

UN Convention on the Rights of the Child



Introduction

The UN Convention on the Rights of the Child (UNCRC) is an international treaty – an agreement between different countries – designed specifically to meet the needs of children. Children have all of the rights in other international human rights treaties too, but the UNCRC includes additional rights which only children need.

The United Nations Convention on the Rights of the Child (UNCRC) was introduced in 1989 to protect children and help them access things they need because they are still developing and are more vulnerable than the majority of adults.

It includes rights such as the right to relax and play (article 31), the right to be safe from violence (article 19) and the right to education (article 28) with no one right being considered more important than the other.

Introduction

The UNCRC is the most complete set of children's rights to have ever been issued and is the most widely adopted international human rights treaty in history. The introduction of the UNCRC has led to governments having to provide new protections and services for children. It has also helped children when they are placed in difficult or troubling situations such as becoming refugees, being involved in war or if they have committed a crime.

When a state ratifies (signs up to) a treaty it takes on legal obligations under international law. The UK ratified the UNCRC in December 1991.

Introduction

Unfortunately the Convention has not been made part of our domestic law, meaning that a child cannot go to court relying only on the UNCRC. However, as international law, the Convention is meant to be followed and should be referred to by courts, tribunals and other administrative processes when making decisions that affect children.

Public bodies should also comply with it. This means that the UNCRC can be referred to in courts, tribunals and administrative proceedings such as case conferences, reviews and school exclusion panels.

Principles

There are four articles in the convention that are seen as special. They're known as the "General Principles" and they help to interpret all the other articles and play a fundamental role in realising all the rights in the Convention for all children. They are:

- The Right to non-discrimination (Article 2)
- That the Best Interests of the Child shall be primary consideration in all matters affecting children (Article 3.1) - (ie Talking to the child; Hearing from those who know the child; Social worker view; explaining the decision to the child)
- The Right to Life, survival and development (Article 6)
- The Right to be heard and listened to (Article 12)

The four 'P's'

Within the UNCRC children's rights are divided into four groups, known as the four P's. These are:

- Provisional rights – These are rights that enable children's growth and development and include the rights to adequate housing, food and education.
- Prevention rights – Prevention rights are used to create and implement systems that protect children. This includes protection against abuse or infringement of their rights and the right to legal representation.
- Protection rights – These protect children against exploitation and abuse and allow intervention when either occurs. For example, children who are abused or at risk of harm at home can be removed by the state either temporarily or permanently.
- Participation rights – This group of articles grant children the right to take part in decisions that involve or affect them. Participation rights also include the right to have an independent opinion.

International treaty

Since it was adopted by the United Nations in November 1989, 196 countries have signed up to the UNCRC, with only one country still to ratify - USA.

All countries that sign up to the UNCRC are bound by international law to ensure it is implemented. This is monitored by the Committee on the Rights of the Child

The UNCRC is also the only international human rights treaty to give non-governmental organisations (NGOs), like Save the Children, a direct role in overseeing its implementation, under Article 45a.

Children Rights Alliance for England (CRAE) are the UK's representative as part of the UN Committee on the Rights of the Child.

The Monitoring Committee

The Committee on the Rights of the Child (CRC) is the body of 18 independent children's rights experts that monitors implementation of the Convention on the Rights of the Child by its State parties.

It also monitors implementation of two Optional Protocols to the Convention, on involvement of children in armed conflict and on sale of children, child prostitution and child pornography.

The Monitoring Committee

On 19 December 2011, the UN General Assembly approved a third Optional Protocol on a communications procedure, which will allow individual children to submit complaints regarding specific violations of their rights under the Convention and its first two optional protocols.

It has three main roles:

- Every five years the Committee makes recommendations to governments, called Concluding Observations, telling them how to improve the protection of children's rights. The latest report was in 2020
- The Committee can hear complaints from individual children who think that their rights have been breached. Children can only take a case to the Committee if their Government has signed up to the "individual complaints mechanism". The UK Government has not done this yet, but CRAE is asking for it to do so.
- The Committee explains what the rights in the UNCRC mean in more detail in "General Comments".

Access a copy

To download a child friendly version of the UNCRC please go to:

<https://www.unicef.org/child-rights-convention/convention-text-childrens-version>

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