



Human Rights Office

Istituto Internazionale Maria Ausiliatrice -IIMA

NGO in special consultative status with the Economic and Social Council of the United Nations

## XX Anniversary of the Adoption of the Convention on the Rights of the Child



### ❖ *What is the Convention on the Rights of the Child?*

The Convention on the Rights of the Child is an international convention<sup>i</sup> setting out specific measures to the protection of children's rights.

### ❖ *Why was it adopted?*

The Convention was adopted because the international community<sup>ii</sup> recognized the need to provide effective tools to protect people aged less than 18.

### ❖ *When was it adopted?*

The General Assembly<sup>iii</sup> of the United Nations<sup>iv</sup> adopted the Convention on the Rights of the Child on 20 November 1989. The Convention then came into force<sup>v</sup> on 2 September 1990, after it was ratified<sup>vi</sup> by the required number of nations (20).

### ❖ *How many countries have ratified it?*

The Convention on the Rights of the Child is the most widely ratified international human rights<sup>vii</sup> treaty to date: 193 countries have ratified the, including every member of the United Nations except the United States and Somalia.

### ❖ *What are the contents of the Convention?*

The Convention acknowledges the child-specific needs and rights and require that countries act following four principles:

- a) **non discrimination** (art. 2): States Parties shall respect and ensure the rights set forth in the Convention to each child within their jurisdiction without discrimination of any kind.
- b) **best interests of the child** (art. 3): in all actions concerning children the best interests of the child shall be a primary consideration.
- c) **the right to life, to survival and to development** (art. 6): these rights have to be ensured to children to the maximum extent possible.
- d) **the right to express their own view** (art. 12): the child who is capable of forming his or her own views must have the right to express those views freely, and the views of the child must be given due weight.

The tangible innovation introduced by CRC consists in considering the child as a subject of law and a rights holder, guaranteeing him integral protection. Moreover, The CRC was the first international human rights treaty to include civil, political, economic, social and cultural rights in a single comprehensive document.



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❖ **What the Optional Protocols are?**

To help stem the growing abuse and exploitation of children worldwide, the United Nations General Assembly in 2000 adopted two Optional Protocols<sup>viii</sup> to the Convention to increase the protection of children from involvement in armed conflicts and from sexual exploitation. The Protocols are: the “*Optional Protocol on the Involvement of Children in Armed Conflict*”, and the “*Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography*”.

❖ **What are the effects of the Convention?**

The Convention highlighted how relevant is the protection of the rights of children and succeeded in giving responsibility for this to State parties: by ratifying this international convention they are bound to it by international law. Thanks to the Convention, the governments know precisely how to guarantee a whole legal protection to children. In addition, they can benefit from the *Committee on the Rights of the Child* to receive assistance in implementing the Convention and improving the status of children’s rights in their country.

❖ **What is the Committee on the Rights of the Child?**

It is a body of independent experts<sup>ix</sup>, created by the Convention on the Rights of the Child, which has the mandate to monitor the implementation of the Convention by States parties. The Committee also monitors implementation of the Optional Protocols. Countries are required to submit periodical and detailed reports on the national situation of children's rights to the Committee for examination. The Committee examines each report and raises concerns or makes recommendations to the State party. The approach of the Committee consists in creating a *constructive dialogue* with States parties, to help them in the compliance of the Convention.

❖ **NGO and civil society: How can we contribute to protect the rights of the child?**

Article 45 of the Convention claims that the Committee may invite “competent bodies” to provide expert advice on the implementation of the Convention. These competent bodies are the NGOs (Non Governmental Organizations) that are representative of the civil society. They are entitled to:

- a) Submit reports to the Committee on the implementation of the Convention in areas falling within the scope of their activities, in the meanwhile it is examining a State party’s national report. The information provided by the NGOs can be used by the members of the Committee during the examination of the State parties and also within the recommendations.
- b) Offer their cooperation for the implementation of the Committee’s recommendation by assisting and networking with governments to carry out specific project and activities.
- c) They could finally submit reports to the Committee on how State parties are implementing the recommendations received. NGOs are hence critical in monitoring the government’s commitment in the protection of the rights of the child, in view of the next revision<sup>x</sup>.

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<sup>i</sup> INTERNATIONAL CONVENTION – the international convention (or treaty, or covenant) is an agreement between Nations and/or International Organizations. It is a *legal binding* agreement, meaning that a country that accepts such agreement assumes the



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obligation to respect it under the international law, and becomes a “State party”. Different from the *convention* is the *declaration*, the last being a *non binding* statement of principles.

<sup>ii</sup> INTERNATIONAL COMMUNITY – it includes all the actors in international law, namely sovereign states and international organizations (e.g. the United Nations Organization, UNO).

<sup>iii</sup> GENERAL ASSEMBLY - The General Assembly is the main deliberative assembly of the United Nations and is composed of all United Nations member states.

<sup>iv</sup> UNITED NATIONS – The United Nations Organization (UNO) is an international organization whose stated aims are facilitating cooperation in international security and the achieving of world peace. The UN was founded in 1945 in New York City. With its 192 member states, it is the largest existing international organization.

<sup>v</sup> ENTRY INTO FORCE – once an international convention receives the requested minimum number of compliances (through the ratifications), it enters into force, hence comes to have legal force and effect.

<sup>vi</sup> RATIFICATION – the ratification is the official means through which a nation assumes its commitment to legally bind itself to an international convention. Ratification is not the *signature*. The *signature* on an international convention is *non binding* for the government.

<sup>vii</sup> HUMAN RIGHTS – are the basic rights and freedoms to which all humans are entitled. Human Rights are:

- a) **Universal:** they are inherent to all human beings, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
- b) **Inalienable:** they must be protected by the rule of law in any circumstances.
- c) **Interconnected, interdependent and indivisible:** all human rights have equal status, and cannot be positioned in a hierarchical order. The fulfillment of one right often depends, wholly or in part, upon the fulfillment of others. Denial of one right invariably impedes enjoyment of other rights.

<sup>viii</sup> OPTIONAL PROTOCOL – it is generally an international agreement that supplements a previous international treaty. A protocol add additional provisions to the previous treaty. A protocol is ‘optional’ because it is not automatically binding on States that have already ratified the original treaty.

<sup>ix</sup> INDEPENDENT EXPERTS - The Committee is made up of 18 members from different countries, which are of 'high moral standing' and experts in the field of human rights. Although nominated and appointed by governments, they act in a personal capacity: they do not represent their countries' governments. Experts are appointed to a four-year term and meet in Geneva. Committee normally holds three sessions per year in January, May and September.

<sup>x</sup> The examination of a State party takes place every five years.