

Children's Rights and Women's Rights: Some connections and disconnections

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Devaki Jain describes some ground level situations, reviews and dialogues, around the issue of child rights and women's rights, and raises some questions on the frameworks, which are currently being used. She argues that women's rights and child rights are a theme that needs to be addressed together far more systematically.

HIV-AIDS, women's rights and child rights

At a conference I attended on orphans and AIDS held in South Africa in 1998 the major message of all the papers was that the traditional South African system of providing for destitutes was breaking down. The community's absorption capacity had been over extended and could not absorb the growing number of orphaned children. In response to the papers by child and child development experts Graca Machel, Scholastica Kirmayo from UNICEF, and myself as leaders of the women's movement, were similarly concerned about the whole approach to the issue. Why were these child experts and social workers only looking at handling the child after she or he was orphaned? What about the whole area of preventing the child from getting into that position? What about health services, education and most of all what about the women who gave birth to the child and died of HIV AIDS?

The three of us spelt out how women bore the brunt of community care and how that had major implications for the HIV-AIDS epidemic. We asked questions about how to empower women to say no to men who refuse to wear the condom. How can women organise themselves to be able to develop the self confidence and self strength to negotiate with their men safe sex. How to stop adolescent pregnancy. How to support the older women who are the ones actually absorbing all the rejected, abandoned, destitute individuals?

We argued that the conference had to move from its focus on the rehabilitation of an orphaned child to the strengthening of women's autonomy. The key was to generate sufficient self strength in women and sufficient negotiating spaces where they could successfully and effectively protect themselves from the infection. It is no use to talk about children without talking about their mothers and women in general from children, through adolescence, to old age and even death. The issue was how to bring agency (to use Amartya Sen's term) to woman? How to reverse patriarchy? How to ensure greater investment in health care, high quality health services, high quality counselling services, literacy and education and improve livelihoods for mothers and their children?

The conference responded with almost shock recognition of the critical links among women and children's rights. The women's movement has to be a partner in the child rights movement.

What was moving and impressive was that the majority of the participants who were social workers and nurses, recognised the need to link women and social issues to children's rights. Once the link was made they began to speak about the terrible situation of young girls and women. Of young girls who came for secret abortions to them, to families who hid the fact that they had AIDS in order not to be ostracized, which led to pregnancies and thereby orphans, of the need for support from social and political movements.

Children's political rights some questions

Emma Rothschild, based in Cambridge UK, paper in May 2000 raises some important questions around the political rights of children in the 21st century. She reflects on past historical discussions on women and child rights, suggesting that theoretically the questions of whether we extend rights to children is closely linked to earlier debates on women's rights. She proposes that currently children's political rights are the object of new public and practical interest as shown by the 190 signatories to the 1989 Convention on the Rights of the Child. But at the same time the political participation of children evokes profound questions. Since 1989 there has been a remarkable increase in political discussion of the interests and the wellbeing of children leading to substantial improvements in the lives of many children. But children have not themselves played an important part in the formation of these policies. They have been visible in politics, but they have not, in general, been listened to. The issue as Rothschild put it is whether we treat children as adults and how we define "child", differentiated from "adult-like" and who else we club together with the child as child like or children. Fundamentally do we see children as responsible and accountable for their actions? Can some one who can be 'made' to do something, who is under the control of someone else, be held responsible, accountable for his/her actions? And how can rights be given to anyone who cannot also hold responsibility for the assertion of those rights? The child is seen as needing care and needing to be represented by others on its behalf. Can a person who cannot take care of themselves, who cannot even define or understand what is good or bad for them, be given rights, and what kind of responsibility can they hold and how will they know what rights?

How are children's voices heard? The emergence of street children who are not only street smart, but who cope with life like adults, who wish to have rights like other workers brings up the issue of when rights need to be enlarged and given and when rights are basically not assertable by the person itself, but through proxy.

One of the most hotly debated current issues in India is whether working children should be treated like workers and given rights, so that they may have special benefits of security for workers or they should be eliminated from the labour force by having punitive laws for employers, as well as for parents who do not send their children to school, but to work. Should a child be given the rights of an adult when he simulates the adult or should efforts be made to keep the child in childhood, even though the socio cultural context in which he or she grows tends to see him as an adult.

That children have the capacity to perform adult roles and even enjoy it is brought out by an innovative programme in Karnataka, reported by an NGO called The Concerned for Working Children (CWC) in the villages where CWC works, hold Makkala Panchayats (children village councils). It is reported that they take more informed and correct decisions than the officially constituted "panchayats", elected local government bodies mandated by the Indian Constitution and its 73rd Amendment.

There is also the contested and highly visible phenomena of child soldiers. During the course of the work of the Graca Machel Committee The study group set up by the UN to study the impact on children of Armed Conflict 1997, the phenomena of child soldiers was reviewed. Often they are forcibly recruited but often they opt for it. Some see themselves as patriots. Some enter as there is no other 'bread line'. In countries like Liberia, Burundi these children are in limbo - should they be treated as adults and punished? Or should they be treated as children who are not responsible for their actions and therefore rehabilitated?

Women and child rights

Advocacy for women's reproductive rights cannot succeed unless it is allied with the movements for other Rights. We cannot separate the rights of women from the child. We also have to watch, that in the name of children's rights, one may be introducing concepts of making the family strong instead of empowering women.

It is troubling, for example, that in the Convention on Rights of the Child, there are many references to the family as the most important unit for the protection of children. Women's rights movement has fought hard to be clear about the potentially oppressive role of the family, and the same concern needs to be brought out in relation to child rights.

If one reads the convention on child rights along with a report on working children prepared by The Concerned for Working Children (CWC) group in Karnataka, who interviewed a large number of working children many who were asked who had injured them most, driven them to seek work said it was the family. A drunken father, a foodless household within the arena of poverty and crowded living and domestic violence.

Women need to have self autonomy, safety and be able to sustain their livelihoods if their children are to enjoy well being and affirm their rights. If women can express fully their right to self determination, there would be a greater chance for children to grow up with a sense of self confidence.

Child rights and women's rights have to be fought for together. Although women's movements fight for the rights for women and their children, the movement for child's rights has not necessarily reciprocated by proposing that the rights of the child need to be fought along with rights for women. Women are tended to be seen as mothers who need health care so that they could deliver safe babies, mothers who need to be kept "in order" to provide the infant care, but not as mothers who need to be seen as individuals with a right to affirm their particular place both in family structures and those structures outside the family. The mother-child perception is more like the cow-calf perception of the sustainers. Strategies for women's rights need to replace the maternal care approach if child rights are to be achieved. In addition the rights approach has to be supported by strong economic and social policies more public investment in social amenities, more jobs for the adults, a broad high quality health and education programme if children are to gain their rights.

References

1. Emma Rothschild: "Infinity of Girls: The Political Rights of Children in Historical Perspective, Centre for History and Economics, Cambridge University, May 2000.
2. Vasanthi Raman: "Politics of Childhood- Perspectives from the South", Economic and Political Weekly, November 11, 2000.
3. International Labour Report: "Child Labour- Targeting the intolerable", Report VI (1), International Labour Conference- 86th Session 1998.
4. M.P Joseph (edt): "IPEC in India- 1992-95: Looking Back", International Labour Organisation, International Programme on the elimination of Child Labour, New Delhi, 1996.
5. "Commitment to the Child", Report of Convention on the Rights of the Child, adopted by the General Assembly of the UN, November 20, 1989.
6. Devaki Jain: Report on Magadi Child Labour, sponsored by National Human Rights Commission, January, 1999.
7. Lukose Vallatharai: "Child Labour-Problems and issues".
8. Iftikhar Ahmed: "Getting rid of Child Labour", Economic and Political Weekly, July 3, 1999.
9. H.R. Saviprasad: "Crying for Attention", Deccan Herald, March 19, 2000.
10. Punyapriya Dasgupta: " Children are dying in Iraq", Deccan Herald, February 23, 2000.
11. Ganesh. N : "Child abuse stems from family- a study: vulgar talks, gestures also forms of abuse", Asian Age, March 1, 2000.

12. Dipak Basu : "Combating Child Labour", The Hindu, March 7, 2000.
13. "Campaign against Child Labour", Update, January 2000.
14. "The Girl child in India- fighting for survival", Women's Coalition for peace and Development 2000- 2001, advocacy initiatives for Development with Justice.
15. "Working Children's Report- India 1998", Facilitated and Compiled by the Concerned for Working Children.
16. "From your school to our school", A report Published by Education Guarantee Scheme, Rajiv Gandhi Shiksha Mission, Madhya Pradesh Government, 1999.
17. V.K. Borooah: " Do children in India benefit from Having Mothers who are literate?", This study is based on unit record data from 1993-94 Human Development Survey carried out by the National Council of Applied Economic Research, New Delhi, April, 2000.
18. P.N. Mari Bhat: "Demographic Transition, Family Size and Child Schooling", Prepared for the Programme of Research on Human Development of the National Council of Applied Economic Research, New Delhi, April, 2000.
19. P.N. Mari Bhatt: "Levels and Differentials in Maternal Mortality in Rural India new evidence from sisterhood data" Prepared for the Programme of Research on Human Development of the National Council of Applied Economic Research, New Delhi.
20. K. Vijayaraghavan; G.N.V. Brahman; B. Suryaprakasam; Kamala Krishnaswamy and A.Shariff : " Socio- Economic Factors and Nutritional Status of Pre-School Children and Adults at village level, Prepared for the Programme of Research on Human Development of the National Council of Applied Economic Research, New Delhi, April, 2000.

Paper Clippings:

1. "Four Special Schools for Child Labourers in Magadi Taluk", Deccan Herald, November 24, 2000.
2. "Action Plan to eradicate Child Labour", Deccan Herald, dated July 3, 2000.
3. "NGOs working on Country report on Child Labour", Deccan Herald, July 17, 2000.
4. "Rehabilitated Kids hold rally against child Labour", Deccan Herald, June 14, 2000.
5. "Government incentives help save the girl child- from the times when daughters were named 'radish' and 'dried-up', rural folk are slowly beginning to name them after goddesses", New Indian Express, March 16, 2000.
6. "NGOs to give a new 'disha' to deprived children", New Indian Express, March 16, 2000.
7. "A ray of hope for children rescued from Magadi's Silks Units", Indian Express, February 29, 2000.
8. "Out of the shadow of silk looms", Deccan Herald, March 13, 2000.
9. "Child labourers to start forum- Urge state to make education fundamental right", The Bangalore Age, February 12, 2000.
10. "Accord with ILO to extend child labour elimination Programme", the Hindu, February 18, 2000.
11. Rewarding Gender relations, redefining Politics: Nellore village women against arrack based on the report: Anveshi, Hyderabad, Economic and Political Weekly, January 16-23, 1993.
12. The leadership gap: a challenge to feminists - Presented at the VI National Conference of the Indian Association for Women's Studies.
13. Jain, Devaki Minds not Bodies, Expanding the notion of gender in development", Bradford Morse Memorial Lecture, UNDP, Beijing, September 5, 1995
14. "Nai Talim, Nai disha, Basic Education new directions" consultation organised by National Council of Rural Institutes, Bangalore, May 20, 1999