

WHAT is it?



THE UN CONVENTION ON THE RIGHTS OF THE CHILD

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The “What is...” leaflets have been developed to support the learning and education of children and adolescents. We gratefully acknowledge the existing resources that supported the development of this material. Some of the content found in the “What is...” leaflets was adapted or taken directly from a variety of sources, including: www.ohchr.org; www.un.org; <http://treaties.un.org>; www.cyberschoolbus.un.org; Child Rights Information Network, Guide to Mechanisms for Children’s Rights. England; Child Rights Information Network, 2008. http://www.crin.org/law/mechanisms_index.asp

WHAT is ?

The UN Convention on the Rights of the Child

Dear Reader,

Every year, the United Nations (UN) makes important decisions that affect and impact the lives of children and young people around the world. In 2009, there was a special focus on a child's right: 'to express his or her views freely in all matters affecting him or her' – or, in other words, children's participation.

We saw this as an opportunity to support children's understanding of not only the UN but also other important processes where children's rights are discussed at international, regional and local levels. We hope that this will encourage and support children and young people to get involved in these processes.

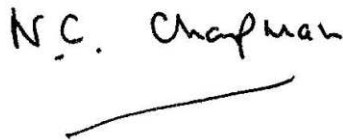
The 'WHAT IS?' leaflets are only one way for you to learn and build a greater understanding and awareness about some of the things that happen at the global/international level. You have a very important role to play in the decisions and processes that affect your life.

This information may be most useful to adults that work with children, teachers, older children, adolescents, youth and young people that are considering ways to get involved in and to influence international or UN related processes.

As needed or requested – we hope to add more leaflets and build on the information that is available to you. As a starting point, we have developed the following leaflets:

- Children's Participation
- The United Nations
- The UN General Assembly
- A Convention and a Treaty
- The UN Convention on the Rights of the Child
- Special Representative
- The Omnibus Resolution
- The Security Council
- The Complaints Procedure for the CRC

Your voice, your experiences and your opinions matter and count! Our hope is that the information found in the 'WHAT IS?' series will support you to learn, create positive change, speak out, take action and have your voice heard.

Handwritten signature of Nigel Chapman in black ink, consisting of the initials 'N.C.' followed by the name 'Chapman' and a long horizontal stroke underneath.

Nigel Chapman
CEO, Plan International

Handwritten signature of Mark Vogt in black ink, appearing as a stylized, cursive 'M. Vogt'.

Mark Vogt
Director of War Child Holland

Handwritten signature of Elisabeth Dahlin in black ink, written in a cursive style.

Elisabeth Dahlin, Secretary General
Save the Children Sweden

What is the UN Convention on the Rights of the Child?

First, an overview to explain what is a 'Convention'...

Conventions are legal agreements made by governments to protect girls, boys, women, men and also our planet. They highlight the promises governments have made on an issue (for example: to protect children and women's rights) and they are part of international law.

For more information about conventions and treaties, please see:



What is a Convention and Treaty?

20 November, 1989 the United Nations General Assembly adopted the UN Convention on the Rights of the Child – also known as the CRC. The CRC sets out the human rights that all children, every boy and girl, everywhere in the world have.

The CRC is the most accepted human rights Convention in history. As of early 2010, it has been ratified by every country except for two (Somalia and the United States of America).



When a government 'ratifies' a Convention they are saying that they agree with it, and it becomes a legal duty for that country. In other words, by ratifying a Convention a government is saying that they promise to do the things outlined in the Convention.

It has 54 Articles (or sections) and addresses things like health care, education and legal, civil and social services. The CRC says that all children have equal rights. It recognizes that children are vulnerable and need more protection than adults do. At the same time, children, like adults, have an important role in "realizing" their rights. This means that adults must listen to and involve children when decisions are made which will affect children. (Please see the end of this leaflet for a full summary of the CRC.)

When governments/states 'ratified' the CRC they also made the promise to take action at the local/country level to ensure the promises found in the CRC are also a part of local laws and processes. To help make sure this happens, there is a special Committee that reviews what each country is doing and gives advice on how they can improve.

The Committee on the Rights of the Child

The Committee on the Rights of the Child is a group of 18 independent experts that monitors the implementation of the Convention on the Rights of the Child.

(More details about the Committee can be found in Articles 43, 44 and 45 of the CRC)

'Independent Expert' means that the people who sit on the Committee do not work for a specific country or government.



All governments that have ratified the Convention on the Rights of the Child have to submit regular reports to the Committee on how the rights are being implemented in their country.

After a government ratifies the CRC, the first report to the Committee is due after two years and then they have to submit a report every five years.

The Committee looks at each Government report and then outlines its concerns and recommendations in a document called “Concluding Observations”. Concluding Observations are like a report card for governments, they outline some of the strengths but also areas that need to be improved upon.



You can find the Concluding Observations for all countries at:

<http://www.unhcr.org/refworld/publisher,CRC,CONCOBSERVATIONS,,,0.html>

The Committee also monitors the implementation of two Optional Protocols to the Convention, one about children in armed conflict and one on the sale of children, child prostitution and child pornography.

For more information about ‘optional protocols’, please see:

What is a Convention and Treaty?



Alternative Reports

Non-Governmental Organizations, National Children's Commissioners and children themselves can submit an 'Alternative Report' for the CRC Committee's consideration. In many countries, children and young people are directly involved in preparing these reports. These reports can be a valuable way for the Committee to see different perspectives and realities and to better understand the difficulties children face in a country.



You can find copies of all Alternative Reports at:

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

Days of General Discussion

Every year, in September, the Committee holds a 'Day of General Discussion' to look at a section of the CRC in more detail. The goal is to provide governments with advice and recommendations on how they can better make that section (or right) a reality in their countries.

For each Day of Discussion, non-governmental organizations, children, youth and other experts are invited to submit reports and to be part of the discussion.

The topics/focus of Days of General Discussion have included:

- 2008 The right of the child to education in emergency situations
- 2007 Resources for the rights of the child – Responsibilities of States
- 2006 The right of the child to be heard
- 2005 Children without parental care
- 2004 Implementing child rights in early childhood
- 2003 The rights of indigenous children
- 2002 The private sector as a service provider

2001 Violence against children, within the family and in schools

2000 State violence against children

1999 Tenth anniversary of the CRC commemorative meeting: achievements and challenges

1998 Children living in a world with AIDS

1997 The rights of children with disabilities

1996 The child and the media

1995 The girl child

1995 Administration of juvenile justice

1994 The role of the family in the promotion of the rights of the child

1992 Economic exploitation of children

1993 Children in armed conflicts

For information about upcoming Days of General Discussion or reports from the above discussions, please visit:

<http://www2.ohchr.org/english/bodies/crc/discussion2008.htm>



What happens after a Day of General Discussion?

The following outcomes are possible:

- The Committee will create a series of recommendations (Available at: <http://www2.ohchr.org/english/bodies/crc/discussion.htm>)
- The recommendations may call for more research and for a 'Study' to be done by the General Assembly (For example: from 1993-1996 there was a Study to look at the issue of children affected by armed conflict and from 2004-2006 there was a Study to look at violence against children)
- The recommendations may suggest that new international tools/agreements are needed. (For example: The Optional Protocol on the involvement of children in Armed Conflict was part of the recommendations coming out of the 1993 Day of General Discussion)
- The discussion can also become part of a 'General Comment' (see below for more information). (For example: In 2006 the Committee adopted the General Comment – The Rights of Children with Disabilities)

General Comments

General Comments are commentaries that are created to help governments better understand specific parts of the CRC and to support its full implementation. They can also be used by judges and lawyers during court cases that judge violations of child rights. They are different (yet related to) Days of General Discussion, because they go into more detail. General Comments will take a part of the CRC that might only be a few paragraphs in length and go into great detail to further define and explain the issue – General Comments are often 15-20 pages in length.

A few examples of General Comments include:

2009 **Right of the child to be heard**

2009 **Indigenous children and their rights under the Convention**

2007 **Children's rights in juvenile justice**

2006 **The rights of children with disabilities**

2003 **HIV/AIDS and the rights of the child**



For more information: <http://www.childrightsnet.org/>

Summarized Version - UN Convention on the Rights of the Child¹

The Convention on the Rights of the Child has 54 Articles in total.

Article 1:

Everyone under 18 years of age has all the rights in this Convention.

Article 2:

The Convention applies to everyone whatever their race, religion, abilities, whatever they think or say, and whatever type of family they come from.

Article 3:

All organisations concerned with children should work towards what is best for each child.

Article 4:

Governments should make these rights available to children.

Article 5:

Governments should respect the rights and responsibilities of families to direct and guide their children so that, as they grow, they learn to use their rights properly.

Article 6:

All children have the right to life. Governments should ensure that children survive and develop healthily.

Article 7:

All children have the right to a legally registered name, and nationality. Also, the right to know and, as far as possible, to be cared for by their parents.

Article 8:

Governments should respect children's right to a name, a nationality and family ties.

Article 9:

Children should not be separated from their parents unless it is for their own good. Foreexample: if a parent is mistreating or neglecting a child. Children whose parents have separated have the right to stay in contact with both parents, unless this might hurt the child.

Article 10:

Families who live in different countries should be allowed to move between those countries so that parents and children can stay in contact, or get back together as a family.

¹Taken from: UNICEF, "What's Right" leaflet/flyer

Article 11:

Governments should take steps to stop children being taken out of their own country illegally.

Article 12:

Children have the right to say what they think should happen, when adults are making decisions that affect them, and to have their opinions taken into account.

Article 13:

Children have the right to get and to share information, as long as the information is not damaging to them or to others.

Article 14:

Children have the right to think and believe what they want, and to practise their religion, as long as they are not stopping other people from enjoying their rights. Parents should guide their children on these matters.

Article 15:

Children have the right to meet together and to join groups and organisations, as long as this does not stop other people from enjoying their rights.

Article 16:

Children have a right to privacy. The law should protect them from attacks against their way of life, their good name, their families and their homes.

Article 17:

Children have a right to privacy. The law should protect them from attacks against their way of life, their good name, their families and their homes.

Article 18:

Both parents share responsibility for bringing up their children, and should always consider what is best for each child. Governments should help parents by providing services to support them, especially if both parents work.

Article 19:

Governments should ensure that children are properly cared for, and protect them from violence, abuse and neglect by their parents, or anyone else who looks after them.

Article 20:

Children who cannot be looked after by their own family must be looked after properly, by people who respect their religion, culture and language.

Article 21:

When children are adopted the first concern must be what is best for them. The same rules should apply whether the children are adopted in the country where they were born, or if they are taken to live in another country.

Article 22:

Children who come into a country as refugees should have the same rights as children born in that country.

Article 23:

Children who have any kind of disability should have special care and support, so that they can lead full and independent lives.

Article 24:

Children have the right to good quality health care, to clean water, nutritious food, and a clean environment, so that they will stay healthy. Rich countries should help poorer countries achieve this.

Article 25:

Children who are looked after by their local authority, rather than by their parents, should have their situation reviewed regularly.

Article 26:

The Government should provide extra money for the children of families in need.

Article 27:

Children have a right to a standard of living that is good enough to meet their physical and mental needs. The Government should help families who cannot afford to provide this.

Article 28:

Children have a right to an education. Discipline in schools should respect children's humandignity. Primary education should be free. Wealthy countries should help poorer countries achieve this.

Article 29:

Education should develop each child's personality and talents to the full. It should encourage children to respect their parents, and their own and other cultures.

Article 30:

Children have a right to learn and use the language and customs of their families, whether these are shared by the majority of people in the country or not.

Article 31:

All children have a right to relax and play, and to join in a wide range of activities.

Article 32:

The Government should protect children from work that is dangerous, or that might harm their health or their education.

Article 33:

The Government should provide ways of protecting children from dangerous drugs.

Article 34:

The Government should protect children from sexual abuse.

Article 35:

The Government should make sure that children are not abducted or sold.

Article 36:

Children should be protected from any activities that could harm their development.

Article 37:

Children who break the law should not be treated cruelly. They should not be put in prison with adults and should be able to keep in contact with their families.

Article 38:

Governments should not allow children under 15 to join the army. Children in war zones should receive special protection.

Article 39:

Children who have been neglected or abused should receive special help to restore their self-respect.

Article 40:

Children who are accused of breaking the law should receive legal help. Prison sentences for children should only be used for the most serious offences.

Article 41:

If the laws of a particular country protect children better than the articles of the Convention, then those laws should stay.

Article 42:

The Government should make the Convention known to all parents and children.

Articles 43-54 are about how adults and governments should work together to make sure all children get all their rights.



The official, full version of the CRC can be downloaded from:
<http://www2.ohchr.org/english/law/pdf/crc.pdf>

For more about the history and development of the CRC, visit:
<http://www.cyberschoolbus.un.org/crc/about.html>

WHAT NOW?

What did I learn from this leaflet?

What questions do I have and where might I find the answers?

How can I use this information and are there any actions I want to take after reading this leaflet?

Who do I know that might be interested in learning more about the Convention on the Rights of the Child and what can I do to help them?



