

# The UN Convention on the Rights of the Child

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The United Nations Convention on the Rights of the Child (UNCRC) is a comprehensive, internationally binding agreement on the rights of children, adopted by the UN General Assembly in 1989. It incorporates children's:



**civil and political rights** (like their treatment under the law);

**social, economic and cultural rights** (like an adequate standard of living); and

**protection rights** (from abuse and exploitation).

A child is defined in the UNCRC as a person under the age of 18 years.

## What Does the UNCRC Say?

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There are four main sections to the UNCRC:

- the **Preamble**, which sets out the major underlying principles of the UNCRC and provides a context for it;
- the **substantive articles**, which set out the rights of all children and the obligations of governments (Part I, Articles 1-41);
- the **implementation provisions**, which define how compliance with the UNCRC is to be monitored and fostered (Part II, Articles 42-45); and
- the **conditions** under which the UNCRC comes into force (Part III, Articles 46-54).

### The Preamble

The Preamble of the UNCRC acknowledges the family as the fundamental unit of society and the natural environment for the growth and well-being of children. The Preamble also states that the family should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community.

### The Substantive Articles

Each of the substantive articles, Articles 1-41, details a different type of right. A common approach to the UNCRC is to group these articles together under the following themes:

1. **Survival rights:** include the child's right to life and the needs that are most basic to existence, such as nutrition, shelter, an adequate living standard, and access to medical services

2. **Development rights:** include the right to education, play, leisure, cultural activities, access to information, and freedom of thought, conscience and religion.
3. **Protection rights:** ensure children are safeguarded against all forms of abuse, neglect and exploitation, including special care for refugee children; safeguards for children in the criminal justice system; protection for children in employment; protection and rehabilitation for children who have suffered exploitation or abuse of any kind.
4. **Participation rights:** encompass children's freedom to express opinions, to have a say in matters affecting their own lives, to join associations and to assemble peacefully. As their abilities develop, children are to have increasing opportunities to participate in the activities of their society, in preparation for responsible adulthood.

### **General Principles**

Within the UNCRC, four articles are afforded special emphasis, as they are basic to the implementation of all other rights. These four articles are often referred to as 'general principles'. These are:

- that all the rights guaranteed by the UNCRC must be available to all children without discrimination of any kind (Article 2);
- that the best interests of the child must be a primary consideration in all actions concerning children (Article 3);
- that every child has the right to life, survival and development (Article 6);
- and
- that the child's view must be considered and taken into account in all matters affecting him or her (Article 12).
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### **An Integrated Approach to Children's Rights**

The UNCRC has adopted an integrated and holistic approach to the rights of the child, not least because economic, social and cultural rights are dealt together with civil and political rights. Moreover, rights are not ranked in order of importance; instead they interact with one another to form dynamic parts of an integrated document.

## The UNCRC and its Implementation

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The UNCRC has been signed by all countries, apart from Somalia and the USA. If a government signs the UNCRC it indicates that they are seriously considering ratification, a formal commitment by a government to uphold the UNCRC. This is a binding agreement to meet the provisions and obligations set out in that convention. On ratification of a convention, like the UNCRC, a country becomes a State Party to it. A State Party can, within reason, enter declarations and reservations on a convention. A declaration clarifies the country's interpretation of a section of a convention. A reservation indicates where a particular provision or article is not acceptable to the State Party. (Ireland signed the Convention on the Rights of the Child on 30 September 1990, and ratified it, without reservation, on 21 September 1992. Learn more.)

Accession is the term given to the process when a government ratifies the UNCRC without having previously signed it, thus making signature and ratification a single act.

The UN Committee on the Rights of the Child, a body of 18 internationally elected independent experts on children's rights, monitors progress towards implementing these rights. This is part of the monitoring and reporting process that exists in relation to the UNCRC. In assessing a country's progress towards implementing the UNCRC, the UN Committee takes into account the government's report and submissions from non-governmental organisations (NGOs) concerned with children's rights and welfare.

## Background to the UN Convention on the Rights of the Child (UNCRC)

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The roots of the UNCRC can be traced back to 1923 when Eglantyne Jebb, founder of Save the Children, summarised the rights of children in five points. Her Declaration of the Rights of the Child was adopted by the League of Nations in 1924 and the five points subsequently became known as the Declaration of Geneva.

Following World War II, and its atrocities, the United Nations (UN) concentrated on producing the Universal Declaration of Human Rights, which was adopted in 1948. Although the rights of children were implicitly included in this Declaration, it was felt by many to be insufficient and that the special needs of children justified an additional, separate document. In November 1959, the UN General Assembly adopted the second Declaration of the Rights of the Child. This consisted of ten principles and incorporated the guiding principle of working in the best interests of the child. However, this 1959 Declaration was not legally binding and was only a statement of general principles and intent.

Ten years in the making, the UNCRC was adopted by the UN General Assembly in 1989, exactly thirty years after the 1959 Declaration. On 2 September 1990 it entered into force as international law.

Source:

Children's Rights Alliance: <http://www.childrensrights.ie>