Convention on the Rights of the Child

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Adopted 1989, entered into force 1990

Currently 196 countries are parties to the treaty. This includes every member of the United Nations (except the United States)

Treaty monitoring body: Committee on the Rights of the Child

Body of 18 Independent experts that monitors implementation of the Convention

Review procedure – every 5 years each country’s compliance with the Convention is reviewed. Civil society can submit shadow reports

Communications procedure – allows individual children to submit complaints regarding specific violations of their rights

The Committee issues specific recommendations to countries as well as General Comments (e.g. Gen. Comm. 15 on health)
UNDERLYING PRINCIPLES

- Inherent dignity and equality
- Indivisibility and interdependence of rights
- Inalienable (cannot be taken away or given away)
- Non-discrimination
- Best interest of the child
- Social determinants of health
UNDERLYING PRINCIPLES cont.

• Childhood is entitled to special care and assistance

• The family should be assisted to take care of the child
  • The family, as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community (CRC, Preamble)
  • The child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding, (CRC, Preamble)
  • States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention. (CRC, art. 5)
• Among the key determinants of children’s health, nutrition and development are the realization of the mother’s right to health and the role of parents and other caregivers (Gen Comm. 15)

• The care that women receive before, during and after their pregnancy has profound implications for the health and development of their children. Fulfilling the obligation to ensure universal access to a comprehensive package of sexual and reproductive health interventions should be based on the concept of a continuum of care from pre-pregnancy, through pregnancy, childbirth and throughout the post-partum period. Timely and good-quality care throughout these periods provides important opportunities to prevent the intergenerational transmission of ill-health and has a high impact on the health of the child throughout the life course. (Gen Comm. 15)
<table>
<thead>
<tr>
<th>Category of Disrespect and Abuse</th>
<th>Corresponding Right</th>
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<tbody>
<tr>
<td>1. Physical abuse</td>
<td>Freedom from harm and ill treatment</td>
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<td>2. Non-consented care</td>
<td>Right to information, informed consent and refusal, and respect for choices and preferences, including the right to companionship of choice wherever possible</td>
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<td>3. Non-confidential care</td>
<td>Confidentiality, privacy</td>
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<td>4. Non-dignified care (including verbal abuse)</td>
<td>Dignity, respect</td>
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<td>5. Discrimination based on specific attributes</td>
<td>Equality, freedom from discrimination, equitable care</td>
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<td>6. Abandonment or denial of care</td>
<td>Right to timely healthcare and to the highest attainable level of health</td>
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<td>7. Detention in facilities</td>
<td>Liberty, autonomy, self-determination, and freedom from coercion</td>
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RIGHT TO LIFE, SURVIVAL AND DEVELOPMENT

• Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life. (CCPR, art. 6; CRC, art. 6)

• Ensure to the maximum extent possible the survival and development of the child (CRC, art. 6)
FREEDOM FROM HARM AND ILL-TREATMENT

• Protection from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child. (CRC, art. 19; CRC, art 37)
RIGHT TO IDENTITY

- The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents. (CCPR, art 24; CRC, art. 7, art. 37)

- Right to enjoy his or her own culture, to profess and practice his or her own religion, or to use his or her own language. (CRC, art. 30)
RIGHT TO RECEIVE AND IMPART INFORMATION, INFORMED CONSENT

• Right to **seek, receive and impart information** (CRC, art. 13)
• The **views of the child being given due weight** in accordance with the age and maturity of the child. (CRC, art.12)

*Council of Europe, Convention on Human Rights and Bioethics*

• Only for the direct benefit, if no capacity to consent
• With the authorization of minor’s representative or as provided by law
• Opinion of minor taken into account in proportion to his/her age and maturity
HIGHEST ATTAINABLE STANDARD OF HEALTH AND HEALTHCARE

Mortality, Preventive Care and Universal Care

- To **diminish infant and child mortality**
- To ensure the provision of necessary medical assistance and health care to **all children** with emphasis on the development of **primary health care**
- To ensure appropriate **pre-natal and post-natal health care for mothers**
- To develop **preventive health care, guidance for parents and family planning education and services.** (CRC, art. 24)
HIGHEST ATTAINABLE STANDARD OF HEALTH, CONTINUED

Nutrition, Hygiene, Education and Support

To **combat disease and malnutrition**, through technology and through the provision of adequate nutritious foods and **clean drinking-water**

To ensure that all segments of society, in particular parents and children, are informed, have access to **education and are supported** in the use of basic knowledge of **child health and nutrition, the advantages of breastfeeding, hygiene and environmental sanitation and the prevention of accidents** (CRC, art. 24)

To ensure to women appropriate **services in connection with pregnancy, confinement and the post-natal period**, granting free services where necessary, as well as **adequate nutrition during pregnancy and lactation**. (CEDAW, art. 12)
• Privacy, honor, reputation (CRC, art. 16)

• States Parties shall ensure that a child shall not be separated from his or her parents against their will. (CRC, art. 9)

• Maternal and newborn care following delivery should ensure no unnecessary separation of the mother from her child (Gen Comm.15)

• States should provide child-friendly health policies focused on training health workers to provide quality services in a way that minimizes the fear, anxiety and suffering of children and their families; (Gen Comm. 15)
NON-DISCRIMINATION

- No discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status. (CRC, art. 2, see also CCPR, art. 2)

- Mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community. (CRC, art. 23)

- The right of the disabled child to special care (CRC, art. 23)
Thank you!

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