

## **Human Rights For Children With Special Needs**

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### **ABSTRACT**

The United Nations Convention on the Rights of the Child (CRC) represents a turning point in the international movement on behalf of child rights. The conceptualization of “Children with Special Needs” determines the policy, research and practice in special needs education. Children with multiple disabilities need proper education for their adequate adjustment and progress in life. Special attention in this regard should be paid to the learning of essential functional skills, mobility and communication, behaviour management task with an eye to make them capable of functioning in the integrated set up of the school, home and community settings including the use of sophisticated assistive technology as effectively as possible. The paper appraises the human rights for children with special needs for their all round development.

### **Key Words**

Children, Human Rights, Special Needs, Disabilities, Violence and abuse

### **INTRODUCTION**

Children are the future custodians of sovereignty, rule of law, justice, liberty, equality, fraternity and finally international peace and security. They are the potential embodiment of our ideals, aspirations, ambitions, future hopes. They are the future shoulders in the form of great philosophers, rulers, scientists, politicians, able legislators, administrators, teachers, judges, technologists, industrialists, engineers, workers, planners on which the country would rest. Nature has provided some inherent rights to every human being including children. These fundamental rights bestowed in human being from the very inception. Human rights are universal legal guarantees protecting individuals and groups against actions and omissions that interfere with fundamental freedoms, entitlements and human dignity. Human rights law obliges Governments (principally) and other duty-bearers to do certain things and prevents them from doing others.<sup>1</sup>

## **HUMAN RIGHTS OF PERSONS WITH DISABILITIES**

Persons with disabilities face discrimination and barriers every day that restrict them from participating in society on an equal basis with others. For example, they are commonly denied their rights to be included in school and the workplace, to live independently in the community, to vote, to participate in sport and cultural activities, to enjoy social protection, to access justice, to consent or refuse medical treatment or to enter freely into legal commitments such as opening a bank account, and inheriting or buying property. A disproportionate number of persons with disabilities live in developing countries, often marginalized and in extreme poverty. During humanitarian emergencies, persons with disabilities are recurrently left behind, with little or no say in the rebuilding of their lives and communities. The protection guaranteed in other human rights treaties, and grounded in the Universal Declaration of Human Rights, should apply to all. Persons with disabilities have, however, remained largely 'invisible', often excluded in the rights debate and denied from enjoying and exercising the full range of human rights<sup>2</sup>.

## **RIGHTS OF THE CHILDREN**

The human rights proclaimed in the Universal Declaration of Human rights apply to all human beings regardless of their age, and as such children benefit from the same rights as adults.

### **International laws**

The UN Convention on the Rights of the Child India ratified the UN Convention on the Rights of the Child on 1992 and lists the following as the Rights of the Child,

1. **The Right to Survival:** According to the convention, the Right to Survival includes the right to life, the attainable standard of health, nutrition and an adequate standard of living. It also includes the right to a name and nationality.
2. **The Right to Protection:** According to the Convention, this right includes freedom from all forms of exploitation, abuse and inhuman or degrading treatment. This includes the right to special protection in situations of emergency and armed conflict. The aim is simple, to protect vulnerable children from those who would take advantage of them and to safeguard their minds and bodies.
3. **The Right to Development:** This right includes the right to be educated, to receive support for development and care during early childhood and to social security. It also includes the right to leisure, to recreation and to cultural activities.
4. **Right to freedom of thought and expression:** According to the Convention, the Right to

Participation accords the child access to appropriate information and the freedom of thought and expression, conscience and religion.<sup>3</sup>

## **2. Aim to having children's rights**

Children's rights aim to ensure that each child has the opportunity to reach their full potential. Children's rights stipulate that all children without discrimination should be able to develop fully, have access to education and health care, grow up in an appropriate environment, be informed about their rights, and participate actively in society.<sup>4</sup>

## **3. Right are a tool to protect children from violence and abuse**

Children's rights foster mutual respect among people. Respect for the rights of the child can only be fully achieve when everyone, including children themselves, recognizes that every person has the same rights, and then adopt attitudes and behaviour of respect, inclusion and acceptance.

## **4. Recognition of the Children's rights**

The Declaration of the Rights of the child 1924, adopted by the fifth assembly of the League of Nations, can be seen as the first international instrument dealing with children's rights. Children's rights are constituted by fundamental guarantees and essential human rights:

- i. Children's rights recognize fundamental rights: the right to life, the non-discrimination principle, the right to dignity through the protection of physical and mental integrity (protection against slavery, torture and bad treatments etc)
- ii. Children's rights are civil and political rights, such as the right to identity, the right to a nationality etc.
- iii. Children's rights are economic, social and cultural rights, such as the right to education, the right to a decent standard of living, the right to health etc.

## **5. Responsibilities of Parents and Government**

On November 20, 1989, the United Nations General Assembly adopted the Convention on the Rights of the Child, a landmark for human rights. It is the first international treaty that recognizes the civil, political, economic, social and cultural rights of children. In December 1991, Canada ratified the Convention on the Rights of the Child and thus committed itself under international law to respect, protect, promote and fulfil the rights of children in Canada. India ratified the Convention on 1992. The Convention on the Rights of the Child is the most widely accepted human rights treaty "of all the United Nations member states, only the United States and Somalia have not ratified it. The Convention on the Rights of the Child has 54 articles (sections), and most of these articles list a different right that

children have, and different responsibilities that the Government, and others including parents, have to make sure that children have these rights. This includes:

i. Right to Equality: (Article 2) The Government must make sure that all children have the rights in the Convention, regardless of their or their parent's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

ii. Children's interests: (Article 3) The Government must make sure that child's best interests are taken into account when any decision is made which affects you. All organisations working with children should work in a way that is best for children.

iii. Parent's rights and right to family life: The Government must respect the rights of child's parents / family / carers to raise you, where they are raising you in a way that respects your rights (article 5). Children also have the right to know and be cared for by parents (article 5), and the government must make sure that they are not taken away from parents against their will, unless this is in their best interests (articles 8 and 9). Where you are separated from one or both of your parents (for example, where your parents have separated), the Government must make sure that you have contact with the parent you are separated from, unless this is not in your best interests (for example, where it might because you harm to see your parent) (article 9). For children who have parents living in different countries, the Government must make sure that you can stay in regular contact with both parents (article 10). Parents or guardians have the responsibility to bring you up, and they should do this in a way that is in your best interests. The Government must give help to your parents where this is necessary to help them for you properly (article 18).

iv. Right to have an identity (birth certificate): (Articles 7 and 8) The Government must make sure you are registered at birth (i.e. that you have a birth certificate), and that you have a name and a nationality and that you know who your parents are. Having your birth registered is important because it helps you to exercise your other rights (e.g. to get access to education, housing and other support if you need it, and will allow you to register to vote).

v. Right to go abroad: (Article 11) The Government must make sure that children are not taken out of the UK illegally.

vi. Having your opinions heard (article 12): You must be given the chance to give your opinion when decisions are made that affect you, and the Government must make sure that these opinions are taken into account by the people making the decision.

vii. Freedom of expression and getting information: You must be able to get and share information with others, as long as this does not damage others (article 13). The Government

must make sure that you can get information from many sources, like different papers and television and radio programmes, and must make sure that the media includes programmes and information that are relevant to children and do not harm you (article 17).

viii. Freedom of thought and religion: (article 14) Freedom of thought, conscience and religion.

ix. Freedom to gather together and join organisations: (article 15): 15 Freedom of association and peaceful assembly

x. Right to Privacy: (article 16) The Government must make sure that no one is able to interfere with your privacy or attack your honour or reputation.

xi. Protection from violence, exploitation, abuse, neglect and maltreatment: (article 19)

xii. Article 20 Protection of child who is deprived (temporarily or permanently) of family environment.

xiii. Adoption: (article 21) If you are going to be adopted, the Government must make sure that your best interests are the most important thing taken into account.

xiv. Children with disabilities: (article 23) If you have a mental or physical disability, the Government must make sure that you are able to live a full and decent life and they must help you to do be able to do things independently, and be involved in the community. People who care for you must be given support if they need it.

xv. Health: (article 24) The Government must make sure you are able to be as healthy as you can be, and that you are able to get health care when you need it. You must also be able to get clean water, nutritious food and live in a healthy environment. The Government must also make sure you can get information about staying healthy.

xvi. Children not living with their parents: If you are not living with your parents, or have had to be removed from your parents, the Government must make sure that you are cared for, and that you are given special assistance and protection (article 20). If you are looked after by local authorities (e.g. in foster care) or put in a special facility to provide you special care or treatment for a physical or mental health problem, you must have someone review your situation regularly (article 25).

xvii. Right to get Benefits: The Government must make sure that you and your parents or carers can get financial help when you need it (article 26).

xviii. Standard of living: (article 27) You have the right to a standard of living that is necessary for your physical, mental, spiritual, moral and social development. It is your parents' responsibility to make sure you have these needs met, but the Government must help your parents by giving them support if they cannot afford to do this.

xix. Right to Education: The Government must make sure you get a good quality education.

This includes making sure that primary and high school is free and available to you, that you can attend school regularly and that schools discipline you in a way that causes you harm and only in a way that respects your dignity (article 28). Your education should make sure you develop to your full potential and learn to respect human rights, your parents and the values, language and culture of the UK and other countries (article 29).

xx. Children from minority groups: If you are from an ethnic, religious or linguistic minority group, the Government must make sure you are able to use the language and culture of your group (article 30).

xxi. Rest and leisure: (Articles 31) The Government must make sure you have rest and leisure time, and can be involved in cultural activities.

xxii. Right to Work: (article 32) The Government must make sure that you do not do any work that is harmful to you or that interrupts your education.

xxiii. Protect from using Drugs: (article 33) The Government must protect children from using illegal drugs.

xxiv. Protection from Sexual abuse: (article 34) The Government must protect you from any form of sexual abuse.

xxv. Abduction: (article 35) The Government must make sure you are not abducted, or sold.

xxvi. Protection to harm: (article 36) The Government must protect you from coming to any other type of harm or any actions that are bad for your welfare.

xxvii. Protection against Torture and detention: (article 37) The Government must make sure that you are never tortured or never treated in a way that is cruel, inhuman or degrading.

xxviii. Joining the army: (article 38) The Government must not let you join the army before you turn 15. You should get special protection in war zone.

xxix. Recovery from abuse: (article 39) If you have been the victim of abuse, the Government must make sure you are given help to recover.

xxx. Children who have broken the law: If you have been accused of breaking the law, the Government must treat you with respect and dignity. You must be treated as innocent until you have been proved to be guilty, be told about why you have been arrested straight away, and be able to get help from your family and a lawyer (article 40) [4].

## **IMPORTANCE OF HUMAN RIGHTS EDUCATION TO CHILDREN**

Here are some of the reasons why human rights education is important to children

1. Because it is their right! Article 42 of the Convention on the Rights of the Child stipulates that children have the right to know their rights.
2. To increase respect for human rights: Knowing about your rights is the first step in promoting greater respect for human rights.

3. Because human rights values are universally recognized: Adults who work with children are constantly faced with the task of trying to determine which behaviours are acceptable and which are not acceptable. Making these types of decisions often involves relying on personal experiences or values. Human rights education provides a clear framework for evaluating when and how to intervene by referring to the universally recognized values that stem directly from the Universal Declaration of Human Rights.
4. To encourage the development of self-esteem and active participation: Once children become aware of their rights, they begin to recognize their own importance as human beings. They also start to realize that what they live, think and feel has value and that they can make a positive contribution to the life of the group, of their family, their school, and their community. Learning about rights encourages children to become more actively involved.
5. To reinforce positive behaviours: Human rights education is one of the most effective ways of encouraging positive behaviour because it involves both critical reflection and a strengthening of the child's sense of responsibility. Human rights education encourages children to reflect on how they interact with others and on how they can change their behaviour to better reflect human rights values.<sup>5</sup>

## **CONCLUSION**

All children have the right to be educated regardless of their disability or learning difficulty, because education is a human right. On the contrary, children with special needs should avail human rights provided for them for their all round development. Measures must be taken for the care and protection of children with special needs in the event of the death of their parents, procedures for appointment of guardians and trustees for persons in need of such protection, and support to registered organisations to provide need-based services in times of crisis to the families of the disabled. They must be integrated the physically and mentally to prepare them for normal growth and to enable them to face life with courage and confidence.

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