

PARTICIPANT'S HANDBOOK

MODULE 2 - INTRODUCTION TO THE UN CONVENTION ON THE RIGHTS OF THE CHILD

DESCRIPTION

This module provides an introduction to the UN Convention on the Rights of the Child (CRC), the Optional Protocols and the UN Committee on the Rights of the Child.

TIME: 2 HOURS

MODULE AIMS

The aim of this module is to give the reader an understanding about the structure and content of the Convention, the role and activities of the Committee on the Rights of the Child and States' obligations under the Convention

- The first part of the module provides a context for the development of children's rights before describing the content, structure and key principles of the Convention and introducing the Committee on the Rights of the Child.
- The second part of the module considers States' obligations under the Convention, including some of the institutional measures they should take in order to fulfil these obligations.

LEARNING OUTCOMES

An understanding of:

1. The background to the drafting of the Convention on the Rights of the Child;
2. The rights contained in the Convention on the Rights of the Child;
3. The purpose and contents of the Optional Protocols to the Convention on the Rights of the Child;
4. The role of the Committee on the Rights of the Child;
5. The obligations of States Parties under the Convention on the Rights of the Child and its Optional Protocols.

SECTION HEADINGS

- 2.1 A Brief History of Children’s Rights
- 2.2 The Convention on the Rights of the Child: Introduction
- 2.3 The Committee on the Rights of the Child
- 2.4 The Structure of the Convention on the Rights of the Child
- 2.5 Underpinning Principles of the CRC
- 2.6 The Three ‘P’s (Protection, Provision and Participation)
- 2.7 State Structures, Systems and Budgeting
- 2.8 Children’s Rights in the CRC: What the Articles say
- 2.9 The Optional Protocols to the CRC

2.1 A Brief History of Children’s Rights

Today, it doesn’t take much to find an organisation or individual that is interested in the protection and promotion of children’s rights. On the Child Rights Information Network website, for example, there are over 2,272 child’s rights organisations registered across the world.³⁰ This has not always been the case: the idea of the “child” or “childhood” as a protected period in which children are supported to grow and develop is a concept that has really developed only over the last two centuries.³¹ Concepts of “childhood” continue to evolve: for example, we have recently seen a greater focus on the importance of early childhood development and a growing understanding of the mental health needs of children.

Internationally, there is a consensus that children have rights that should be protected: this consensus has been demonstrated most clearly by the almost universal ratification of the Convention on the Rights of the Child³² in the late 1990s.³³ The history of international children’s rights, however, can be traced to the beginning of the 20th century, when the international community came together and established the first international agreement relating to children’s rights.

³⁰ Child Rights Information Network, “CRIN Directory”, available at: <http://www.crin.org/organisations/index.asp>, last accessed April 15th 2013.

³¹ See, generally, Marc Depaepe “The History of Childhood and Youth: From Brutalization to Pedagogization?”, in *Understanding Children’s Rights*, ed. Eugeen Verhellen, University of Ghent, 1996.

³² G.A. res. 44/25, annex, 44 U.N. GAOR Supp. (No. 49) at 167, U.N. Doc. A/44/49 (1989), *entered into force* Sept. 2, 1990.

³³ United Nations Treaty Collection, Convention on the Rights of the Child Status as at 15-04-2013, available at: http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11&chapter=4&lang=en (self-updating).

In 1923, Eglantyne Jebb, the founder of Save the Children in the United Kingdom, drafted a series of documents setting out principles relating to children's rights.³⁴ Jebb was shocked by the suffering she witnessed during and after World War I and urged the domestic and international communities to pledge themselves to protecting children's rights.

In 1924, the League of Nations adopted Jebb's principles in the form of the "Declaration of the Rights of the Child".³⁵ This short document declared that "mankind owes to the Child the best that it has to give" and set out clear expectations that children should be provided with the means for spiritual and emotional development, that the State should provide support for poverty alleviation, that children should be first in line to receive relief and that they should be able to work and be protected from exploitation.³⁶ The Declaration was applicable to all children, without discrimination and laid the foundation for child's rights in terms of protecting the vulnerable and promoting their development and extended this responsibility to the whole world.³⁷ In the history of understanding of "childhood", suddenly, there was a formal recognition that children were entitled to special protection and that they had rights. In 1934, the Signatories to the Declaration agreed to incorporate the principles of the document into their domestic law, though were not legally obliged to do so.³⁸

After the Declaration, the next major step in the child's rights movement was the establishment of the United Nations and the United Nations International Children's Emergency Fund (UNICEF) in 1946.³⁹

UNICEF was set up initially as a response to the devastation and suffering faced by millions of children after World War II. Its primary purpose at this time was the provision of food and healthcare for children.⁴⁰ Shortly after UNICEF was created, the United Nations began to advance 'rights' language more generally, adopting the Universal Declaration on Human Rights in 1948.⁴¹ In the same year, the UN adopted the Second Declaration on the Rights of the Child, which echoed the first Declaration but added clearer provisions relating to non-discrimination and the right of the child to live with a family, in response to the wide-spread discrimination and displacement of children during the War.⁴²

³⁴ Save the Children UK, "History", available at: <http://www.savethechildren.org.uk/about-us/history> (last accessed April 15th 2013).

³⁵ UN Documents, "Geneva Declaration of the Rights of the Child", available at: <http://www.un-documents.net/gdrc1924.htm> (last accessed April 15th 2013).

³⁶ UN Documents, "Geneva Declaration of the Rights of the Child", available at: <http://www.un-documents.net/gdrc1924.htm> (last accessed April 15th 2013).

³⁷ UN Documents, "Geneva Declaration of the Rights of the Child", available at: <http://www.un-documents.net/gdrc1924.htm> (last accessed April 15th 2013).

³⁸ Report of the Secretary-General, International Child Welfare Review, 1934, 30. *Cited in* Van Buren, Geraldine, *The International Law on the Rights of the Child*, Save the Children, 1995, p 9.

³⁹ UNICEF "Milestones: Year by year through UNICEF's history", available at: http://www.unicef.org/about/history/index_milestones.html (last accessed April 15th 2013).

⁴⁰ UNICEF, "About UNICEF: Who we are: Our history", available at http://www.unicef.org/about/who/index_history.html (last accessed April 16th 2013).

⁴¹ G.A. res. 217A (III), U.N. Doc A/810 at 71 (1948).

⁴² Child Rights Information Network, "Declaration on the Rights of the Child – 1948" available at: <http://www.crin.org/resources/infodetail.asp?ID=1309> (last accessed April 16th 2013)

The Third Declaration on the Rights of the Child was adopted in 1959.⁴³ This built upon the content of the first two Declarations but was a more detailed document. It recognised 10 rights and emphasised that children are entitled to “appropriate legal protection, before as well as after birth”⁴⁴, recognising that children require special protections and that these should form part of the laws, policies and practices in a State.⁴⁵ However, as a ‘Declaration’, this instrument did not have the status of a treaty.

In the 1960s and 1970s, several treaties were developed that touched upon children’s rights including the International Covenants on Civil and Political Rights⁴⁶ and on Cultural, Economic and Social Rights (1976)⁴⁷ and the Convention on the Elimination of all forms of Discrimination Against Women (1980)⁴⁸. There was, however, no specific treaty that addressed children’s rights. In 1979, the international community celebrated the International Year of the Child⁴⁹ and many NGOs and Governments took this opportunity to advocate for the adoption of a legally binding instrument that would protect children’s rights. The Polish Government drafted a proposed text and, in 1979, the UN Commission on Human Rights convened a Working Group to develop a draft convention on children’s rights.⁵⁰ The Working Group took a full 10 years to finalise the text of the Convention. When the Convention was complete, it became the first international treaty to cover the full range of social, cultural, economic, civil and political rights.⁵¹ When the Convention on the Rights of the Child opened for signature in 1989, it became the most quickly and widely ratified international instrument in history.⁵²

"A century that began with children having virtually no rights is ending with children having the most powerful legal instrument that not only recognizes but protects their human rights." - Carol Bellamy, Former UNICEF Executive Director⁵³

Many countries played an active part in helping to develop the Convention, commenting upon drafts and making numerous suggestions to the Working Group on the structure and content of each Article. For example, the legislative history of the Convention shows that Barbados

⁴³ G.A. res. 1386(XIV),(1959).

⁴⁴ Preamble, Third Declaration on the Rights of the Child, 1959.

⁴⁵ Preamble, Third Declaration on the Rights of the Child, 1959.

⁴⁶ G.A. res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, *entered into force* Mar. 23, 1976.

⁴⁷ G.A. res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 49, U.N. Doc. A/6316 (1966), 993 U.N.T.S. 3, *entered into force* Jan. 3, 1976.

⁴⁸ G.A. res. 34/180, 34 U.N. GAOR Supp. (No. 46) at 193, U.N. Doc. A/34/46, *entered into force* Sept. 3, 1981.

⁴⁹ United Nations Observances, “International Years” available at:

<http://www.un.org/en/events/observances/years.shtml> (last accessed April 16th 2013).

⁵⁰ Audiovisual Library of International Law, “Convention on the Rights of the Child, New York, 20 November 1989”, available at: <http://untreaty.un.org/cod/avl/ha/crc/crc.html> (last accessed April 16th 2013).

⁵¹ Eugene Verhellen, “The Convention on the Rights of the Child”, pp. 32-3. in *Understanding Children’s Rights*, ed. Eugene Verhellen, University of Ghent, 1996.

⁵² UNICEF, “About UNICEF: Who we are: history”, available at http://www.unicef.org/about/who/index_history.html (last accessed April 16th 2013).

⁵³ United Nations Special Session on Children “Child rights in action” available at <http://www.unicef.org/specialsession/rights/path.htm> (last accessed April 16th 2013).

commented upon provisions relating to support for parents and adoption and provided suggestions for amended language and provisions.⁵⁴

2.2 The Convention on the Rights of the Child: Introduction

The United Nations Convention on the Rights of the Child⁵⁵ covers a full range of civil, political, economic, social and cultural rights. Opened for signature in 1989, it came into force on the 2nd September 1990. It is the most quickly and widely ratified Convention of all time. As of January 2015, the Convention had 195 States Parties.⁵⁶ Only the United States of America is yet to ratify the treaty. The USA has signed the CRC but has not yet *chosen* to ratify it due to concerns over the compatibility of the Convention with domestic law. South Sudan has only *recently* become member of the United Nations and has not yet acceded to the Convention.

In 2010, Yanghee Lee, the Chairperson of the Committee on the Rights of the Child, called upon the United States of America and Somalia to ratify the Convention, dispelling some of the myths that some say have caused the USA not to ratify the instrument:

“With the best interests of all children at heart, I would respectfully like to reiterate our appeal that these States ratify the Convention on the Rights of the Child...

...there is the misunderstanding that once you ratify this Convention parents will have to give up their parental rights, and then children would be running around with all kinds of rights, taking the rights away from parents. But that’s really a myth and a strong misunderstanding because the Convention calls for guidance and support of parents, and families with responsibilities is one of the major provisions in the Convention”⁵⁷

The Convention is accompanied by three Optional Protocols, additional instruments that focus on particular themes or issues in more detail than in the Convention itself. In general, Optional Protocols to Conventions are usually extensions of the object and purpose of the main Convention, focusing on particular areas of concern in more detail. It could be argued, therefore, that States that have ratified the Convention should be *inclined* to sign and ratify Optional Protocols. However, States Parties are able to sign and ratify as many or as few of the Optional Protocols as they wish.

The Optional Protocols to the Convention on the Rights of the Child are:

⁵⁴ Office of the United Nations High Commissioner for Human Rights, *Legislative History of the Convention on the Rights of the Child*, Volume I, p.54, available at:

<http://www.ohchr.org/Documents/Publications/LegislativeHistorycrc1en.pdf> (last accessed April 16th 2013).

⁵⁵ G.A. res. 44/25, annex, 44 U.N. GAOR Supp. (No. 49) at 167, U.N. Doc. A/44/49 (1989), entered into force Sept. 2 1990.

⁵⁶ United Nations Treaty Collection, “Convention on the Rights of the Child”, available at:

http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11&chapter=4&lang=en (last accessed April 16th 2013).

⁵⁷ UN News Centre. “Somalia and US should ratify UN child rights treaty – official, 13th October 2012”, available at: <http://www.un.org/apps/news> (last accessed April 16th 2013).

- The **Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography**, which was opened for signature in 2000 and entered into force in 2002.⁵⁸
- The **Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict**, which opened for signature in 2000 and entered into force in 2002.⁵⁹
- The **Optional Protocol to the Convention on the Rights of the Child on a communications procedure**, was opened for signature in 2011. This Optional Protocol was entered into force in April 2014 following ratification by 10 States. As of November 2014 it had 37 signatories and 14 State Parties. The content and purpose of each of these Optional Protocols is explained in greater detail later in this module.⁶⁰

For a Table of Ratification of the CRC and Optional Protocols by Caribbean States see Annex B at the end of this module.

State Obligations under the Convention on the Rights of the Child

Upon ratifying or acceding to the CRC, a State undertakes to comply with the provisions within the Convention.⁶¹ As mentioned in Module 1, there is a difference, in international law, between States in which signature of an international treaty automatically incorporates the provisions of that treaty into domestic law (a monist system) and States in which an additional step must be taken to bring the treaty into domestic law (a dualist system). In a monist system, for example, once a State ratifies the Convention, it will become part of the domestic legal system. However, in a dualist system, the State would have to introduce the provisions of the Convention into the domestic law, perhaps as part of an existing law, or as an entirely new law itself. Sometimes a new law will incorporate the actual Convention or part of the Convention. For instance the Human Rights Act 1998 in the UK incorporated the European Convention on Human Rights by annexing it to the Act.⁶² In other cases, an Act may take just one article of a Convention and incorporate it or use almost the same words. An example that is commonly found is the incorporation of Article 3 of the CRC, that the best interests of the child shall be the primary consideration. This can generally be found in Child Protection Acts, Child Rights Acts or similar pieces of legislation.

Most States of Caribbean are dualist and it is therefore essential for their Governments to incorporate the Convention through domestic laws.

According to a 2007 UNICEF study, several **Eastern Caribbean States** have taken measures to incorporate elements of the CRC into domestic law. Antigua and Barbuda passed the Child

⁵⁸ G.A. Res. 54/263, Annex II, 54 U.N. GAOR Supp. (No. 49) at 6, U.N. Doc. A/54/49, Vol. III (2000), *entered into force* January 18, 2002.

⁵⁹ G.A. Res. 54/263, Annex I, 54 U.N. GAOR Supp. (No. 49) at 7, U.N. Doc. A/54/49, Vol. III (2000), *entered into force* February 12, 2002.

⁶⁰ The Optional Protocol is available online at http://treaties.un.org/doc/source/signature/2012/CTC_4-11d.pdf (last accessed April 16th 2013).

⁶¹ Article 26, Vienna Convention on the Law of Treaties, 1155 U.N.T.S. 331, 8 I.L.M. 679, *entered into force* January 27, 1980.

⁶² See www.legislation.gov.uk. It left out only Article 13.

Care and Protection Act in 2003 and the British Virgin Islands passed the Child and Young Persons Act and several other relevant laws in 2005.⁶³

Article 4 of the CRC emphasizes the fact that, once they have ratified the Convention, States are required to take positive actions to implement children's rights. The Article reads:

“States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation.”

This is important. The Article means that all States Parties are obliged to carry out the necessary actions to implement all of the rights in the Convention. What this means in practice is that ratification alone is not enough: States need to develop national action plans, put into place laws and policies and work with grass roots organisations to ensure that the rights contained within the Convention are implemented and realised in practice.

Looking closely at this Article, there is an implicit understanding that States will have access to different resources, although these will necessarily vary and depend on the economic strength and cultural context. The Convention recognises the differences in resources but makes it clear that States have to make efforts to the maximum extent of their capacities. In General Comment Number 5, the CRC Committee elaborated on this point:

“The second sentence of article 4 reflects a realistic acceptance that lack of resources - financial and other resources - can hamper the full implementation of economic, social and cultural rights in some States; this introduces the concept of “progressive realisation” of such rights: States need to be able to demonstrate that they have implemented “to the maximum extent of their available resources” and, where necessary, have sought international cooperation.” (emphasis added).

In other words, when reporting on implementation of the CRC, States need to show that their actions and commitment is in line with the resources that they have available to use and that they have sought international support, for example from UNICEF or other development and donor agencies to make up for a lack of domestic resources or capacity.

This is a good example of how the CRC **General Comments** can be useful for States. If there is uncertainty as to the meaning of an Article, or how the implementation of the Article is to be described in the periodic report, it is worth looking through the General Comments for guidance. In addition, the UNICEF Implementation Handbook on the Convention on the Rights of the Child is a great resource. It goes through each Article of the Convention, highlighting previous comments and Concluding Observations made by the CRC Committee.

[This can be accessed at http://www.unicef.org/publications/index_43110.html]

⁶³ UNICEF Eastern Caribbean, “Situation Analysis of Women and Children in Ten Countries of the Caribbean”, 2007, p 82.

2.3 The Committee on the Rights of the Child

Implementation of the Convention on the Rights of the Child and its Optional Protocols is monitored by the **Committee on the Rights of the Child** (also referred to as the CRC Committee), established under Article 43 of the CRC. When the CRC first entered into force, Article 43 stated that the Committee should have 10 members. This was amended in 1995 to 18 members, due to the high volume of work received by the Committee.⁶⁴

The Committee's members are elected by States Parties based on their experience and expertise in human rights and children's rights in particular. The Committee holds sessions to consider State Reports in Geneva, normally three times each calendar year.⁶⁵ At present, there is a wait of up to or more than 24 months from submission of the report to examination before the Committee.⁶⁶ Given that States can take as long as two years to draft the report, this can mean that data provided in the report refers to the situation some three or four years previously. The Committee may use the "List of Issues", which is compiled after the pre-sessional working group to ask that certain data be updated. The State may also choose to supply updated data before the Plenary session.

Under Article 44 of the CRC, States are required to submit reports to the Committee on the implementation of the UN Convention on the Rights of the Child within two years of becoming a State Party and every five years after that. The Optional Protocols have similar provisions.⁶⁷ These are discussed in more detail in later modules.

***NOTE:** in territories such as the British Overseas Territories', States' reports form part of the United Kingdom's reports and, therefore, the British Overseas Territories should report to the UK in advance of these dates, to allow for incorporation of their report.

The CRC Committee's Activities

In addition to monitoring implementation and responding to reports from States and civil society relating to implementation of the Convention in specific countries, the CRC Committee engages in other ways with the international community:

- The Committee holds **Days of General Discussion**, in which representatives gather to provide expert views on issues of concern. The Committee will decide in advance which topic to discuss and will publicise the Day of General Discussion and invite other parties including NGOs, Governments, individual experts and children to attend. Recent examples of Days of Discussion include a 2012 session on the rights of all children in the context of international migration and a 2010 discussion on the rights of children of incarcerated parents.

⁶⁴ Agreed upon by the General Assembly in January 1994 (A/RES/49/211).

⁶⁵ Office of the High Commissioner for Human Rights "Committee on the Rights of the Child", available at: <http://www2.ohchr.org/english/bodies/crc/> (last accessed April 16th 2013).

⁶⁶ Discussions with representative from the Committee on the Rights of the Child, January 2013.

⁶⁷ Article 8 of the Optional Protocol on the Sale of Children; Article 12 of the Optional Protocol on Children and Armed Conflict; and Article 16 of the Optional Protocol on a Communications Procedure.

- At present, the CRC Committee doesn't accept **complaints** from individuals or from groups and can therefore not investigate specific instances of child rights violations. However, the Third Optional Protocol will provide this opportunity if/when it comes into force.
- The Committee also drafts **General Comments**, which provide guidance on how to implement the CRC with respect to particular topics. In the General Comments, the Committee focus on an issue, for example juvenile justice, and provide background about why it is an important issue for discussion, before setting out the relevant Articles within the Convention and providing details on how it interprets States' obligations under these Articles. The General Comments are important because they let States know what the Committee thinks about key issues and how it will approach monitoring of implementation of these issues. They also provide more details than the Convention itself. For example, in the General Comment on Children's Rights in Juvenile Justice (number 10), the Committee expands on Article 37 of the Convention, which requires States to establish a minimum age of criminal responsibility but does not specify an age, by stating that "a minimum age of criminal responsibility below the age of 12 years is considered by the Committee not to be internationally acceptable".⁶⁸



As a State representative, when seeking to understand obligations under the CRC, it is useful to look at the relevant General Comments for guidance. This will ensure that the State's implementation meets the Committee's expectations. It will also make it easier for the State to produce a report that includes relevant data, and that is more likely to meet with the Committee's approval. In addition, it will ensure that the State delegation have a more meaningful discussion with the Committee at the Plenary session.

Table of General Comments of the CRC Committee⁶⁹

No.	Subject	Date
18	The elimination of harmful practices	2014
17	The right of the child to rest, leisure, play, recreational activities, cultural life and the arts	2013
16	State obligations regarding the impact of the business sector on children's rights	2013
15	the right of the child to the enjoyment of the highest attainable standard of health	2013
14	The right of the child to have his or her best interests taken as a primary consideration	2013

⁶⁸ CRC, General Comment No. 10, "Children's rights in juvenile justice", CRC/C/GC/10, (2007), para 32.

⁶⁹ Office of the United Nations High Commissioner for Human Rights, Committee on the Rights of the Child – General Comments, available at: <http://www2.ohchr.org/english/bodies/crc/comments.htm> (last accessed April 16th 2013).

13	The right of the child to freedom from all forms of violence	2011
12	The right of the child to be heard	2009
11	Indigenous children and their rights under the Convention	2009
10	Children's rights in Juvenile Justice	2007
9	The rights of children with disabilities	2006
8	The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment	2006
7/Rev.1	Implementing child rights in early childhood	2005
6	Treatment of unaccompanied and separated children outside their country of origin	2005
5	General measures of implementation for the Convention on the Rights of the Child	2003
4	Adolescent Health	2003
3	HIV/AIDS and the rights of the child	2003
2	The role of independent human rights institutions	2002
1	The aims of education	2001

2.4 The Structure of the Convention on the Rights of the Child

The Convention has 54 articles and is comprised of four main components: the Preamble, Part I (Articles 1 – 41), Part II (Articles 42 – 45) and Part III (Articles 46 – 54).

The Preamble to the Convention emphasizes the reasons why the Convention was drafted and sets the scene for the Convention.

Part I: Article 1 defines a child as every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.

Articles 2-41 set out substantive rights for children. This includes:

Civil rights (e.g. Articles 2 – discrimination, 6 – life, survival and development, 7 – birth name and nationality, 8 – identity, 16 – privacy, 19 – child protection, 34 – protection from sexual exploitation, 37 – prohibition of torture and protection of liberty, 40 – administration of justice);

Political rights (e.g. Articles 12 – participation, 14 – freedom of thought, conscience and religion, 15 – freedom of association and assembly, 17 – access to information);

Economic rights (e.g. Article 32 – protection from economic exploitation and 36 – all other forms of exploitation);

Social rights (e.g. Articles 24 - health, 26 – social security, 28 and 29 - education) and Cultural rights (e.g. Articles 4 – general provision of cultural rights and 31 - leisure).

Part II: Articles 42-45 deals with the enforcement of the Convention and establishes the Committee on the Rights of the Child and provide for the reporting procedures and other logistical information related to the Committee.

Article 46-54 set out procedures for the signature, ratification and accession, entry into force of the Convention, making amendments, taking reservations and the process of withdrawing from the Convention.

Who is a child?

There is no set international agreement on whether childhood begins at birth or at conception but, under the Convention, childhood is defined as extending until 18.

If, under State legislation, children reach majority earlier than 18, this does not mean that they lose the protection of the Convention. The Committee on the Rights of the Child has been clear on when childhood ends: at eighteen years of age.⁷⁰

At this point, the facilitator will conduct Exercise 2.4.1: “Balloon Game.”

2.5 Underpinning Principles of the CRC

The Convention on the Rights of the Child contains a wide variety of rights in 41 substantive Articles (the other Articles are considered to be more procedural). At first glance, implementation of such rights may seem overwhelming for States. However, child rights experts, including the Committee on the Rights of the Child, have developed some useful techniques for conceptualizing the different rights in the Convention. For example, the Convention on the Rights of the Child is said to have four **underpinning, or general principles**: key principles that guide the understanding of all the other rights within the Convention.⁷¹

The best interests of the child (Article 3.1): This principle states that the child’s best interests shall be a primary consideration in all matters affecting children. This means, for example, that when a judge is deciding whether or not a child should live with her mother or father following a divorce, the judge must take into account the best interests of the child as a primary consideration or factor in her decision.

⁷⁰ UNICEF Implementation Handbook, available at: http://www.unicef.org/publications/index_43110.html (last accessed April 19th, 2013), p. 4. For an interesting judgment on the age of a child see R(HC) v Secretary of State for the Home Department and the Commissioner of Police for the Metropolis [2013] EWHC 982 (Admin) where the Court held that the Home Office should raise the age at which children were treated as children at the police station from 17 to 18.

⁷¹ For further information, please see CRC General Comment No 5 “General measures of implementation for the Convention on the Rights of the Child” CRC/GC/2003/5, (2003).

Non-discrimination (Article 2): The Convention applies to all children without discrimination, irrespective of the child's or his or her parents' race, colour, sex, language, religion, political or other opinion, national, ethnic, or social origin, property, disability, birth or other status. Under this principle, children have a right to protection from both direct and indirect discrimination. The right to protection from discrimination is complex. It requires States to refrain from implementing laws, policies and practices that discriminate either on the face of the law (and therefore directly), or in practice (indirectly) between groups or individuals. For example, it would not be permissible to have a law that explicitly prevented certain ethnic minority children from attending school or to have laws and policies that indirectly prevented poor children from attending school by imposing strict uniform requirements or requiring the payment of fees for primary school, unless that law also ensured that poor children were provided with the financial support to meet these requirements and ensure equal access to education.



In its 2003 Concluding Observation on the **Jamaican** State report the Committee noted in paragraphs 23-24 that:

(a) The Constitution of Jamaica does not fully reflect the provisions of article 2 of the Convention and, in particular, does not specifically prohibit discrimination on the grounds of the child's or his or her parents' or legal guardian's language, religion, ethnic or social origin, or property, disability, birth or other status;

(b) With reference, inter alia, to the concerns of the Committee on the Elimination of Racial Discrimination (CERD/C/60/CO6, 21 May 2002), the State party does not pay enough attention to the problems of racial discrimination within the State party;

(c) Children with disabilities are de facto discriminated against by the absence of specific guarantees for their integration into regular schools and are hindered, inter alia, by limited access to facilities;

(d) Children who are known to be infected with HIV/AIDS are discriminated against at school by some teachers.

24. The Committee recommends that the State party amend its legislation, including the Constitution, to ensure that it fully corresponds to the provisions of article 2 of the Convention and to ensure the full implementation of non-discrimination provisions, giving special attention to children infected or affected by HIV/AIDS, children with disabilities, equality between boys and girls and racial discrimination.⁷²

When commenting upon the **Grenadian** report in 2010, the Committee stated:

“The Committee notes with interest the development of a National Gender Policy and activities aimed at discouraging discrimination take place in schools.

However, recalling the concerns expressed in its previous concluding observations, the Committee regrets that the State party's legislation has not been amended to also offer boys protection against sexual abuse and exploitation and that the minimum age of consent to sexual

⁷² CRC Committee, Concluding Observations: Jamaica, CRC/C/15/Add.210 (2003), paras 23-24.

activity refers only to girls. The Committee also notes with concern that pregnant teenage girls are often requested to leave school and their return to school is left to the discretion of the school principals.”⁷³

Right to life, survival and development (Article 6): According to this principle, all children have a right to live in an environment that protects their right to life, survival and development; mentally, socially physically, emotionally and spiritually. This right can be a little difficult to conceptualise. On the one hand it seems extremely non-controversial and straightforward, yet it can be difficult to understand what it requires States to actually do. This right means that States must take positive actions to protect a child’s right to life, survival and development. Other Articles from the Convention expand on this with specific provisions, for example, Article 24 protects the right to health. Under Article 6, States have a responsibility to ensure that laws, policies and practices prevent child death, and that there are laws, policies and practices that plan for and help children to survive through difficult situations, such as natural disasters. There also need to be laws, policies and procedures that help children to develop emotionally, spiritually, intellectually and physically.

Right to be heard/ to participate (Article 12): This principle states that children have a right to express their views in matters affecting them and to have those rights taken into account, in line with their age and maturity. The right to be heard is very important but is often overlooked, due to a tendency to assume that children are too young to have worthwhile opinions or relevant views. In 2009 the CRC Committee addressed this concern in **General Comment No 12: “The right of the child to be heard.”**⁷⁴ In this Comment, the Committee elaborated upon the right and highlighted the evolving interpretation of Article 12 since the adoption of the Convention. In particular, the Committee explained that Article 12 is now largely associated with the term “participation”. The Committee explains that the term “participation” is an “ongoing processes, which include information-sharing and dialogue between children and adults based on mutual respect, and in which children can learn how their views and those of adults are taken into account and shape the outcome of such processes.”⁷⁵ In order to fulfil Article 12 obligations, a State must facilitate the right of groups of children to be heard, as well as the right of individual children to be heard. It is important to bear this in mind when preparing the report (see Module 6 on Participation).

The General Comment goes into great detail explaining Article 12 and it is worth reading in full. However, one aspect of the Article warrants particular attention as it is often used improperly to justify the lack of realisation of this right: the qualification that children’s views should be “given due weight in accordance with the age and maturity of the child.”⁷⁶ There is a concern that States sometimes interpret this unfavourably. According to the Committee, States must listen and consider the views of the child “seriously” in line with the child’s maturity, rather than imposing arbitrary distinctions, such as the child’s age. In order to comply with this standard, States should set up formal mechanisms for children to participate in matters affecting them (which should be interpreted broadly), including in judicial proceedings relating


⁷³ CRC, Concluding Observations: Grenada CRC/C/GRD/CO/2 (2010), para. 25.

⁷⁴ CRC, General Comment No. 12 “The right of the child to be heard”, CRC/C/GC/12.

⁷⁵ CRC, General Comment No. 12 “The right of the child to be heard”, CRC/C/GC/12 at para 3.

⁷⁶ Article 12(1) CRC.

to them or affecting them. They should also consider establishing children's Parliaments and formal consultation processes and introducing child-friendly complaints mechanisms.⁷⁷



In 2010, the Committee commented in its Concluding Observations upon the situation of the right to be heard in **Grenada**:

“The Committee notes with interest the establishment of student councils as well as the organization by the Ministry of Youth of an Annual Youth Parliament and the creation of a Youth Arm of the Grenada National Coalition on the Right of the Child.

The Committee notes with concern, however, that in judicial and administrative procedures the right of the child to be heard is not properly respected, in particular that of children under the age of 14, who must be found competent by a judge before they can give evidence. The Committee is also concerned that little has been done to increase the awareness of the general public, especially within the family, the community, school teachers and other professionals working with children, about the right of children to be heard.

The Committee recommends that the State party continue to strengthen efforts to implement article 12 of the Convention and promote respect for the views of the child at any age in administrative and judicial proceedings. The Committee also recommends that the State party promote the participation of children and respect for their views in all matters that concern them in the family, school, other children's institutions and the community. The Committee encourages the State party to take into account, in its efforts, the Committee's General Comment No. 12 (2009) on the right of the child to be heard.”⁷⁸

2.6 The Three Ps (Protection, Provision and Participation)

As indicated earlier, the Convention itself contains 41 main Articles covering a wide range of rights. These rights are often discussed in terms of three categories, which are known as the “3 Ps”⁷⁹:

- **Protection:** The right to be protected against certain forms of behaviour or other actions.
 - For example, protection from discrimination, or protection from violence, exploitation, abuse and neglect.
- **Provision:** The right to access certain services, benefits or activities.
 - For example, the right to an education, the right to health, the right to an adequate standard of living.
- **Participation:** The right to carry out and become involved in activities.

⁷⁷ CRC, General Comment No. 12 “The right of the child to be heard”, CRC/C/GC/12, at paras 46 and 127-9.

⁷⁸ CRC, Concluding Observations: Grenada CRC/C/GRD/CO/2 (2010), para. 28.

⁷⁹ Eugeen Verhellen, “The Convention on the Rights of the Child”, pp. 37, in *Understanding Children's Rights*, ed. Eugeen Verhellen, University of Ghent, 1996.

- For example, the right to freedom of expression, the right to freedom of association, the right to have views and to make these views known and the right to participate and express an opinion relating to decisions affecting the child.

It is important to understand the nature of the rights in the CRC because it can make it easier to identify what actions need to be taken to implement the right and, therefore, to meet the international obligation.

Although the rights are talked of as falling into the 3 Ps, this doesn't mean that they should be viewed or addressed separately. The rights contained within the CRC are regarded as 'interdependent' and 'indivisible': this means that it is not possible to realise rights in isolation; they have to be addressed in the context of other rights. Most importantly, it also means that rights should not be realised at the expense of other rights.

Example:

Protection	Provision	Participation
Article 2: Right not to be discriminated against	Article 24: Right to health and health services	Article 12: Right of the child to express views freely in all matters concerning him or her

2.7 State Structures, Systems and Budgeting

Coordination and monitoring mechanisms

The CRC requires States to ensure that there are the necessary state structures, organisational elements, materials, resources and budgetary allocation to implement the Convention (see Article 4). In General Comment No. 5, the CRC Committee has explained that this means it is necessary for States to set up coordination and monitoring mechanisms inside and outside of the government structure:

“The general measures of implementation identified by the Committee and described in the present General Comment are intended to promote the full enjoyment of all rights in the Convention by all children, through legislation, the establishment of coordinating and monitoring bodies - governmental and independent - comprehensive data collection, awareness-raising and training and the development and implementation of appropriate policies, services and programmes.”⁸⁰

The CRC Committee has said it is not possible to prescribe a format for monitoring within the State structure because of the many different types of governmental structures and contexts. Instead, it has stated:

“There are many formal and informal ways of achieving effective coordination, including for example inter-ministerial and interdepartmental committees for children. The Committee proposes that States parties, if they have not already done so, should review

⁸⁰ For further information, please see CRC General Comment No 5 “General measures of implementation for the Convention on the Rights of the Child” CRC/GC/2003/5, (2003), para 9.

the machinery of government from the perspective of implementation of the Convention and in particular of the four articles identified as providing general principles.”⁸¹

The CRC also requires States to set up an *independent* child rights monitoring mechanism. In some States, this is known as the Ombudsperson or the Children’s Commissioner. For guidance on this, it is useful to look at the CRC Committee’s General Comments No. 2 “The role of independent national human rights institutions in the promotion and protection of the rights of the child”⁸² and No. 5 “General measures of implementation of the Convention on the Rights of the Child”.⁸³

It is essential that any independent child rights body has a broad mandate that enables it to carry out a range of activities including:

- promoting and ensuring harmonization of national legislation with international child rights law;
- encouraging ratification of international instruments (for example the Optional Protocols) and ensuring implementation of instruments the State has ratified;
- contributing to State reports to the United Nations (but not replacing the reporting responsibilities of the State);
- facilitating child rights research and education;
- publicizing child rights efforts and increasing awareness of child rights;
- considering individual complaints and petitions;
- carrying out investigations on child rights issues, either those submitted on behalf of children or directly by children.⁸⁴

The members of a child rights monitoring body should be drawn from a range of backgrounds and should include experts from different religious and philosophical viewpoints. Any independent body or Ombudsperson should be easily accessible.⁸⁵

In conducting their activities, child rights monitoring bodies should take into account the views of children and should also advocate for meaningful **participation by children** and children’s

⁸¹ For further information, please see CRC General Comment No 5 “General measures of implementation for the Convention on the Rights of the Child” CRC/GC/2003/5, (2003), para 38.

⁸² The role of independent national human rights institutions in the promotion and protection of the rights of the child (Thirty-second session, 2003), U.N. Doc. CRC/GC/2002/2 (2002), reprinted in Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies, U.N. Doc. HRI/GEN/1/Rev.6 at 289 (2003).

⁸³ CRC

CRC General Comment No 5 “General measures of implementation for the Convention on the Rights of the Child” CRC/GC/2003/5, (2003).

⁸⁴ See, generally, Paris Principles on “National institutions for the promotion and protection of human rights”, G.A. res. 48/134, 48 U.N. GAOR Supp. (No. 49) at 252, U.N. Doc. A/48/49 (1993), paras 2-3; CRC, General Comment No. 2, (2002), para. 13.

⁸⁵ CRC, General Comment No. 2, (2002), para. 19.

rights NGOs in the development of domestic legislation and international instruments on issues affecting children and in other activities affecting them.⁸⁶

Any independent child rights monitoring body or Ombudsperson must be independent of government and in complete control of its own finances and activities (though it is inevitable that it will be funded by government).⁸⁷ Such bodies are generally regarded as independent if they report to Parliament rather than to a particular ministry or department. However, the establishment of such a body should not mean that the State completely delegates its obligation to implement the Convention or to monitor that implementation. The CRC Committee has commented that the development of independent child rights monitoring “should not lead to the Government delegating its monitoring obligations to the national institution.”⁸⁸ It has also said that these institutions must not draft periodic reports on behalf of the State or be a part of the government delegation for the Committee sessions.⁸⁹

The State-led monitoring mechanism and independent bodies should work in parallel to monitor implementation of the CRC and, in doing so, to ensure the realisation of children’s rights.



In **Trinidad and Tobago**, the Committee noted the lack of a specific mechanism to evaluate and monitor progress relating to the Convention “While noting the existence of the Ombudsman in the State party, the Committee is nevertheless concerned at the absence of an independent mechanism with a specific mandate to regularly monitor and evaluate progress in the implementation of the Convention on the Rights of the Child, either within the Ombudsman’s Office or as a separate institution, and which is empowered to receive and address individual complaints on behalf of, or from, children.”⁹⁰

The CRC Committee has also noted concerns about the mandate of independent monitoring institutions. For example, in its Concluding Observations to **Grenada** in 2010, the Committee said it was pleased to note that an Ombudsman had been set up in Grenada but that it was concerned at the lack of clarity as to whether the Ombudsman’s mandate explicitly covered the implementation of child rights, “including receiving and investigating individual complaints from, and on behalf of, children on violations of their rights.”

“The Committee recommends that the State party ensure that the newly appointed Ombudsman is provided with the necessary human and financial resources to independently carry out tasks assigned and is given the mandate to monitor the implementation of child rights and to receive individual complaints from or on behalf of children in this regard.”⁹¹

⁸⁶ CRC General Comment No. 2, (2002), para. 19.

⁸⁷ CRC, General Comment No. 2, (2002), paras 11 and 25.

⁸⁸ CRC, General Comment No. 2, (2002), para. 25; *see also* CRC Committee, General Comment No. 5, (2003), para. 65.

⁸⁹ CRC, General Comment No. 2, (2002), paras 20 and 21.

⁹⁰ CRC, Concluding Observations: Trinidad and Tobago CRC/C/TTO/CO/2 (2006), para 16.

⁹¹ CRC Committee, Concluding Observations: Grenada CRC/C/GRD/CO/2 (2010), para. 14.

Budgetary Allocation

Article 4 of the CRC requires States to commit the “maximum extent of their available resources” to implementation of the Convention. One of the key components of this is that States should budget adequately for children. General Comment No. 5 provides detailed guidance to States on this:

“No State can tell whether it is fulfilling children’s economic, social and cultural rights “to the maximum extent of ... available resources”, as it is required to do under article 4, unless it can identify the proportion of national and other budgets allocated to the social sector and, within that, to children, both directly and indirectly. Some States have claimed it is not possible to analyse national budgets in this way. But others have done it and publish annual “children’s budgets”. The Committee needs to know what steps are taken at all levels of Government to ensure that economic and social planning and decision-making and budgetary decisions are made with the best interests of children as a primary consideration and that children, including in particular marginalized and disadvantaged groups of children, are protected from the adverse effects of economic policies or financial downturns.

Emphasizing that economic policies are never neutral in their effect on children’s rights, the Committee has been deeply concerned by the often negative effects on children of structural adjustment programmes and transition to a market economy. The implementation duties of article 4 and other provisions of the Convention demand rigorous monitoring of the effects of such changes and adjustment of policies to protect children’s economic, social and cultural rights.”⁹²

General Comment No. 5 means that States need to a) report on the proportion of their budgets that are allocated to children directly and indirectly, publishing a “children’s budget” if possible and b) to monitor the impact on children of any economic policies.

The Committee commented to **Grenada**:

“The Committee notes with regret that there is no identifiable budget for children. The Committee is concerned that there are insufficient resources for the protection of children’s rights and that the State party relies mainly on donor funding, which may not be sustainable, for its social protection measures and programmes.

The Committee urges the State party to find sustainable domestic sources through which sufficient and appropriate resources for measures and programmes related to the implementation of child rights can be obtained. The Committee urges the State party, taking into account the Committee’s recommendations issued after the day of its general discussion of 21 September 2007 devoted to “Resources for the rights of the child - responsibility of States”, to prioritize and increase budgetary allocations for children. The Committee further recommends that the State party introduce budget tracking from

⁹² CRC General Comment No 5 “General measures of implementation for the Convention on the Rights of the Child” CRC/GC/2003/5, (2003), para. 52.

a child right's perspective with a view to monitoring budget allocations for children, seeking technical assistance for this purpose from, inter alia, UNICEF.”⁹³

It also said to **Antigua and Barbuda**:

“The Committee, aware of the economic difficulties facing the State party, is nevertheless concerned at the lack of sufficient budgetary allocation for children and the implementation of their rights. With a view to strengthening its implementation of article 4 of the Convention and in the light of articles 2, 3 and 6, the Committee recommends that the State party prioritize budgetary allocations to ensure the implementation of the rights of children to the maximum extent of available resources and where needed, within the framework of international cooperation and using a rights-based approach.”⁹⁴

The Committee made similar comments to **Haiti**:

“The Committee notes the existence of the Economic and Social Programme 2001-2006, but expresses its concern at the limited budget allocations and resource mobilization for the social sector, in particular for those areas addressing the needs of the most vulnerable groups of children. In that regard, the Committee is concerned that insufficient attention has been paid to article 4 of the Convention regarding the implementation “to the maximum extent of ... available resources” of the economic, social and cultural rights of children.

The Committee, while recognizing the difficult economic conditions, nevertheless recommends that the State party make every effort to implement the Economic and Social Programme 2001-2006 and to increase the proportion of the budget allocated to the realization of children's rights, inter alia, by taking the necessary steps for a resumption of international aid programmes. In this context, the State party should ensure the provision of appropriate human and financial resources to children, in particular to the most vulnerable among them, and guarantee that the implementation of policies relating to children is given priority.⁹⁵

These examples show that the CRC Committee is very likely to focus on allocation of resources during Committee Sessions. In addition, the second example shows how the Committee may address the issue of progressive realisation (see Section 4 of this Module), by noting the economic difficulties faced in a State and then commenting on budgetary allocation in light of these difficulties.

2.8 Children's Rights in the CRC: What the Articles say

. The Committee has divided the individual rights in CRC into several thematic clusters or categories and asks States to report on implementation of the Convention according to these

⁹³ CRC Committee, Concluding Observations: Grenada CRC/C/GRD/CO/2 (2010), paras 15-16.

⁹⁴ CRC Committee, Concluding Observations: Antigua and Barbuda CRC/C/15/Add.247 (2004), paras 18-19.

⁹⁵ CRC Committee, Concluding Observations: CRC/C/15/Add.202 (2003), paras. 13-14.



categories rather than Article by Article.⁹⁶ It's therefore useful for State representatives to have a clear sense of the grouping of these rights for implementation and reporting processes. To help this process, the following section discusses the Articles group by group. Later modules provide more information on how to report on these groups, including what data to include, for example. The thematic clusters are:

1. General Measures Of Implementation
2. Definition of the Child
3. General Principles
4. Civil Rights And Freedom
5. Family Environment and Alternative Care
6. Disability, Basic Health and Welfare
7. Education, Leisure and Cultural Activities
8. Special Protection Measures

General Measures of Implementation⁹⁷ (Articles 4, 42 and 44 (6))

- **Article 4:** States are required to take all measures to implement the Convention to the maximum extent of their resources
- **Article 42:** States are required to take active steps to make the provisions and principles of the Convention widely known to adults and children.
- **Article 44(6):** States are required to make their reports widely available to the public.

This module has already focused upon the importance of General Comment No. 5, in which the CRC Committee sets out very clearly how to follow the General Measures of Implementation. Therefore, this information is not repeated here, but it is worth reading over this General Comment in order to understand what the Committee is looking for in relation to implementation of these Articles and the information States should provide in their reports.

Definition of the Child (Article 1)

The State party, when reporting, is required to include relevant and updated information regarding the definition of a child under its domestic laws and regulations. If the age of majority is below 18 years, the State party must indicate how all children in its jurisdiction benefit from protection and their rights under the Convention. The State party should also indicate the minimum marriage age for boys and girls.⁹⁸

⁹⁶ For reports under the CRC, the Committee published guidelines in 2010, CRC/C/58/Rev.2, available at: <http://www2.ohchr.org/english/bodies/crc/docs/CRC.C.58.Rev.2.doc> (last accessed April 17th 2013).

⁹⁷ CRC Committee Reporting Documents, CRC/C/58/Rev.2, p. 4.

⁹⁸ Committee on the Rights of the Child, "Treaty-specific guidelines regarding the form and content of periodic reports to be submitted by States parties under Article 44, paragraph 1 (b) of the CRC" CRC/C/58/Rev.2, 2010

General Principles⁹⁹ (Articles 2, 3, 6 and 12)

The Committee next asks for States to report on the General (or underpinning) Principles of Articles 2, 3, 6 and 12. As these have been discussed earlier under section 5, this discussion is not repeated.

Civil Rights and Freedoms¹⁰⁰ (Articles 7, 8, 13-17, 28 (2), 37(a) and 39)

After the General Principles, the next set of substantive articles falls under the category Civil Rights and Freedoms. In this section of their report, States are required to report on Article 7 (name and nationality); Article 8 (preservation of identity); Article 13 (freedom of expression); Article 14 (freedom of thought, conscience and religion); Article 15 (freedom of association); Article 16 (privacy); Article 17 (access to appropriate information); 28 (2) (school discipline); Article 37(a)(protection from torture) and Article 39 (rehabilitative care). A summary of each of these rights is provided below.

In this section, brief summaries of each of the Articles in the Convention are provided. However, in order to understand the Convention fully, it is recommended to read the full text of the Convention as well.

The details of the relevant Articles are as follows:

- **Article 7:** Name and nationality – children should be registered after birth, have the right to a name and nationality, and be cared for by parents so far as possible. States have a particular responsibility to ensure children are not stateless.
- **Article 8:** Preservation of identity – children have a right to an identity, including a name, nationality and family relationships, and States must help children to reinstate elements of identity if these are lost or threatened.
- **Article 13:** Freedom of expression – the right to freedom of expression includes the right to seek, access and impart information and ideas of all kinds. States are able to place restrictions on this if the restrictions are ‘necessary’ and ‘in law’ in order to protect a) respect for reputations or b) national security or public order, public health or morals.
- **Article 14:** Freedom of thought, conscience and religion – children have a right to freedom of thought, conscience and religion and parents/ guardians have a right to support the child to exercise this right. As with Article 17, this right can only be curtailed in accordance with law and when necessary to protect public order, safety or health or morals.
- **Article 15:** Freedom of association and of peaceful assembly – the right to association and peaceful assembly means that children have a right to meet, gather and associate with others as they choose, subject to lawful and necessary restrictions based on public order, security, health and morals.

⁹⁹ CRC Committee Reporting Documents, CRC/C/58/Rev.2, p. 5.

¹⁰⁰ CRC Committee Reporting Documents, CRC/C/58/Rev.2, p. 6.

- **Article 16:** Protection of privacy – the child’s right to privacy is protected from unlawful or arbitrary interference. This covers the right to privacy, family, home and correspondence and States are required to institute legal provisions to protect the child.
- **Article 17:** Access to appropriate information – children have a right to access information and material from a range of sources. This Article also encourages States to recognise the importance of the mass media in providing information and asks States to work with mass media to develop information that is sensitive to the different linguistic needs of different groups of children, as well as to develop guidelines on appropriate media for under 18s, though these must respect Articles 12 and 13.
- **Article 28 (a):** The right of the child to education is recognized. In order to achieve this right progressively and “on the basis of equal opportunity”, States Parties have an obligation to “make primary education compulsory and available free to all”.
- **Article 37(a):** The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment – under this provision, States are also prohibited from using capital punishment or life imprisonment without parole.
- **Article 39:** States Parties have an obligation to ensure the physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. States Parties must put in place all appropriate measures, which must be mindful of and foster the health, self-respect and dignity of the child.



In its 2004 Concluding Observations to **Antigua and Barbuda**, the CRC Committee commented upon the Right to Identity:

“Given the information that some 50 per cent of all households in the State party are headed by women, the Committee expresses its concern that the establishment of legal paternity, where the biological father does not want to legally recognize the child, is time consuming and expensive, which constitutes an impediment to the right of the child to an identity and/or to know both parents.

In the light of article 7 of the Convention, the Committee recommends that the State party facilitate the establishment of legal paternity for children born out of wedlock by creating accessible and expeditious procedures and by providing mothers with necessary legal and other assistance in this regard.”¹⁰¹

At this point, the facilitator will conduct Exercise 2.8.4: ‘Rights Scenarios’ exercise.



¹⁰¹ CRC Concluding Observations: Antigua and Barbuda CRC/C/15/Add.247 (2004), paras 15-16

Family Environment and Alternative Care¹⁰² (Articles 5, 9-11, 18 (1 and 2), 19-21, 25, 27(4) and 39

The next group of rights covers issues of family environment and alternative care. One of the best ways to implement this is to take a **systems approach** and to develop a fully functioning child protection system. There is a great deal of guidance on how to go about establishing a child protection system and States should seek additional support from international agencies, such as UNICEF, if they are unsure what the child protection system should look like. In its most basic form, the child protection system should involve laws, policies and practices that create a protective environment for children on three levels:

- 1) **primary** (preventative protection and services for all children);
- 2) **secondary** (targeted services and protection for groups of children);
- 3) **tertiary** (individual services for children at risk of or who have suffered harm).¹⁰³

A fully functioning child protection system requires a multi-agency approach by social welfare, health, education, police, justice and others.

The details of the relevant Articles are as follows:

- **Article 5:** Parental guidance – Article 5 confirms the rights parents or extended family to provide guidance over the exercise of rights.
- **Article 18 (paragraphs 1-2):** Parental responsibilities – the State is required to recognise the rights of both parents and legal guardians to raise the child and is required to support parents and guardians materially and with guidance to help in their parental responsibilities.
- **Article 9:** Separation from parents – children may not be removed from their parents or guardians by the State without a decision by a competent authority. This decision must be judicially reviewable and must be in accordance with the law, necessary and in the best interests of the child. This Article also requires that States allow children to have contact with parents and guardians they have been separated from unless contrary to the child’s best interests. Where parents or guardians have been removed or exiled, or even have died, States are required to provide information to children about the whereabouts of their parents/guardians.
- **Article 10:** Family reunification – States must act quickly and help speed up processes to help children wishing to enter or leave a country for purposes of reunification and should facilitate contact between children and parents/guardians who live in different States.

¹⁰² CRC Committee Reporting Documents, CRC/C/58/Rev.2, p. 6.

¹⁰³ Njoka, J. M. (2008). Accelerating work with children in Kenya: Towards the formulation of a national child protection system, cited in UNICEF, Adapting a Systems Approach to Child Protection: Key Concepts and Considerations, 2010.

- **Article 27 (paragraph 4):** Recovery of maintenance for the child – States are required to recover maintenance for the child from parents living in the State or abroad.
- **Article 20:** Children deprived of a family environment – recognising that some children will be deprived of a family environment, this Article means that States must provide such children with special care and assistance, including alternative care such as foster care, kafalah, adoption or institutional care.
- **Article 21:** Adoption – States Parties are required to have a system of adoption for children where it is in their best interests.
- **Article 11:** Illicit transfer and non-return – States are required to combat the illicit transfer and non-return of children to another country and must promote international agreements to this end.
- **Article 19 and Article 39:** Abuse and neglect, including physical and psychological recovery and social reintegration – children have a right to protection from abuse and neglect and a right to services and support to help them recover and reintegrate if they are subject to such abuse or neglect.
- **Article 25:** Periodic review of placement – where children are placed in alternative care, and particularly where they are placed in institutions, this placement shall be subject to periodic review to ensure that it is still appropriate.



In its 2004 Concluding Observations to **Dominica**, the Committee noted positive developments relating to violence against children:

Act No. 22 of 2001 on Protection against Domestic Violence which contains specific provisions covering various forms of violence against children.

But it also noted concerns about child abuse and neglect:

The Committee welcomes the establishment of the Child Abuse Prevention Programme by the State Party and other efforts to address child abuse and neglect. However, it remains concerned about the high incidence of child abuse in the State Party. The Committee recommends that the State party:

- Undertake studies on domestic violence, ill-treatment and abuse of children, including sexual abuse within the family, in order to adopt effective policies and programmes to combat all forms of abuse;
- Develop a national system for receiving, monitoring and investigating complaints and, when necessary, prosecuting cases, in a manner which is child sensitive and ensures the victims' privacy;
- Strengthen the activities of the Social Welfare Division and its cooperation with non-governmental organizations and provide it with the necessary resources to establish a comprehensive and nationwide response system which would provide, where appropriate, support and assistance to both victims and perpetrators;

(d) Seek technical assistance from, among others, UNICEF and UNDP in this regard.¹⁰⁴

The Committee has linked discrimination to violence against children and commented upon this in its 2011 Concluding Observations to **Cuba**:

“The Committee welcomes the initiatives taken by the State party to combat the patriarchal attitudes and deep-rooted gender stereotypes regarding the roles and responsibilities of women and men in the family, but is concerned that such attitudes are still widespread and persistent, leading to domestic violence against women and children.

The Committee encourages the State party to continue and strengthen its awareness-raising and public education campaigns to combat gender stereotypes in the family.”¹⁰⁵

Disability, Basic Health and Welfare¹⁰⁶ (Articles 6, 18 (3), 23, 24, 26, 27 (1-3) and 33)

The next set of rights relates to basic health and welfare. This is often one of the groups of rights in which States make most comments about their resources and in which the CRC Committee is most interested in resource allocation. In 2006, the CRC Committee published a General Comment (No. 9) on the rights of children with disabilities.¹⁰⁷ States should pay particular attention to this General Comment, and to General Comment No. 4, which covers adolescent health.¹⁰⁸

The CRC Committee will look at provision of services based on:

“(a) *Availability*. Primary health care should include services sensitive to the needs of adolescents, with special attention given to sexual and reproductive health and mental health;

(b) *Accessibility*. Health facilities, goods and services should be known and easily accessible (economically, physically and socially) to all adolescents, without discrimination. Confidentiality should be guaranteed, when necessary;

(c) *Acceptability*. While fully respecting the provisions and principles of the Convention, all health facilities, goods and services should respect cultural values, be gender sensitive, be respectful of medical ethics and be acceptable to both adolescents and the communities in which they live;

(d) *Quality*. Health services and goods should be scientifically and medically appropriate, which requires personnel trained to care for adolescents, adequate facilities and scientifically accepted methods.”¹⁰⁹

¹⁰⁴ CRC Committee Concluding Observations: Dominica CRC/C/15/Add.238 (2004), para. 9.

¹⁰⁵ CRC Concluding Observations: Cuba, CRC/C/CUB/CO/2 (2011), paras. 24-25.

¹⁰⁶ CRC Reporting Documents, CRC/C/58/Rev.2, p. 7.

¹⁰⁷ CRC General Comment No 9 “The rights of children with disabilities” CRC/C/GC/9, (2007).

¹⁰⁸ CRC General Comment No 4 “Adolescent health” CRC/GC/2003/4 (2003).

¹⁰⁹ CRC General Comment No 4 “Adolescent health” CRC/GC/2003/4 (2003).

The details of the relevant Articles are as follows:

- **Article 6 (paragraph 2):** Survival and development – children have a right to life, survival and development and States Parties are required to ensure this right to the maximum extent possible.
- **Article 23:** Disabled children – children with disabilities have the right to additional services and protection to ensure that they are able to realise the rights in the Convention and to participate actively in the community.
- **Article 24:** Health and health services – children have a right to the highest attainable standard of health care and States are required to implement and establish services and institutions to ensure this. In particular, States are required to address key child health issues such as infant mortality, disease and mal-nutrition.
- **Article 26, and 18 (paragraph 3):** Social security and child care services and facilities – children have a right to social security provided by States, and working parents/ guardians should be supported by States through child care services.
- **Article 27 (paragraphs 1-3):** Standard of living – children have a right to a standard of living adequate for their complete development, including physical, mental, spiritual, moral and social development.
- **Article 33:** Children must be protected from the illicit use of narcotic drugs and psychotropic. Moreover, the use of children in the illicit production and trafficking of such substances must be prevented. In order to ensure such protection and prevention, States Parties must take all appropriate measures, including legislative, administrative, social and educational measures.



In the context of adolescent health, the CRC Committee commented to **Dominica** in 2004 that:

“The Committee is concerned at the high incidence of teenage pregnancies and alcohol abuse among adolescents and the insufficient level of youth mental health services, particularly in rural areas and for Carib Indian children.

The Committee recommends that the State party:

- (a) Undertake effective measures to reduce the rate of teenage pregnancies through, inter alia, making health education, including sex education, part of the school curriculum and strengthening the campaign of information on the use of contraceptives;
- (b) Undertake effective preventive and other measures to address the rise in alcohol consumption by adolescents and increase the availability and accessibility of counselling and support services, in particular for Carib Indian children;


(c) Strengthen mental health and counselling services, ensuring that they are accessible to, and appropriate for, all adolescents, including Carib Indian children and those in rural areas.”¹¹⁰

Education, Leisure and Cultural Activities¹¹¹ (Articles 28, 29, 30 and 31)

Education, leisure and cultural activities are contained in Articles 28, 29, 30 and 31 of the Convention. These Articles require States to set up compulsory, free primary education for all children. One of the key aspects of this group of rights is likely to be the question of access, as well as the issue of quality and appropriateness. Access can often be a problem for vulnerable or marginalised groups, for example children with disabilities, girls, or children with HIV/AIDS, all of whom can suffer discrimination and be prevented from attending school. In some cases, parents may treat their own children in a discriminatory manner, for example by not wanting girls to attend school. States should take measures to try to break down these attitudinal barriers, both through laws and policies that require children to attend school and through awareness raising. In addition, Article 31 provides for the right to play and participate in cultural activities. This right is often overlooked but is essential to a child’s development.

The details of the relevant Articles are as follows:

- **Article 28:** Education, including vocational training and guidance – children have a right to education and States must make primary education compulsory, free and available to all and must develop secondary education.
- **Article 29:** Aims of education – children have a right to education that is directed towards the child’s development, respect for human rights and fundamental freedoms, respect for the child’s parents, identity and culture, preparing the child for life in a free society and encouraging respect for the environment.
- **Article 30:** Indigenous children or children belonging to a minority group must be ensured the right to enjoy their own culture, to profess and practise their own religion, or to use their own language.
- **Article 31:** Leisure, recreation and cultural activities – children have a right to play and to participate in cultural activities.



The CRC Committee noted in its 2004 Concluding Observation to **Dominica** that it approved of the amendment to the Education Act in Dominica, “in order to provide early childhood education for children from 0 to 5 years instead of from 3 to 5 years as previously”¹¹²

However, it also commented that:

The Committee takes note of the efforts undertaken by the State party to establish programmes such as the Education Trust Fund and Free Textbooks in order to assist children living in poverty. However, the Committee is concerned at the sustainability of such programmes.

¹¹⁰ CRC Committee Concluding Observations: Dominica CRC/C/15/Add.238 (2004), paras 21-22.

¹¹¹ CRC Committee Reporting Documents, CRC/C/58/Rev.2, p. 8.

¹¹² CRC Committee Concluding Observations: Dominica CRC/C/15/Add.238 (2004), para. 3.

Furthermore, the Committee is deeply concerned about the quality of education, access to education by pregnant girls and teenage mothers and the high drop-out rate, in particular among boys.

The Committee recommends that the State Party, in the light of the Committee's General Comment No. 1 (2001) on the aims of education:

- (a) Carefully examine the budget allocations and measures taken within this field with regard to their impact on the progressive implementation of the child's right to education and leisure activities;
- (b) Seek to implement further participatory measures to encourage children, especially boys, to stay in school during the period of compulsory education; take further measures to facilitate the access to education of children from all groups in society, particularly children living in poverty;
- (c) Ensure that school attendance officers use child-sensitive means to bring more children to school and take other measures to give children incentives to stay in the educational system;
- (d) Provide education opportunities for pregnant girls and teenagers mothers so that they can complete their education;
- (e) Continue and strengthen the training of young teachers in particular and retain teachers in primary and secondary education;
- (f) Include human rights education in the curriculum;
- (g) Seek further technical assistance from UNICEF and UNESCO, among others.¹¹³

Special Protection Measures¹¹⁴ (Articles 22, 30, 32-36, 37 (b-d), 38, 39 and 40)

Finally, the CRC Committee requires information relating to so-called "protection measures", including about children who have been displaced outside of their country and are seeking refugee protection, children in armed conflict, children in situations of exploitation, child victims, witnesses and children in conflict with the law, children in street situations and children belonging to a minority or indigenous group.

Children outside their country of origin seeking refugee protection

- **Article 22:** Refugee children – children who are refugees or seeking refugee status have a right to appropriate assistance, including humanitarian assistance and States must cooperate with international agencies in protecting and assisting children, including in helping children to trace and reunite with their families.

¹¹³ CRC Committee Concluding Observations: Dominica CRC/C/15/Add.238 (2004), paras 42-43.

¹¹⁴ CRC Committee Reporting Documents, CRC/C/58/Rev.2, p. 8.

Children in armed conflict

- **Articles 38 and 39:** Children in armed conflicts, including physical and psychological recovery and social reintegration – under Article 38, children should not be recruited to armed conflicts under the age of 18 and States must ensure the protection of children during armed conflict. Child victims, including those who have been involved in or affected by hostilities have a right to reintegration and support.

Children in situations of exploitation

- **Article 32:** Economic exploitation, including child labour – children have a right to be protected from economic exploitation and hazardous or harmful work, although are able to work under the Convention, subject to restrictions specified in this Article, relating to age, hours and other working conditions.
- **Article 33:** Drug abuse – children have a right to be protected from the use and manufacture of drugs.
- **Article 34:** Sexual exploitation and sexual abuse – children have a right to be protected from sexual exploitation, unlawful sexual activity and child pornography.
- **Article 35:** Sale, trafficking and abduction – children have a right to be protected from sale, trafficking and abduction and States must take national and international measures to ensure this.
- **Article 36:** Other forms of exploitation – children also have a right to be protected from all forms of exploitation.

Children in street situations

States should comment generally

Children in conflict with the law, victims and witnesses

- **Article 37 (b, c, and d):** Children deprived of their liberty, including any form of detention, imprisonment or placement in custodial settings – Article 37 provides, among other things, that children may only be deprived of their liberty only as a last resort and for the shortest appropriate period of time. Article 37 also provides children with a right to legal or other appropriate assistance and seeks to ensure that their treatment during custody is in conformity with the law and respects their right to dignity.
- **Article 37(a):** The sentencing of juveniles, in particular the prohibition of capital punishment and life imprisonment – as indicated earlier, under this provision, States are prohibited from using capital punishment or life imprisonment without parole.
- **Article 39:** Physical and psychological recovery and social reintegration/ Children in situations of exploitation, including physical and psychological recovery and social reintegration – Article 39 provides that States must promote physical and psychological recovery and reintegration of child victims.

- **Article 40:** The administration of juvenile justice – Article 40 includes detailed provisions relating to the administration of juvenile justice, including essential due process safeguards that should be accorded to all children during the justice process.

Children belonging to a minority or an indigenous group

- **Article 30:** Children belonging to a minority or an indigenous group – children in minority or indigenous groups have a right to practice and enjoy their own culture, religion and language.



The CRC Committee has made several comments relating to special protection measures in its Concluding Observations to reports submitted by Caribbean nations. Key themes are:

- The minimum age of criminal responsibility is set too low (e.g. **Jamaica, Grenada and Antigua and Barbuda**)¹¹⁵
- The growing incidence of substance abuse by children (e.g. **Antigua and Barbuda**)¹¹⁶
- Child labour in the informal economy and of under-age children (e.g. **Haiti and St Lucia**)¹¹⁷
- Protection of rights of indigenous or minority groups of children (i.e. **Dominica**)¹¹⁸

2.9 The Optional Protocols to the CRC

Implementation of and reporting on the Optional Protocols is equally important to the reporting on CRC itself. The Protocols are more detailed agreements between States about the sale of children, prostitution and child pornography and of children affected by armed conflict. The Third Optional Protocol provides for an effective complaints process by which children (or their representatives) can lodge complaints with the Committee on the Rights of the Child.

The Optional Protocol on the Sale Of Children, Child Prostitution And Child Pornography (OPSC)¹¹⁹

The OPSC was developed in response to growing concerns about the increase in exploitation of children globally. In the years after the Convention was passed, there was increasing awareness and concern over the use of more sophisticated and organised forms of sexual abuse and exploitation of children, including, in particular, trafficking and sex tourism. One of the

¹¹⁵ CRC Committee, Concluding Observations: Jamaica, CRC/C/15/Add.210 (2003), paras 22; CRC Committee, Concluding Observations: Grenada CRC/C/GRD/CO/2 (2010), para 25; CRC Committee Concluding Observations: Antigua and Barbuda, CRC/C/15/Add.246, (2004) paras 68.

¹¹⁶ CRC Committee Concluding Observations: Antigua and Barbuda, CRC/C/15/Add.246 (2004), paras 62-3.

¹¹⁷ CRC Committee Concluding Observations: Haiti, CRC/C/15/Add.202 (2003), para. 54; CRC Committee Concluding Observations: Saint Lucia, CRC/C/15/Add.258, paras 66-7.

¹¹⁸ CRC Committee Concluding Observations: Dominica CRC/C/15/Add.238 (2004), paras 49-50.

¹¹⁹ G.A. Res. 54/263, Annex II, 54 U.N. GAOR Supp. (No. 49) at 6, U.N. Doc. A/54/49, Vol. III (2000), *entered into force* January 18, 2002.

main reasons that the OPSC was adopted was to encourage States to forge agreements relating to extradition and prosecution of sex tourists.¹²⁰

The OPSC was opened for signature in 2000 and entered into force in 2002. The OPSC is explicitly linked to the implementation of Articles 1, 11, 21, 32, 33, 34, 35 and 36 of the CRC. States Parties to the Protocol are required to prohibit the sale of children, child prostitution and child pornography as defined in Article 2 of the Protocol. Under Article 3 of, States are required to ensure that sale of children is criminalised and punished under penal laws. States are required to engage in international cooperation to extradite those who are accused of the sale of children, child prostitution and child pornography.¹²¹ The Protocol also provides that children who are victims must be protected and treated in a way that recognises their special needs throughout any criminal or other proceedings and that States must work together to ensure children are able to recover and be reintegrated into their communities.¹²²

Of the Caribbean States, **Antigua and Barbuda** (30th April 2002), **Cuba** (25th September 2001), **Dominica** (20th September 2002), **Dominican Republic** (6th December 2006), **Grenada** (6th February 2012), **Jamaica** (26th August 2011), **Saint Lucia** (8th October 2014), **Saint Vincent and the Grenadines** (15th September 2005), have ratified the Optional Protocol on the Sale Of Children, Child Prostitution And Child Pornography.¹²³

Optional Protocol on the Involvement of Children in Armed Conflict (OPAC)¹²⁴

OPAC was drafted and adopted in order to expand upon Articles 38 and 39 of the Convention on children in armed conflict, in order to take into account additional concerns about children in armed conflict and the need to have a more detailed approach to cover all relevant issues. OPAC was opened for signature in 2000 and entered into force in 2002. The Protocol focuses on the rights of children relating to involvement in armed conflict. Notably, this Protocol was drafted after the Rome Statute of the International Criminal Court, which recognised conscripting or enlisting children below the age of 15 into conflict as a war crime.¹²⁵ It also responded to a global call to ensure that children below the age of 18 do not participate in conflict and the contents of the International Labour Convention 182 (1999) on the worst forms of child labour, which prohibits compulsory recruitment of all children for use in conflict.¹²⁶

Article 1 of OPAC requires States to take all feasible measures to ensure that children under the age of 18 do not take part in hostilities as members of their armed forces, and that children under the age of 18 are not compulsorily recruited into their armed forces. Although the OPAC still allows voluntary recruitment under the age of 18, States Parties are required to declare their minimum age of voluntary recruitment and to provide special protections to ensure that

¹²⁰ UNICEF Implementation Handbook, available at: http://www.unicef.org/publications/index_43110.html (last accessed April 19th, 2013), p. 647.

¹²¹ Optional Protocol on the sale of children, Article 4.

¹²² Optional Protocol on the sale of children, Article 9.

¹²³ United Nations Treaty Collection, "Optional Protocol on the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography" Status at April 17th 2013.

¹²⁴ G.A. Res. 54/263, Annex I, 54 U.N. GAOR Supp. (No. 49) at 7, U.N. Doc. A/54/49, Vol. III (2000), *entered into force* February 12, 2002.

¹²⁵ U.N. Doc. 2187 U.N.T.S. 90, *entered into force* July 1, 2002.

¹²⁶ ILO No. 182, 2133 U.N.T.S.161, *entered into force* Nov. 19, 2000.

recruitment is voluntary and children under the age of 18 are provided special protection.¹²⁷ OPAC also provides that non-government forces aren't allowed to recruit or use children in their groups and that States must make efforts to ensure this doesn't happen.¹²⁸

In the Caribbean, **Cuba (9th February 2007)**, **Dominica (20th September 2002)**, **Grenada (6th February 2012)**, **Jamaica (9th May 2002)**, **Saint Lucia (15th January 2014)**, **Saint Vincent and the Grenadines (29th March 2011)**, have ratified the Optional Protocol on the Involvement of Children in Armed Conflict.¹²⁹

Optional Protocol on a Communications Procedure¹³⁰

The Third Optional Protocol was opened for signature in February 2012 and entered into force in January 2014 following ratification by 10 States. As of November 2014 it had 37 signatories and 14 States Parties.¹³¹ This Optional Protocol provides individuals or groups of individuals the right to submit communications to the CRC Committee about State Party violations of the CRC, OPSC or OPAC. Upon receiving a communication, the CRC Committee will have the right to prescribe interim measures that the State Party must implement. Communications will not be allowed to be anonymous and will have to be in writing on a novel case in which all domestic relief has been sought and exhausted.¹³² The CRC Committee will then consider the communication and set out its recommendations, which States Parties must respond to within 6 months.¹³³ States Parties may also agree to be subject to communications by other States Parties.¹³⁴

The Third Optional Protocol also provides the Committee with a right to investigate grave or systematic violations if it receives information about such a violation.¹³⁵ In order to conduct this type of inquiry, the CRC Committee will have the right to visit the State Party in question and gather information before writing a report with recommendations, which the State Party must respond to within 6 months, detailing actions taken to address any concerns.¹³⁶

Timeframe for the Third Optional Protocol

2006: Several NGOs initiated the campaign for the Third Optional Protocol.

¹²⁷ Optional Protocol on Children and Armed Conflict, Article 3.

¹²⁸ Optional Protocol on Children and Armed Conflict, Article 4(1).

¹²⁹ United Nations Treaty Collection, "Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict" Status at April 17th 2013.

¹³⁰ Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure, November 2011.

¹³¹ United Nations Treaty Collection, "Optional Protocol to the Convention on the Rights of the Child on a communications procedure" Status at April 17th 2013, Article 19.

¹³² Optional Protocol on a communications procedure, Article 7.

¹³³ Optional Protocol on a communications procedure, Article 11(1).

¹³⁴ Optional Protocol on a communications procedure, Article 12.

¹³⁵ Optional Protocol on a communications procedure, Article 13.

¹³⁶ Optional Protocol on a Communications Procedure, Article 14.

2008: An NGO Working Group on the Optional Protocol was established to raise awareness and support for the Protocol.

2009: Following advocacy by the NGO Working Group, the UN Human Rights Council established the UN Open Ended Working Group to “explore the possibility of elaborating an optional protocol to the Convention on the Rights of the Child”.

2010: The Open Ended Working Group circulated a first draft for comments.

28th February 2012: Twenty States signed the final draft of the Optional Protocol.¹³⁷

8th May 2013: Thirty-Six States have signed the Optional Protocol, with four having ratified it.¹³⁸



FURTHER READING

1. *Implementation Handbook for the Convention on the Rights of the Child*, Rachel Hodgkin and Peter Newell, UNICEF, 2007, http://www.unicef.org/publications/index_43110.html

The Implementation Handbook is an extensive guide to the Committee’s jurisprudence on the CRC. The Handbook allows readers to go through each Article in the Convention and to read the Committee’s previous comments on this issue, drawn mostly from Concluding Observations but also including State Party Reports.

2. UNICEF, “*Children in Barbados and the Eastern Caribbean: Child Rights – the Unfinished Agenda*” (2009),

www.unicef.org/barbados/Child_Rights_-_The_Unfinished_Agenda.pdf

This report presents information on the socio-economic situation and main issues concerning children’s rights in each of the ten Small Island Developing States in the Caribbean. It contains statistical information concerning these States (e.g. medium age, general population, GNI per capita)

3. *Website of the Committee on the Rights of the Child*,

<http://www2.ohchr.org/english/bodies/crc/index.htm>

¹³⁷ For further information, see NGO Group for the Convention on the Rights of the Child, available at: <http://www.childrightsnet.org/NGOGroup/childrightsissues/ComplaintsMechanism/> (last accessed April 17th 2013).

¹³⁸ Status a United Nations Treaty Collection, Optional Protocol to the Convention on the Rights of the Child on a communications procedure, Status as at 08-05-2013, available at: http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11-d&chapter=4&lang=en).

The website of the Committee on the Rights of the Child provides background information on the Convention on the Rights of the Child, as well as links to previous reporting documents, General Comments and other information.