

THE UN CONVENTION ON THE RIGHTS OF THE CHILD

Definition of a child

All persons under 18, unless by law majority is attained at an earlier age. (Article 1)

General principles

Non-discrimination

The principle that all rights apply to all children without exception, and the State's obligation to protect children from any form of discrimination. The State must not violate any right, and must take positive action to promote them all (Article 2)

Best interests of the child

All actions concerning the child should take full account of his or her best interests. The State is to provide adequate care when parents or others responsible fail to do so. (Article 3)

The right to life, survival and development The inherent right to life, and the State's obligation to ensure the child's survival and development. (Article 6)

Respect for the views of the child

The child's right to express an opinion, and to have that opinion taken into account, in any matter or procedure affecting the child. (Article 12)

Civil rights and freedoms

Name and nationality

The right to have a name from birth and to be granted a nationality. (Article 7)

Preservation of identity

The State's obligation to protect and, if necessary, re-establish the basic aspects of a child's identity (name, nationality and family ties). (Article 8)

Freedom of expression

The child's right to obtain and make known information, and to express his or her views, unless this would violate the rights of others. (Article 13)

Access to appropriate information

The role of the media in disseminating information to children that is consistent with moral well-being and knowledge and understanding among peoples, and respects the child's cultural background. The State is to take measures to encourage this and to protect children from harmful materials (Article 17)

Freedom of thought, conscience and religion

The child's right to freedom of thought, conscience and religion, subject to appropriate parental guidance and national law (Article 14)

Freedom of association and peaceful assembly

The right of children to meet with others and to join or set up associations, unless the fact of doing so violates the rights of others. (Article 15)

Protection of privacy

The right to protection from interference with privacy, family, home and correspondence, and from libel/slander. (Article 16)

The right not to be subjected to torture or other cruel inhuman or degrading treatment or punishment

The prohibition of torture, cruel treatment or punishment, capital punishment and life imprisonment. (Article 37 (a))

Family environment and alternative care Parental guidance

The State's duty to respect the rights and responsibility of parents and the wider family to provide guidance appropriate to the child's evolving capacities. (Article 5)

Parental responsibilities

The principle that both parents have joint primary responsibility for bringing up their children, and that the State should support them in this task. (Article 18 paras. 1-2)

Separation from parents

The child's right to live with his/her parents unless this is deemed incompatible with his/her best interests; the right to maintain contact with both parents if separated from one or both; the duties of States in cases where such separation results from State action. (Article 9)

Family reunification

The right of children and their parents to leave any country and enter their own in order to be reunited or to maintain the child-parent relationship. (Article 10)

Recovery of maintenance for the child

The state's obligation to secure the recovery of maintenance for the child from the parents or other persons having financial responsibilities for the child. (Article 27 para. 4).

Children deprived of a family environment

The State's obligation to provide special protection for children deprived of their family environment and to ensure that appropriate alternative family care or institutional placement is made available to them, taking into account the child's cultural background. (Article 20)

Adoption

In countries where adoption is recognised and/or allowed, it shall only be carried out in

the best interest of the child, with all necessary safeguards for a given child and authorisation by the competent authorities. (Article 21)

Illicit transfer and non-return

The State's obligation to try to prevent and remedy the kidnapping or retention of children abroad by a parent or third party. (Article 11)

Abuse and neglect, including physical and psychological recovery and social reintegration

The State's obligation to protect children from all forms of maltreatment perpetrated by parents or others responsible for their care, and to undertake preventive and treatment programmes in this regard. (Article 19). The State's obligation to ensure that child victims of neglect, maltreatment or exploitation receive appropriate treatment for their recovery and social re-integration. (Article 39)

Periodic review of placement

The right of children placed by the State for reasons of care, protection or treatment to have all aspects of that placement evaluated regularly. (Article 25)

Basic health and welfare

Survival and development

The State's obligation to ensure the child's survival and development. (Article 6 para. 2)

Disabled children

The right of handicapped children to special care, education and training designed to help them to achieve greatest possible self-reliance and to lead a full and active life in society. (Article 23)

Health and health services

The right to the highest level of health possible and to access to health and medical services, with special emphasis on primary and preventive health care, public health education and the diminution of infant mortality. The State's obligation to work towards the abolition of harmful traditional practices. Emphasis is laid on the need for international co-operation to ensure this right. (Article 24)

Social security and child care services and facilities

The right of children to benefit from social security. (Article 26). The State's obligation to ensure children child care services and facilities for which they are eligible. (Article 18 para. 3)

Standard of living

The right of children to benefit from an adequate standard of living, the primary responsi-

bility of parents to provide this, and the State's duty to ensure that this responsibility is first fulfillable and then fulfilled. (Article 27 paras. 1-3)

Education, leisure and cultural activities

Education, including vocational training and guidance

The child's right to education, and the State's duty to ensure that primary education at least is made free and compulsory. Administration of school discipline is to reflect the child's human dignity. Emphasis is laid on the need for international co-operation to ensure this right. (Article 28)

Aims of education

The State's recognition that education should be directed at developing the child's personality and talents, preparing the child for active life as an adult, fostering respect for basic human rights and developing respect for the child's own cultural and national values and those of others. (Article 29)

Leisure, recreation and cultural activities

The right of children to leisure, play and participation in cultural and artistic activities. (Article 31)

Special protection measures

(a) Children in situations of emergency:

(i) *Refugee children*

Special protection to be granted to children who are seeking refugee status, and the State's obligation to co-operate with competent organisations providing such protection and assistance (Article 22)

(ii) *Children in armed conflicts, including physical and psychological recovery and social reintegration*

The obligation of States to respect and ensure respect for humanitarian law as it applies to children. The principle that no child under 15 take a direct part in hostilities or be recruited into the armed forces, and that all children affected by armed conflict benefit from protection and care. (Article 38). The State's obligation to ensure that child victims of armed conflicts, torture, neglect, maltreatment or exploitation receive appropriate treatment for their recovery and social re-integration. (Article 39)

(b) Children in conflict with the law:

(i) *Administration of juvenile justice*

The right of children alleged or recognised as

having committed an offence to respect for their human rights and, in particular, to benefit from all aspects of the due process of law, including legal or other assistance in preparing and presenting their defence. The principle that recourse to judicial proceedings and institutional placements should be avoided wherever possible and appropriate. (Article 40)

(ii) *Children deprived of their liberty, including any form of detention, imprisonment or placement in custodial settings*

The prohibition of unlawful arrest or deprivation of liberty. The principles of appropriate treatment, separation from detained adults, contact with family and access to legal and other assistance. (Article 37 (b), (c) and (d))

(iii) *The sentencing of juveniles, in particular the prohibition of capital punishment and life imprisonment*

The prohibition of torture, cruel treatment or punishment, capital punishment and life imprisonment. (Article 37 (a))

(iv) *Physical and psychological recovery and social reintegration*

The State's obligation to ensure that child victims of cruel, inhuman or degrading treatment or punishment receive appropriate treatment for their recovery and social re-integration. (Article 39)

(c) Children in situations of exploitation:

(i) *Economic exploitation, including child labour*

The State's obligation to protect children from engaging in work that constitutes a threat to their health, education or development, to set minimum ages for employment, and to regulate conditions of employment. (Article 32)

(ii) *Drug abuse*

The child's right to protection from the use of narcotic and psychotropic drugs and from being involved in their production or distribution. (Article 33)

(iii) *Sexual exploitation and sexual abuse*

The child's right to protection from sexual exploitation and abuse, including prostitution and involvement in pornography (Article 34)

(iv) *Sale, trafficking and abduction*

The State's obligation to make every effort to prevent the sale, trafficking and abduction of children. (Article 35)

(v) *Other forms of exploitation*

The child's right to protection from all other forms of exploitation not covered in articles 32, 33, 34 and 35. (Article 36)

(d) Children belonging to a minority or an indigenous group:

The right of children of minority communities and indigenous peoples to enjoy their own culture and to practice their own religion and language. (Article 30)

Implementation and monitoring

Implementation of rights

The State's obligation to undertake all appropriate measures to translate the rights in the Convention into reality. (Article 4)

Respect for existing standards

The principle that, if any standards set in national law or other applicable international instruments are higher than those of this Convention, it is the higher standards that applies. (Article 41)

Information on the Convention

The State's obligation to make the rights contained in this Convention widely known to both adults and children. (Article 42)

Monitoring

The setting up of a Committee on the Rights of the Child composed of ten experts, which will consider reports that States Parties to the Convention are to submit two years after ratification and every five years thereafter. (Article 43-44)

States Parties are to make their reports widely available to the general public. (Article 44)

The Committee may propose that special studies be undertaken on specific issues relating to the rights of the child, and may make its evaluations known to each State Party concerned as well as to the UN General Assembly (Article 45)

In order to "foster the effective implementation of the Convention and to encourage international co-operation», the specialised agencies of the UN (such as the ILO, WHO and UNESCO) and UNICEF would be able to attend the meetings of the Committee. Together with any other body recognised as «competent», including NGOs in consultative status with the UN and UN organs such as the UNHCR, they can submit pertinent information to the Committee and be asked to advise on the optimal implementation of the Convention (Article 45)

Unofficial summary

UN Convention on the Rights of the Child is composed of 54 articles.

Here you can find a selection of articles presented as unofficial summary with the purpose of information and illustration.