

A study on the influence of culture on child rights

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Abstract

This paper intends to bring forth how culture is influencing child rights, through the studies done on different child right issues across the world. Children's rights are a subset of human rights with particular attention to the rights of special protection and care to minors. All humans are born inherent with fundamental freedoms and rights. In order to understand the influence over the child rights, the cultural context must be taken into consideration. Violence against children is a deep rooted social problem in many societies. This study attempted to explore the relationship between culture and rights of children. The study observed 16 social sciences research papers that used concurrent mixed methods design uploaded (2010-2021) in PubMed search engine accessing primarily the MEDLINE database of references and abstracts for understanding the issues faced by children in different countries. The finding indicates that social norms, attitude and practices followed by countries are a critical driver of violence in childhood and affect the rights of children. This further points out the reason for different rankings for each country in the Kids Rights Index which is limited to these four domains: Right to Life, Right

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to Health, Right to Education, Right to Protection and Enabling Environment for Child Rights. The findings have shown an association between culture and influence of culture over child rights. Child marriage in Bangladesh, female genital mutilation in Ethiopia, Harmful Traditional Practices in Afghanistan, etc. have given a better understanding on how different cultural practices have been foundation for the exploitation of child rights. Communities and policy-makers need to be engaged to trigger larger structural and cultural changes to find a solution to the harmful cultural practices.

Keywords: child rights, culture, fundamental rights, kidsright index

The UN Convention on Rights of Child was adopted unanimously by the UN General Assembly in November 1989. According to the Convention on the Rights of the Child of 1989 the term “child” is defined as: “a child is any human being below the age of eighteen years unless, under the law applicable to the child, the majority is attained earlier”. Child rights are part of human rights. It treats a child as a human being. Child rights includes the right to life, right to dignity, civil, political, economic and social rights. According to the ancient philosophers, every human should be able to avail their right and if at all someone denies the rights of another human he can be considered a beast. Looking on to the legal rights, human rights have their base on morality and ethics. The legal age limit of a child may vary according to different countries and there exist multiple indexes around the world like Child Right Index, KidsRights Index, Children’s right in the Workplace Index etcetera to analyse the level at which each country stands.

Child rights are often violated on the basis of socioeconomic, cultural, ethnic, religious, physical, emotional and sexual context. Often, due to cultural influences, the children don’t even realize that they are being exploited. The first clear and comprehensive definition of Culture was made by Sir Edward Tylor in 1871. Edward Tylor defined culture as that complex whole, which includes knowledge, belief, art, laws, morals, customs, and any other capabilities and habits acquired by man as a member of society. Humans live in a diverse

culture. Culture is one of the major factors that shape thinking and behaviour to a great extent. And thus, the international standard of child rights will be influenced by cultural values and factors.

Review of literature

A child is every person below the age of 18 years. The law says that children have the right to be protected and to develop to their full potential. Many of the customs may cause harm, if they do, they must be changed. Harmful practices must be stopped or changed because the best interests of the children are more important. The NGOs, parents, courts, leaders, government departments, commissions have the power to develop a new custom. The positive practices should be documented and shared, wherever possible. The children's Act protects the children against harmful practices and prohibits some and it regulates how some may be practised. (Children of Iceland, 2019.)

Though Iceland has maintained its number one position in the kids rights index for two years in a row it still lacks to protect the children of its country in multiple aspects. The country has been lacking in the area of child justice, sexual exploitation and access to care. This shows that there are multiple aspects that affect the wellbeing of a child and assessing the child rights index should not be limited to non-discrimination, devotion to the best interests of the child, right to life, survival and development and respect for the views of the child (SAVE THE CHILDREN, n.d.).

Significance of the study

The children are considered an asset of the nation. Thus the children should be provided with some of the basic rights, which their family, State and Society are bound to provide, and these rights include the Right to education, the Right to health, the Right to an adequate standard of living, Right to be protected from abuse and harm. Some of the laws under the Indian Constitution for the protection of Child Rights are: The Prohibition of Child Marriage Act, 2006, The Right to Education Act (RTE), the protection of children from

sexual offences Act 2012, Orphanages and Other Charitable Homes (Supervision and Control) Act, 1960 Bonded Labour System (Abolition) Act, 1976. (Kaufman. N, 1997). This study helps us to understand the influence of culture on child rights. This study gives a better understanding on how different cultural practices in different countries have emerged as a threat to child rights and thus have been affecting the child rights Index.

Problem statement

The four core principles of child rights are: non-discrimination, devotion to the best interests of the child, right to life, survival and development and respect for the views of the child and these are the standards on which child rights in a country is evaluated. While researching the topic of child rights, we realized that the influence of culture is not taken into consideration. Every country has its own culture and practices and these practices seem to influence or affect the child right in a country. This in turn affects the ranking of a country in the Child rights index. (Dr. Choudhury. A, 2019). As we already know that culture is an inevitable part of any country and thus its influence plays a major role in the working of any nation. Therefore, if a factor like culture is not taken into account while considering the child right index it won't get evaluated on the right scale. While making an implementation plan to prevent child rights culture should be involved because only then can every problem get a customized or more problem oriented action plan which can further help in prevention of violation of child rights.

Objectives of the study

This paper intends to compare different cultural practices followed by different countries and to study how it influences child rights in the country. This paper specifically tries to assess the impact of culture on child rights and thus establish a relation by studying culture and child rights.

Method

The study observed 16 social sciences papers uploaded (2010-2021) in

PubMed search engine accessing primarily the MEDLINE database of references and abstracts for understanding the issues faced by children in different countries and attempted to explore the relationship between culture and child rights. The papers were categorized by using the keywords child rights, culture, fundamental rights, kids rights index. The focus of this study lies on the rights of children around the world and how culture acts as a significant factor in the same. The authors intended to select a shorter time frame for the study, though there has been a lot of studies done on the issues related to children, there hasn't been enough studies to establish a relationship between culture and child rights. Therefore in order to review enough papers, the time frame had to be expanded to 10 years. In this study, researchers tried to include as many issues related to the exploitation of child rights from different countries to get a wider outlook on the issue. And, the papers which didn't contain the element of culture were excluded.

Results

It is observed that each country has different factors influencing the same issue and that is where the culture comes into action. While comparing the prevalence of such practices, the constant efforts by many agencies have helped in the decline. The studied papers give different suggestions for the issue according to their background. In the pretext of following certain cultural practices child rights have been neglected for centuries and it still continues. We need to approach the issue of children's rights by both inquiring into, and learning about, the impact of culture and context on children and childhood. For example, extreme poverty prevents some Asian and African countries from effective implementation of their child labor prevention laws, traumatic experiences in childhood are strong predictors for dented quality of life.

Discuss

“Children are the asset of every nation”. Every child is considered vulnerable and thus needs to be protected from exploitation. Every nation is trying to protect their tomorrow and thus is studying the issues faced by the children of

their country. While collecting data for our research we realized that children around the world are facing problems and what we noticed is that there's a huge influence of culture in the exploitation of child rights.

The most exploited area in child rights is child abuse. While children are subjected to physical, mental, emotional and sexual abuse it does not seem to be accounted in the kids' rights index. When comparing the population of all the issues selected for the study, it was found that most of the child abuse is faced by the female children in all the countries. From being subjected to physical and mental abuse they are also easy targets of sexual abuse. It is noticed that issues like female foeticide, child marriage, domestic violence, female genital mutilation etc. goes unnoticed or not reported because of a culture of silence where the victims don't have the courage to fight or report against their abuser.

The materials referred for the research includes different issues like child marriage, gender-based disparities, interpersonal violence and harmful traditional practices and domestic violence, physical and sexual violence etcetera faced by children of different countries. Therefore cultural practices like female genital mutilation, child marriage, Child Maltreatment etc. acts as the basis of exploitation of child rights.

While researching the issue related to child rights researchers noticed that some countries try to prevent violation of child right and few countries like Oman the child protection system is geared towards helping children who have already been 'harmed'. (Al-Adawi, S. 2020). Child marriage is also one of the major issues that leads to the exploitation of child rights, lack of law enforcement and persistent social norms ultimately allow child marriage to persist around the country. This practice also endangers personal development, access to education, increases susceptibility to violence and exploitation, and deprives girls of fundamental human rights (Sarker, M. 2021). Previous studies have reported the detrimental effects for girls in child marriages, such as lifetime poverty, low access to health care, and gender inequity. These

are perceived to be cumulative factors that affect girls who get married below 18 years of age. Previous studies have also reported that child marriage may result in devastating health consequences, such as Human Immuno Deficiency virus/ Acquired Immuno Deficiency Syndrome (HIV/AIDS) and sexually transmitted diseases, cervical cancer, malaria during pregnancy and related complications. Additionally, child marriage has been reported to be associated with risks to mothers' and children's health due to childbearing at a young age (Nakayama, 2020). Because of the social and cultural norms, the victims do not disclose the sexual abuse with the fear of "re-victimization". The victim feels blamed or doubted for the abuse caused (Miller, 2020). When talking about the economic experiences it shaped the socioemotional perceptions of children of immigrants by considering the country of origin. Children of South East Asian and East Asian origins reported worse socioemotional well-being than their White peers of native-born parents in chronic near-poor circumstances (Zhang L. 2020).

While studying all these issues faced by the children of different countries we noted that though the issues faced by the children of each country are different based on their cultural practices all the issues converge at the word culture. The existence of certain cultural practices have been influencing the exploitation of children and their rights.

Conclusion

The findings of this study have revealed that the factor of culture should be taken into consideration while studying the violation of child rights. While the study of this research is limited to data about developing countries, the facts and data about the developed and least developed countries still remain unavailable. This study can be used as baseline data to understand the influence of culture on child rights. This study is limited to the research from PubMed for a better understanding more quasi-experimental research can be done. A mixed approach study can be a real asset to this research topic. Inclusion of children whose child rights have been exploited due to different

cultural practices for quantitative research will give a new dimension to the research. Civil society and policy-makers need to be engaged to trigger structural and cultural changes to compensate for the harmful social norms and practices; such a holistic and comprehensive approach could result in ending child marriages in the long run.

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