting of children into labour, consequently trafficking and ensuring that there is last-mile delivery of education, nutrition, health, child protection programmes.

The state machinery, the law and order machinery, the anti-human trafficking units will be super-stretched too with COVID-19 lockdown enforcement, hence collaboration will be even more valuable for the state apparatus.

Simultaneously the social safety nets, the relief programmes have to be amped up, aggressively done to reach the last family, so child vulnerability is addressed at root. To keep our children safe (in homes, in shelters, in camps, in the real world, in the cyber world), during the COVID-19 lockdown and beyond will require intention, public finance, collaboration and all hands on the deck.

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