



# **CHILDREN'S RIGHTS**

**The Governance Group / Norwegian Centre for Human Rights**

**Niels Jacob B. Harbitz**

# The Convention on the Rights of the Child

- Needs-based convention. Fills an identified gap.
- New vision of the child, as a separate, unique and full human being, neither the property of their parents nor a helpless object of charity, with his or her own rights.
- Recognizes children's need for protection and assistance and sets standards on how to meet those needs.
- Legally establishes children's rights to education, health care, and development to their fullest potential.



# Do children need their own human rights?



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# The main categories of children's rights are:

- Right to life and development
- Right to health
- Right to material welfare
- Right to family relations
- Right to protection from violence, neglect and exploitation
- Right to education, and aim / content of education
- Right to play, rest and leisure, and to participate in culture
- Rights of children with disabilities
- Rights of refugee, minority and indigenous children

# Basic Principles, Basic Needs



- Best interests of the child
- Right to non-discrimination
- Right to be heard





# Right to Life ...

## *Article 6*

- “1. States Parties recognize that every child has the inherent right to life.
- 2. States Parties shall ensure to the maximum extent possible the survival and development of the child.”



# Right to Life ...

Examples of other measures connected to the right to life:

- States parties cannot implement the death penalty for anyone under age 18
- States parties should take special measures to protect children during armed conflicts

**CHILDREN ASSOCIATED WITH ARMED FORCES OR ARMED GROUPS**

It is estimated today that tens of thousands of children – some as young as eight years old – are involved in at least 15 armed conflicts around the world. Children are used as combatants, messengers, porters, cooks and for sexual purposes including being used as “wives”. Some are forcibly recruited or abducted, others are driven to join by poverty, abuse, discrimination and ideology, or to seek revenge for violence enacted against themselves and their families.

A child associated with an armed force or armed group is any person under 18 years of age who is part of any kind of regular or irregular armed force or armed group in any capacity. The term “child soldier” is discouraged as it does not accurately reflect the range of roles in which boys and girls are recruited and used for military purposes, and for whose release UNICEF advocates.

Often girls and boys are abducted from their schools, homes or villages and brought to camps. They may be used as combatants, porters or for sexual purposes.

**INTERNATIONAL STANDARDS TO PROTECT THESE CHILDREN**

1989: The Convention on the Rights of the Child (CRC)  
1999: ILO Convention No. 182 on the Worst Forms of Child Labour  
2000: The Optional Protocol to the CRC on the involvement of Children in Armed Conflict  
2005: Security Council Resolutions 1612  
2007: The Paris Commitment and Paris Principles  
2009: Security Council Resolution 1882  
2011: Security Council Resolution 1998

Since 1998 more than **100,000** children have been released and received support for their reintegration.

The physical and psychological impact on children and their communities across generations cannot be underestimated. It deprives them of their rights and their childhood.

Stopping this is complicated. The key is prevention – to address the social, security, political and economic factors that lead to child recruitment.

UNICEF and partners negotiate with governments and armed groups for the release of children; some of them escape by themselves.

In some cases, the children are reunited immediately with their families. Others are cared for in transit centers or by foster families before returning to their families. In both cases, the children receive psychosocial assistance, medical care, and social and economic support.

To ensure adequate reintegration of the children, it is important that they and the concerned community benefit from a range of support.

[http://www.unicef.org/protection/STSOZ\\_S0027.html](http://www.unicef.org/protection/STSOZ_S0027.html)

<http://www.unicef.org>

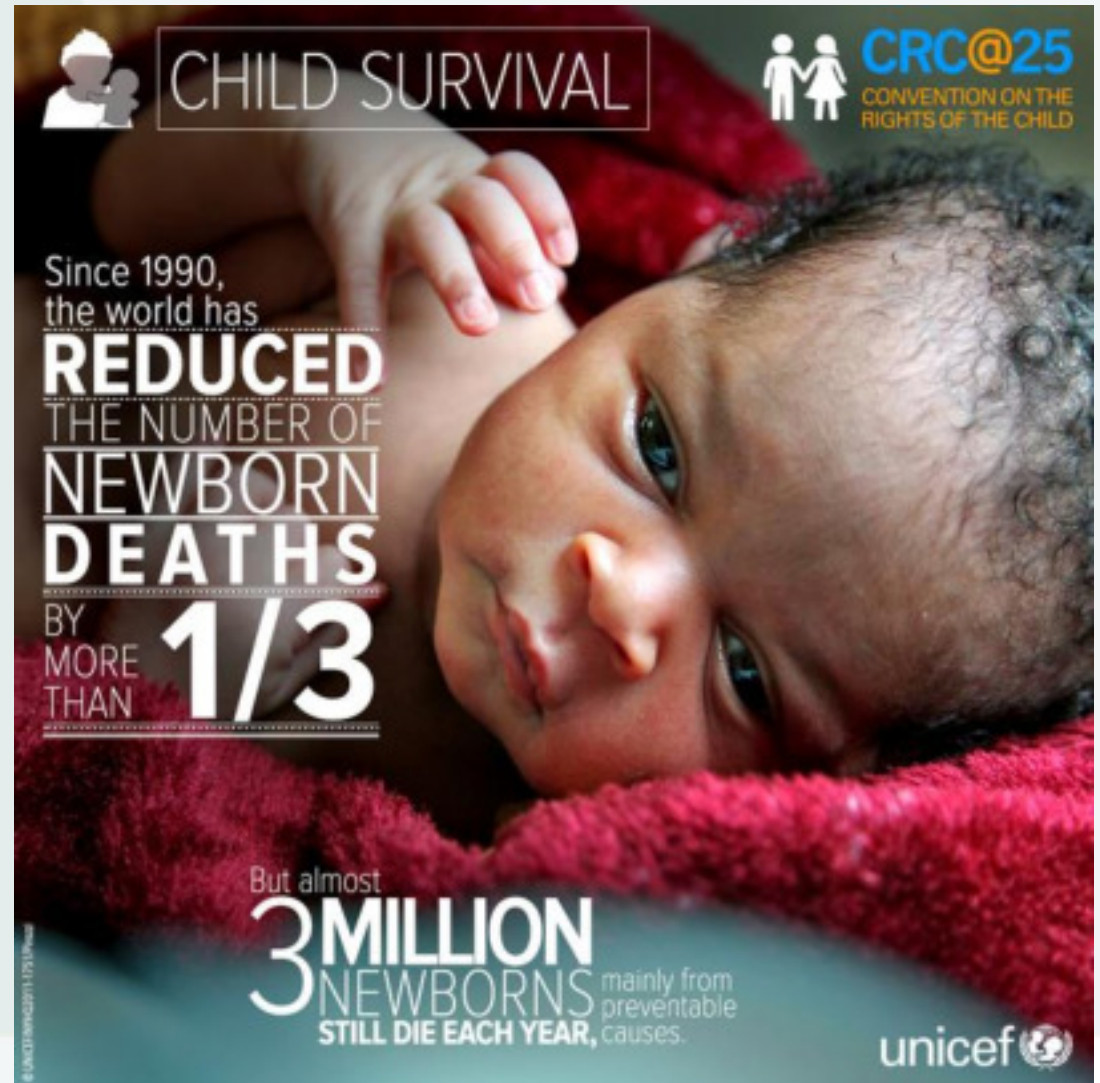
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# Right to Life ...

Includes both positive and negative obligations:

- States parties must not take actions that would deprive children of their right to life
- They must also take actions to ensure children enjoy the right to life, e.g. through immunizations, the provision of clean drinking water, etc.





# Essence of right to health

**‘Every child has the right to the best health care possible, safe water to drink, nutritious food, a clean and safe environment, and information to help you stay well’.**



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# Essence of Right to Material Welfare

**‘Every child has the right to food, clothing, a safe place to live and to have its basic needs met. You should not be disadvantaged so that you can’t do many of the things other kids can do’.**



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# Material Welfare

- Articles 18, 26, 27 all deal with the material conditions children need for their survival and development
- Note that these articles apply *in addition to* relevant articles in the International Covenant on Economic, Social and Cultural Rights (ICESCR)
- Again, the CRC recognizes that not all states have the resources to provide children with these conditions, so these rights are also subject to progressive realisation



# Civil rights and freedoms

- Right to a name, citizenship, and to know and be cared for by one's parents
- Right to keep one's identity
- Right to freedom of expression and to seek and receive information
- Right to freedom of thought, religion, and conscience
- Right to freedom of association
- Right to privacy



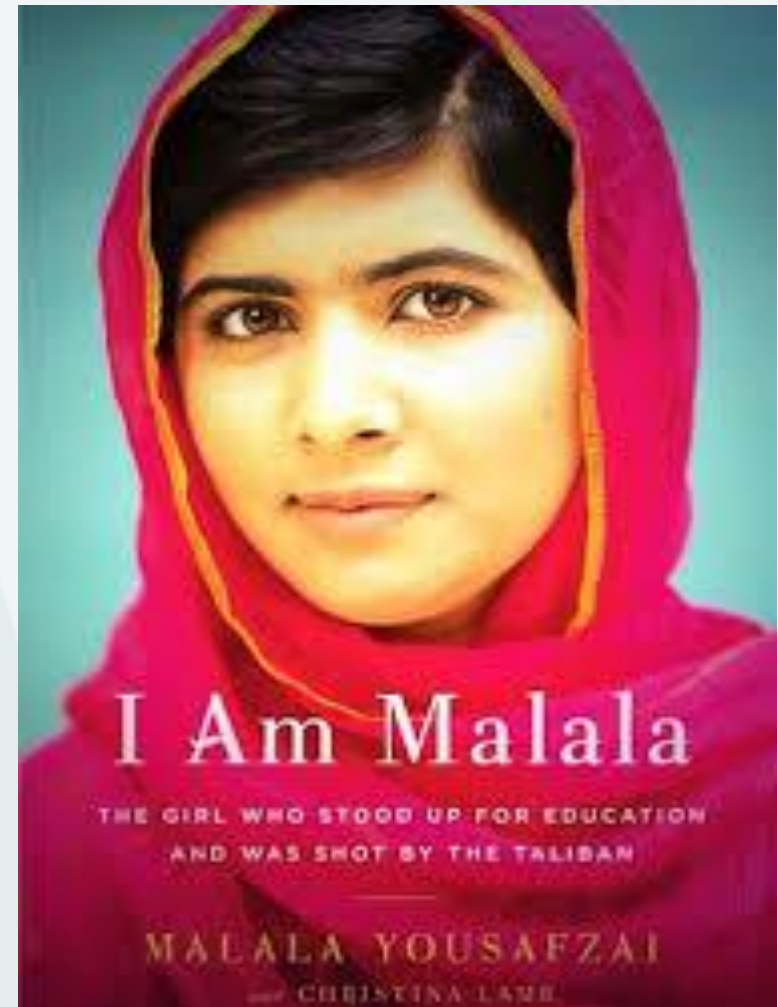


# Right to freedom of expression and to seek and receive information

Also, parents are responsible for raising their children (Article 18) and states can restrict children's access to information that might be harmful

Examples:

- Can parents forbid their children from using foul language? (Yes)
- Can a state prohibit children from advocating girls' access to education? (No)



# Freedom from the worst forms of child labour, CRC, Article 32

1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.



# Freedom from the worst forms of child labour, CRC, Article 32, cont.

2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, ...





# Freedom from the worst forms of child labour, CRC, Article 32, cont.

States Parties shall in particular:

- (a) Provide for a minimum age or minimum ages for admission to employment;
- (b) Provide for appropriate regulation of the hours and conditions of employment;
- (c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.





# Protection of children in armed conflicts

## Rome Statute

- Classifies as a war crime the conscripting or enlisting of children under age 15 in armed conflict
- Also applies to non-state armed groups that use children



# Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

Entered into force in January 2002. State parties commit themselves to prohibit:

- Sale of children
  - Child prostitution
  - Child pornography
- ... and take a wide array of measures to substantiate the prohibitions



# Right to education

## *Basics of Article 28 explained:*

- States must progressively implement free and compulsory primary education for all, based on the state's resources
- States shall 'encourage' the provision of free secondary and vocational education
- States shall make higher education available to all (but not necessarily free)
- States shall ensure that school disciplinary measures do not violate children's dignity or other portions of the CRC (read: no corporal punishment!)
- States shall ensure students actually attend school and take measures to prevent students from dropping out



# Right to education, cont.

## Common challenges:

- Access to education restricted for girls, children with disabilities, children who live in rural areas
- Hidden costs of education, like fees for school uniforms or for books, may prevent families from enrolling their children in school
- Low quality education
- Children removed from school to work





**The end ...**

**Thank you!**



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