

United Nations Convention on the Rights of the Child

and application of its principles in
law and development

Outline

Video: CRC

Review of the CRC Provisions and principles

Children's Right to Protection

**Examples of how CRC principles have been
applied in law and policy**

Discussion

Video: The India Right to Education Act of 2010

Case analysis

Discussion

Why a Convention for Children ?

Not always been accepted as holders of rights –
sometimes as “possessions” of parents

Children have specific needs in contrast to adults due to
their dependence, limited agency and the special nature
of childhood characterized by evolving capacities.

Being “voiceless” Children have been relatively “invisible”

Often do not have the capacity to protect themselves, from
abuse, from exploitation

Children’s Rights “scattered” over other HR instruments

The United Nations Convention on the Rights of the Child

<https://www.youtube.com/watch?v=TFMqT-DIYI2U>

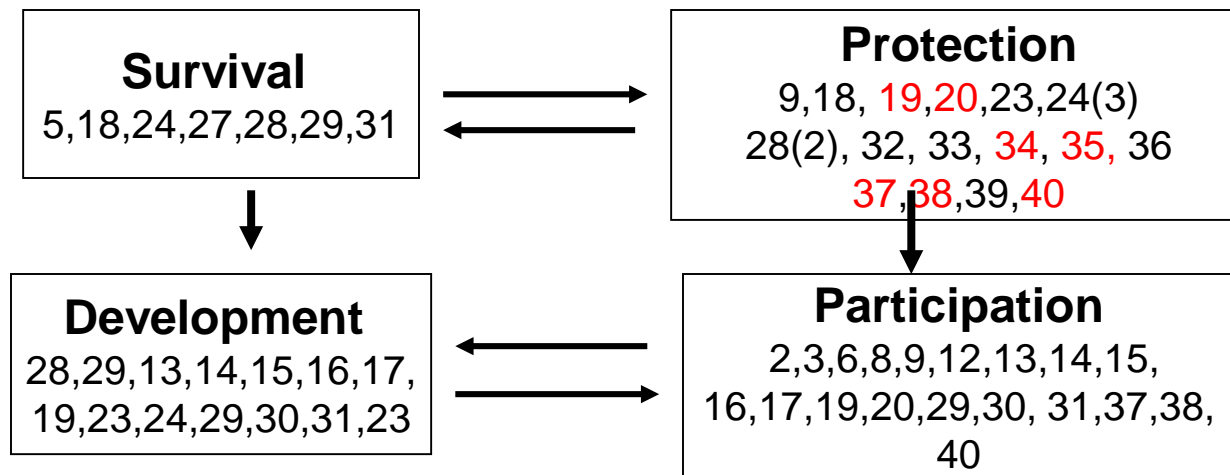
Categories of Children's Rights

Children's rights cover every aspect of the lives of children and adolescents:

- *Survival rights*: the right to life and to have the most basic needs met (e.g., adequate standard of living, shelter, nutrition, medical treatment)
- *Development rights*: the rights enabling children to reach their fullest potential (e.g. education, play and leisure, cultural activities, access to information and freedom of thought, conscience and religion)
- *Participation rights*: rights that allow children and adolescents to take an active role in their communities (e.g., the freedom to express opinions; to have a say in matters affecting their own lives; to join associations).
- *Protection rights*: rights that are essential for safeguarding children and adolescents from all forms of abuse, neglect and exploitation (e.g., special care for refugee children; protection against involvement in armed conflict, special protective procedures for giving testimony)

Provisions of the CRC

Part (i) Articles 1- 41 (rights are indivisible & interdependent)



Indicative Data : Child Protection

- Globally, 25% of all children lack birth registration, and don't exist in the eyes of the State.
- Three-quarters of the world's 2- to 4-year-old children – around 300 million – experience psychological aggression and/or physical punishment by their caregivers at home.
- Over 168 million children are estimated to be involved in child labor
- 2.7 million children estimated to be living in residential care (orphanages)
- Nearly 28 million have been forced to flee their homes,
- 263 million children are reported to be out of school,
- 40 million girls aged 15-19 are currently married or in union,
- 75,000 boys and girls were murdered in 2015 alone.
- 1 million children estimated to be in detention, world wide
- 59,000 unaccompanied children in US immigration detention, 2016

Protection Rights: Violence

Article 19:

1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of **physical or mental violence**, injury or abuse, **neglect** or negligent treatment, maltreatment or exploitation, including **sexual abuse**, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

Key Principles of the CRC

The CRC has four key or overarching principles:

- **Non Discrimination (Article 2)**
 - Each child's rights are ensured without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, color, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.
- **Best Interest of the child - (Article 3)**
 - In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

Key Principles of the CRC

- **Life, Survival and development – (Article 6)**
 - Recognizing that every child has the inherent right to life, States Parties shall ensure to the maximum extent possible the survival and development of the child.
- **Respect of the views of the child - (Article 12)**
 - Children who are capable of forming his or her own views have the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

CRC shares human rights principles

Accountability of duty-bearers

A legal obligation of those in authority to take responsibility for their actions, to answer for them to those whose rights are affected, and to be subject to some form of enforceable sanction if their conduct or explanation is found wanting.

Interdependent and indivisible

All human rights, whether they are civil and political rights, economic, social and cultural rights, or collective rights, such as the rights to development and self-determination, are indivisible, interrelated and interdependent. The improvement of one right facilitates advancement of the others. Likewise, the deprivation of one right adversely affects the others.

CRC Principles

ensure the survival and development to maximum extent possible

Avoid discrimination that threatens the realisation of rights

Non-discrimination

Best interests



Survival
And
Development

make decisions in which children's best interests are a primary consideration

Participation

consider children's informed views and opinions in decision making

ACCOUNTABILITY

Guatemala: Law as an entry point for social change

Guatemala

http://www.youtube.com/watch?v=7N4BA2Z_i_lw

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Right to Education Act

<https://www.youtube.com/watch?v=yiiqrIf2xT0>

56 sec-7 min