

**SUMMARY: UN CONVENTION ON THE RIGHTS OF THE CHILD**

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

The [United Nations Convention on the Rights of the Child](http://www.ohchr.org/en/professionalinterest/pages/crc.aspx) (“CRC”) is a multilateral human rights treaty which sets out the civil, political, economic, social, health, and cultural rights of children as well as rights during war. The CRC forms the most comprehensive and well-established international standard for children’s rights. It is important to note that children’s rights are also protected under [other human rights instruments](http://www.ohchr.org/EN/ProfessionalInterest/Pages/CoreInstruments.aspx).

Since coming into force in 1990, all but three countries have ratified the document and given it the force of law—that’s 195 nations. The two nations who have not ratified the CRC are South Sudan and United States.

Three **optional protocols** have also been adopted which states can decide whether to be bound by:

* The first [Optional Protocol on the Involvement of Children in Armed Conflict](http://www.ohchr.org/EN/ProfessionalInterest/Pages/OPACCRC.aspx) requires parties to ensure that children under the age of eighteen are not recruited compulsorily into their armed forces.
* The second [Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography](http://www.ohchr.org/EN/ProfessionalInterest/Pages/OPSCCRC.aspx), requires parties to prohibit the sale of children, child prostitution and child pornography.
* The third [Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure](http://indicators.ohchr.org/maps/OHCHR_Map_CRC-OP-IC.pdf) allows children or their representatives to file individual complaints for violation(s) of the rights of children.

**Who is responsible for ensuring that all of the rights in the CRC are implemented?**

Governments are responsible for carrying out the CRC and ensuring that all children can enjoy their rights. Other international organizations such as UNICEF and other relevant organizations have an important role to play in contributing to the realization of the rights in the UNCRC. (Articles 43 to 54)

**How can I best understand the CRC?**

The CRC can be understood as a set of guiding principles along with three general categories of rights—survival and development, protection, and participation rights.

Guiding Principles:

* Definition of child (in most cases, all people under age 18).
* Non-discrimination.
* Adherence to the best interests of the child.
* Right to life, survival and development.
* Right to participate.

Survival and Development Rights:

* Resources, skills and contributions necessary for the survival and full development of the child.

Protection Rights:

* Protection from all forms of child abuse, neglect, exploitation and cruelty.
* Includes the right to special protection in times of war and protection from abuse in the criminal justice system.

Participation Rights:

* Freedom to express opinions and have a say in matters affecting their social, economic, religious, cultural and political life.
* Includes the right to express opinions and be heard, the right to information and freedom of association.

These guiding principles and categories of rights encompass the provisions, rights and protections that can be found in the CRC, which are summarized below. Of course, this is not intended to be a legal document. Be sure to check out the CRC itself [here](http://www.ohchr.org/en/professionalinterest/pages/crc.aspx).

**Who is a child?**

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. (Article 1)

**Does the CRC discriminate among children in any way?**

No, the CRC applies to all children on the basis of non-discrimination. It applies regardless of a child’s race, religion, family, gender, abilities, social, political or economic status, nationality, place of residence, language, or what their parents do. No child should be treated unfairly on any basis. (Article 2)

**What is the primary concern in making decisions affecting Children?**

The best interest of the child is always the primary concern in making decisions that may affect them. When adults make decisions, they should think about how their decisions will affect children and do what is best for them. (Article 3)

**What about government—what is its role?**

Respect and Protection:

* The government must protect children’s rights while respecting the rights of children and their families.
* Governments have a responsibility to take all available measures to make sure children’s rights are respected, protected and fulfilled. Unfortunately, many governments around the world do not adhere to this. This requires that governments review their laws relating to children and take all necessary steps to meet the minimum standards set by the CRC. (Article 4)
* On the other hand, governments should respect the rights and responsibilities of families to direct and guide their children. Governments are also responsible for protecting and assisting families in fulfilling their essential role as nurturers of children. (Article 5)

Duty to Inform:

* In addition, governments are required to make the CRC known to adults and children and to help them learn about their rights. (Article 42)

Duty to Implement

* Articles 43 through 54 address how governments and international organizations should do to ensure children and their rights are protected. (Articles 43-54)

**What are the international human rights of the child?**

Survival and Development:

* The CRC recognizes that children have the right to live, survive and develop healthily. (Article 6)

Care, Nationality and Identity:

* All children have the right to a legally registered name, officially recognised by the government, and the right to a nationality. Children also have the right to know and, as far as possible, to be cared for by their parents. (Article 7)
* Children have the right to an official record of who they are. Governments should respect children’s right to a name, a nationality and family ties. (Article 8)

Family Life and Unity:

* Unless it is not in their best interests, children have the right to live with their parent(s). Children whose parents do not live together have the right to stay in contact with both parents, unless this might hurt or endanger the child. (Article 9)
* Families whose members 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. (Article 10)

Stability and Freedom from Abduction:

* The CRC requires governments to take steps to stop children from being taken out of their own country illegally. (Article 11)
* For more on this issue, refer to the CRC [Optional Protocol on the sale of children, child prostitution and child pornography](http://www.ohchr.org/EN/ProfessionalInterest/Pages/OPSCCRC.aspx) which has a provision that concerns abduction for financial gain.

Respect for Child’s Views:

* Adults should take into account the views of children when making decisions that affect children. Although children cannot tell their parents or guardians what to do, parents and guardians are to listen and involve children. The level of participation in decisions must, however, correspond with and be appropriate to the child's level of maturity. (Article 12)

Freedom of Expression and Association, Thought and Religion:

* Children have the right to express themselves, receive and share information, as long as they also respect the rights, freedoms and reputations of others. The freedom of expression includes the right to share information in any way, including talking, drawing or writing. (Article 13)
* Children have the right to think and believe what they want and to practice their religion, so long as they are not interfering with the rights of others. The rights of parents in providing religious and moral guidance to their children are respected. The CRC also recognizes that as children mature, they have the right to examine their beliefs so long as the rights of others are also respected. (Article 14)
* Children have the right to meet together and to join groups and organisations, as long as it does not stop other people from enjoying their rights. (Article 15)

Privacy and Access to Books and Information:

* The CRC protects the child’s right to privacy. The law should protect them from attacks against their way of life, good reputation, family and home. (Article 16)
* On the other hand, Children have the right to get information that is important to their health and well-being and access to books. Governments should encourage mass media to provide information that children can understand, including in the languages of minority and indigenous communities. (Article 17)

Family Life, Special Care and Protection from Abuse:

* Parents should share responsibility for bringing up their children, and should always consider the best interest of their child. At the same time, the CRC recognizes that governments must respect the responsibility of parents for providing appropriate guidance to their children. Governments are responsible for providing support services to parents. (Article 18)
* Children have the right to protection from physical and mental abuse and mistreatment. Governments have the responsibility to protect children from violence, abuse and neglect by their parents, or anyone else who looks after them. Notably, any form of child discipline involving violence is unacceptable under the CRC. It is however up to countries to define what forms of punishments it believes are excessive. (Article 19)
* When they cannot be looked after by their own family, children have a right to special care and must be looked after properly, by people who respect their ethnic group, religion, culture and language. (Article 20)
* When adopted or in foster case, children have the right to care and protection if they are adopted or in foster care. (Article 21)

Special Refugee Protection:

* The CRC ensures that child refugees get special protection and assistance in addition to all of the rights in the CRC. (Article 22)

Healthcare, Disability Care, and Adequate Treatment:

* Children who have any kind of disability have the right to special care and support so they can live full and independent lives in addition to the rights in the CRC. (Article 23)
* Children have the right to good quality health care. This means safe drinking water, nutritious food, a clean and safe environment, and knowledge to help them stay healthy. (Article 24)
* Children who are looked after by their local authorities have the right to have their living arrangements reviewed regularly to meet the best interest of the child. (Article 25)

Help from Government and Adequate Standard of Living:

* Children—either through their guardians or directly—have the right to help from the government through social security if they are in need. (Article 26)
* Children have the right to a standard of living that is good enough to meet their physical and mental needs, particularly with regard to food, clothing and housing. Governments have a responsibility to help with this in cases of need (Article 27)

Education:

* The CRC recognizes that all children have the right to a primary education, which should be free. (Article 28)
* Children’s education should develop each child’s personality, talents and abilities to the fullest, and encourage children to respect others, human rights and their own and other cultures. It should also help them learn to live peacefully, protect the environment and respect other people. (Article 29)
* There is special protection for minorities and indigenous children. Children from these communities have the right to learn about and practice their own culture, language and religion. (Article 30)

Leisure, Play and Culture:

* Children have the right to relax and play, and to join in cultural, artistic and other recreational activities. (Article 31)

Government Protection from Exploitation, Abuse, and Trafficking:

* The CRC recognizes the importance of government in protecting children from work that is dangerous or might harm their health or education. While the CRC protects children from harmful and exploitative work, there is no prohibition against parents expecting them to assist in the home in ways that are safe and appropriate to their age. (Article 32)
* Governments should use all means possible to protect children from the use of harmful drugs and from involvement in the drug trade. (Article 33)
* Governments should protect children from all forms of sexual exploitation and abuse. (Article 34)

Governments are to take all measures possible to make sure that children are not abducted, sold or trafficked. (Article 35)

* Children should be protected from any activity that takes advantage of them or could harm their welfare and development. (Article 36)
* Articles 34, 35, and 36 are supplemented by the [Optional Protocol on the sale of children, child prostitution and child pornography](http://www.ohchr.org/EN/ProfessionalInterest/Pages/OPSCCRC.aspx) which goes into great depth on the various facets of child sexual exploitation and provides a framework to undermine it. The Protocol recognizes the growing availability of child pornography, trafficking, and sex tourism and requires parties to take measures against it.

Protection from Cruel and Unusual Detention and Punishment:

* The CRC prohibits the punishment of children in cruel or harmful ways, even where children break the law. The CRC recognizes that children should not be put in prison with adults, should be able to keep in contact with their families, and should not be sentenced to death or life imprisonment without possibility of release. (Article 37)

Protection from the Effects of War:

* Governments must do everything they can to protect and care for children affected by war. In particular, children under 15 years old cannot be forced or recruited to take part in a war or join the armed forces. (Article 38)
* See the CRC’s [Optional Protocol on the involvement of children in armed conflict](http://www.ohchr.org/EN/ProfessionalInterest/Pages/OPACCRC.aspx) which further develops this right, raising the age for direct participation in armed conflict to 18 and establishing a ban on compulsory recruitment for children under 18.

Child Victim Rehabilitation:

* Children who have been neglected, abused or exploited should receive special help to physically and psychologically recover and reintegrate into society. In particular, the health, self-respect and dignity of the child should be restored through rehabilitation. (Article 39)

Juvenile Justice

* Children who are accused of committing a crime have the right to legal help and fair treatment in a justice system that respects their rights. Under the CRC, governments are required to set a minimum age below which children cannot be held criminally responsible and to provide minimum guarantees for the fairness and quick resolution of judicial or alternative proceedings. (Article 40)

Respect for Superior National Standards

* The CRC seeks to uphold the highest standards of right. If the laws of a country provide better protection of children’s rights than the articles in the CRC, those laws are to apply. (Article 41)

Contact us at [info@stahili.org](mailto:info@stahili.org) to learn more about the rights of the child or how you can help Stahili ensure that all children have a life that they deserve.