

# United Nations Convention on the Rights of the Child (1989): History & Scope

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(2015-2023)**

# Development of International Human Rights Law

“Internationalization and universalization of human rights”

(*The Age of Rights*, Louis Henkin)

## Charter of the United Nations (1945)

### CHAPTER I: PURPOSES AND PRINCIPLES

#### Article 1

The Purposes of the United Nations are:

(3) To achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion

### CHAPTER IX: INTERNATIONAL ECONOMIC AND SOCIAL CO-OPERATION

#### Article 55

With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote:

- a. higher standards of living, full employment, and conditions of economic and social progress and development;
- b. solutions of international economic, social, health, and related problems; and international cultural and educational cooperation; and
- c. universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

#### Article 56

All Members pledge themselves to take joint and separate action in co-operation with the Organization for the achievement of the purposes set forth in Article 55.

# **Development of International Human Rights Law**

- Norm setting and establishing implementation mechanisms by the United Nations

- **International protection of human rights**

- International human rights norm
- International mechanisms for implementation

- **International human rights norm**

- Universal Declaration of Human Rights (1948)
- International human rights instruments (treaties, declaration, guidelines, principles, etc.)

- **Implementation mechanisms for implementation**

- Charter-based bodies
  - Treaty bodies
- } **UN human rights bodies**

# UN Human Rights Treaties and Treaty Bodies

Convention on the Rights of the Child/  
Committee on the Rights of the Child

UN General Assembly

Adoption of International  
Human Rights Treaties  
Setting norms and  
implementation  
mechanisms  
《Treaty bodies》

Treaties focusing on groups:  
Women (1979); Children (1989);  
Migrant workers (1990); Persons with  
disabilities (2006)

International Covenant on Economic, Social and Cultural  
rights • International Covenant on Civil and Political Rights  
(1966)

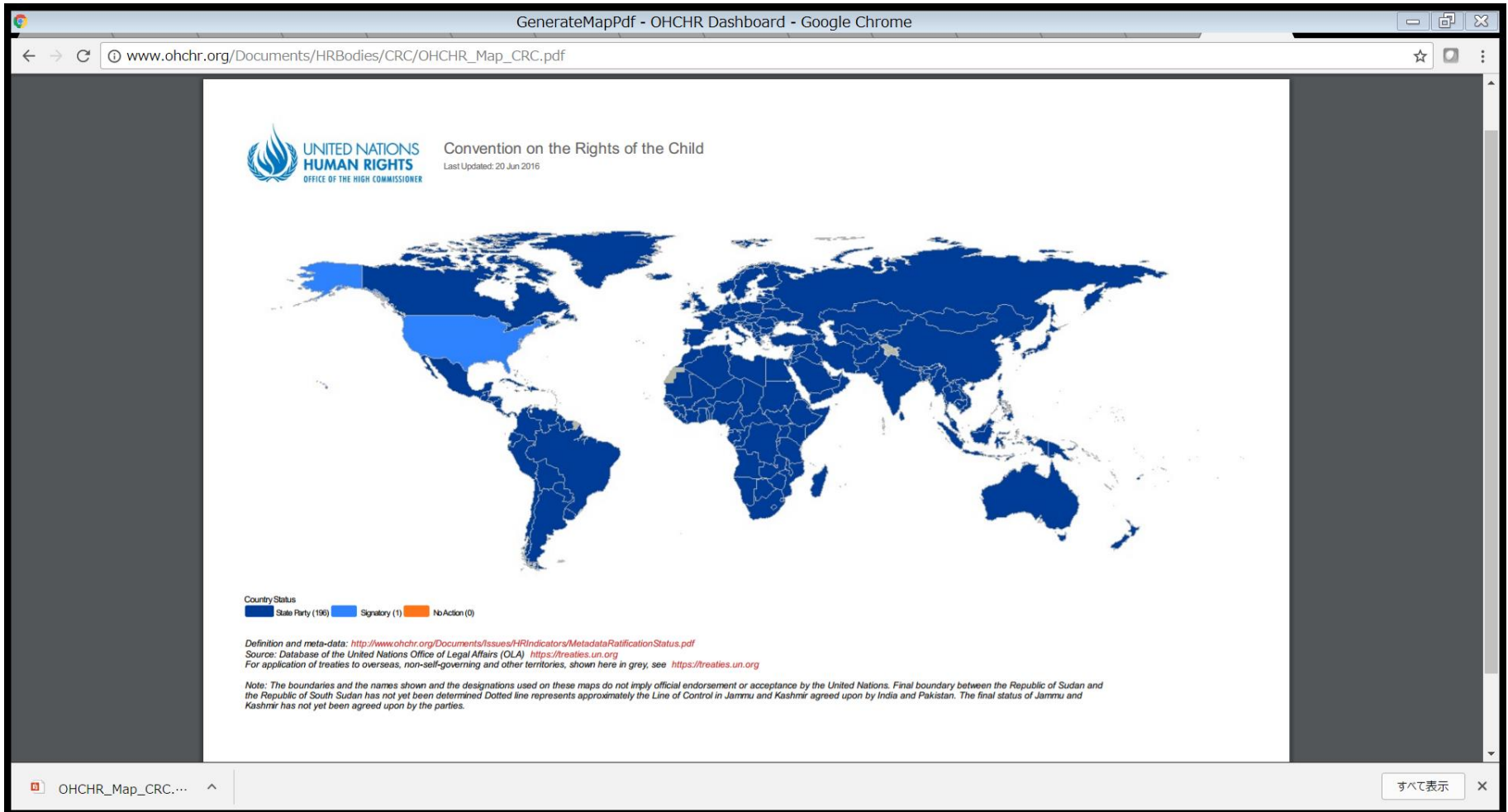
Universal Declaration of Human Rights (1948)

UN Charter (1945)

# History of the Convention on the Rights of the Child (CRC)

- The League of Nations adopted the Geneva Declaration of the Rights of the Child (1924) – “*Recognising that Mankind owes to the Child the best that it has to give*”
- The United Nations adopted the Declaration of the Rights of the Child (1959)
- Poland submitted a proposal for the CRC (1978)
- CRC was adopted by the United Nations (1989)
- Optional Protocol to CRC on the involvement of children in armed conflict (OPAC) (2000)
- Optional Protocol to CRC on the sale of children, child prostitution and child pornography (OPSC) (2000)
- Optional Protocol to CRC on a communication procedure (OPIC) (2011)

# States parties to the CRC and OPs



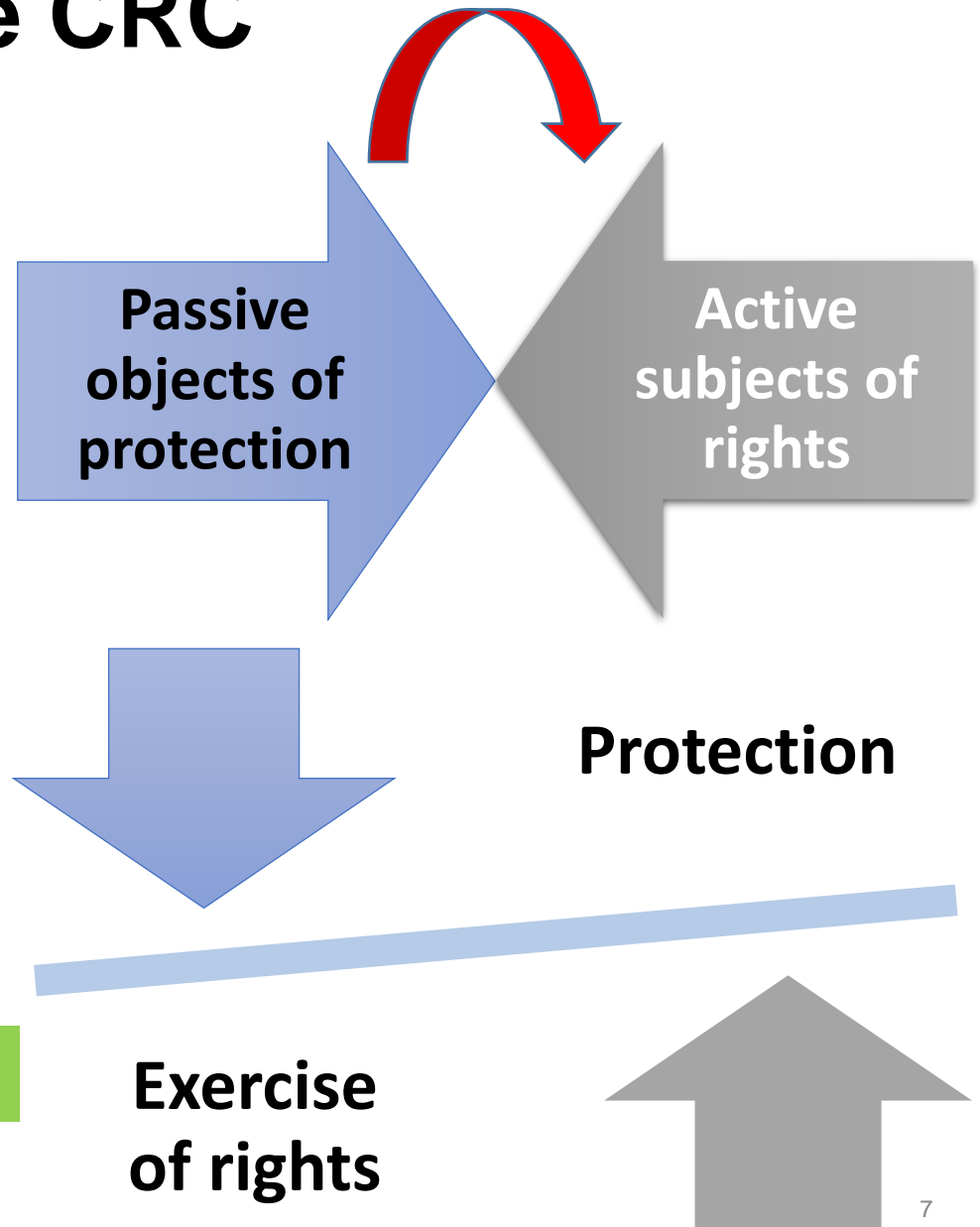
CRC (196) OPAC (170) OPSC (176) OPIC (46)

# Features of the CRC

**Child (art. 1)**  
Every human being  
below 18 years of age

**Childhood**

**Evolving capacities (art. 5)**



# General Principles of the CRC

- Non-discrimination (art. 2)
- Best interests of the child (art. 3)
- Right to life, survival and development (art. 6)
- Respect for the views of the child (art. 12)



# **Whole ranges of rights - civil, political, economic, social and cultural-**

- General measures of implementation (arts. 4, 42 and 44 (6))
- Definition of the child (art. 1)
- General principles (arts. 2, 3, 6 and 12)
- Civil rights and freedoms (arts. 7, 8 and 13-17)
- Violence against children (arts. 19, 24(3), 28(2), 34, 37(a) and 39)
- Family environment and alternative care (arts. 5, 9-11, 18(1) and (2), 20, 21, 25 and 27(4))
- Disability, basic health and welfare (arts. 6, 18(3), 23, 24, 26, 27(1)-(3) and 33)
- Education, leisure and cultural activities (art. 28-31)
- Special protection measures (arts. 22, 30, 32, 33, 35, 36, 37(b)-(d) and 38-40)

# Committee on the Rights of the Child - Treaty Body established by the CRC

## ● Who we are ---

18 individual experts elected by the States parties, serve for four years (arts. 43, 44)



# Committee on the Rights of the Child

## *cont'd*

### ● What we do ---

Meet 3 times a year (for 4 weeks each time) in Geneva for:

- Review of States parties' reports (art. 44: initial report within 2 years, periodical report every 5 years) and make recommendations ---  
**“Constructive dialogue”**
- Individual communications and inquires
- General Comments (1-25)
- Days of General Discussion

# Review of States parties' reports – “Constructive Dialogue”

- Purpose of review : Assess progress and challenges in national implementation, make recommendations
- Process of review : Submission of reports → List of issues → Replies → Dialogue →

Reporting Guidelines



Concluding Observations

- Submission from NGOs ▪ UN Agencies (including **UNICEF**) ▪ Children (confidential)



Meeting room for dialogue in UN (Geneva)

Review conducted public and broadcasted on UN WEB TV

The screenshot shows the UN Web TV interface. At the top, there's a navigation bar with links for UN Home, Multimedia, Radio, Photo, News Centre, Web TV, and Audiovisual Library. The main header features the UN logo and the text 'UN WEB TV The United Nations Live & On-demand'. Below this is a search bar and social media icons. The central video player shows a meeting with three participants seated at a table with nameplates for 'SECRETARY', 'CHAIRPERSON', and 'BHUTAN'. To the right, there's a 'RELATED VIDEOS' section with a list of recent meetings. At the bottom, there's a 'Featured Videos' section. The browser's address bar shows the URL: 'https://www.un.org/webtv/Meetings-Events/Human-Rights-Treaty-Bodies/Watch/Consideration-of-Bhutan-Contd-2199th-Meeting-75th-Session-Committee-on-the-Rights-of-the-Child/5438251051001'. The Windows taskbar at the very bottom shows several open documents and images.

# Reporting cycles and Civil Society Reports

- Current reporting cycle – after 1<sup>st</sup> report, every 5 years with an “opt-in” option utilising the Simplified Reporting Procedure (SRP – for further info, refer website under ‘Reporting Guidelines’; currently 26 SPs only).
- Future trend - all TBs to move towards a predictable review cycle of 8 years with a mid-cycle review after 4 years, focusing on the 6 main areas identified in the COBs; and converting the SRP to an “opt-out” system of review.
- Civil society Reports – **absolutely essential** whichever option used.
- From UNICEF/other UN agencies, NHRIs/Childrens Commrs/Ombudspersons, academics, specialist NGOs, etc.
- Especially the voices of the children either individually or through child rights organisations – for impact, refer climate change COBs.
- Many times, a surprise (cultural ID art 31 - Mong; gen - play and leisure art 31; corp punt - Sam).

# Implementation of the CRC COBs

- Primary responsibility to fulfill a State party's CRC obligations rests on the State; and requires support of the individual stakeholders eg NHRIs; state/local govt agencies.  
**National implementation** is the key: orse just words
- National implementation requires resources and capacities: national/federal level and state/provincial/local level
- May need International cooperation with donor or aid agencies to provide financial support and technical assistance – especially for small juris e.g Pac Is States
- International cooperation with UN agencies e.g. UNICEF, UNDP, etc - Bhutan example below; explore other “possibilities” – e.g. ADB - CRC 84 Extraordinary Session in Samoa).
- Legal obligations of all States to provide international cooperation
  - as UN Member States – articles 55 & 56 UN Charter

# References to International Cooperation in the CRC

- **Preamble**

“Recognizing the importance of international cooperation for improving the living conditions of children in every country, in particular in the developing countries”

- **Article 4 (States parties’ obligation of implementation)**

“where needed, within the framework of international co-operation”

- **Article 22 (Refugee children)**

- **Article 23 (Children with disabilities)**

- **Article 24 (Health)**

- **Article 28 (Education)**

- **Article 45 (International cooperation and technical assistance)**

“In order to foster the effective implementation of the Convention and to encourage international co-operation in the field covered by the Convention”

- participation of and submission of reports from the specialized agencies, UNICEF, other UN organs, other competent bodies in the reporting procedures.



# Areas in need of international cooperation and UN agencies and entities:

## Follow up to Concluding Observations is the Key

### ● **Concluding observations for Bhutan (2017)**

- Allocation of resources: UNICEF
- Birth registration, name and nationality: UNICEF
- Violence, abuse and neglect: UNICEF
- Education, including vocational training and guidance: UNICEF
- Children of ethnic Nepalese origin: UNICEF
- Child labour: ILO
- Administration of juvenile justice: UNICEF

### ● **Concluding observations for Mongolia (2017)**

- Health and health services: WHO

Many other UN agencies and entities: OHCHR, UNHCR, IOM, UNFPA, UNDP, UN Women, UNODC, World Bank, etc.



# Various channels and forms of International cooperation in the area of child rights

## ● Governments

- Multilateral: UN and other international organizations
- Regional: EU, ASEAN, ADB, etc.
- Bilateral:
  - eg. JICA (building schools)

## ● NGOs

- eg. Save the Children (violence)
- Pacific Youth Courts Council (training Youth Ct judges)

## ● Business sector

- eg. Zipline (Drone vaccine delivery)
- Yahoo! (Online sexual exploitation of children)

# SDGs - Opportunities for realization of child rights

- **SDGs and Children's Rights**

  - Put the rights of the child at the center

- **International-National-Local**

  - Goals for all States

- **Goal 17: Strengthen the means of implementation and revitalize the global partnership for sustainable development**

  - Responsibility of developed countries

  - International cooperation

  - Multi-stakeholders partnership

# References

- Website of the Committee on the Rights of the Child (Treaties ▪ Committee ▪ Reporting guidelines ▪ Concluding Observations to States parties ▪ General Comments, etc.)  
<http://www.ohchr.org/EN/HRBodies/CRC/Pages/CRCIndex.aspx>
- Study of the Human Rights Council Advisory Committee on the enhancement of international cooperation in the field of human rights (A/HRC/19/74)
- Report of the Office of the United Nations High Commissioner for Human Rights: Technical assistance and capacity-building options for integrating human rights into national policies (A/HRC/27/41)