



## CHILD RIGHTS

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### **What is the United Nations Convention on the Rights of the Child (CRC)?**

The CRC is a set of non-negotiable standards that ensure all children have the rights inherent to human dignity. It is the most widely accepted convention of all international legal instruments; ratified by all of the United Nations' state parties except for Somalia, the United States of America and South Sudan<sup>1</sup>.

The CRC is the result of decades-worth of discussions at the international level. Its first incarnation was the *Declaration on the Rights of the Child*, in 1924, before a renewed focus on children within the international community resulted in a Human Rights Commission being tasked to begin drafting the CRC 1979. Ten years later the CRC was adopted and opened for signature by the UN General Assembly on 20 November 1989. It entered into force on 2 September 1990.

### **Why a separate convention for children?**

To a certain extent children will benefit from a broad human rights agenda, however, there are some additional areas for which it is essential that specific rights for children are outlined. The CRC outlines specific rights children have which are not covered by other human rights instruments. For example, children have the right to play, rest and leisure (Article 31) as this is fundamental to their cognitive, social and emotional development. It is also the first international legal document in which children are legally identified as citizens of their own accord, rather than simply extensions or the property of, their parents.

These child-specific rights are due to the particular kind of protection that children require, the often limited ability of children to access rights for themselves and their evolving capacities<sup>2</sup> during childhood. This is explained by a DFID report in the following way:

“Children may need to be protected from the very rights that adults seek, such as the right to marry, to work or to have sexual relationships. Children’s participation may need a different approach from adults’ as they are less likely to be organised into the same structures, such as trade unions, and are not members of professional organisations.”<sup>3</sup>

The CRC not only protects the right to a family unit and acknowledges it as the primary tool for children’s protection; but also outlines that governments must take ultimate responsibility for the protection, promotion and fulfilment of children’s rights.

### **What rights do children have?**

The CRC is a comprehensive human rights document for children, including the full range of civil, political, economic, social and cultural rights. The articles of the CRC are divided into three sections: 1. Preamble, 2. Substantive Provisions, and 3. Implementation and Monitoring. The second section outlines the 41 articles detailing **protection** rights, **participation** rights

The CRC defines a 'child' as a person below the age of 18, unless the laws of a particular country set the legal age for adulthood younger. Where countries' legal age of majority is below 18 years, the Committee on the Rights of the Child encourages governments to increase it.

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<sup>1</sup> As of June 2012

<sup>2</sup> Lansdown, Gerison. *The Evolving Capacities of the Child*, [Innocenti Insight 11](#)

<sup>3</sup> Maguire, Sarah. *A study of the [Child Rights Climate](#) within the UK's Department for International Development*. 2007:5

(which go beyond Article 12 mentioned below), **development** rights and **survival** rights.

The Convention also outlines a set of key guiding principles specific to children's rights that should be used to assist in interpreting all other articles. These are:

- The Best Interest of the Child, Article 3  
The best interest of the child must be a primary consideration in all actions concerning children.
- Non-discrimination, Article 2  
All rights guaranteed by the CRC must be available to all children without discrimination of any kind.
- Respect of the views of the child, Article 12  
In all matters affecting children, their views must be given due weight in accordance with their age and maturity.
- Right to life, survival and development, Article 6  
Every child has the right to life, survival and development.

### **How is the CRC implemented?**

The Committee urges governments to take specific steps to implement the Convention and recommends states use the Convention as a guide in policy-making. UNICEF<sup>4</sup> outlines the components of implementation as:

1. Incorporate the Convention into domestic law and ensure existing legislation is compatible. This involves a systematic review of domestic legislation and the revision or creation of laws to ensure they explicitly recognise children's rights.
2. Develop a national agenda, strategy or plan for children, which is based on the Convention, includes specific priorities and goals and has strong political backing.
3. Develop permanent bodies or mechanisms to co-ordinate and monitor the implementation of the Convention domestically, including independent statutory bodies to promote and protect children's rights.
4. Ensure children are considered in policy development by including impact assessments to determine how children will be affected by policies and laws
5. Analyse government spending to ensure the proportion of funds and resources are being used effectively.
6. Ensure all in government are aware of and able to use the Convention in their work.
7. Involve civil society and children themselves in the implementation, monitoring and awareness raising of children's rights.

In addition to these guidelines the Committee issues specific guidance on particular issues covered within the Convention. These are known as General Comments and are the Committee's own interpretations of human rights provisions relevant to children. They are published along thematic lines and include topics such as juvenile justice, indigenous children, children with disabilities, early childhood, corporal punishment and adolescent health.<sup>5</sup>

### **How is implementation monitored?**

Once a country's government has ratified the CRC it is required to report to the CRC Committee within two years, then every five years after that. The government report should follow a set of guidelines outlined by the CRC Committee. The report is then circulated to the committee members and other UN specialised agencies and examined by a working group. The group also considers information gathered from other UN agencies, NGOs and human rights groups. NGOs can also be invited to contribute and often prepare parallel reports to

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<sup>4</sup> UNICEF, [Fact Sheet: Implementation Guidelines for the Convention on the Rights of the Child](#)

<sup>5</sup> To access the specific general comments, and for a full list of topics, please see [General Comments](#)

provide alternative perspectives from those of the government.<sup>6</sup> The Committee will then provide a list of questions to the government reporting who is then responsible for responding to these in writing and at the plenary session.

The Committee then adopts Concluding Observations which highlight successes and make recommendations on steps the State should take to move children's rights forward within its borders. The Concluding Observations are made public through the UN and can be used as an advocacy tool to ensure states are taking action as necessary.

**Further information:**

The Convention on the Rights of the Child:

<http://www2.ohchr.org/english/law/crc.htm>

UNICEF Summary of the Convention on the Rights of the Child:

[http://www.unicef.org/crc/files/Rights\\_overview.pdf](http://www.unicef.org/crc/files/Rights_overview.pdf)

Information about the Committee on the Rights of the Child:

<http://www2.ohchr.org/english/bodies/crc/>

Child Rights International network:

<http://www.crin.org/>

This information sheet has been prepared by the ACFID Child Rights Working Group.

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<sup>6</sup> For example, see the [Listen to Children](#) report compiled by Australian NGOs to supplement information in the fifth government report on Australia's implementation of the CRC.