
International Challenges to Children's Rights

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ABSTRACT

Children's rights are one of the most important examples of human rights because children are one of the most important members of society for two reasons: 1. The thoughts of children and their education and training shape their future, which affects society. 2. For this reason, children are weak creatures due to underdevelopment and need physical and psychological support and care, which is the reason why war and violence have irreparable and harmful effects on children's psyche. They approved various laws, including the Geneva Convention. Every country that signs the convention is required to comply with it. One of the most important humanitarian principles is the prohibition of attacking children and women in military wars because it is considered the imposition of violence on the most vulnerable sections of society. A compiled library has been addressed to international challenges towards children.

1. Introduction

Children's rights are one of the most important examples of human rights, because if children do not have enough care and rights; They cannot enjoy mental and physical health under the shadow of these rights and have a useful presence in human society. Considering the importance of children's rights, we are looking for an answer to this question; What is the importance of taking care of children's rights in human rights? In the international arena, the World Convention on the Rights of the Child has also been approved (Alami and Tai, 1400). The United Nations has declared and agreed in the Universal Declaration of Human Rights and in the international covenants related to human rights that everyone, without any discrimination in terms of race, color, gender, language, religion, political opinions and other opinions, national or social origin, property, birth or other characteristics, deserve all the rights and freedoms contained in the aforementioned documents, remembering that the United Nations declared in the Universal Declaration of Human Rights that childhood requires special care and assistance, believing that the family, to As the fundamental group of society and the natural environment for the growth and well-being of all its members, especially children, they should receive the necessary support and assistance so that they can fully assume their responsibilities in society, acknowledging that the child needs to develop fully and The harmony of his personality should grow in the family environment, in an atmosphere full of happiness, love and understanding, considering that the child should be fully prepared for an individual life in the community and in the shadow of the ideals declared in the United Nations Charter and especially Peace, dignity, tolerance, freedom, equality and solidarity should be magnified, bearing in mind that the need to provide special care for the child was stated in the Geneva Declaration of the Rights of the Child dated 1924 and in the Declaration of the Rights of the Child approved by the General Assembly on November 20, 1959, and in the Universal Declaration Human rights and in the International Covenant on Civil and Political Rights (especially Articles 23 and 24), in the International Covenant on Economic, Social and Cultural Rights (especially Article 10) and in the statutes and documents of specialized organizations and international organizations related to The well-being of children has been recognized, considering that, as stated in the Declaration of the Rights of the Child, "the child, due to the lack of full physical and mental development, needs special protection and care, including appropriate legal protection, before and after birth. ", recalling the provisions of the Declaration of Social and Legal Principles on the Protection and Welfare of Children with special reference to foster care, national and international adoption, the United Nations Regulations based on minimum standards for special proceedings for children (Beijing Regulations), and the Declaration of Protection of women and children in emergency situations and armed conflicts, acknowledging that in all countries of the world there are children who live in extremely difficult conditions and such children need special attention. (Convention on Children's Rights, 1989).

1- The meaning of the interpretation of children's rights

Allowing the capacity of children's rights to have the authority to act may include physical, psychological and emotional actions and prohibits any mistreatment of children Shariati, Elham et al. Children's rights are mentioned in it, which was approved in 1989. Some of the most important principles of the articles are related to the prohibition of discrimination, the right to life, growth and survival, the right to hear the opinions of the child, registration of birth and citizenship, and the right to the child's best interests. Also, children have the right to freely express their opinions and thoughts, participate in educational associations, enjoy health, live in prosperity be socially secure, and be immune from any sexual abuse and exploitation. The convention has tried to consider the child as a member of a family and society and also believes that the basic quality of life is the right of all children and not children who have special privileges. A country that signs the convention is obliged to follow the laws and uphold children's rights (Homai Menesh, 1400). The Convention on the Rights of the Child has 54 articles or principles, but 4 articles are guiding articles. Article 2.3.6.12, Article 2: Value All children are equal and have the same rights, and it means that no child should be discriminated against. Article 3 refers to children's welfare and that governments pay attention to children in their decision-making. Article 6 refers to the equal right of all children everywhere in the world to have a good life and progress. Article 12: Children have the right to express their opinions freely and adults are obliged to listen to their words. The importance of children's rights Children have individuality and an independent identity Children are given individuality and are not considered as property of their parent's Children start life as completely dependent beings, that is, they rely on adults for upbringing and guidance and to gain independence. More than any other group in the society, it affects children. Children's opinions and views should be heard and taken into account in the political process. Many changes in Tagir society have a disproportionate and often negative impact on children. The healthy development of children is very important for the future well-being of any society. Society is harmed due to the wrong upbringing and

education of children. Who should follow the convention? All adults, governments, politicians, government departments, courts and family members and any country that has signed the document. Children's rights in Iran were approved in 2001 and include all people under the age of 18. Child abuse is an example of a public crime.

2- Children's criminal courts

2-1 Non-publicity of criminal proceedings

Due to the vulnerability of children and teenagers accused of violating laws to prevent labelling and institutionalization of delinquency, it is believed that the proceedings should not be public, but according to the principle of public proceedings, it consists of 2 principles: 1- public proceedings 2- And the publicity of judgments, which is criminal in general cases, but justice regarding child abuse requires non-adjustment of proceedings and only the publication of public judgments is necessary for the fairness of the proceedings, which is why in the international and human rights system, it is done in a non-public manner. These issues are investigated and, in this case, the issued orders are published and available to the public anonymously (according to the principle of anonymity) (Raste et al., 1403).

2-2 Convention on the Rights of the Child

Without distinguishing between children and adolescents, a child is considered a child up to the age of 18. Article 1 of this treaty stipulates: "In this treaty, a child is a person under eighteen years of age; Unless the age of majority is determined to be lower according to the applicable domestic law, the age of persons and criminal liability is determined by the governments. Every country, according to the physical and mental condition and intellectual development of children under its rule, and according to the political, and social realities, customs and traditions, declares a certain age as the age of growth and maturity (Haidari, 104:1395). The non-publicness of the proceedings of children and teenagers can be considered as the theoretical foundations of respecting the right to privacy, avoiding prejudice and labelling according to the principle of innocence.

2-3 Respecting the right to privacy

When the child enters the hearing, he knows that his testimony and defence will only be heard by the activists, but if the hearing is open, the peace and privacy of the child will be threatened by the media and the general public, in addition to that due to shame or fear. He cannot raise some content and defences and thus his right to freedom of defense is denied

2-4 Avoid labelling

This theory is based on the thinking and view of others towards a person, and in this case, they lose their self-confidence and accept the image given by society (Williams and McShane, 151:1398), and based on that, self-concept Criminality is formed in them and leads to the second bias (Mehra, 2019), this labelling may create job and educational opportunities and challenges in the future for this group that has a criminal history in childhood and adolescence. In addition, it creates embarrassment and challenges for the family or the legal guardian of the person because the proceedings are public, so it is necessary to prioritize the principle of public proceedings and not labelling.

2-5 Attention to the principle of innocence

The principle of acquittal is a guarantee for the accused in front of the actors of the criminal process as well as the public opinion to prevent the person from being recognized as guilty before the trial and proving the crime. He will have the following rights: 1) As long as his crime is not proven according to the law and by issuing a definitive verdict, he will be presumed innocent. Therefore, any action that directly or indirectly, explicitly or implicitly, leads to the creation of a mentality regarding the guilt of the accused person, is considered as a violation of the principle of innocence. In this regard, public proceedings will cause prejudice and judgment of the public and will cause a lack of acquittal. Therefore, the principle of public proceedings challenges the principle of acquittal, and the primary goal is to protect the interests of children and adolescents, so no identity disclosure should take place.

3- The non-publicness of the proceedings of children and teenagers in the human rights procedure

One of the most important judicial and regulatory issues of human rights is the issue of non-public hearings, between the European Court of Human Rights located in France and the Inter-American Court of Human Rights located in Costa Rica, which are two decisive institutions in the field of human rights regarding related claims. In addition to these two authorities, the Children's Rights Committee located in Geneva, Switzerland, which is a specialized supervisory body in the field of children's and adolescents' rights, has been active in the states of the Convention on the Rights of the Child.

1-3 European Court of Human Rights

Although the European Convention on Human Rights has not considered a criterion for determining the age of children and adolescents and their criminal responsibility, the study of the practice of the European Court of Human Rights shows that the judges of Strasbourg have referred to the provisions of the Convention on the Rights of the Child and the Beijing Rules. They reminded the contracting states not to consider this age too low. 6) Para 2012: Turkey v. Coselav, EC in the European Court of Human Rights, which was filed against England: the petitioners stated that 2 11-year-old boys accused of kidnapping and the horrific murder of a 2-year-old child, their trial in The court was open and full of reporters and it was conducted in the manner of adult proceedings, therefore, they claimed to have violated Article 6 Paragraph 1-Fair Trial due to non-public holding of proceedings and Article 3-No humiliating behavior towards the accused. who could not defend himself well, stated that when the public came to the courtroom, he was shocked and ridiculed, and it led to the child crying. In addition, the identities of the persons were published in the media and the defendants were worried. that they should not be seen as criminals.

2-3 Inter-American Court of Human Rights

Unlike the European Court, this court has considered the age of maturity to be 18 years, which means that people under the age of 18 should be treated according to the law of children and adolescents. This court has determined the scope and components of the right to a fair hearing for children and adolescents and has explicitly mentioned the non-public holding of the hearing, which is an issue in the complaint filed by one of the associations for the rehabilitation of children and adolescents in Paraguay against the courts of this country in the Inter-American Court of Human Rights. It was brought up and it was again brought to the attention of San Jose judges and while emphasizing the fact that imposing restrictions on public hearings of children and teenagers will protect the interests of this group and protect them from comments, judgments and labeling that may have a significant impact in the future. they have provided protection, they stipulated: "Whenever the national courts determine that it is necessary to file a judicial case against a child or teenager, the public nature of the proceedings must be strictly controlled." It should be noted that some countries have the right to decide whether the proceedings will be public or private. In some countries, there is no guarantee that the proceedings will be private except in special cases such as sexual crimes where people are not allowed to enter.

3.3 Child Rights Committee

The Committee on the Rights of the Child is established as a monitoring body in line with the implementation of the provisions of the Convention on the Rights of the Child, and the complaints that are made against countries regarding the non-implementation of the provisions of the Convention on the Rights of the Child are submitted to the Committee on the Rights of the Child. International Convention on Civil and Political Rights and compliance with its Article 14, Clause 1, as well as citing the right to privacy contained in Article 6, Clause 4 of the Convention on the Rights of the Child, introduced the necessity of the interests of children and adolescents as one of the legal exceptions to the principle of public proceedings and It has given the national courts the authority to prohibit the public and the media from entering the court hearings for the entire duration of the proceedings or a part of it. In this regard, the committee has stipulated in the general commentary No. 12 that: "The hearings of children in conflict with the law should be conducted in private and behind closed doors. Exceptions to this rule should be very limited and clearly stated in the domestic laws and interpreted based on the interests of the child, the general regulation.

4- International human rights performance and mechanisms in the killing of civilians, especially women and children

The prohibition of violence against civilians, including women and children, especially killing and mutilation, is a principle of customary international law. that armed conflict is applicable in all situations. (Shukri and Javed). Humanitarian principles of distinction and proportionality require combatants to distinguish between combatants and civilians and prohibit civilian harm beyond military limits. Due to the change in the nature of war, this principle is being eroded among the armed forces and groups, and women and children are often killed and wounded during military operations, including crossfire, aerial bombardment, and shelling. Now, two basic questions are raised: What is the action and performance of human rights and international law in relation to the systematicity of human rights? How are the tools of applying human rights laws and international laws implemented? Resolution 1882 (2009) of the Security Council has defined the patterns of killing and maiming children contrary to international law as a stimulus for inclusion in the Secretary General's report on children and armed conflicts. Reducing the frequency and

severity of armed conflicts is an explicit goal and a common theme of the 2030 Sustainable Development Goals (UN, 2030). International humanitarian law is a part of it, it was compiled much earlier than international human rights law (Collier p. 2008). Important steps in the development of humanitarian law were the (diplomatic) conference of Paris 1856, Geneva 1864, St. Petersburg. 1868, Brussels 1874, The Hague 1899, 1907. The international law documents approved in these conferences form the basis of modern human rights, human rights and armed conflicts, the most relevant of which are the four Geneva Conventions (1949) and their additional protocols (1977) and the main purpose of the four Geneva Conventions was to determine the humanitarian laws that must be observed in international armed conflicts. Since 1945, a series of international human rights treaties and other documents have been approved, and this includes: 1) the Convention on the Prevention and Punishment of Genocide 2) the Convention on the Status of Refugees, 3) the Convention on the Elimination of All Forms of Racial Discrimination, 4) Convention on the Elimination of All Forms of Discrimination against Women, 5) United Nations Convention against Torture, 6) Convention on the Rights of the Child, 7) Convention International Convention on the Protection of the Rights of All Migrant Workers and Their Family Members, 8) Convention on the Rights of Persons with Disabilities, 9) International Convention for the Protection of All Persons from Enforced Disappearance.

5. Prohibition of attacking women and children in human rights

One of the most important human principles governing wars is the principle of separation or differentiation, based on which a distinction should be made between the civilian and military population and that people and the civilian population should not be attacked, and this principle, which is called the principle of differentiation or separation (Universal, 1948) is mentioned in the Fourth Geneva Convention on the Protection of Civilians in Time of War, which clearly distinguishes between civilians and military personnel, and Article 48 of the First Additional Protocol to the Four Geneva Conventions and Article 13 The Second Additional Protocol to the Geneva Quadrilateral Convention has been recognized, which includes women and children in its generality and places them under its protection, and Article 1 of the Declaration specifically addresses this principle and It has also stipulated that: Attacking and bombing the civilian population, inflicting unknown and incalculable pain and suffering, especially on women and children who are among the vulnerable groups, should be prohibited and actions should be condemned.

Conclusion

According to the studies carried out, it seems that today's world has made significant progress regarding the rights of women and children, and it is worth mentioning that women and children need the legal protection of their respective governments. What emerges is the extent to which these laws can be implemented in different countries. To answer this question, one must pay attention to the guarantee of its implementation, in which case, due to the lack of implementation guarantees, these laws are not implemented well. and a suitable enforcement guarantee should be adopted by these laws so that mankind can achieve a more just world. It should be noted that in the conditions of military war, by creating a safe shelter and using suitable materials, a shelter for women and children can be created outside the war zone, like an underground city, and in such a way that people can survive for a while. continue their lives until the war ends.

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