



Human Rights of the Child



Federal Ministry
for Foreign Affairs
of Austria



“In all actions considering 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.”

Art. 3, UN Convention on the Rights of the Child, 1989.

Evolution: Over the past 200 years...



Human Rights of the
Child

Human rights of children...

...evolved from the broader human rights movement.

...derived also from other developments in the social, educational and psychological field:

- *e.g.* industrialization and its negative impacts on children, state-sponsored compulsory education on schools and new understanding of child development.

Convention on the Rights of the Child



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- ▶ Adopted by the General Assembly on 20 November 1989, into force since 1990.
- ▶ Currently 194 member states, except for the USA, Somalia and South Sudan (Independence in 2011, but there is no mention in the UN ratification list).
- ▶ Seeks to empower and emancipate children and addresses generational and gender issues.
- ▶ Rights enshrined seek “three Ps”:
 - Participation.
 - Protection.
 - Provision.

Convention on the Rights of the Child Scope of Protection



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- ▶ A child is any human being **under the age of 18**.
(Art. 1, Convention on the Rights of the Child).
- ▶ Any measure has to be taken in the **best interest of the child and of society**.
(Art. 3, Convention on the Rights of the Child)
- ▶ Human Rights of the Child do not undermine family life or parenting rights, but create a safety net to ensure the best interest of the child.

Controversial Issues



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- ▶ **Corporal punishment:** Special Representative of the Secretary General on Violence against Children, established by General Assembly Resolution 62/141, in 2008.
- ▶ **Status of girl children:** often threat of multiple discrimination as a female and as a child.
- ▶ **Child work:** often linked to various economic and social factors and conditions in the respective country.

Implementation and Monitoring

- ▶ **The Committee on the Rights of the Child:** is the supervisory body of the CRC:
 - Receives state reports.
 - Publishes General Comments on the key authoritative interpretation of the CRC.
- ▶ **NGOs:** can submit shadow reports to the Committee and do lobby for an individual complaint procedure to address the Committee.
- ▶ **Individual Complaints Procedure:** Optional Protocol to the CRC on a Communications Procedure, adopted in December 2011, allowing children to directly submit a complaint to the Committee. **The Protocol opened for signature in February 2012 and will enter into force upon ratification by 10 UN Member States..**

Trends



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- ▶ **Structural aspects:** support for child initiatives and organisations; establishment of ombuds-offices for children.
- ▶ **Rights of the girl child:** fight against stereotypes and information campaigns.
- ▶ **Children and armed conflicts:** implementation of prevention and protection campaigns.
- ▶ **Health issues:** provision of health services for parents also has implications for the children.

Chronology

- 1924 Declaration on the Rights of the Child.
- 1959 UN Declaration on the Rights of the Child.
- 1989 UN Convention on the Rights of the Child (adopted: 20 November 1989; entry into force: 2 September 1990).
- 1990 Appointment of the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography.
- 1990 World Summit for Children in New York (29-30 September); adoption of the World Declaration and Plan of Action for the Survival, Protection and Development of Children.
- 1990 African Charter on the Rights and Welfare of the Child

Chronology

- 1993 Vienna World Conference on Human Rights, emphasis on the rights of children in its Declaration and Programme of Action.
- 1996 Independent expert study on the “Impact of Armed Conflict on Children” to the General Assembly.
- 1996 World Congress against Commercial Sexual Exploitation of Children in Stockholm (2001 Yokohama follow-up).
- 1998 The Coalition to Stop the Use of Child Soldiers is founded.
- 1999 Human Security Network, with strong emphasis on children and armed conflict.
- 1999 Convention No. 182 on the Worst Forms of Child Labour adopted by the International Labour Organization.

Chronology

- 2000 Two Optional Protocols to the CRC: on the Involvement of Children in Armed Conflict and on the Sale of Children, Child Prostitution and Child Pornography.
- 2002 Children's Forum (5-7 May) and UN General Assembly Special Session on Children in New York (8-10 May).
- 2005 UN Security Council Resolution 1612, providing for a monitoring and reporting mechanism on children and armed conflict.
- 2007 Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse; entry into force: 1 July 2010.
- 2010 UN "Zero-Under-18" Campaign to achieve universal ratification of the Optional Protocol to the CRC on a Communications Procedure.