

***INTERNATIONAL PROTECTION OF CHILDREN:
A LEGAL ANALYSIS***

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ABSTRACT

Unlike the legal traditions of the East, the recognition of children's evolving capacity and independent entitlements and protection for their special and vulnerable position began to inform the legal frameworks of the West only in the last century or so. While international law took note of the rights of children in the 1920's, the topic has drawn increasing attention in the post-Second world war period. In a context of increasing recognition of the vulnerabilities of varied segments of population-refugees, civilians caught up in armed conflicts, colonized peoples, women, ethnic and religious minorities, etc.-under the UN system, the question of children's protection in varied circumstances gained traction as an important community interest. As a corollary to this, an impressive range of international norms that define the rights of, and offer protection for, children has become part of the global human rights discourse.

The Convention on the Rights of the Child (CRC) and its Optional Protocols, as well as the institutional mechanism of Committee on the Rights of the Child, is the fulcrum around which the rights of the child is discussed and debated at the inter-State level today. Even domestically, these norms constitute the backdrop against which the interpretation and application of national laws on children take shape. The Committee is empowered to interpret the implementation obligations of States under the Convention and also to consider the Report of the States Parties about the performance of their obligations, often helping to illuminate the gap between State intent and actual practice. India's recent report under the CRC framework offers a useful case study in this context. The concluding section contains some reflections on the role of national institutional mechanisms in the effective realization of the rights of worlds' children.

Key words: *international law, human rights instruments, rights of the child, Committee on CRC, Optional Protocols, State Parties, national implementation, India*

A. INTRODUCTION

For long, national legal systems in the western world did not specifically recognize the individual identity and personal status of children and they were merely treated as economic chattels and the courts did not interfere within the 'domain' of the family on questions involving the treatment of children, leading to tolerance of the worst forms of physical abuse.¹ On the contrary, it is interesting to note that the idea that children are capable of possessing rights and entitlements has a longer tradition in some of the non-western traditions, most notably in the Islamic legal tradition. It prescribes a range of principles to circumscribe parental authority over children's rights and to impose positive duties for their welfare. Consider, for instance, the Islamic Law requirements of obtaining the child's consent for marriage, the concept of an 'option of puberty' by a person who has come of age to reject the decision taken by adult guardians, the rights of children to maintenance, to custody to shelter and a fixed share of inheritance, etc.²

Over a period of time, however, social attitudes began to change in the west, especially by the end of the 19th century. And there was increasing legal recognition of the needs and requirements of children as members of the larger human family. To navigate the contingent circumstances of family, community and the state in their everyday lives, laws began to acknowledge the special and vulnerable position of children. The legal reforms focussed on the vulnerable situations and the provision of adequate safeguards.³

This Article seeks to reflect upon the rights and other protective entitlements of the child under international law against the backdrop of the functional, institutional oversight mechanisms and the larger reality of State Practice. It provides a broad overview of the main trajectory of international legal developments addressing issues pertaining to the protection of children in the varied circumstances and complex contingencies of modern life in diverse societies. Apart from an overview of the international legal framework for the protection of children evolved through various institutional processes over the years and the substantive rights and entitlements

¹ Vasanthi Raman (2000), "Politics of Childhood: Perspectives from the South", *Economic and Political Weekly*, 46: 4055-64, November 11, 2000. See also Goonesekere, S. *Children, Law and Justice: A South Asian Perspective*, New Delhi: Sage (1997).

² Ibid. Article 20 of the Convention on the Rights of the Child expressly refers to Islamic Law and recognizes the institution of foster care under it:

"1. A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.

2. States Parties shall in accordance with their national laws ensure alternative care for such a child.

3. Such care could include, inter alia, foster placement, *kafalah* of Islamic law, adoption or if necessary placement in suitable institutions for the care of children. When considering solutions, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background." See Kamran Hashmi (2007); see also Safir Syed (1998).

³ Van Bueren, *The International Law on the Rights of the Child*, Dordrecht: Martinus Nijhoff (1995).

enshrined therein, the essay also touches upon the implementation obligations and the institutional oversight mechanism and processes that sustain the vitality of the normative framework. The working of the international normative principles on the protection of children in actual State Practice is sought to be illustrated with special reference to the case of India. The final section contains some reflections on the effective realization of children's rights at the national level.

B. CHILDREN'S RIGHTS AS HUMAN RIGHTS

Only in the last century or so, the framework of international law has expanded exponentially by way of absorbing the insights emerging from the collective and shared wisdom of humanity to address a host of transnational concerns, including the question of human rights.⁴ By surveying the trajectory of international legal developments and also the regional initiatives to address varied situations impacting upon the freedoms of children in their everyday lives and also in extraordinary contexts, one can sketch the main features of the evolving child rights regime and its institutional processes, in the inter-state system.⁵

In the post-second world war period, with the establishment of the UN system- including the founding of the UNICEF and other specialized agencies-, the protection of fundamental rights and the promotion of basic human freedoms in the varied settings of social life got firmly entrenched as an agenda issue and global priority. The issue of children's protection through the rights-based, specialized, international legal framework can be seen in the backdrop of these developments, including the Universal Declaration of Human Rights (UDHR) adopted by the UN General Assembly in 1948.⁶ Thus, contemporary International Law recognizes the inherent dignity and the equal and inalienable rights of all members of the human family, including children. With the growth and progress of the transnational human rights movement in the last century, rights of the child began to be embedded in, and recognized under diverse areas/ sub-disciplines of international law, such as International Human Rights Law, International Refugee Law-International Humanitarian Law, International Labour Law, International Criminal Law, etc.⁷

International human rights law instruments such as UDHR, the International Covenant on Civil and Political Rights (ICCPR), International Covenant on Economic, Social and Cultural Rights, Convention on the Elimination of all forms of Discrimination Against Women, European

⁴For a review of major international legal developments, see James Crawford, *Brownlie's Principles of Public International Law*, 8th edn (Oxford University Press, 2012); Jan Klabbers, *International Law*, (Cambridge University Press, 2013).

⁵ For a brief survey of UN system-wide activities for the promotion and protection of children's rights in recent times, see Rights of the Child, UNGA A/RES/68/147/18 December 2013.

⁶ For a text of the UDHR, see the link: <http://www.un.org/en/documents/udhr/> (Last accessed on August 04, 2014).

⁷The phenomenal increase in the number of UN Declarations and other Resolutions on questions of human rights in the post-Second World War period has been the subject of many useful legal studies. See Henry Steiner and Philip Alston, *International Human Rights in Context: Law, Politics, Morals*, (Oxford University Press, 2008). See also Evarist Baimu, "Children, International Protection", in Rudiger Wolfrum (ed.), *Max Planck Encyclopaedia of Public International Law*, Vol. II, pp. 138-145, (Oxford University Press, 2012).

Charter of Human Rights, African Charter of Human and Peoples' Rights, the Disability Rights Convention, etc. contain many provisions that refer to the rights of the children- entitlements, safeguards, and also as members of a family unit. The child has the status as a subject of rights and as a human being with dignity and with evolving capacities. For instance, UDHR states: "(m)otherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection".⁸

International Law acknowledges the physical, emotional and mental immaturity of children. It recognizes that children's special and dependent status may create real difficulties for them in pursuing remedies for violations of their rights and hence endorses the creation of special and differential procedures to address their concerns as 'minors'. The purpose of legal interventions vis-à-vis children is to ensure their healthy and normal physical, mental, moral, spiritual, and social development "in conditions of freedom and dignity". ICCPR states: "Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State".⁹

Under international humanitarian law, in addition to the general protection available as members of the civilian population or non-combatants, children are protected from recruitment and participation in hostilities. Considering their special needs and vulnerabilities, several benefits are legally prescribed for children and specific obligations in this regard are imposed on belligerents, under the four Geneva Conventions of 1949 and the Additional Protocols of 1977.¹⁰ Likewise, under the Rome Statute of the International Criminal Court, adopted on 17 July 1998, conscripting, enlisting, and using children under 15 in hostilities is a war crime and the offenders are individually accountable for such international crimes against children.¹¹ In the last decade, landmark decisions have been handed down by the Special Court for Sierra Leone and also the International Criminal Court, convicting the accused and sentencing them for various international crimes perpetrated against children, for example, enlisting children into armed forces.¹²

C. INTERNATIONAL PROTECTION FRAMEWORK

⁸ See Art. 25(2) of the UDHR.

⁹ See Art. 24.

¹⁰ Roberta Arnold, "Children and Armed Conflict", in Rudiger Wolfrum (ed.), *Max Planck Encyclopaedia of Public International Law*, Vol. II, pp. 128-138, (Oxford University Press, 2012). See also Evarist Baimu, "Children, International Protection", in Rudiger Wolfrum (ed.), *Max Planck Encyclopaedia of Public International Law*, Vol. II, pp. 138-145, London: Oxford University Press (2012); Peter McEleavy, "Child Abduction", in Rudiger Wolfrum (ed.), *Max Planck Encyclopaedia of Public International Law*, Vol. II, pp. 121-127, London: Oxford University Press (2012).

¹¹ See Art. 8(2)(b)(xxiv) of the Rome Statute. For a text of the Statute, see the link: http://www.icc-cpi.int/nr/rdonlyres/ea9aeff7-5752-4f84-be94-0a655eb30e16/0/rome_statute_english.pdf (Last accessed on August 04, 2014).

¹² *Prosecutor v. Alex Tamba Brima, Brima Bazzy Kamara and Santigie Borbor Kanu (Appeals Chamber Judgement)*, SCSL-2004-16-A (22 February 2008).

Even as diverse terrains of international law have developed principles protective of children's rights, much of the public attention is focussed on treaty-based sources of international law. In recent decades, specific international legal instruments for the protection of the rights of children have been evolved at global and regional levels. The Tables (I & II) in the Annexure provide a graphic portrait of the various major legal instruments drawn up under diverse institutional mechanisms and processes at work, including the UN. These international declarations and regional initiatives seek to address the diverse circumstances of the world's children, often clarifying the underlying ambiguities through a clear exposition of the substantive principles as well as providing institutional mechanisms to sustain the programmes and policies at the national level.

I. Convention on the Rights of the Child

With 194 signatory States¹³, the Convention on the Rights of the Child (CRC) is one among the most widely ratified of all international legal instruments.¹⁴ It is indeed the most widely-ratified UN human rights instrument as well.¹⁵ As the CRC completes quarter of a century of its existence, it is worth noting that it has also established, in its wake, Three Optional Protocols- on Sex Trafficking, on Child Soldiers, and the Communications Procedure respectively.¹⁶ These Optional Protocols have also elicited widespread international endorsement. With its exclusive focus on issues pertaining to children, the CRC and its Protocols are in a unique position in enshrining the rights of children. The first two Optional Protocols, which were originally declared open for signature in the year 2000, have both been ratified by over 125 states and the third Optional Protocol, which was unveiled only in the year 2012 has just entered into force, having attracted the requisite number of ratifications for the purpose.¹⁷ If one looks at the ratification record of major international legal instruments pertaining to children's issues, there is little doubt that world public opinion is firmly in favour of the recognition of children's rights.

¹³ For the ratification record of the CRC, see the link (Last accessed on August 04, 2014): https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11&chapter=4&lang=en

¹⁴ For a list of multilateral treaties close to achieving universal participation, see the link (Last accessed on August 04, 2014): https://treaties.un.org/doc/source/events/2014/Treaties/list_global_english.pdf

¹⁵ Ibid.

¹⁶ *Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography*, G.A. Res. 54/263, Annex II, 54 U.N. GAOR Supp. (No. 49) at 6, U.N. Doc. A/54/49, Vol. III (2000), entered into force January 18, 2002; *Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts*, G.A. Res. 54/263, Annex I, 54 U.N. GAOR Supp. (No. 49) at 7, U.N. Doc. A/54/49, Vol. III (2000), entered into force February 12, 2002; *Optional Protocol to the Convention on the Rights of the Child on a communications procedure*, G.A. Res. 66/138, U.N. Doc. A/RES/66/138 (2012), available at: <https://treaties.un.org/doc/source/signature/2012/a-res-66-138-english.pdf>, entered into force April 14, 2014.

¹⁷ See [General Assembly resolution 66/138 of 19 December 2011](#) (Optional Protocol to the Convention on the Rights of the Child on a communications procedure); For the ratification record, see the link: https://treaties.un.org/pages/ShowMTDsgDetails.aspx?src=UNTSO&tabid=2&mtdsg_no=IV-11-d&chapter=4&lang=en#Participants (Accessed on August 05, 2014).

Prior to the commencement of the CRC,¹⁸ international community had already seen two major Declarations on the Rights of the Child: both in 1924¹⁹ and also in 1959²⁰; during the days of the League of Nations and after the establishment of the UN. Beyond the elucidation of general principles, the Convention of 1989 provided a legally-binding, international agreement, describing in detail, the general obligations of State parties and also the specific rights of children. Article 1 of the CRC holds that for the purposes of the Convention, a child is 'every human being below the age of eighteen years unless, under the law applicable to the child, majority is attained earlier'.²¹

The Convention recognizes the rights pertaining to civil status of a child. In other words, under International law, a child is entitled to a name and to acquire a nationality.²² He/she is also entitled to preserve his/her identity and cannot be separated from the parents against the child's will.²³ As Van Bueren notes, the Convention is also significant because it enshrines "for the first

¹⁸ CRC was adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 on November 20, 1989 and entered into force on September 2, 1990.

¹⁹ Geneva Declaration of the Rights of the Child of 1924, *adopted* Sept. 26, 1924, League of Nations O.J. Spec. Supp. 21, at 43 (1924). For an online version of the official text, see the link (Last visited on August 04, 2014): <http://www1.umn.edu/humanrts/instreet/childrights.html>.

²⁰ Declaration of the Rights of the Child, G.A. res. 1386 (XIV), 14 U.N. GAOR Supp. (No. 16) at 19, U.N. Doc. A/4354 (1959).

²¹ The CRC has a Preamble and 54 Articles in Three different Parts, describing the substantive rights of children, international implementation rules and the articles pertaining to ratification and entry into force of the Convention. For a text of the CRC, see the link: <https://treaties.un.org/doc/Publication/UNTS/Volume%201577/v1577.pdf> (Last accessed on August 05, 2014).

²² Article 7 of the CRC states:

1. The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents.
2. States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.

²³ Article 9 of the CRC states:

1. States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents, or one where the parents are living separately and a decision must be made as to the child's place of residence.
2. In any proceedings pursuant to paragraph 1 of the present article, all interested parties shall be given an opportunity to participate in the proceedings and make their views known.
3. States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests.
4. Where such separation results from any action initiated by a State Party, such as the detention, imprisonment, exile, deportation or death (including death arising from any cause while the person is in the custody of the State) of one or both parents or of the child, that State Party shall, upon request, provide the parents, the child or, if appropriate, another member of the family with the essential information concerning the whereabouts of the absent member(s) of the family unless the provision of the information would be detrimental to the well-being of the child. States Parties shall further ensure that the submission of such a request shall of itself entail no adverse consequences for the person(s) concerned.

time in binding international law, the principles upon which adoption is based viewed from the child's perspective".²⁴ Many of the rights that are generically available to adults are also extended to children: freedom of expression, thought, conscience, the right to follow one's religion and practice one's culture.²⁵ Other generic rights available to children include the right to privacy and the right to freedom from torture.²⁶

A host of other economic, social and cultural rights recognized under international law are also available for children. These include the right to adequate nutrition, housing, recreation and medical services, right to education, to protection against neglect, cruelty and exploitation, trafficking, underage labour, and discrimination. The right to a fair trial and the right to be heard in proceedings that affect them is also an important right. Vulnerable groups of children, such as refugees and the physically disabled, are entitled to "special treatment, education and care".²⁷

The CRC is generally seen as having come up with a unique idea of giving legal recognition to the "participation rights" of children in all matters affecting their welfare. In this context, Article 12 assures "to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child". Likewise, Article 13 confers the right to freedom of expression which is stated to include "the freedom to seek, receive and impart information and ideas of all kinds regardless of frontiers...and that the exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary for the respect of others and for the protection of national security or public order".

²⁴ See Van Bueren, *The International Law on the Rights of the Child*, Dordrecht: Martinus Nijhoff (1995).

²⁵ Article 14 of the CRC states:

1. States Parties shall respect the right of the child to freedom of thought, conscience and religion.
2. States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.
3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.

²⁶ Article 16 of the CRC states:

1. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, or correspondence, nor to unlawful attacks on his or her honour and reputation.
2. The child has the right to the protection of the law against such interference or attacks.

²⁷ Article 23 of the CRC states: 1. States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community.

2. States Parties recognize the right of the disabled child to special care and shall encourage and ensure the extension, subject to available resources, to the eligible child and those responsible for his or her care, of assistance for which application is made and which is appropriate to the child's condition and to the circumstances of the parents or others caring for the child.

II. Optional Protocols to the CRC

As of 2014, the CRC has three Optional Protocols to it. These Protocols supplements the Convention on the Rights of the Child and elaborates on its provisions on the respective themes addressed within. It may be noted that though the Optional Protocols operate under CRC, they are independent multilateral agreements under international law.²⁸

The Optional Protocol on the sale of children, child prostitution and child pornography, adopted in the year 2000 has already attracted 167 ratifications.²⁹ It may be noted that some of the CRC provisions offer broad protections against child trafficking, sexual exploitation and abuse.³⁰ The Protocol defines and prohibits the sale of children, child prostitution and child pornography.³¹ It provides a framework for the protection of, and assistance to, the victimised children in the criminal justice process, including procedures for seeking compensation for damages from those legally responsible for the crimes.³² It further enhances the bases for State Parties to assert their jurisdiction over actionable practices and strengthen their ability to pursue the extradition of offenders.³³

²⁸ See Article 13 of the Optional Protocol on the Sale of Children and Article 9 of the Optional Protocol on Children in Armed Conflict

²⁹ For the ratification record of the Optional Protocol, see the link(Accessed on August 05, 2014): https://treaties.un.org/pages/ShowMTDSGDetails.aspx?src=UNTSOONLINE&tabid=2&mtdsg_no=IV-11-c&chapter=4&lang=en#Participants

³⁰ Article 34 of the CRC states: "States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

- (a) The inducement or coercion of a child to engage in any unlawful sexual activity;
- (b) The exploitative use of children in prostitution or other unlawful sexual practices;
- (c) The exploitative use of children in pornographic and materials."

Likewise, Article 35 of the CRC states: "States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of, or traffic in children for any purpose or in any form."

³¹ Article 2 of the Optional Protocol states: "For the purposes of the present Protocol:

- (a) Sale of children means any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration;
- (b) Child prostitution means the use of a child in sexual activities for remuneration or any other form of consideration;
- (c) Child pornography means any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes.

³² Article 9(4) of the Optional Protocol states: "States Parties shall ensure that all child victims of the offences described in the present Protocol have access to adequate procedures to seek, without discrimination, compensation for damages from those legally responsible."

³³ Article 6 of the Optional Protocol states:

- "1. States Parties shall afford one another the greatest measure of assistance in connection with investigations or criminal or extradition proceedings brought in respect of the offences set forth in article 3, paragraph 1, including assistance in obtaining evidence at their disposal necessary for the proceedings.
2. States Parties shall carry out their obligations under paragraph 1 of the present article in conformity with any treaties or other arrangements on mutual legal assistance that may exist between them. In the absence of such treaties or arrangements, States Parties shall afford one another assistance in accordance with their domestic law."

The second Optional Protocol of 2000 pertains to the involvement of children in armed conflicts and has attracted 156 ratifications so far.³⁴ Considering the harmful impact of armed conflicts on children, International Law condemns the selective targeting of children in conflict situations.³⁵ The Geneva Conventions of 1949 that codify the customary international humanitarian law principles on the protection of non-combatants and other civilians are also applicable to the vulnerable group of children and women. It criminalizes child recruitment for warfare and also defines important terminologies such as “conscription”, “enlistment” and “use” and also evolved the new legal doctrine of individual culpability through joint criminal enterprise for indulging in the aforesaid offences. A host of legal developments during the same decade, including the Rome Statute of ICC³⁶ and the Statute of the Special Court for Sierra Leone and their respective, subsequent jurisprudences helped to clarify the legal position that conscription and enlistment and using of children to take an active part in hostilities are violations of the customary international law principles and norms constituting war crimes.³⁷

In 2011, the UNGA adopted the third Optional Protocol to the CRC, establishing a communications procedure.³⁸ The new Optional Protocol allows for individual complaints on violations of the rights of the child, including by the children themselves. It is an important tool to reinforce the established child protection systems. For the Committee on the Rights of the Child, receiving and examining individual complaints from children will be a new way of looking into the implementation of children’s rights in practice and there is little doubt that it will shed new light on the interpretation of their rights. The possibility under the Optional Protocol to undertake country visits where there are allegations of systematic and recurrent violations of children’s rights will further expand options for accountability. With the entry into force of the

³⁴ For the ratification record of the Optional Protocol, see the link (last visited on August 04, 2014): https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11-b&chapter=4&lang=en

³⁵ Article 38 of the CRC stipulates that:

1. States Parties undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child.
2. States Parties shall take all feasible measures to ensure that persons who have not attained the age of 15 years do not take a direct part in hostilities.
3. States Parties shall refrain from recruiting any person who has not attained the age of 15 years into their armed forces. In recruiting among those persons who have attained the age of 15 years but who have not attained the age of 18 years, States Parties shall endeavour to give priority to those who are oldest.
4. In accordance with their obligations under international humanitarian law to protect the civilian population in armed conflicts, States Parties shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict.

³⁶ For a text of the Statute, see the link: <http://legal.un.org/icc/statute/romefra.htm> (last visited on August 04, 2014).

³⁷ Roberta Arnold, “Children and Armed Conflict”, in Rudiger Wolfrum (ed.), *Max Planck Encyclopaedia of Public International Law*, Vol. II, pp. 128-138, London: Oxford University Press (2012).

³⁸ *Optional Protocol to the Convention on the Rights of the Child on a communications procedure*, G.A. Res. 66/138, U.N. Doc. A/RES/66/138 (2012), available at: <https://treaties.un.org/doc/source/signature/2012/a-res-66-138-english.pdf>, entered into force April 14, 2014.

Protocol in April 2014, it is hoped that children will be empowered to have access to international human rights bodies.³⁹

D. IMPLEMENTATION OBLIGATIONS

I. Role of the Committee on the Rights of the Child

a. Examining Reports of States Parties⁴⁰

As the treaty body of domain experts established under the Convention, the Committee on the Rights of the Child forms the vital institutional mechanism for interpreting and clarifying the nature of legal obligations of States Parties.⁴¹ The Committee receives periodic reports from State

³⁹For an overview of the international human rights bodies, see the link (last visited on August 04, 2014): <http://www.ohchr.org/en/hrbodies/Pages/HumanRightsBodies.aspx>

⁴⁰The term “States Parties” refers to countries that have ratified or acceded to the Convention.

⁴¹Article 43 of the CRC provides for the Committee:

1. For the purpose of examining the progress made by States Parties in achieving the realization of the obligations undertaken in the present Convention, there shall be established a Committee on the Rights of the Child, which shall carry out the functions hereinafter provided.
2. The Committee shall consist of eighteen experts of high moral standing and recognized competence in the field covered by this Convention. The members of the Committee shall be elected by States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution, as well as to the principal legal systems.
3. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals.
4. The initial election to the Committee shall be held no later than six months after the date of the entry into force of the present Convention and thereafter every second year. At least four months before the date of each election, the Secretary-General of the United Nations shall address a letter to States Parties inviting them to submit their nominations within two months. The Secretary-General shall subsequently prepare a list in alphabetical order of all persons thus nominated, indicating States Parties which have nominated them, and shall submit it to the States Parties to the present Convention.
5. The elections shall be held at meetings of States Parties convened by the Secretary-General at United Nations Headquarters. At those meetings, for which two thirds of States Parties shall constitute a quorum, the persons elected to the Committee shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.
6. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if renominated. The term of five of the members elected at the first election shall expire at the end of two years; immediately after the first election, the names of these five members shall be chosen by lot by the Chairman of the meeting.
7. If a member of the Committee dies or resigns or declares that for any other cause he or she can no longer perform the duties of the Committee, the State Party which nominated the member shall appoint another expert from among its nationals to serve for the remainder of the term, subject to the approval of the Committee.
8. The Committee shall establish its own rules of procedure.
9. The Committee shall elect its officers for a period of two years.
10. The meetings of the Committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Committee. The Committee shall normally meet annually. The duration of the meetings of the Committee shall be determined, and reviewed, if necessary, by a meeting of the States Parties to the present Convention, subject to the approval of the General Assembly.

Parties, informing it about the progress in the implementation of the Convention and the legal and administrative measures taken in furtherance of the related legal obligations. The Committee examines the Report and records its suggestions and recommendations for further actions by the State Party that submitted the Report. In assessing the situation of children in the State in question, the Committee often holds pre-sessional discussions with international organizations and other NGOs working on the ground. In short, the consideration of Reports submitted by the State Parties on national implementation forms the primary responsibility of the Committee.⁴²

b. General Comments

Based on the experience of working with States Parties and examining their country reports over the years, the Committee issues General Comments. The aim of the recommendatory guidelines is to provide State Parties with an authoritative interpretation of the rights contained in the articles and provisions of the Convention and its Optional Protocols. The Comments contain guidance with respect to particular issues and assist States in understanding how to fulfil their international obligations under the respective treaty. The Committee has so far issued 17 General Comments over the years, including four in 2013.⁴³

c. Individual Communications

The Third Optional Protocol to the CRC on a Communications Procedure entered into force⁴⁴ on 14 April 2014, having gained the required number of ratifications for the Protocol and the

11. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention.

12. With the approval of the General Assembly, the members of the Committee established under the present Convention shall receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide.

⁴²Explaining the work of the Committee at the 68th Session of the UNGA, Ms. Kirsten Sandberg, Chairperson of the Committee on the Rights of the Child, stated on 16 October 2013:

“Through our work of examining reports from States parties we see some encouraging improvements in governments’ awareness of children’s rights and their willingness to implement them. There are many good efforts and results, not only in areas like health and education, but also with regard to child participation. However, the variations are great and there are some disturbing developments. Violence is still widespread – in the family, in schools, in institutions, as is sexual and other forms of exploitation. There are disparities between rural and urban areas and inequalities affecting children in poverty and other vulnerable situations. We see discrimination of children with disabilities, girls, children of ethnic minorities, and large scale unnecessary placement of children in institutions, as well as unaddressed issues in juvenile justice. And, as we know, in times of conflict and crisis children are the ones worse off. It is all the more important to strengthen children’s individual rights.” Available at (Accessed on August 06, 2014): <https://papersmart.unmeetings.org/media2/433331/statement-by-chair-committee-on-the-rights-of-the-child-item-65.pdf>

⁴³See for instance, the recent work of the Committee: General comment No. 14 (2013) *on the right of the child to have his or her best interests taken as a primary consideration* (art. 3, para. 1); General comment No. 15 (2013) *on the right of the child to the enjoyment of the highest attainable standard of health* (art. 24); General comment No. 16 (2013) *on State obligations regarding the impact of the business sector on children’s rights*; General comment No. 17 (2013) *on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts* (art. 31). All documents are available at (Accessed on August 06, 2014): http://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=5&DocTypeID=11

⁴⁴See the link (Last accessed on August 04, 2014): https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11-d&chapter=4&lang=en

period of time stipulated in accordance with article 19(1) which reads as follows: "The present Protocol shall enter into force three months after the deposit of the tenth instrument of ratification or accession.". As the Chairperson of the Committee on the Rights of the Child recently noted, the Committee now enters a new stage of progress, with the possibility for commenting on communications and complaints likely to be received from children and other NGOs on various complexities involved in the working of treaty rights and obligations.⁴⁵In this context, for the exercise of its powers under the Communications procedure, the Committee may be expected to build on the existing framework of practices and methods and innovations existing under, and available with, the other UN Treaty Bodies and other institutional mechanisms.⁴⁶

II. Role of the States Parties

Beyond ratifying the CRC, the States Parties have an important role and primary obligation in the implementation and application of children's rights. There is a legal expectation that the State Parties shall take all appropriate legislative, policy, administrative and other measures for the implementation of the obligations vis-à-vis child rights, assumed under the Convention.⁴⁷ State Parties are to adopt a holistic approach in enforcing the legal obligations which would require the mobilization of adequate financial and other administrative resources. The provisioning of right to food, health and nutrition, education for all in a State would require imaginative policies that will impact upon deep structures of the economy and polity. Hence, in recent years, social sector organizations and child right activists have shown greater attention to the analysis of national Budget estimates so as to identify and understand where issues most relevant for children's welfare figure in the governmental priorities.⁴⁸

There are four general principles which have been identified and endorsed by the Committee on the Rights of the Child in the implementation of the child rights within the respective national jurisdictions of all States. These principles are recommended to be adhered to, by the national authorities in drafting welfare legislations and other State policies, and also in decision making by

⁴⁵See note 42.

⁴⁶Presently, individual communication procedures or individual complaint mechanisms are available under eight international human rights treaties. These treaties include the International Covenant on Civil and Political Rights, the Convention against Torture, the International Convention on the Elimination of Racial Discrimination and the Convention on the Elimination of All Forms of Discrimination against Women. For details, see the link <http://www.ohchr.org/EN/HRBodies/TBPetitions/Pages/HRTBPetitions.aspx#individualcomm>(Last Accessed on August 06, 2014).

⁴⁷Article 4 of the Convention states: "States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation".

⁴⁸For a critique of government of India's Budget 2014-15 from the viewpoint of allocations for children, see the link: http://www.haqcrc.org/sites/default/files/budget-for-children-2014-15_0.pdf (Accessed on August 05, 2014).

executive authorities and also, in judicial proceedings, especially when the child's rights may conflict with the prerogatives of the parents and/or guardians or with those of the State.⁴⁹The principles are the following:

- i) Non-discrimination⁵⁰
- ii) The best interests of the child⁵¹
- iii) The right to life, survival and development⁵² ; and
- iv) Respect for the views of the child⁵³

⁴⁹ Part of the reason for the non-ratification of the CRC by the US is the concerns about the loss of national sovereignty or control vis-à-vis the determination of the best interests of the child. Extremist nationalists in the US feel that once ratified, the UN "could interfere in the private lives of families, particularly the rights of parents to educate or discipline their children". See Luisa Blanchfield, "The UN Convention on the Rights of the Child", (Congressional Research Service series: CRS Report for Congress, April 01, 2013) available at <http://fas.org/sgp/crs/misc/R40484.pdf>; see also Christopher J. Klicka, Esq. And William A. Estrada, *Special Report: The U.N. Convention on the Rights of the Child, The Most Dangerous Attack on Parent's Rights in the History of the United States*, Home School Legal Defense Association, November 1, 1999, updated March 2007.

⁵⁰ Article 2 of the CRC states:

1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.
2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

⁵¹ Article 3 of the CRC states:

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.
2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.
3. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

⁵² Article 6 of the CRC states:

1. States Parties recognize that every child has the inherent right to life.
2. States Parties shall ensure to the maximum extent possible the survival and development of the child.

⁵³ Article 12 of the CRC states: 1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

III. India's Record : Law and Practice

Long before the adoption of the CRC in 1989, India made a sublime constitutional commitment to protect children and improve their life in larger freedom. There are several provisions under the Constitution of India that address the issues most relevant to children, including the severe curtailment of socio-economic practices that adversely impact upon them. Thus, Article 24 provides that no child below the age of 14 years shall be employed to work in any factory or mine or engaged in any other hazardous employment. Article 23 prohibits the trafficking of human beings and forced labour. Article 39(e) of the Constitution directs the State to ensure that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity, and that the childhood and youth are protected against exploitation and against moral and material abandonment. Article 47 imposes on the State the primary responsibility of ensuring that all the needs of children are met and that their basic rights are fully protected.⁵⁴

India became a State Party to the CRC soon after its adoption. India acceded to the Convention on the Rights of the Child on 11 December 1992. At the time of its accession to the Convention, India also made the following Declaration:

"While fully subscribing to the objectives and purposes of the Convention, realising that certain of the rights of child, namely those pertaining to the economic, social and cultural rights can only be progressively implemented in the developing countries, subject to the extent of available resources and within the framework of international co-operation; recognising that the child has to be protected from exploitation of all forms including economic exploitation; noting that for several reasons children of different ages do work in India; having prescribed minimum age for employment in hazardous occupations and in certain other areas; having made regulatory provisions regarding hours and conditions of employment; and being aware that it is not practical immediately to prescribe minimum age for admission to each and every area of employment in India - the Government of India undertakes to take measures to progressively implement the provisions of article 32, particularly paragraph 2 (a), in accordance with its national legislation and relevant international instruments to which it is a State Party".⁵⁵

This Declaration by India appears to be borne out by the complex situation of child labour in the country. The reluctance to be bound by the international obligations concerning the notification of minimum age for employment may be justified when it was made, given the economic conditions and social vulnerabilities of widespread deprivation in the country. However, in the two decades since the declaration was made, India has achieved tremendous progress in reducing the actual numbers of children at work through legislative initiatives and policy engagements. Given India's demonstrated commitment to children's rights, it is submitted that time has come for the nation to consider vacating this Declaration altogether from the Convention record.

⁵⁴See the Constitution of India at: <http://indiacode.nic.in/coiweb/welcome.html>(Last Accessed on August 07, 2014)

⁵⁵To view the Declaration of India to the Convention o the Rights of the Child, see the link (Last accessed on August 05, 2014): https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11&chapter=4&lang=en#EndDec

In recent years, India has become a part of a series of international agreements addressing the rights and protective entitlements of children in various transnational contexts or domestic circumstances—inter-country adoption, sexual assault on children, children caught up in armed conflicts, disabled children, trafficked-children, etc. For instance, in 2003, India ratified the Hague Convention for the Protection of Children and Cooperation for Inter-Country Adoption, 1993. Further, on 16 September 2005, India ratified the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. Likewise, on 30 November 2005, India ratified the Optional Protocol on the Rights of the Child on the involvement of children in armed conflict and it is in effect since 30 December 2005. In 2007, India ratified the Convention on the Rights of Persons with Disabilities⁵⁶, which has a number of specific provisions on children. India also acceded to the Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children as well as the Protocol against the Smuggling of Migrants by Land, Sea and Air, which supplement the Convention against Transnational Organized Crime, in May 2011.⁵⁷

Apart from these global agreements, India is also involved in regional initiatives to augment the rights and freedoms of vulnerable sections. For instance, India signed two SAARC Conventions in 2002, namely the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution⁵⁸ and the SAARC Convention on Regional Arrangements for the Promotion of Child Welfare in South Asia.⁵⁹

In the last decade alone, India has taken several legislative measures and administrative actions to give effect to the national legal obligations arising under the International Agreements that are designed to improve the conditions of children in the country. The Constitution now provides for free and compulsory education for children up to the age of fourteen. Right to Free and Compulsory Education Act, 2009, the Juvenile Justice (Care and Protection of Children) Act, 2000 and its 2006 Amendment, the Commission for Protection of Child Rights Act, 2005, the Prohibition of Child Marriage Act, 2006, the Protection of Children from Sexual Offences Act, 2012, etc., are some of the important legislations that improve and strengthen the administrative and regulatory framework to promote the interests and welfare of children, though concerns remain about the efficacy and political commitment to independent functioning of these

⁵⁶India signed the Disabilities Convention on 30-03-2007 and ratified it on 01-10-2007. For the ratification record of the Convention, see the link: <http://www.un.org/disabilities/countries.asp?navid=17&pid=166> (Accessed on August 06, 2014).

⁵⁷ See Committee on the Rights of the Child, "Concluding observations on the consolidated third and fourth periodic reports of India", CRC/C/IND/CO/3-4 (13 June 2014). For the ratification record of the Convention, see the link: <https://www.unodc.org/unodc/en/treaties/CTOC/signatures.html> (Accessed on August 06, 2014).

⁵⁸For a text of the legal instrument, see the link: <http://www.saarc-sec.org/userfiles/conv-trafficking.pdf> (Last accessed on August 05, 2014).

⁵⁹For a text of the legal instrument, see the link: <http://www.saarc-sec.org/userfiles/conv-children.pdf> (Last accessed on August 05, 2014).

statutory entities.⁶⁰ In the same period, India has also declared education free and compulsory for all of its children.⁶¹

India faces enormous challenges in translating its demographic advantage of having the largest number of children in the world. At 472 million and counting, nearly every fifth child in the world lives in India.⁶² While the country has achieved progress on many fronts, the full record of child survival, extent of malnutrition and under-development continues to paint a graphic picture of deprivation. Malnutrition and stunted growth is apparently the fate of over 40 per cent of its children. Despite the State's oft-stated objective of converting the substantial young population into a productive national asset, it is not borne out by the record of low budget outlays⁶³ and poor implementation record and administrative apathy. Although children constitute nearly Forty percent of the national population, the budget outlays seeking to improve their specific situation and special vulnerabilities are at less than six percent.⁶⁴

The recent legislative initiatives in India as well as the official policy statements are, however, reflective of both its domestic commitment and international obligations for the welfare of children. Given the huge diversity and numbers involved, the larger challenge is to ensure that the available resources are effectively deployed to transform the grim reality of widespread deprivation of children.⁶⁵ As the nation with a fifth of the world's children in its borders, India's record of progressive realization of children's rights against a backdrop of poverty and deprivation constitutes an impressive achievement. However, as India is a constitutional democracy with an international commitment to protect the rights of children, the relative disconnect between legal recognition of children's rights and their effective realization among the marginalized sections of the society, calls for new strategies and thoughtful implementation.

⁶⁰Swagata Raha & Archana Mehendale (2014), "Children's Commissions: A Case of State Apathy", *Economic and Political Weekly*, (59: 3), pp. 17-19, January 18, 2014.

⁶¹See *Consideration of Reports Submitted by States under Article 12(1) of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography*, INDIA, U.N. Doc. CRC/C/OPSC/IND/1 (7 MAY 2013).

⁶²Committee on the Rights of the Child, "Concluding observations on the consolidated third and fourth periodic reports of India", CRC/C/IND/CO/3-4 (13 June 2014)

⁶³See note 47

⁶⁴See note 47. Also see MoWCD (2013), "The National Policy for Children, 2013", Ministry of Women and Child Development, New Delhi: Government of India; Manzoor Ali (2013), "National Policy for Children 2013: High on Promises, Low on Budget", *Economic and Political Weekly*, (58: 52), pp. 22-24, December 28, 2013.

⁶⁵In June 2014, the Committee on the Rights of the Child completed its consideration of the combined third and fourth periodic report of India on its implementation of the provisions of the Convention on the Rights of the Child, and the initial reports of India on how the country is implementing the Optional Protocol to the Convention on children involved in armed conflict and the Optional Protocol on the sale of children, child prostitution and child pornography. See *Consideration of Reports Submitted by States under Article 12(1) of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography*, INDIA, U.N. Doc. CRC/C/OPSC/IND/1 (7 MAY 2013); *Consideration of Reports Submitted by States Parties under Article 8 of the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict*, India, U.N. Doc. CRC/C/OPAC/IND/1 (7 MAY 2013). See also *Official Statement of India at the Third Committee of the UNGA, 68th Session (2013) on Agenda Item 65: "Promotion and Protection of the Rights of Children"*, October 18, 2013, available at <https://papersmart.unmeetings.org/media2/702822/statement-by-india-item-65.pdf>

E. CONCLUSION

Children face varied challenges in different contexts and diverging conditions of the world. In many parts of the world, the right to health and nutrition face major challenges as there are unacceptable levels of poverty and deprivation of essential services. The very survival of children is at stake when tradition-bound societal practices condone female foeticide and infanticide. In December 2012, the UNGA passed a global resolution banning the practice and incidences of female genital mutilation as it adversely impact the health and safety of millions of women around the world, especially in Africa.⁶⁶

Across the developing world, conditions of poverty aggravate the disparities in access to essential resources in both rural and urban areas. Social inequalities adversely impact on children from marginalized sections- the discrimination against ethnic and religious minorities, refugees, disabled persons, girls and other vulnerable groups often take the form of exclusion from state spaces and other invidious neglect of development opportunities. Sexual and other exploitation of children are rampant in conflict zones of the world. Thousands of children are victims of exploitation and violence in several theatres of armed conflict around the globe. Beyond physical survival, children require real facilities to develop their talents and skills through real educational opportunities. Their participation in decisions affecting them and the right to be heard in proceedings, including in the realm of judicial matters require changes in the existing frameworks and entrenched attitudes so as to facilitate the rights in a meaningful manner.

The trajectory of legal frameworks addressing the varied questions of children's rights certainly indicates a global consensus on the significance of this segment as an important stakeholder and future custodians of the world. It is striking to note that indicators of their survival, protection and development are mostly problematic in the cases of developing countries, which do not possess the economic and other resources essential for meeting the needs of children. It may also be noted that even where resources are available, there can be under-utilization of potentialities as a consequence of ineffective and opaque governance structures where the focus on children's issues may receive low political priority in an otherwise crowded national agenda.

National development strategies ought to integrate equity-prioritising the vulnerable and the marginalized. The protection needs of diverse groups of children in varied settings require effective coordination and focussed attention on the most vulnerable. Beyond just enacting legislations, State Parties need to demonstrate sustained commitment to the larger cause of children's welfare by establishing dynamic institutional mechanisms that function through accountable and transparent processes and are genuinely responsive to the legal mandate and national commitments.

⁶⁶ UNWomen, "United Nations bans female genital mutilation", (Dec 20, 2012), available at: <http://www.unwomen.org/en/news/stories/2012/12/united-nations-bans-female-genital-mutilation/> (Last accessed on June 26, 2014).

ANNEXURE:

Table I: International Legal Instruments

| Sl. No | International Legal Instruments | Year | Institution |
|--------|--|------|-------------|
| 1. | Geneva Declaration of the Rights of the Child | 1924 | LoN |
| 2. | Declaration of the Rights of the Child | 1959 | UNGA |
| 3. | Minimum Age Convention | 1973 | ILO |
| 4. | Declaration on the Protection of Women and Children in Emergency and Armed Conflict | 1974 | UNGA |
| 5. | The Convention on Civil Aspects of International Child Abduction | 1980 | HCPPr.IL |
| 6. | UN Standard Minimum Rules for the Administration of Juvenile Justice | 1985 | UNGA |
| 7. | Convention on the Rights of the Child | 1989 | UNGA |
| 8. | Hague Convention on Protection of Children and Co-operation in Respect of Inter-country Adoption | 1993 | HCPPr.IL |
| 9. | Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour | 1999 | ILO |
| 10. | Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography | 2000 | UNGA |
| 11. | Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts | 2000 | UNGA |
| 12. | Optional Protocol to the Convention on the Rights of the Child on a communications procedure | 2012 | UNGA |

(LoN: League of Nations, UNGA: UN General Assembly, ILO: International Labour Organization, HCPPr.IL: Hague Conference on Private International Law)

Table II: Regional Initiatives and Instruments

| | | | |
|---|--|---------------|--------|
| 1 | The European Convention on the Recognition and Enforcement of Decisions in matters of Custody of Children and Restoration of the Custody of Children | 1980 | COE |
| 2 | The Inter-American Convention on Conflict of Laws concerning the Adoption of Minors | 1984 | OAS |
| 3 | The Inter-American Convention on the International Return of Children | 1989 | OAS |
| 4 | African Charter on the Rights and Welfare of Children | 1990 | OAU |
| 5 | Cape Town Annotated Principles and Best Practices on the Prevention of Recruitment of Children into the Armed Forces and Demobilization and Social Reintegration of Child Soldiers in Africa | April 1997 | UNICEF |
| 6 | Convention on Regional Arrangements for the Promotion of Child Welfare in South Asia | 2002 | SAARC |
| 7 | Convention on Preventing and Combating Trafficking in Women and Children for Prostitution | 2002 | SAARC |
| 8 | Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse | 2007 | COE |

(CoE: Council of Europe; SAARC: South Asian Association for Regional Cooperation, UNICEF: UN International Children's Emergency Fund; OAU: Organization for African Unity; OAS: Organization of American States)

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Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (ILO No. 182), 2133 U.N.T.S. 161, *entered into force* Nov. 19, 2000.

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