

## **APPENDIX - IX**

CHILD RIGHTS

unicef  
United Nations Children's Fund

## About the Convention



"A century that began with children having virtually no rights is ending with children having the most powerful legal instrument that not only recognizes but protects their human rights."

*Carol Bellamy*  
*UNICEF Executive Director*

---

**The Convention on the Rights of the Child** has broken all records as the most widely **ratified** human rights treaty in history. Work on its drafting began in 1979 -- the International Year of the Child -- by a working group established by the Commission on Human Rights. After the Convention was unanimously adopted by the United Nations General Assembly on 20 November 1989, it was opened for **signature** on 26 January 1990. That day, 61 countries signed it, a record first-day response. Only seven months later, on 2 September 1990, the Convention entered into force after the 20th State had ratified it. Since then -- in just six years -- it has been ratified by all States with the exception of **only two**

Its uniqueness stems from the fact that it is the first legally binding international instrument to incorporate the full range of human rights -- children's civil and political

<http://www.unicef.org/crc/conven.htm>

9/11/99

rights as well as their economic, social and cultural rights -- thus giving all rights equal emphasis.

The Convention defines as a child every human being under 18, unless national laws recognize the age of majority earlier.

The Convention sets minimum legal and moral standards for the protection of children's rights. Nothing in the Convention affects any provisions that contribute more to the realization of child rights and that may be found in the law of the State Party or in other international laws in force in that State -- the higher standard shall always apply.

States Parties to the Convention have a legal and moral obligation to advance the cause of child rights, through administrative, legislative, judicial and other measures in implementation of this Convention

---

- General Principles
  - Substantive Provisions
    1. Civil rights and freedoms
    2. Family environment and parental guidance
    3. Basic health and welfare of children
    4. Education, leisure and recreation
    5. Special protection measures
      - a) In situations of armed conflict
      - b) In situations where children are in conflict with the law
      - c) In situations of exploitation
      - d) In situations of children belonging to a minority or an indigenous group
  - Monitoring Implementation
  - The Challenge
- 

## The Convention stipulates the following general principles:

- States shall ensure each child enjoys full rights without discrimination or distinctions of any kind;
  - The child's best interests shall be a primary consideration in all actions concerning children whether undertaken by public or private social institutions, courts, administrative authorities or legislative bodies,
  - Every child has an inherent right to life and States shall ensure, to the maximum extent possible, child survival and development.
  - Children have the right to be heard.
-

# The Convention stipulates the following substantive provisions:

## 1. Civil rights and freedoms



Every child has a right to a name and nationality from birth, and States have an obligation to preserve the child's identity. Children have the right to freedom of expression, and the State shall respect their right to freedom of thought, conscience and religion, subject to appropriate parental guidance. Children also have the right to freedom of association and to be protected against interference with their privacy.

Furthermore, no child shall be subjected to torture, or other cruel, inhuman or degrading treatment or punishment. Both capital punishment and life imprisonment without the possibility of release are prohibited for offences committed by persons below 18 years.

## 2. Family environment and parental guidance

The Convention stipulates that States must respect the rights and responsibilities of parents and extended family members to provide guidance for children that is appropriate



to the child's evolving capacities. The Convention gives parents a joint and primary responsibility for raising their children and stipulates that the State should support them in child-raising. Children should not be separated from their parents, unless this is deemed to be in the child's best interests by competent authorities and in accordance with applicable laws. Children also have the right to maintain contact with both parents if separated from one or both. Children and

their parents have the right to leave any country and to enter their own for purposes of reunion or maintenance of the child-parent relationship. Parents are responsible to ensure that children enjoy an adequate standard of living while the State has the duty to ensure that this responsibility can be fulfilled.

The Convention obliges the State to provide special protection for children deprived of a family environment. Where applicable, adoption is to be carried out in the best interests of children and with the authorization of the competent authorities.

The State also has the obligation to prevent and remedy the kidnapping or retention of

children abroad by a parent or third party, and to protect children from all forms of abuse and neglect. It is the responsibility of the State to ensure -- in cases of children victims of armed conflict, torture, neglect, maltreatment or exploitation -- that they receive appropriate rehabilitative care and treatment to facilitate their recovery and social integration into society. Furthermore, a child placed by the State for reasons of care, protection or treatment is entitled to have that placement evaluated regularly.

### 3. Basic health and welfare of children

Every child has a right to life, and States Parties shall ensure to the maximum extent possible the survival and development of the child, and the right to the highest attainable standard of health. States shall place special emphasis on the provision of primary and preventive health care, public health education and reduction of infant mortality. They shall encourage international cooperation in this regard and strive to see that no child is deprived of access to effective health services.



Disabled children have the right to special treatment, education and care. Children also have the right to benefit from social security. States Parties shall take all appropriate measures to ensure that children of working parents have the right to benefit from child-care services and facilities for which they are eligible.

States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.

### 4. Education, leisure and recreation

Children have a right to education, and it is the State's responsibility to ensure that primary education shall be free and compulsory, that discipline in school should respect the child's dignity; and that the aims of education are geared towards developing children's personalities as well as their mental and physical abilities to the fullest extent. Education should foster respect for parents, cultural identity, language and values and should prepare the child for a responsible life in society, in a spirit of understanding, peace, tolerance and friendship among all people. Children also have a right to enjoy leisure, recreation and cultural activities.



### 5. Special protection measures

#### a) In situations of armed conflict

take no direct part in hostilities and that no child below 15 is recruited into the armed



forces. In accordance with their obligations under international humanitarian law -- particularly the Geneva Conventions 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 **armed conflict**. The State has an obligation to ensure that child victims of armed conflicts, torture, neglect, maltreatment or exploitation receive appropriate treatment for their **recovery and**

### **social reintegration.**

Special protection shall be granted to a **refugee child** or to a child seeking refugee status. It is the State's obligation to cooperate with competent organizations that provide such protection and assistance.

### **b) In situations where children are in conflict with the law**

Regarding the administration of **juvenile justice**, children who come in conflict with the law have the right to treatment that promotes their dignity and self-worth, and also takes the child's age into account and aims at his or her reintegration into society. Children in such cases are entitled to basic guarantees as well as legal or other assistance for their defence and judicial proceedings and institutional placements shall be avoided wherever possible.



Any child **deprived of liberty** shall be kept apart from adults unless it is in the child's best interests not to do so. Furthermore, a child who is detained shall have legal and other assistance as well as contact with his or her family.

### **c) In situations of exploitation**

Children have the **right to be protected from economic exploitation** and from work that threatens their health, education or development. States shall set minimum ages for employment and regulating working conditions -- particularly in line with standards set forth by the International Labour Organisation, particularly in the Minimum Age Convention 1973 (No. 138).



Children have **the right to protection from the use of**

<http://www.unicef.org/crc/conven.htm>

9/11/99

narcotic and psychotropic drugs, as well as from being involved in their production or distribution

The State shall protect children from sexual exploitation and abuse, including prostitution and involvement in pornography. The Convention stipulates that it is the State's obligation to make every effort to prevent the sale, trafficking and abduction of children.



d) In situations of children belonging to a minority or an indigenous group

Children of minority communities and indigenous populations have the right to enjoy their own culture and to practise their own religion and language



## Monitoring Implementation

The Committee on the Rights of the Child -- composed of 10 international experts -- is charged with the task of monitoring the implementation of the Convention. Ratifying the Convention obligates States Parties -- as a first step -- to review their national legislation to make sure it is in line with the provisions of the treaty. Each ratifying nation must submit a report to the Committee on the Rights of the Child, two years after ratification and then every five years, on measures it has taken to implement the provisions of the Convention in a practical way, and the difficulties and constraints faced in the process.

## The Challenge

Fulfilling children's rights is a legal obligation that could be a lengthy process on the part of ratifying nations. However, it is also a process that calls on the active involvement of communities, families, non-governmental organizations and children themselves with the objective of translating the Convention's legal provisions into a living reality for all children. In this process, industrialized nations have a responsibility -- within the framework of international cooperation -- to bring about conditions in which children can fully enjoy their rights. The real challenge is to ensure that the spirit of the Convention and its provisions weaves their way into the policies and constitutions of all nations guaranteeing children -- for the first time -- the first universal code of child rights in