

THE UN CONVENTION ON THE RIGHTS OF THE CHILD, 1989 & ITS OPTIONAL PROTOCOLS

Prof. (Dr.) Y.VISHNUPRIYA
DEAN, FACULTY OF LAW
OSMANIA UNIVERSITY
HYDERABAD.

THE UN CONVENTION ON THE RIGHTS OF THE CHILD, 1989 & ITS OPTIONAL PROTOCOLS

HUMAN RIGHTS BEGIN WITH CHILD RIGHTS

Historical overview of the rights of the child

- ❖ In the middle of the 19th century- exploitation of children at work place
- ❖ League of Nations, 1919 focused on the protection of children
- ❖ Geneva Declaration, 1924: Humanity has to do its best for child

- ❖ International Labour Organization – prohibited industrial exploitation of child labour
- ❖ UNICEF since 1946 working to improve the status of children of the world particularly of developing countries
- ❖ The Universal Declaration of Human Rights, 1948 aimed to achieve and promote special protective care and assistance to children under article 25(2).
- ❖ The UN Declaration on the Rights of the Child, 1949 contained 10 basic rights
- ❖ Article 24 of the International Covenant on civil and political rights, 1966

- ❖ Article 10 of the International Covenant on Economic, Social and Cultural Rights, 1966
- ❖ The year 1979 was declared as the International Year of the Child by United Nations

The UN General Assembly unanimously adopted the Convention on the Rights of the Child, 1989 (CRC)

- ❖ Ratification of the CRC – International Law binding on the state parties
- ❖ The CRC came into force on 2nd september, 1990

- ❖ India ratified the CRC on 11th December 1992
- ❖ India has reservation on issues relating to child labour Article 32 of the CRC
- ❖ Currently 196 countries are parties to the CRC
- ❖ United States has not yet ratified the CRC- Latest ratification by Somalia in October, 2015
- ❖ The CRC has 54 Articles-protecting civil, economic, social, health and cultural rights of children
- ❖ Article 1 of the CRC – Definition of a “child”, any human being under the age of 18 years



❖ The CRC emphasized on four types of Rights of every child

- The Right of Survival
- The Right of Protection
- The Right of development
- The Right of participation

❖ **FOUR ARTICLES OF THE CRC ARE SEEN AS SPECIAL – THEY ARE KNOWN AS GENERAL PRINCIPLES**

i. Non-discrimination (Article 2):

The Convention applies to every child without discrimination, whatever their ethnicity, gender, religion, language, abilities or any other status, whatever they think or say, whatever their family background.

ii. Best interest of child (Article 3):

The best interests of the child must be a top priority in all decisions and actions that affect children.

iii. Right to life, survival and development (Article 6):

Every child has the right to life. Governments must do all they can to ensure that children survive and develop to their full potential.


iv. Right to be heard (Article 12):


Every child has the right to express their views, feelings and wishes in all matters affecting them, and to have their views considered and taken seriously. This right applies at all times, for example during immigration proceedings, housing decisions or the child's day-to-day home life.

❖ **Optional Protocols to the CRC**

Optional protocols complement and add to the existing conventions – they are not mandatory

- The first optional protocol adopted by UN in May 2000 – is on the involvement of children in Armed conflict – It requires the parties to ensure that the children under the age of 18 years are not recruited in to their armed forces. It came into force in July 2002. India ratified it in 2005.
- The second optional protocol requires the parties to prohibit sale of children , Child prostitution and child pornography. Adopted in 2000 and came into force in Jan 2002. India ratified it in 2005.

- 
- Third optional protocol is on communication procedure
 - Children are allowed to file individual complaints for the violation of their rights, directly to the Committee on the Rights of the Child.
 - Adopted in December 2011 and came into force in April 2014. India has not yet ratified this optional protocol.

- 
- ❖ The UN Committee on the Rights of the child examines the progress with regard to implementation of the CRC and Status of child rights in countries of State parties.
 - ❖ India submitted its 3rd and 4th periodical report to the committee of the CRC in June 2014 and the Committee issued concluding observations and recommendations.



❖ **The National Policy for Children, 2013**

Indian government approved the National Policy on Children in 2013 to help in the implementation of programmes and schemes for children all over the country. The policy gives utmost priority to the right to life, health, and nutrition and also gives importance to development, education, protection and participation.

❖ **The Policy recognises that**

- A child is any person below the age of eighteen years
- Childhood is an integral part of life with a value of its own
- Children are not a homogenous group and their different needs, need different responses, especially the multi-dimensional vulnerabilities experienced by children in different circumstances
- A long term, sustainable, multi-sectoral, integrated and inclusive approach is necessary for the overall and harmonious development and protection of children

❖ **Policy reaffirms that**

- Every child is unique and a supremely important national asset
- Special measures and affirmative action are required to diminish or eliminate conditions that cause discrimination
- All children have the right to grow in a family environment, in an atmosphere of happiness, love and understanding
- Families are to be supported by a strong social safety net in caring for, and nurturing their children.
- A comprehensive review of this policy will be taken up once in five years in consultation with all stakeholders, including children. The Ministry of Women and Child Development will lead the review process.



**ONCE AGAIN
I AFFIRM
HUMAN RIGHTS
BEGIN
WITH
CHILD RIGHTS
THANK YOU**