

## CHILDREN'S RIGHTS UNDER INTERNATIONAL HUMAN RIGHTS LAW

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**Abstract:** This paper explores the challenges and advancements in protecting children's rights under international human rights law, focusing on the frameworks of the United Nations Convention on the Rights of the Child (UNCRC) and related treaties. It examines implementation mechanisms, emerging threats such as technology and climate change, and persistent issues like global inequalities and cultural barriers. The paper concludes with recommendations to strengthen legal frameworks, promote advocacy, and enhance accountability through technological and community-based interventions.

**Keywords:** Children's Rights, UNCRC, Human Rights Law, Global Inequalities, Online Safety, Climate Change, Child Protection, Advocacy, Legal Frameworks.

### I. Introduction

#### A. Importance of Children's Rights

Children's rights refer to the fundamental entitlements that all children are entitled to, ensuring their protection, development, and participation in society. Defined by the United Nations Convention on the Rights of the Child (UNCRC), these rights encompass civil, political, economic, social, and cultural domains (UNICEF, 2019). The recognition of these rights is essential because children represent one-third of the global population, yet they are among the most vulnerable groups due to their dependency on adults and susceptibility to exploitation (Bradshaw, 2012).

The global significance of protecting children lies in their unique needs and developmental vulnerabilities. Research by Lansdown (2014) emphasizes that investing in children's well-being has long-term benefits for societal progress. Additionally, child protection policies are essential for addressing systemic inequalities, especially in regions plagued by poverty and conflict (Jones

et al., 2022). For instance, studies in conflict-affected regions of Syria highlight the detrimental impact of war on children's psychological and physical health (Save the Children, 2020).

## B. Historical Development

The evolution of children's rights in international law began in the early 20th century, with significant milestones shaping the current legal landscape. The Geneva Declaration of the Rights of the Child in 1924 marked the first international effort to recognize children's rights (Marten, 2015). However, these rights were primarily viewed through a welfare-based approach, focusing on children's needs rather than their agency.

The post-World War II era saw a shift toward recognizing children's rights within broader human rights frameworks. The Universal Declaration of Human Rights (UDHR, 1948) implicitly acknowledged children's rights, but the landmark moment came with the adoption of the UNCRC in 1989 (Van Bueren, 2019). This legally binding treaty introduced the principles of non-discrimination, the best interests of the child, survival and development, and participation rights.

Subsequent developments have expanded the scope of children's rights. For example, the Optional Protocols to the UNCRC on the involvement of children in armed conflict (2000) and the sale of children, child prostitution, and child pornography (2002) addressed specific challenges. A study by Tobin (2022) underscores the transformative impact of these protocols in strengthening legal protections for children in vulnerable situations.

Despite these advancements, challenges remain in implementing these frameworks globally. Countries with limited resources often struggle to meet the standards set by international treaties (Kohli, 2018). Additionally, cultural norms and practices in some regions may conflict with children's rights, as highlighted in a review of child marriage practices in South Asia (Plan International, 2021).

## C. Purpose and Scope of the Paper

The primary aim of this paper is to examine international human rights laws related to children, focusing on their evolution, implementation, and impact. Key questions include: How have international frameworks influenced the protection of children's rights globally? What are the challenges in enforcing these laws in diverse socio-economic and cultural contexts? Recent

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research highlights that while international treaties like the UNCRC have been widely ratified, their enforcement often depends on national legal systems and political will (Kilkelly, 2020).

This paper also seeks to analyze implementation gaps, particularly in conflict-affected and low-income countries. Studies by Harvard Humanitarian Initiative (2019) indicate that children in these regions face significant barriers to accessing education, healthcare, and legal protections. Moreover, emerging issues such as digital privacy and online exploitation have introduced new dimensions to children's rights, as noted by Livingstone et al. (2022).

The scope of this paper includes a comprehensive review of legal frameworks, monitoring mechanisms, and case studies to provide actionable recommendations. By analyzing contemporary challenges, this research contributes to ongoing debates about the universality and contextualization of children's rights in international law.

## II. Legal Frameworks for Children's Rights

### A. The United Nations Convention on the Rights of the Child (UNCRC)

The UNCRC, adopted by the United Nations General Assembly in 1989, is the most widely ratified human rights treaty, signaling a global consensus on the need to protect children's rights. Its adoption history reflects the culmination of decades of advocacy for children's rights, beginning with the Geneva Declaration (1924) and followed by the Declaration of the Rights of the Child (1959) (Kilkelly, 2020). The UNCRC is unique in its holistic approach, covering civil, political, economic, social, and cultural rights.

Key principles of the UNCRC include:

Table 1.1: Key Principles of the UNCRC:

Principle	Description	Significance
<b>Non-Discrimination</b>	Ensures all children have equal rights regardless of race, gender, religion, or socioeconomic status.	Promotes equity and inclusion for marginalized and vulnerable groups.
<b>Best Interests of the Child</b>	Requires that all decisions affecting children prioritize their well-being and development.	Serves as a guiding principle for policy-making and legal frameworks.

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<p><b>Right to Survival and Development</b></p>	<p>Protects the child's right to life and access to resources necessary for physical, mental, and social growth.</p>	<p>Addresses basic needs like healthcare, nutrition, and education to ensure holistic development.</p>
<p><b>Right to Participation</b></p>	<p>Recognizes children's right to express their opinions on matters affecting them and have those views respected.</p>	<p>Encourages children's agency and fosters their involvement in decision-making processes.</p>

The Best Interests of the Child: This principle mandates that the child's well-being should be the primary consideration in all decisions affecting them. Studies show that its application varies globally, with significant success in Western nations but limited implementation in regions facing political instability (Tobin, 2022).

Non-Discrimination: The UNCRC emphasizes equality regardless of race, gender, disability, or socioeconomic status. A report by Save the Children (2020) highlights persistent disparities in access to education and healthcare for marginalized children.

Survival and Development: Ensuring access to basic needs such as food, healthcare, and shelter is fundamental. Research by Bradshaw (2012) points to the positive correlation between comprehensive child protection systems and reduced child mortality rates.

Participation: The right to be heard empowers children to participate in decisions affecting their lives. This principle has gained traction, especially in democratic nations, but remains underutilized in authoritarian regimes (Lansdown, 2014).

**B. Other Relevant International Treaties**

Several treaties complement the UNCRC by addressing specific aspects of children's rights:

International Covenant on Civil and Political Rights (ICCPR): Recognizes the rights of children to nationality, protection, and participation in public life. It has been instrumental in preventing statelessness among children (Kohli, 2018).

International Covenant on Economic, Social, and Cultural Rights (ICESCR): Focuses on children's access to education, healthcare, and adequate living standards. Recent reviews have highlighted its role in addressing child poverty globally (Jones et al., 2022).

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Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW): Although primarily focused on women, CEDAW underscores the intergenerational impact of gender equality, particularly for girl children. Research indicates that countries with higher compliance to CEDAW provisions also report better outcomes for girls in education and health (Plan International, 2021).

### C. Regional Human Rights Frameworks

Regional frameworks play a pivotal role in contextualizing children's rights:

African Charter on the Rights and Welfare of the Child: Emphasizes cultural and community values alongside universal human rights standards. Studies show its effectiveness in addressing issues like child marriage and armed conflict in African nations (Marten, 2015).

European Convention on Human Rights (ECHR): While not specific to children, the ECHR has been applied in numerous cases involving child refugees and family reunification (Van Bueren, 2019).

Inter-American Convention on the Rights of Children: Focuses on the rights of children in Latin America, addressing challenges like child labor and trafficking. A report by UNICEF (2019) highlights its role in reducing child exploitation in the region.

## III. Core Rights and Protections under International Law

### A. Right to Survival

The right to survival includes access to essential healthcare and nutrition, ensuring the child's fundamental right to life. According to WHO (2021), global child mortality rates have significantly declined due to improved healthcare initiatives. However, challenges persist in low-income countries where malnutrition remains prevalent. Research by Livingstone et al. (2022) also highlights the growing impact of climate change on child health, exacerbating food insecurity and waterborne diseases.

### B. Right to Development

Development rights encompass education, skill-building, and access to cultural and recreational opportunities. The UNCRC identifies education as a cornerstone of child development. Studies indicate that nations investing in free and equitable education systems achieve higher literacy

rates and improved life outcomes for children (Bradshaw, 2012). Cultural and recreational opportunities further enrich a child's development, fostering creativity and mental well-being (Lansdown, 2014).

### C. Right to Protection

Children require protection from abuse, exploitation, and harmful practices:

**Safeguards Against Exploitation:** The International Labour Organization (ILO, 2019) reports that child labor has declined by 38% since 2000, but 160 million children remain in labor, highlighting the need for sustained efforts.

**Special Protection During Armed Conflict:** The Optional Protocol on the Involvement of Children in Armed Conflict (2000) prohibits child recruitment. Research in conflict zones like Yemen reveals significant gaps in protecting children from being drawn into hostilities (Save the Children, 2020).

### D. Right to Participation

The right to participation ensures that children have a voice in matters affecting their lives. This right is particularly relevant in educational and legal systems. Research by Kilkelly (2020) illustrates how child participation leads to better outcomes in family law cases. However, societal attitudes often limit the realization of this right, particularly in patriarchal cultures where children's opinions are undervalued (Tobin, 2022).

## IV. Implementation and Enforcement Mechanisms

### A. Monitoring Bodies

The Committee on the Rights of the Child

The Committee on the Rights of the Child (CRC) is the primary body responsible for monitoring the implementation of the United Nations Convention on the Rights of the Child (UNCRC). Established in 1991, the CRC reviews reports submitted by state parties and provides recommendations to enhance compliance. Research by Kilkelly (2020) highlights the role of the CRC in encouraging transparency and accountability, although it often struggles with delays and limited enforcement authority. A significant achievement has been the establishment of the

Optional Protocol on a Communications Procedure (2014), allowing children to bring complaints directly to the committee (Tobin, 2022).

### Role of NGOs and Civil Society

Non-governmental organizations (NGOs) and civil society play a crucial role in bridging gaps in enforcement. Organizations like Save the Children and UNICEF monitor and report on violations, advocate for policy changes, and provide on-the-ground support. Bradshaw (2012) underscores the importance of collaboration between governments and NGOs in enhancing the reach and effectiveness of child protection initiatives. In regions with weak governance, NGOs often fill critical service gaps, providing education, healthcare, and legal assistance to children (Plan International, 2021).

## B. Reporting and Accountability

### State Party Reporting Mechanisms

Under the UNCRC, state parties are required to submit periodic reports detailing progress and challenges in implementing children's rights. This mechanism ensures a continuous dialogue between governments and the CRC. However, research by Jones et al. (2022) reveals significant inconsistencies in the quality and frequency of reports, particularly from low-income countries.

### International Complaints and Redress Systems

The Optional Protocol on a Communications Procedure empowers children to file complaints against violations directly to the CRC. While this is a landmark step in accountability, its impact remains limited due to lack of awareness, legal barriers, and limited accessibility (Livingstone et al., 2022).

## C. Challenges in Enforcement

### Political, Economic, and Cultural Barriers

Enforcement of children's rights often faces resistance due to political instability, economic constraints, and cultural practices. For instance, child marriage remains prevalent in parts of South Asia and Africa, despite being outlawed in many countries. Research by Kohli (2018)

indicates that local traditions and norms often conflict with international human rights frameworks, complicating enforcement.

### Lack of Resources and Capacity

Many states lack the financial and institutional resources to implement child protection laws effectively. A report by the WHO (2021) highlights that underfunded healthcare and education systems disproportionately impact children, particularly in low-income regions.

## V. Case Studies and Real-World Applications

### A. Examples of Successful Implementation

#### Improvements in Education and Healthcare Access

Countries such as Finland and Singapore have demonstrated exemplary models of ensuring children's rights through robust education and healthcare systems. Research shows that Finland's universal healthcare and inclusive education policies significantly reduce child mortality and improve developmental outcomes (Save the Children, 2020). Similarly, Singapore's investment in early childhood education has set global benchmarks for equity and quality (Bradshaw, 2012).

#### Reduction of Child Labor Through Legal Measures

The ILO (2019) reports a 38% reduction in child labor globally since 2000, attributing this success to international treaties like the Minimum Age Convention (1973) and the Worst Forms of Child Labour Convention (1999). Brazil is a notable example, where conditional cash transfer programs like Bolsa Família have significantly reduced child labor and increased school attendance (Marten, 2015).

### B. Persistent Issues

#### Impact of Armed Conflicts on Children's Rights

Armed conflicts remain one of the greatest threats to children's rights. In conflict zones like Syria and Yemen, children face displacement, malnutrition, and violence. A study by Save the Children (2020) reveals that over 400 million children live in conflict-affected areas, with millions denied access to education and healthcare. The Optional Protocol on the Involvement of

Children in Armed Conflict has been pivotal in advocating for the protection of children, but enforcement remains inconsistent.

### Challenges in Combating Trafficking and Exploitation

Despite international frameworks such as the Palermo Protocol, child trafficking remains a global issue. Studies indicate that trafficking is exacerbated by poverty, weak legal systems, and corruption. Research by Tobin (2022) highlights that coordinated international efforts, such as INTERPOL operations and public awareness campaigns, are critical in combating trafficking but require sustained funding and political commitment.

## VI. Challenges in Protecting Children's Rights

### A. Global Inequalities

#### Economic Disparities and Their Impact on Children

Economic inequality significantly hampers the realization of children's rights. Children in low-income countries are disproportionately affected by malnutrition, limited access to education, and inadequate healthcare services (WHO, 2021). For instance, UNICEF (2019) reports that children living in sub-Saharan Africa are 10 times more likely to die before their fifth birthday than those in high-income countries. Poverty exacerbates vulnerabilities, pushing children into child labor and early marriages as families struggle to meet basic needs (ILO, 2019).

#### Differences in Legal Systems and Enforcement

Variations in legal frameworks and enforcement capacity across nations create inconsistencies in the protection of children's rights. While some countries have strong child protection laws, others lack even basic legal mechanisms. Research by Kilkelly (2020) highlights that many nations fail to implement the UNCRC's principles due to weak governance, corruption, or insufficient political will.

### B. Emerging Threats

#### Technology and Online Safety Concerns

The digital age has introduced new challenges, including online exploitation, cyberbullying, and data privacy violations. Studies indicate that children are increasingly targeted by online

predators, with a lack of robust digital safety frameworks exacerbating the issue (Livingstone et al., 2022). The absence of global regulations for protecting children online further complicates this threat.

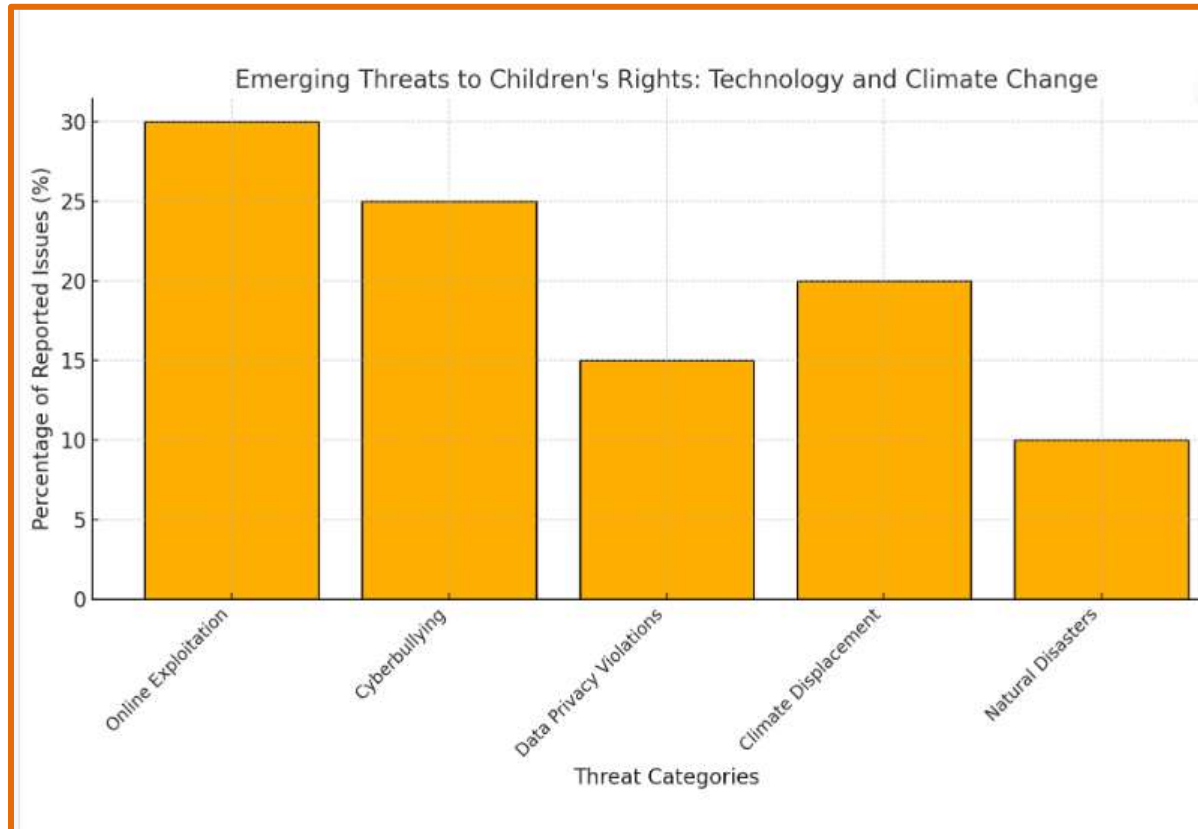


Figure 4.1: Emerging Threats to Children's Rights: Technology and Climate Change

### Climate Change and Displacement

Climate change disproportionately impacts children, causing displacement, loss of livelihoods, and exposure to diseases. Research by Save the Children (2020) reveals that climate-induced disasters such as floods and droughts force millions of children out of school and into precarious living conditions. Displaced children often face heightened risks of trafficking and exploitation (Jones et al., 2022).

### C. Cultural and Social Barriers

#### Gender-Based Discrimination

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Discrimination against girls remains pervasive in many parts of the world, denying them access to education, healthcare, and inheritance rights. Plan International (2021) notes that gender-based practices, such as female genital mutilation and child marriage, continue to violate the rights of millions of girls globally.

### Societal Norms Affecting Child Participation

Societal attitudes often undermine children's ability to express their views and participate in decision-making processes. Patriarchal cultures and traditional hierarchies prioritize adult perspectives, sidelining children's voices (Tobin, 2022).

## VII. Recommendations for Strengthening Children's Rights

### A. Enhancing Legal Frameworks

#### Harmonizing National Laws with International Standards

Aligning domestic legal systems with international treaties such as the UNCRC ensures consistency and stronger enforcement. Kohli (2018) suggests that governments must review and revise outdated laws to meet modern standards, particularly in addressing emerging threats like online exploitation.

#### Expanding Regional Cooperation

Regional frameworks, such as the African Charter on the Rights and Welfare of the Child, demonstrate the importance of localized approaches. Expanding such cooperation fosters knowledge sharing and resource pooling to address region-specific challenges (Marten, 2015).

### B. Increasing Awareness and Advocacy

#### Promoting Education About Children's Rights

Educating communities about children's rights fosters a culture of respect and protection. Campaigns by NGOs like Save the Children have shown measurable success in reducing harmful practices like child marriage (Plan International, 2021).

#### Strengthening Community-Based Support Systems

Grassroots organizations and local leaders play a vital role in safeguarding children. Building capacity within communities ensures that interventions are sustainable and culturally sensitive (Jones et al., 2022).

### C. Improving Monitoring and Accountability

#### Leveraging Technology for Real-Time Monitoring

Technology can enhance the monitoring of children's rights violations. Mobile reporting tools and data analytics platforms enable real-time tracking of issues such as school attendance and child labor (Livingstone et al., 2022).

#### Increasing Funding for Enforcement Mechanisms

Adequate funding is critical for strengthening child protection systems. Governments and international organizations must prioritize resources for education, healthcare, and legal enforcement to achieve meaningful progress (Kilkelly, 2020).

## VIII. Conclusion

Children's rights are fundamental to achieving a just and equitable society. While significant progress has been made through international treaties and regional frameworks, challenges such as global inequalities, emerging threats, and cultural barriers persist. Strengthening legal frameworks, increasing awareness, and leveraging technology are essential steps toward ensuring the universal protection of children's rights. As research consistently shows, investing in children's well-being not only fulfills moral and legal obligations but also paves the way for sustainable development and societal progress.

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