

Summary of the UN Convention on the Rights of the Child

The Preamble

- **recalls** the basic principles of the United Nations and specific provisions to certain relevant human rights treaties and proclamations such as the Universal Declaration of Human Rights;
- **reaffirms** the fact that children, because of their vulnerability, need special care and protection; and,
- places special emphasis on the primary caring and protective responsibility of the family, the need for legal and other protection of the child, the importance of respect for the cultural values of the child's community, and the vital role of international co-operation in achieving the realisation of children's rights.

Article 1: Definition of a child

Children are defined as all people under 18 years of age.

Article 2: Non-discrimination

All rights in the Convention apply to all children without exception, and the State has an obligation to protect children from any and all forms of discrimination including that resulting from their parents or guardian's status.

Article 3: Best interests of the child

All actions concerning the child must be based on his or her best interests.

Article 4: Implementation of rights

The State has an obligation to translate the rights of the Convention into reality.

Article 5: Parental guidance and the child's evolving capacities as he or she grows

The State has a duty to respect the rights and responsibilities of parents and the wider family or others involved in the upbringing of the child in a manner appropriate to the child's evolving capacities.

Article 6: Survival and development

The child has an inherent right to life, and the State has an obligation to ensure to the maximum extent possible the survival and development of the child.

Article 7: Name and nationality

The child has the right to be registered, to have a name from birth and to be granted a nationality. In addition, the child has the right to know and be cared for his or her parents.

Article 8: Preservation of identity

The State has an obligation to protect and, if necessary, re-establish the basic aspects of the child's identity (name, nationality and family relations).

Article 9: Separation from parents

The child has the right to live with his or her parents unless it is not deemed to be in his or her best interests; the child has the right to maintain contact with both parents if separated from one or both.

Article 10: Family reunification

The State has an obligation to foster and enable family reunification where children and parents live in separate countries; the child whose parents live in a different state has the right to maintain personal relations and direct contact with both parents.

Article 11: Illicit transfer and non-return of children from abroad

The State has an obligation to try to prevent and to remedy the illicit transfer and non-return of children abroad by a parent or third party.

Article 12: The child's opinion

The child has the right to express an opinion, and to have that opinion taken into account, in any matter or procedure affecting the child, in accordance with his or her age and maturity.

Article 13: Freedom of expression

The child has the right to obtain and make known information, and to express his or her own views, unless this would violate the rights of others.

Article 14: Freedom of thought, conscience and religion

The child has the right to freedom of thought, conscience and religion, subject to appropriate parental guidance and national law.

Article 15: Freedom of association

The child has the right to meet with others and to join or set up associations, unless doing so would violate the rights of others.

Article 16: Protection of privacy

The child has the right to protection from interference with privacy, family, home and correspondence, and from libel or slander.

Article 17: Access to appropriate information

The State has an obligation to ensure that the child has access to information and material from a diversity of media sources and to take measures to protect children from harmful materials.

Article 18: Parental responsibilities

The State has an obligation to recognise and promote the principle that both parents or legal guardians have common responsibilities for the upbringing and development of the child; the State shall support parents or legal guardians in this task through the provision of appropriate assistance.

Article 19: Protection from abuse and neglect

The State has an obligation to protect children from all forms of abuse and neglect, to provide support to those who have been abused and to investigate instances of abuse.

Article 20: Protection of children without families

The State has an obligation to provide special protection for children without families and to ensure that appropriate alternative family care or institutional placement is made available to them, taking into account the child's cultural background.

Article 21: Adoption

In countries where adoption is recognised and/or allowed, it shall only be carried out in the best interests of the child, with all necessary safeguards for the child and under the authorisation of competent authorities.

Article 22: Refugee children

Special protection is to be granted to children who are refugees or seeking refugee status, and the State has an obligation to co-operate with competent organisations providing such protection and assistance.

Article 23: Children with a disability

Children with a mental or physical disability have the right to special care, education and training designed to help them to achieve the greatest possible self-reliance and to lead a full active life in society.

Article 24: Health and health services

The child has the right to the enjoyment of the highest possible standard of health and to have access to healthcare and medical services. In its provision of health services, the State shall place special emphasis on primary and preventative health care and public health education.

Article 25: Periodic review of placement in care settings

The child who has been placed in a care setting by the State for reasons of care, protection or treatment has the right to have all aspects of that placement reviewed and evaluated regularly.

Article 26: Social security

The child has the right to benefit from social security.

Article 27: Growing up free from poverty

The child has the right to an adequate standard of living; parents have the primary responsibility to provide this, and the State has a duty to assist parents, where necessary, in fulfilling this right.

Article 28: Education

The child has the right to education; the State has a duty to make primary education compulsory and free to all; to take measures to develop different forms of secondary education and to make this accessible to all children. School discipline should be administered in a manner consistent with the child's human dignity.

Article 29: Aims of education

Education should be directed at developing the child's personality and talents; preparing the child for active life as an adult; fostering respect for basic human rights; developing respect for the child's own cultural and national values and those of others; and developing respect for the natural environment.

Article 30: Children of minorities or indigenous peoples

Children of minority communities and indigenous peoples have the right to enjoy their own culture, to practice their own religion and to use their own language.

Article 31: Leisure, recreation and cultural activities

The child has the right to rest and to engage in leisure, play and recreational activities and to participate in cultural and artistic activities.

Article 32: Child labour

The State has an obligation to protect children from engaging in work that negatively impacts their health, education or development; to set a minimum age for employment; and to regulate conditions of employment.

Article 33: Drug abuse

The child has a right to protection from illicit use of narcotic and psychotropic drugs and from being involved in their production and distribution.

Article 34: Sexual exploitation

The child has the right to protection from all forms of sexual exploitation and sexual abuse, including prostitution and involvement in pornography.¹

Article 35: Sale, trafficking and abduction

The State has an obligation to prevent any form of abduction of children or sale of or traffic in children.

Article 36: Other forms of exploitation

The child has the right to protection from all other forms of exploitation prejudicial to their welfare.

Article 37: Torture and deprivation of liberty

The State has an obligation to ensure that no child is subject to torture, cruel, inhuman or degrading treatment or punishment, capital punishment, life imprisonment, and unlawful arrest or deprivation of liberty. A child who is deprived of liberty must be treated with humanity and respect and in a manner that is appropriate to his or her age. Children who are detained should be separated from adults, have the right to contact with family, and access to legal and other assistance.

Article 38: Armed conflicts

The State has an obligation to respect, and to ensure respect for humanitarian law as it applies to children in situations of armed conflict. States must ensure that no child under the age of fifteen can take direct part in hostilities or be recruited into the armed forces. States must take all feasible measures to ensure protection and care of children who are affected by armed conflict.²

¹ The Optional Protocol to the UN Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography was adopted by the UN General Assembly in 2000. It prohibits the sale of children, child prostitution and child pornography and requires State Parties to adopt appropriate measures to protect the rights and interests of child victims.

² The Optional Protocol to the UN Convention on the Rights of the Child on the Involvement of Children in Armed Conflict was formally adopted by the UN General Assembly on 25 May 2000. This new Protocol establishes eighteen years as the minimum age for participation in armed conflict, for compulsory recruitment, and for recruitment or use in armed conflict by armed groups.

Article 39: Rehabilitative care

The State has an obligation to take all appropriate measures to promote the physical and psychological recovery and social integration of children who have been victims of any form of neglect, exploitation or abuse, torture or degrading treatment or of armed conflict.

Article 40: Administration of juvenile justice

Children accused of, or recognised as having committed an offence have the right to respect for their human rights and in particular to benefit from all aspects of the due process of law, including legal or other assistance in preparing and presenting their defence. States have an obligation to promote alternative procedures and measures so as to ensure that recourse to judicial proceedings and institutional placements can be avoided wherever possible and appropriate.

Article 41: Respect for existing standards

If standards set in the national law of a country which has ratified the Convention, or in other applicable international instruments, are higher than those in the Convention on the Rights of the Child, it is the higher standard that will apply.

Articles 42-45 define how compliance with the Convention is to be monitored and fostered.

Article 42

The State has an obligation to make the rights contained in the Convention widely known to adults and children alike.

Article 43 and Article 44

States which ratify the Convention must submit a report on implementation two years after ratification and every five years thereafter. This report is submitted to the UN Committee on the Rights of the Child which consists of eighteen child rights experts elected by State Parties for the purposes of examining progress made by State Parties in implementing the Convention. State Parties are required to make their reports widely available to the general public in their own country.

Article 45

In order to “foster the effective implementation of the Convention and to encourage international cooperation”, the specialised agencies of the UN (such as the ILO, WHO, UNHCR, UNESCO and UNICEF³) are involved in the process of considering international reports. Non-governmental organisations (NGOs) may also submit relevant information to the UN Committee on the Rights of the Child. The Committee may invite the UN specialised agencies and NGOs to advise on the optimal implementation of the Convention.

Articles 46 – 54

Articles 46-54 define the conditions under which the Convention comes into force.

³ International Labour Organisation (ILO), World Health Organisation (WHO), United Nations High Commission for Refugees (UNHCR), United Nations Educational, Scientific & Cultural Organisation (UNESCO), United Nations Children’s Fund (UNICEF).