

PROTECTION OF HUMAN RIGHTS OF CHILDREN VIS-À-VIS SUSTAINABLE DEVELOPMENT

Mr. Ajay B. Sonawane*

Introduction :

In the contemporary era, irrespective of globalization, every human being as human being carries certain human rights since birth. They are inherent, inalienable and natural rights of human beings. Every individual possess right to life, liberty as their basic human rights. The nexus between human rights and sustainable development is unique and necessary feature of International human rights law. The many experts have portrayed the relation between sustainable development and human rights. Sustainable development is the prior necessity to sustain the human rights of individuals. The sustainability of human rights is the duty of individuals as well as state. The exercise of human rights without harming another is the primary duty of every individual in this matured civil society.¹ The human rights are not only a right of an human being but it also lays certain duties over an individual's as well as state. It denotes moral and legal obligations upon states for its protection and promotion. The rising demands of human beings and advancement in the functioning of a state, there are several instances of violations, infringement of human rights of an individual at various strata of the society. Children as human beings are considered as one of the vital advantage of any nationwide and international society. There appeal and distinction shall be retained by a society. It can be retained by willingly providing them love, care, affections and all necessary healthy and educational environments.

The concept of "Sustainability" is really a not new concept. It can be said that, sustainability is actions taken in the present to improve the human condition. It also obligated that, the Earth system in which we live need to be lasting and preserve for benefit future generations.² Therefore, to gain the highest sustainability, decisions at all levels must think of the three interconnected pillars of sustainable development – socio-cultural, economic and environmental systems. In the words of Mary Robinson, "it is people who are at the centre of sustainable development: human beings who are entitled to certain basic living conditions. By effectively linking human rights and sustainable development, the increasing state of uncertainty for the environment that surrounds and nurtures us is given a human face, directly impacting the well-being of all."³

In the development of promotion and protection of human rights, the recognition of liability for the upliftment of child is very essential. The Supreme Court of India, as rightly affirmed by bench of J. Bhagwati, J. Pathak that, "*If there be no proper growth of children of today, the future of the country will be dark. It is the obligation of every generation to bring up children who will be citizens of tomorrow in a proper way. Today's children will be leaders of tomorrow who will hold country's banner high and maintain the prestige of the nation. If a child goes wrong for want of proper attention, training and guidance, it will indeed be a deficiency of the society and of the Govt. of the day. Every society must therefore, devote full attention to ensure that children are properly cared for and brought up in a proper atmosphere where they would receive adequate training, education and guidance in order that they may be able to have their rightful place in the society when they grow up*".⁴

Aristotle, the Greek philosopher writes "Man by nature and necessity is social animal. He who does not live in society or who has no needs because he is sufficient for himself must be either a beast or god."⁵ Human being as a part of nature possesses certain identity, basic fundamental rights

inherently by nature itself. It may be termed as natural rights vis-a-vis human rights. The rights which are inherent to all human beings are called as the human rights, such rights are available to all human persons without any discrimination on the basis of their place of residence, nationality, origin, race, sex, religion, language or status. Every human being is entitled to such rights by the virtue of being human. Human Rights are inalienable, indivisible, interdependent, interrelated and universal. They are in the form of both rights and obligations, rights for the human persons and obligations for the states in form of the duties under International and National Laws to protect and fulfil human rights.

Child Rights vis-à-vis Sustainable Development

The beginning of Sustainable Development can be marked from United Nations Stockholm Conference on Environment and Development in 1972. In this conference, the idea of sustainable development was born, and the nexus between environment and development made together. Another landmark incident was in 1992, the Rio Earth Summit brought the international community together to address global sustainable development challenges including issues such as climate change, health and the environment, biodiversity protection, and poverty alleviation.⁶ However, twenty years after the first conference, the people were facing problems like poverty, serious and dangerous diseases such as HIV/AIDS. It had paralyzed the social and economic structure of few countries, and difference between the rich and the poor is kept escalating slowly. Therefore, the sustainable development not confined to the issues on environment but they do involve to steps towards protection of right to life and liberty of individuals including children. As very well stated by Mary Robinson, "rights are central to every aspect of development, and a people - Centred approach may be more successful at addressing the vicious cycle of poverty, environmental degradation, and conflict."⁷

There exists a close relationship between development of child and sustainable development. Every nation, if it needs to enlarge and sustain its potential along with that, it needs to focus on the development of its child populace. The children being the foundational pillars of a society, it is the duty of every nation to augment the interests of their future potential resource, especially for its economic well-being. However, many a times, the assessment of role nation-states has not been satisfactory. At the outset, it is the duty of all nation-states to work jointly together for all round growth of children as millions of them are exposed to various threats. Amongst the several issues that hamper the growth of children, poverty, illiteracy and unhealthy environment is the most important that deprive their childhood and their rights, especially that of life, liberty and equality.⁸

In 1989, November 20th the Convention on the Rights of the Child (CRC) was adopted. It became an international treaty on 2nd September 1990 recognizing child rights as human rights. On 17th June 1999 the worst forms of child labour was adopted to restrict the practice of child labour. The adoption of the optional protocol to the international charter of the child rights regarding the participation of the children in Armed Conflicts and prohibiting minors from taking parts in armed conflicts had widened the scope of child rights. After the long and deliberate efforts of recognizing and adopting child rights as human rights, today the international charter of the child rights has been signed by 190 states. The child rights are broadly classified in four categories :-

- a) Right to Survival
- b) Right to Protection
- c) Right to Participation
- d) Right to Development

The protection of the right to environment has been recognized in international legally binding instruments as diverse as the Convention on the Rights of the Child and the International Labour Organization (ILO) Convention on Indigenous and Tribal Peoples. Even in the International Court of Justice, in issuing its ruling on the 1997 case concerning the Gabcikovo-Nagymaros Project (Hungary and Slovakia), said that “The protection of the environment is...a vital part of contemporary human rights doctrine, for it is a sine qua non for numerous human rights such as the right to health and the right to life itself. It is scarcely necessary to elaborate on this, as damage to the environment can impair and undermine all the human rights spoken of in the Universal Declaration and other human rights instruments.”⁹ The Rome Statute of the International Criminal Court proclaims that in dealing with the most “serious crimes of concern to the internationally community,” it will have jurisdiction over “widespread, long-term and severe damage to the natural environment” in cases in which the attack would be clearly “excessive in relation to the concrete and direct overall military advantage anticipated.”¹⁰

Article 6 of the Convention on the Rights of the Child states every child has a right to live and it is responsibility of the Government to ensure that children survive and develop healthily. The Convention on Biological Diversity (CBD) upholds the cultural rights of indigenous peoples in the sustainable management of biological diversity present in their communities, and promotes their participation in decision making to ensure equitable sharing of the benefits arising from the utilization of their knowledge and sustainable use of their natural resources. ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries (1989) sets standards for safeguarding land rights of indigenous and tribal peoples. It requires direct participation of indigenous peoples in formulating development plans, as well as in setting up environmental impact studies that may affect them. In addition, the Convention recognizes indigenous peoples’ ownership rights to their land, including “the right to participate in the use, management and conservation of these resources.”¹¹ Equally important, the Convention makes provisions to protect indigenous peoples from unlawful acts that would dispossess them of their lands, as well as to guarantee their right to access to justice, including remedial procedures.

Debates and Challenges

In the present context, the most serious challenge before world is face the climate change against environment sustainability. It is imperative for UNICEF to protect the world’s most susceptible children. Around the world, there are children who are already becoming victims of this climate change though children are not responsible for rampant climate change but they can’t protect themselves for such violations and they are victims of its outcome. The climate change hampers the rights of children is way that, no water access, rampant increase of malnutrition due to deficiency, more desertification and floods, increased incidence and spreading of serious disease, and tremendous climate disparities. Heat waves, predicted to become more frequent and intense, affect infants and children most, as they are less able to regulate body heat.

Another challenge is that, numerous children in developing countries still live devoid of clean and safe lighting and electricity in their homes, schools and clinics. Investments in sustainable energy to promote children can bring gigantic gains to achieve climate goals and progress children’s rights. For Examples introduction and application of low-carbon sustainable development that directly helped children’s lives including fuel-efficient cooking stoves, renewable energy in school, solar-powered refrigerators and computer kiosks. Low-carbon development is very essential and necessary for the

future of children and can surface a path to long-term sustainable development without increasing productions. Low carbon investments can become an advantage the most disadvantaged children and produce a win-win result for children and the climate. Therefore, it can be concluded that, it is not only responsibility of the state but individuals as well to work towards individuals, families, guardians etc. to create and to keep alive a world with sustainability of resources for future children and their future generations, who will save themselves from the impact of climate change and environmental degradation. As human being, Children are entitled to have human rights with dignity and respect. The future of any developed or developing or under-developing nations is based on their strength and growth of children of their nations. Children have a right to raise their voices on issues concerning their environment and their future, and to be taken seriously. Children must be allowed to participate in political debates and decisions at the local, national and international levels. In many countries, Children ask their peers about how children's rights are implemented in their life world and present their results to the public and responsible governments.¹²

(End notes)

- 1 *Teaching Associate, Ph.D. Research Scholar, Department of Law, Savitirbai Phule Pune University
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