

Introduction to the Convention on the Rights of the Child

Purpose of International Conventions

Imagine that a t-shirt is sewn in China with fabric made in India, then shipped across two oceans and the roads of Brazil in a truck owned by a French company based in London, before being sold over the Internet in Canada by an American company. If there were no international laws to cover this kind of situation, there would be chaos!

There are almost 200 countries in the world. They all have their own laws, political systems, territories, currencies and other features that vary from place to place.

There is no world government making laws for the whole planet, but countries still need rules about how to interact with each other. They also need rules about activities taking place in several countries, or in places that don't belong to anyone in particular, such as space. International laws called "treaties" and "conventions" provide these rules. They deal with topics like the environment, economics and human rights.

Here is an example: after World War II, countries decided that prisoners of war needed better protection. This is why they adopted the *Geneva Convention relative to the Treatment of Prisoners of War*. This convention prohibits torture and says that prisoners of war must be treated humanely.

Here are other examples of important conventions:

- The *Kyoto Protocol (1997)* addresses climate change by reducing greenhouse gas emissions.
- The *Ottawa Convention on the Prohibition of Anti-Personnel Mines (1997)* aims to eliminate this kind of weapon around the world and help people injured by these mines.
- The *Convention relating to the Status of Refugees (1951)* protects people fleeing their countries for various personal or political reasons.

History of the Convention and Who it Protects

Everywhere in the world, there are children living in difficult conditions. They face poverty, war, exploitation and other challenges. To try to improve the situation, some countries decided to give children special protection.

On November 20, 1989, the General Assembly of the United Nations adopted a convention designed specifically for children: the *Convention on the Rights of the Child* (the "Convention").

The Convention is important because it was the first time all the rights of children—political, health, education, etc.—were brought together in one document.



Since 1989, more than 195 countries have promised to defend and promote the rights of children and improve their living conditions by signing the Convention.

The Convention covers all children and teenagers up to 18 years of age, or the age of majority if it is not 18. The age of majority is when a person is considered an adult in the eyes of the law. People in some countries are considered adults when they turn 16 or 17. For example, the age of majority in Nepal is 16. It is also 16 in Pakistan, but only for girls: boys become adults at 18. Iran is one of the countries where the age of majority is the lowest: girls become adults at nine and boys at 15.

Rights Protected by the Convention

By agreeing to the Convention, countries undertake to respect the rights of children listed in the document. The Convention has over 50 sections describing specific rights, and four main principles

that underpin all these rights. These are the four principles:

The Right to Life, Survival and Development

Children have a right to good health, food and drinkable water. They also have the right to be raised by their parents. Parents must provide their children with a home, clothing, good food, an education and even leisure time. Countries also undertake to protect children against violence, abuse, slavery and forced marriage.

Putting Children's Interests First

Decisions about a child must be based on what is best for that child. For example, when governments and courts make decisions, and when laws are made, this principle must be respected.

Non-Discrimination

All children are entitled to the same protection and services, regardless of whether the child is a boy, a girl, a refugee, Aboriginal, has a disability or belongs to a minority group. Countries must ensure that children are not discriminated against on the basis of race, colour, sex, religion, origins, a disability, language, political opinions or wealth.

The Right to Take Part in Decisions

Children have the right to give their opinions and take part in decisions affecting them. Depending on age and maturity, this can mean that a court making a decision about a child must give the child a chance to be heard. Children also have freedom of expression. For example, children have the right to write a letter to be published in a newspaper or to participate in a legal public gathering.

How Countries Put International Conventions into Practice

When a country agrees to an international convention, the international community expects that country to take concrete steps to respect the convention.

Here is an example:

Countries that agreed to the *Kyoto Protocol* must reduce their greenhouse gas emissions by taking concrete steps in the areas of sustainable development, public transportation and “green” energy. For example, they could prevent people from using their cars in cities on certain days.

To put into practice the *Convention on the Rights of the Child*, Canada had to review many of its laws to make sure they protected the same rights as the Convention. Laws reviewed included laws on the minimum working age, free compulsory schooling, access to healthcare, child exploitation and the use of children in armed conflicts.

Enforcing International Conventions

Often, countries agreeing to international conventions also promise to demonstrate to the international community what they have accomplished. For example, a committee of experts appointed by the International Labour Office tries to check up on labour standards and makes recommendations each year to improve the situation in certain countries.

For the *Convention on the Rights of the Child*, the United Nations created the Committee on the



Rights of the Child in Geneva, Switzerland to ensure that the rights in the Convention are respected.

The Committee monitors children’s rights in countries that have signed the Convention. Every five years, these countries submit a report to the Committee about progress on children’s rights. The Committee reviews these reports and compares them with other reports with additional or even contradictory information. It then invites each country to Geneva to discuss its report. After these discussions, the Committee makes recommendations so that countries can make changes before the next report is submitted five years later.

Sometimes the international community creates international courts. They are similar to the courts in Canada, except that they have judges from several countries and special procedures. For example, European Union countries that signed the *European Convention on Human Rights* created the European Court of Human Rights. This is a court located in Strasbourg that has existed in permanent form since 1998. The court handles cases about the *European Convention*.

Sometimes courts are created for specific events. One well-known example is the court created for the Nuremburg Trials of 1945-46. This court heard cases against people charged with war crimes and crimes against humanity during World War II.

Children's Rights in Canada: Room for Improvement?

Most rights in the Convention are already part of Canadian law. But there is still room for improvement.

As mentioned earlier, every five years, Canada must submit a report on the situation of children in Canada to the United Nations Committee on the Rights of the Child.

After reviewing Canada's second report, the Committee concluded that we could do a better job of protecting children's rights, especially in these areas:

- physical punishment of children
- health of aboriginal children
- the age at which children are allowed to start working

With regard to physical punishment, the *Criminal Code of Canada* allows parents or a schoolteacher responsible for a child to use reasonable force to

discipline the child, subject to some strict limits. The Committee on the Rights of the Child believes that Canada should prohibit all forms of violence towards children, even mild violence. On this point, the Convention encourages alternate, non-violent disciplinary measures.

The Committee was also concerned about the health of Aboriginal children. Not all Aboriginal communities have access to the same healthcare services as other Canadian communities, particularly in the North. The Committee also noted that Aboriginal children suffer more from sudden infant death syndrome, fetal alcohol syndrome, suicide and substance abuse than non-Aboriginal children.

Lastly, the Committee said that, even though child labour is strictly regulated in Canada, it is disappointed there is no minimum working age.

Other Resources

[International Bureau for Children's Rights](#)

[CRIN - Child Rights International Network](#)

[UNICEF](#)

[United Nations](#)