



Convention on the  
Rights of the Child

CRC

**MUNUC 35**

Model United Nations of the University of Chicago

## TABLE OF CONTENTS

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<b>CHAIR LETTERS.....</b>	<b>3</b>
<b>COMMITTEE STRUCTURE AND MECHANICS .....</b>	<b>5</b>
<b>TOPIC: CONVENTION ON THE RIGHTS OF THE CHILD.....</b>	<b>8</b>
Statement of the Problem.....	8
History of the Problem.....	21
Possible Solutions .....	26
Glossary .....	28
Bibliography .....	30
<b>APPENDIX: CONVENTIONS ON THE RIGHTS OF THE CHILD .....</b>	<b>33</b>

## CHAIR LETTERS

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Dear Delegates,

Welcome to MUNUC! My name is Shannon Chung, and I will be your co-chair for the Convention on the Rights of the Child (CRC). I am a fourth-year from Southern California, double-majoring in Law, Letters, and Society and Psychology. This year will be my third year with MUNUC, and I am absolutely thrilled to be running this committee. Outside of MUNUC, I compete on the Undergraduate Moot Court Team and work as a Research Assistant at the Behavioral Insights and Parenting Lab at the Harris School of Public Policy.

As of 2022, the United States remains the only country in the world to refuse to ratify the CRC. This position has incited controversy, spurring a plethora of critical scholarly work on this treaty, making the CRC a particularly interesting document to study. In examining the provisions of the CRC, you will be able to discern how value systems clash in the treaty and which political priorities could be threatened by such a document. Some of these concerns have varied over the years due to shifts in the social, political, and technological landscape of children's, government's, and parent's rights. Furthermore, new conflicts have arisen from the rise of the digital age, prolonged multinational conflicts, environmental destruction, and mass migration as they pose new threats to the rights of children. Your job will be to digest these debates and then best represent your country's priorities.

I am confident that you will succeed, learn lots, and have fun—as long as you put in the work. Best of luck in your preparations for this committee! Lily and I—your co-chairs—will be more than happy to address any of your questions and concerns, so please do not hesitate to reach out. I am looking forward to meeting all of you and hearing you all engage in debate!

Best,

Shannon Chung

Co-Chair

[shannonchung@uchicago.edu](mailto:shannonchung@uchicago.edu)

Dear Delegates,

Welcome to MUNUC 35! My name is Lily Hong, and I am so excited to be one of your co-chairs for the Convention on the Rights of the Child. I am a fourth-year at the University of Chicago, double majoring in Anthropology and Law, Letters, and Society. Outside of MUNUC, I compete on the Moot Court team and am a member of the Service Committee for Women+ in Law.

This year, delegates on our committee will get the opportunity to revisit one of the main international treaties protecting the rights of children. Since the original convention in 1989, there have been a number of technological advancements and changes—from social media and messaging apps to parental location tracking—in what it means to be a child. Delegates will need to consider the implications of these changes and assert new protections for children in the 21st century. As the most widely ratified treaty in the history of the world, there are obviously many viewpoints that need to be considered and balanced. We expect delegates to represent their country to the best of their ability, while strategically compromising when necessary to best represent a host of positions on these issues.

Shannon and I are here as resources for you, so if you have any questions or concerns feel free to communicate those to us. We want to make sure you all see this as an opportunity to learn from one another and engage in a productive debate that addresses the many aspects of this convention. I look forward to meeting all of you in committee, and I am excited to see how you all choose to improve upon this landmark convention.

Sincerely,

Lily Hong

Co-Chair

[lshong@uchicago.edu](mailto:lshong@uchicago.edu)

# COMMITTEE STRUCTURE AND MECHANICS

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## Overview

The United Nations Convention on the Rights of the Child (CRC) is a human rights treaty that established the civil, political, economic, social, health, and cultural rights of children using an international legal framework.<sup>1</sup> The treaty was signed on November 20, 1989, and it is the most widely ratified human rights treaty in the world.<sup>2</sup> Though the focus of this committee is not on the United States' refusal to ratify the treaty, it is important to note that they remain the only country in the world not to do so.<sup>3</sup> The United States' decision not to ratify the treaty is significant because a country can only be bound by international law to the terms of the Convention if it ratifies the treaty.<sup>4</sup> The signing of a treaty, on the other hand, is a less binding action as it endorses the contents of the document and signifies a promise to refrain from acts that would violate the treaty's objectives.

The CRC was a landmark document, for it established that children make up a separate group of people who need protection until they reach adulthood at age 18.<sup>5</sup> It accordingly gave children rights as individuals outside of their parents' authority and decision making including the right to a name and nationality; freedom of speech and thought; access to healthcare and education; and freedom from exploitation, torture, and abuse.<sup>6</sup> Since its ratification, the CRC has shaped policies around the world and allowed children to flourish and participate meaningfully in their communities.<sup>7</sup> In this committee, we expect delegates to rewrite the CRC by adding, removing, and editing the treaty to address the problems that have arisen in the decades since it was first written.

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<sup>1</sup> Blanchfield, Luisa, "The United Nations Convention on the Rights of the Child," July 27, 2015, CRS Reports, <https://crsreports.congress.gov/product/pdf/R/R40484/25>.

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

<sup>4</sup> Ibid.

<sup>5</sup> "Convention on the Rights of the Child." 2021. UNICEF. <https://www.unicef.org/child-rights-convention#learn>.

<sup>6</sup> Blanchfield, Luisa, "The United Nations Convention on the Rights of the Child," July 27, 2015, CRS Reports, <https://crsreports.congress.gov/product/pdf/R/R40484/25>.

<sup>7</sup> "Convention on the Rights of the Child." 2021. UNICEF. <https://www.unicef.org/child-rights-convention#learn>.

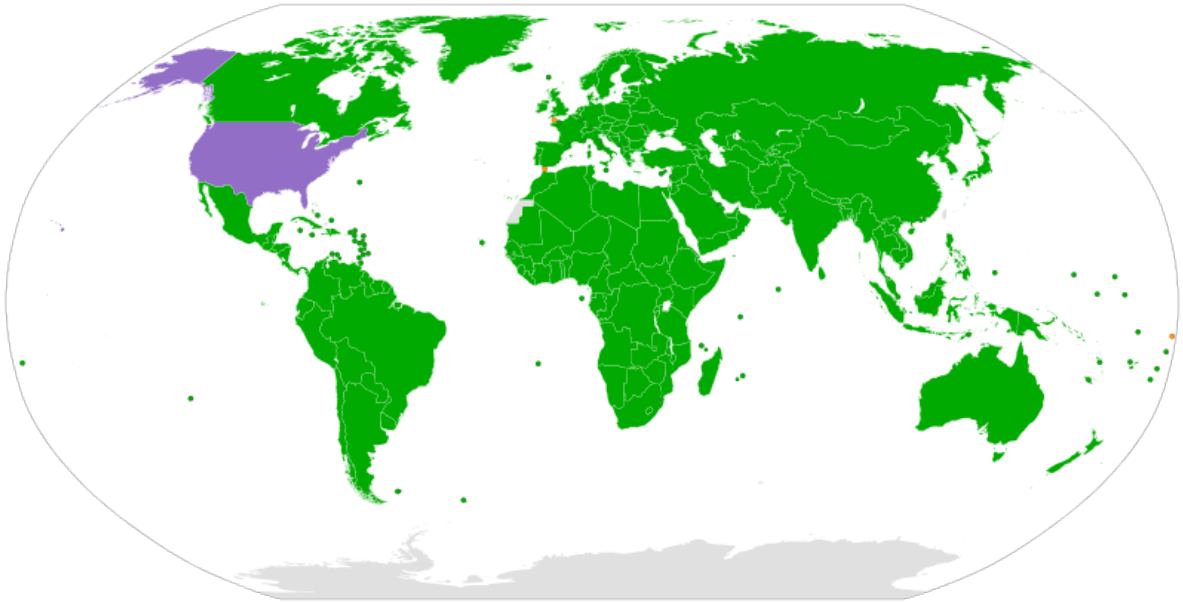


Figure 1: Map of the countries who have signed and ratified the treaty (green) and map of the countries who have signed but not ratified the treaty (purple).<sup>8</sup>

Despite the widespread international approval of the CRC, children’s rights continue to be threatened. Young people around the world continue to fight for adequate health care, nutrition, education, and protection. Not to mention, ever since the CRC was ratified, new conflicts have arisen due to the rise of the digital age, prolonged multinational conflicts, environmental destruction, and mass migration. Additionally, as with most international documents written in the past, scholars have been questioning the lack of care the CRC pays towards respecting cultural relativism. We hope that this committee will allow delegates to critically address and discuss these issues while rewriting this convention. However, due to the sensitive nature of some of these conversations, we will not tolerate the dismissal of any of these problems and expect the utmost sensitivity at all times.

### ***Mechanics***

This committee will follow the traditional Model United Nations parliamentary procedure. Delegates will be working together to pass a single resolution over the course of the weekend. Our committee

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<sup>8</sup> Google image result for [https://upload.wikimedia.org/wikipedia/commons/f/f2/convention\\_on\\_the\\_rights\\_of\\_the\\_child.svg](https://upload.wikimedia.org/wikipedia/commons/f/f2/convention_on_the_rights_of_the_child.svg). Accessed August 31, 2022. <https://images.app.goo.gl/OHvV6JsEUgEENJVQA>.

will not include any crisis elements and will be structured entirely as a General Assembly. This means committee sessions will generally involve moderated and unmoderated caucuses for people to give speeches and share ideas with one another. *We will be asking delegates to prepare a one-page position paper for their country to ensure everyone has a good understanding of the CRC and its issues upon coming to MUNUC.* MUNUC's "Prep & Resources" page on our website provides some useful tips on how to prepare for the conference.<sup>9</sup>

Instead of choosing between two topics, delegates will focus solely on the Convention on the Rights of the Child and its pitfalls.<sup>10</sup> Due to this revisiting, we expect delegates to add and modify sections of the CRC. Though some may agree with certain aspects of the CRC as written, we stress the importance of improving upon the CRC with substantive additions and only maintaining a small number of existing articles, if any. For this committee, we will not make any distinction between signing or ratifying the CRC. Instead, the main goal is simply passing a new CRC that better solidifies the rights of children.

This section should generally cover what this committee will look like, but if you have any questions for us about this committee's structure, please do not hesitate to reach out to us using our emails in our chair letters above.

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<sup>9</sup> "Prep & Resources." n.d. MUNUC. Accessed July 18, 2022. <https://munuc.org/prep-and-resources/>.

<sup>10</sup> González, Manuel M, "30 Years of the CRC: Progress and Challenges," UNICEF, October 1, 2019, <https://www.unicef.org/lac/en/stories/30-years-crc-progress-and-challenges>.

# TOPIC: CONVENTION ON THE RIGHTS OF THE CHILD

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## Statement of the Problem

### *Introduction*

The Convention on the Rights of the Child (CRC) is the most widely ratified treaty in the world, with near-unanimous ratification. Since its ratification in 1989, countries around the world have shaped their policies around the guidelines of the CRC. However, as we have stated before, despite worldwide support, it is not a perfect document. For the purpose of our committee, we will be focusing on major debates surrounding the substantive provisions of the CRC that outline the rights of the children (Part I) rather than the administrative provisions on its implementation and ratification (Part II and Part III). There will also be provisions that are off-limits for discussion. These include Article 2, which protects against discrimination; Article 23, which protects people with disabilities; Article 30, which protects the rights of indigenous peoples; Article 34, which protects against sexual abuse; Article 35, which protects against child trafficking; and Article 39, which protects children recovering from abuse. MUNUC will not tolerate debate on these provisions and expect the utmost sensitivity at all times during discussions, as these are particularly sensitive issues that affect real children all around the world. Appendix A contains the document with each Article specified.

This committee will tackle four central issues with the CRC. First, a quick scan of the CRC instantly reveals the tenuous dictation of authority between the child and the parent. While it identifies children as independent rights-holders, it also confers certain authorities of control upon the parents. Second, the CRC—as with many legal documents—is filled with ambiguous qualifiers, resulting in a broad number of potential interpretations. Prompting questions such as, what does “adequate” or “appropriate” mean? A revisit of the CRC should resolve some of these ambiguities and add specificity to the document. Third, scholars and human rights advocates have long criticized the fact that human rights documents like the CRC are often grounded in **Western liberalism** and Western conceptions of right and wrong. Instead, delegates should try to be inclusive of alternative philosophies from non-western countries. Lastly, even though most of the world has



voiced its support for the CRC, children around the world are still plagued with violence, exploitation, inequality, and a scarcity of opportunities and resources. A more thorough, modern examination of children's rights would consider the plethora of new data on children's wellbeing. It would also consider the new conflicts that arise from the rise of the digital age, prolonged multinational conflicts, environmental destruction, and mass migration.

### ***Children's Autonomy vs. Parental Authority***

A key debate regarding the CRC is the balance between children's autonomy and parental authority. The CRC was revolutionary in that it gave children rights that were not attached to their parents, defining children as independent, rights-bearing individuals.<sup>11</sup> However, the CRC's attempt to give children their own rights comes in the way of parents wanting to assert their authority in shaping their children's lives. Some main areas of contention include the right to adequate healthcare; access to reproductive health education; right to privacy; freedom of expression, free access to information, freedom of thought, conscience, and religion; access to education; corporal punishment; and freedom of association. It is important to recognize the validity of parents wanting to have a role in deciding the best for their children. So, in trying to balance children's rights with parents' rights, delegates should not simply do away with parental rights but consider in what situations are parental rights necessary and in what situations must children's rights supersede the parents' rights?

Regarding the *right to adequate healthcare*, Article 24, paragraph 1 established that children have the right to "the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health."<sup>12</sup> Also, it demands that "state parties shall strive to ensure that no child is deprived of his or her right of access to such health care services."<sup>13</sup> Modern advancements in vaccinations have ensured that many serious illnesses are typically avoided or, if contracted, relatively mild. However, as seen recently, a child's desire to be vaccinated against certain diseases may clash with their parent's belief that vaccinations are unsafe. One example of

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<sup>11</sup> "The United Nations Convention on the Rights of the Child," Congressional Research Service, July 27, 2015, <https://crsreports.congress.gov/product/pdf/R/R40484/25>.

<sup>12</sup> "Convention on the Rights of the Child," 1989, Treaty no. 27531, United Nations Treaty Series, Office of the United Nations High Commissioner for Human Rights, <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>.

<sup>13</sup> Ibid.

this in the US is the HPV vaccine, which is administered to teenagers to prevent HPV, a virus that can cause cancers in reproductive organs.<sup>14</sup> However, some parents believe this vaccination will encourage their children to engage in sexual activity. Since they do not want to condone that activity, they often try to prevent their children from getting the vaccine.<sup>15</sup> Additionally, parents often encounter misinformation and, as a result, either do not understand what the vaccine protects against or believe it would harm their children more than it would protect them.<sup>16</sup> Regardless of the parent's reasoning, situations like the HPV vaccine are attempts by parents to look out for their children, whether that be valid or misguided. This is one of many examples in which parents do not necessarily always know best. It is for delegates in this committee to determine when parents should have the final say and when they should not.

Another issue lies in Article 24 of the CRC regarding *access to contraceptives, abortions, and sex education*. Article 24, paragraph 2(d) establishes that the state must ensure "appropriate prenatal and postnatal health care for mothers."<sup>17</sup> **Prenatal** and **postnatal** health care services include providing access to sexual and reproductive health education, information, and services; safe abortion services; and contraception. Some parents have reservations when it comes to how sex education is taught. For example, some parents throughout American history have argued for an abstinence-only sex education program because of an "erroneous belief that medically accurate, comprehensive information would *increase* risk-taking behaviors among young people."<sup>18</sup> Of course, this concern from parents must be balanced with the tangible benefit teens may receive from educating themselves on such topics. In committee, it is pertinent to consider how the freedom to access certain information may impact children and parents alike.

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<sup>14</sup> White, Mark D, "Pros, cons, and ethics of HPV vaccine in teens—Why such controversy?" 2014, NCBI, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4708146/>.

<sup>15</sup>"The HPV Vaccine: Why Parents Really Choose to Refuse," 2018, Johns Hopkins Medicine, <https://www.hopkinsmedicine.org/news/newsroom/news-releases/the-hpv-vaccine-why-parents-really-choose-to-refuse>.

<sup>16</sup>Ibid.

<sup>17</sup> "Convention on the Rights of the Child," 1989, Treaty no. 27531, United Nations Treaty Series, Office of the United Nations High Commissioner for Human Rights, <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>.

<sup>18</sup> "History of Sex Education in the U.S.," Planned Parenthood, November, 2016, [https://www.plannedparenthood.org/uploads/filer\\_public/da/67/da67fd5d-631d-438a-85e8-a446d9ofd1e3/20170209\\_sexed\\_do4\\_1.pdf](https://www.plannedparenthood.org/uploads/filer_public/da/67/da67fd5d-631d-438a-85e8-a446d9ofd1e3/20170209_sexed_do4_1.pdf).

## Share of children who receive key vaccines in target populations, 2016

Share of children of the relevant age category who receive the seven key vaccines, conditional on inclusion in national vaccine schedules. The eight vaccines include DPT3, measles, polio, Hep3B, Haemophilus influenzae type b, pneumococcal conjugate vaccine, and rotavirus vaccine.

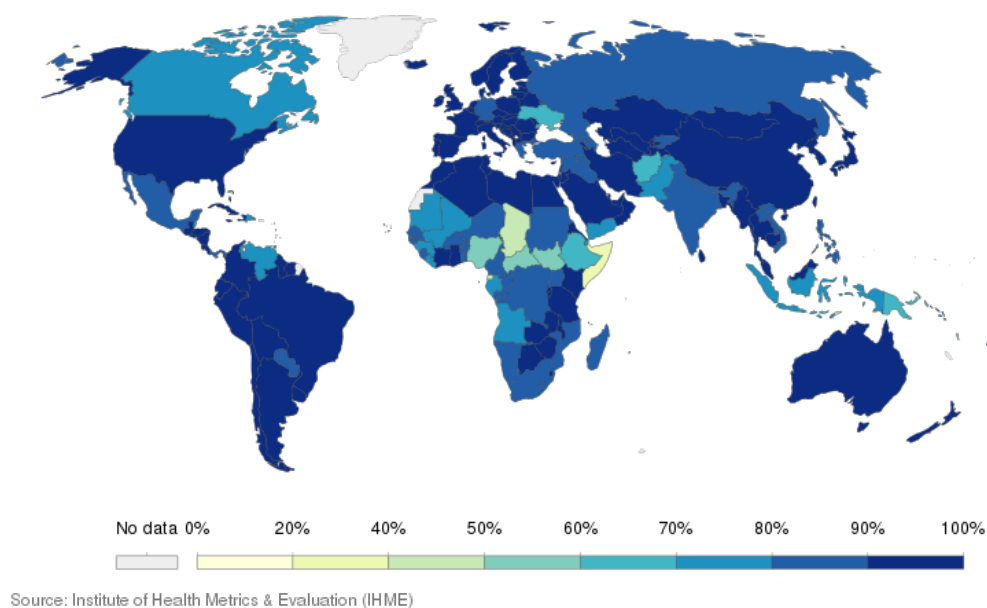


Figure 2: Child vaccination rates across countries.<sup>19</sup>

Another clash between parental authority and children’s rights relates to the *right to privacy* established in Article 16, which states that “[n]o child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour and reputation.”<sup>20</sup> This provision could threaten parental authority if interpreted to mean that parents do not have the right to search their children’s rooms or be notified in the case of their child’s arrest or another emergency. This is especially relevant with the rise in popularity of apps like Life360—an app that allows parents to track their children’s location—which allows increasingly invasive forms of online parental control through technology. The provision could also mean that parents do not have the right to post photos of their children in the case that it may influence their honor or reputation. For instance, with “mom influencers”—moms who have a large

<sup>19</sup>Google image result for [https://upload.wikimedia.org/wikipedia/commons/d/db/share\\_of\\_children\\_who\\_receive\\_key\\_vaccines\\_in\\_target\\_populations%2c\\_owid.svg](https://upload.wikimedia.org/wikipedia/commons/d/db/share_of_children_who_receive_key_vaccines_in_target_populations%2c_owid.svg). Accessed August 31, 2022. <https://images.app.goo.gl/bX4LoeXgS8cK5s1a8>.

<sup>20</sup> “Convention on the Rights of the Child,” 1989, Treaty no. 27531, United Nations Treaty Series, Office of the United Nations High Commissioner for Human Rights, <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>.

following on social media and often use their children in their content—the child’s right to privacy calls for more attention. Though the use of apps to monitor kids and post about one’s children is normalized, this aspect of society deserves reexamination in committee.



Figure 3<sup>21</sup>

Parents also worry about what the right to *freedom of expression and information* could mean for their children. Article 13, paragraph 1 of the CRC states that the child shall have the “right to freedom of expression,” including “freedom to seek, receive, and impart information and ideas of all kinds.”<sup>22</sup> Article 17 adds that children *must* have “access to information and material from a diversity of national and international sources.”<sup>23</sup> These provisions trouble parents who believe that they reserve the right to censor and advise their children’s engagement with information and communication. For instance, with more and more young children having access to smartphones and social media sites, parents may worry about inappropriate content or individuals who are looking to take advantage of their children. Therefore, they want the ability to limit screen time or monitor who their children interact with online. Furthermore, some interpretations contend that these guidelines allow children to speak and engage freely with individuals and information regardless of parental authority or discipline. Parents who wish to reserve the authority to limit or manage their children’s associations with people (especially with people who they deem “dangerous” or “bad influences”) could feel their right and responsibility as a parent to protect their children is undermined.

Other subjects that have resulted in contention between parent and child relate to *thought, conscience, religion; access to education; and corporal punishment*. Article 14, paragraph 1 establishes

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<sup>21</sup> Google image result for [https://upload.wikimedia.org/wikipedia/commons/6/65/Life360\\_Horizontal.svg](https://upload.wikimedia.org/wikipedia/commons/6/65/Life360_Horizontal.svg). Accessed August 31, 2022. <https://images.app.goo.gl/2vRwUwqv1abyCUcw8>.

<sup>22</sup> Ibid.

<sup>23</sup> Ibid.

that “States Parties shall respect the right of the child to freedom of thought, conscience, and religion.”<sup>24</sup> Granting children autonomy in how they choose their religion can offend some parents who believe children must respect and adopt their religious beliefs or training. Regarding *access to education*, Article 28, paragraph 1 states that children have the right to education and elaborates with particular instructions on levels of education and the cost and accessibility of each level of education.<sup>25</sup> Some argue that this provision may interfere with the desire of parents to home-school their children and educate their children as they see fit. Regarding *corporal punishment*, Article 19, paragraph 1 states that “no child should be subjected to physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation...while in the care of parent(s).”<sup>26</sup> While there is an increasing wealth of research by behavioral scientists on the negative outcomes of corporal punishment, some parents maintain that they reserve the right to discipline as they see fit.<sup>27</sup>

This tug-of-war for authority is extremely contentious. Parents think they should have the right to control their children’s experiences to protect their children and to give them what they think is best for them. Even though parents can be wrong, when children claim that they should determine their own lives, it contradicts the paternalistic instinct of parents and can make them angry. Thus, the issue of how to empower children as independent, rights-bearing individuals while also keeping them safe and maintaining cultural family structures must be further resolved. Parents cannot be given an unlimited scope of authority over their children because in many cases, parents are also perpetrators of injustice against their own kids. Simultaneously, however, developing children cannot be given absolute freedom to dictate their own lives. Thus, a thoughtful revision of the CRC would clarify this balance between children’s rights and parental authority.

### ***Ambiguity***

Though legal documents are often filled with ambiguity, introducing legal standards and precise language will assist in clarifying the intent of ambiguous words. The CRC is also not immune to this

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<sup>24</sup> Ibid.

<sup>25</sup> Ibid.

<sup>26</sup> Ibid.

<sup>27</sup> Grayson, Joann, “Corporal Punishment in Schools,” 2006, Virginia Child Protection, Newsletter 76 (Spring): 12-14, 16. <https://www.ojp.gov/ncjrs/virtual-library/abstracts/corporal-punishment-schools-o#:~:text=Supporters%20of%20corporal%20punishment%2C%20on,obedience%2C%20and%20self%2Ddiscipline.>

vagueness. For example, to add to the previous section, the CRC fails to clearly define which rights are completely independent to the children and not vulnerable to the whims of parents claiming their authority. Article 5 explicitly empowers parents to provide “*appropriate* direction and guidance in the exercise by the child of the rights recognized in the present Convention.”<sup>28</sup> The ambiguity here stems from the word “appropriate.” “Appropriate” could be interpreted as a blank check of authority for parents in extreme cases.

Refer to Article 1 which defines that “a child means every human being below the age of eighteen years.”<sup>29</sup> The CRC does not define a lower age limit. Does an unborn child have the “inherent right to life...ensure[d] to the maximum extent possible the survival and development of the child”? (Article 6).<sup>30</sup> Similarly, Article 10 ambiguously asserts that children shall be reunified with their families “in a *positive, humane* and *expeditious* manner.”<sup>31</sup> However, these words are not defined and invite various interpretations. The Convention is filled with vague words and phrases such as “appropriate,”<sup>32</sup> “adequate,”<sup>33</sup> “available and accessible,”<sup>34</sup> “direct,”<sup>35</sup> etc.

Sometimes ambiguity can be helpful. For one, it could get many countries to sign and ratify. It would be easier to reach a consensus among countries if a provision said ‘make college education accessible,’ rather than ‘ensure that there is college for every 2000 children.’ This is because many countries are in different economic, political, and cultural situations. So, expecting a college-level education for every child in the world would be unreasonable and unnecessary. Therefore, giving countries the flexibility to implement measures in a manner that suits their economic and social needs can be logistically beneficial when trying to ratify an international document. The benefit of this ambiguity, in encouraging more countries to ratify, could signal to the global community the importance of the CRC’s ideals and provide the CRC an increased significance.

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<sup>28</sup> “Convention on the Rights of the Child,” 1989, Treaty no. 27531, United Nations Treaty Series, Office of the United Nations High Commissioner for Human Rights, <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>.

<sup>29</sup> Ibid.

<sup>30</sup> Ibid.

<sup>31</sup> Ibid.

<sup>32</sup> Ibid., Article 24.

<sup>33</sup> Ibid., Article 27.

<sup>34</sup> Ibid., Article 28, B.

<sup>35</sup> Ibid., Article 38.

However, vague language may also lead to a scenario in which all the **States Parties** interpret the Convention differently to the extent that nothing gets done to improve the lives of children. If country A interprets 'accessibility to education' to mean simply having a single elementary school in a 50-mile radius while country B sees it as making schooling compulsory and requiring transportation to and from school, children in each country will have extremely different experiences. Then, what is the purpose of having the treaty if it allows for continued risk to children? For the effective enforcement and upholding of the contents of the Convention, its wording must be clear. Many legal scholars believe that certainty and predictability in law "play a central role in creating, developing and preserving both domestic and international legal orders or regimes."<sup>36</sup> Although ambiguity is a necessary part of the law, pursuing clarity in certain key places could better establish two key objectives in international human rights documents: legitimacy and enforceability.

### ***Cultural Relativism***

As noted above, an important problem with the CRC is the potential disregard for **cultural relativism**, which is evident in the phrasing and tone of certain articles. Cultural relativism describes the view that culture shapes ethical and social values and standards. If it is upheld and respected, then diverse moral frameworks would be accepted. The preamble of the CRC acknowledges cultural relativism and asserts that it shall "[t]ak[e] due account of the importance of the traditions and cultural values of each people for the protection and harmonious development of the child."<sup>37</sup> Despite this declaration, certain parts of the CRC seem to ignore cultural relativism or are unclear about how subjective standards apply to certain cultural views. For one, the CRC tends to find that non-western traditions are at odds with children's rights, asserting that "traditional and/or cultural practices, including customary law, [is] a factor impeding the implementation of the [CRC] in the case of 41 states."<sup>38</sup> Such an attitude disregards the conception of varying cultures and favors western views.

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<sup>36</sup>Gerken, Jean-François, "Legal Certainty v Legal Precision," n.d, Accessed July 18, 2022, <https://journals.co.za/doi/pdf/10.10520/EJC34401>.

<sup>37</sup> "Convention on the Rights of the Child," 1989, In Treaty no. 27531. United Nations Treaty Series, Office of the United Nations High Commissioner for Human Rights, <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>.

<sup>38</sup>Harris-Short, Sonia, "Listening to 'the Other'? The Convention on the Rights of the Child," 2001, In Melbourne Journal of International Law, [https://law.unimelb.edu.au/\\_data/assets/pdf\\_file/0007/1680217/Harris-Short.pdf](https://law.unimelb.edu.au/_data/assets/pdf_file/0007/1680217/Harris-Short.pdf).

One article which appears to ignore cultural relativism is Article 24, paragraph 3. This section explicitly calls for “States Parties [to] take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.”<sup>39</sup> An example of a traditional practice to which this article could be applied is a spiritual belief in witchcraft. According to the African Child Policy Forum, in many African countries, accusations of witchcraft result in violence against children (particularly children with albinism or disability).<sup>40</sup> The consequences of these accusations of witchcraft range from potentially harmful “cleansing ‘medicines,’” to physical violence, to murder in extreme cases.<sup>41</sup> While this has negative effects both mentally and physically for children, it is also tied to traditional beliefs and practices in non-western countries. Furthermore, because ‘witchcraft’ is a term that “is notoriously difficult to define,”<sup>42</sup> It can also include forms of traditional medicine with herbs and psychotherapy that have been stigmatized by western medicine but are accepted and commonly used.<sup>43</sup> Therefore, it is important to recognize the validity of certain traditions and be able to parse out when those traditions are harmful to children versus an important cultural tradition that people should be allowed and encouraged to continue practicing.

Articles 12, 14, 20, and 21 have also been questioned for being inept at recognizing diversity in cultural and religious beliefs. Specifically, Article 12, which grants children the “right to express [their own] views freely in all matters affecting the child,” was criticized by the Central African Republic.<sup>44</sup> The country stated that “national customs all reflect the conviction that the child has no views, so that a child who contradicts an adult commits a sacrilege, regardless how justified his or her opinion may be.”<sup>45</sup> Furthermore, Jordan—a predominantly Muslim country—expressed reservation for “Articles 14, 20, and 21 of the Convention which grants the child the right to freedom of choice of

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<sup>39</sup> Ibid.

<sup>40</sup> “Uncovering our Hidden Shame,” 2022. African Child Policy Forum (ACPF), <https://app.box.com/s/gz9mdnf87jt38caopp6a34opb2gcrnsz>.

<sup>41</sup> Ibid., 6-7.

<sup>42</sup> Ibid., 4.

<sup>43</sup> Ndeti, David, “Traditional healers in East Africa,” 2007, Board of International Affairs of the Royal College of Psychiatrists, 4(4), 85–86, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6734796/>.

<sup>44</sup> “Convention on the Rights of the Child,” 1989, Treaty no. 27531, United Nations Treaty Series, Office of the United Nations High Commissioner for Human Rights, <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>.

<sup>45</sup> Harris-Short, Sonia, “International Human Rights Law: Imperialist, Inept, and Ineffective? Cultural Relativism and the UN Convention on the Rights of the Child,” *Human Rights Quarterly* 25 no. 1 (February 2003): 130-181.



religion and concern the question of adoption, since they are at variance with the precepts of the tolerant Islamic Shariah.”<sup>46</sup>

Criticism against **ethnocentrism**, however, also can be exploited by countries to justify non-compliance with certain aspects of the treaty. For example, China has blamed “backward thinking” for creating problems such as the sale of children, female **infanticide**, and the abandonment of girl-children in a dialogue with the Committee on the Rights of the Child.<sup>47</sup> If left completely up to the States’ interpretations, the provisions of the Convention could lose their value of being a universal ideal. Thus, this question is not a simple one.

The CRC faces a fundamental dilemma: for the Convention to be truly effective, the countries must respect and intend to consider it as good law. A country cannot embrace the laws as its own if they feel ostracized by them. For the CRC to truly be universal and effective, it cannot be inadequate in embracing cultural equality. Albeit difficult to conduct because of the super-pluralist world that we inhabit, a conversation about the cultural weaknesses of the current system is necessary.

### ***What We’ve Learned Since 1989: Modern Amendments***

In 2022, the world is equipped with more research on children’s development, yet, at the same time, afflicted with more novel issues. As of May 2022, gun violence has become the leading cause of death for children in the United States.<sup>48</sup> Article 6 says that children have the inherent right to life and that States Parties should ensure “to the maximum extent possible the survival and development of the child.”<sup>49</sup> Firearm regulation is not inscribed in the CRC but seems to be very influential in the survival and development of children.

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<sup>46</sup> Ibid.

<sup>47</sup> Ibid.

<sup>48</sup> Owens, Caitlin, “Guns have become the top injury-related cause of death for US kids,” 2022, Axios, <https://www.axios.com/2022/05/26/gun-deaths-children-america>.

<sup>49</sup> “Convention on the Rights of the Child,” 1989, Treaty no. 27531, United Nations Treaty Series, Office of the United Nations High Commissioner for Human Rights, <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>.

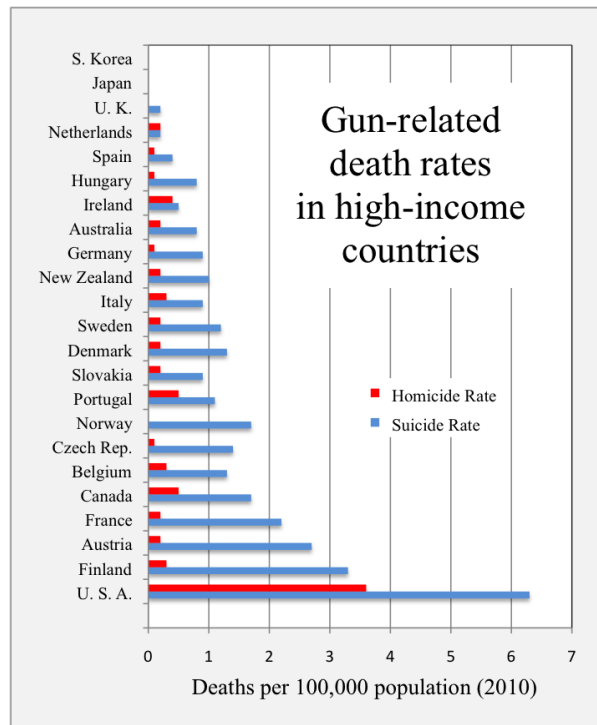


Figure 4:<sup>50</sup> Gun-related deaths in high-income countries.

Likewise, the United Nations recently reported in March of 2022 that climate change has caused much greater impacts than expected, with children being one of the groups who are most at risk.<sup>51</sup> Article 24, paragraph 2d states that countries will apply readily available technology to fight the “dangers and risks of environmental pollution.”<sup>52</sup> It is up to you delegates to decide how to meet this elevated threat.

Lastly, consider Article 38, paragraph 3. This provision is unique, as it applies only to children under the age of 15, unlike the rest of the Convention which applies to all children, defined as being 18 years of age or younger. The provision states that “States Parties shall refrain from recruiting any person who has not attained the age of fifteen years into their armed forces.”<sup>53</sup> However, current

<sup>50</sup> Google image result for [https://upload.wikimedia.org/wikipedia/commons/2/2e/2010\\_homicide\\_suicide\\_rates\\_high-income\\_countries.png](https://upload.wikimedia.org/wikipedia/commons/2/2e/2010_homicide_suicide_rates_high-income_countries.png). Accessed August 31, 2022. <https://images.app.goo.gl/S3YdXSxzv14tUH2u8>.

<sup>51</sup> Mulvaney, Kieran, “Climate change already worse than expected, says new UN report,” 2022, National Geographic, <https://www.nationalgeographic.com/environment/article/climate-change-already-worse-than-expected-un-report>.

<sup>52</sup> “Convention on the Rights of the Child,” 1989, Treaty no. 27531, United Nations Treaty Series, Office of the United Nations High Commissioner for Human Rights, <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>.

<sup>53</sup> Ibid.

developmental research shows that teenagers under the age of 18 are neurologically and psychologically vulnerable to war and combat. Neural connections that are not actively used for combat are “pruned” and will not be developed properly into adulthood, and adolescent soldiers are at “substantially increased risk for suicidal ideation, psychological counseling, and post-traumatic stress disorder (PTSD).”<sup>54</sup> Consider how this article may be amended to balance new scientific data and the specific needs of each country.

This list of developments merits a serious dialogue, but it is not comprehensive. Every day, children around the world continue to fight for adequate health care, nutrition, education, and protection. New conflicts that have arisen around the world as a result of the digital age (consider the new privacy cases), prolonged multinational conflicts, and mass migration pose new threats to the rights of children. As new issues arise, developmental scientists and policymakers have been striving to investigate their impacts on children. Equipped with new knowledge more than 30 years later, the re-drafted CRC carries the burden of infusing these concerns into the amendments.

### ***Enforcement***

Another problem with the CRC relates to its lack of a clearly defined enforcement structure. The CRC ‘enforces’ through reporting. After ratifying the CRC, each country submits a report on their children’s rights (or lack thereof) to the UN Committee on the Rights of the Child that looks at how the country has attempted to implement the Convention.<sup>55</sup> Then a government delegate meets with the Committee to review the country’s laws and practices and provides recommendations for the country to implement.<sup>56</sup> After this initial cycle, reports were designed to be submitted to the Committee every five years to show how things have progressed.<sup>57</sup> The benefit of this structure is that it allows states to access experts and resources to improve children’s rights. However, a flaw of

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<sup>54</sup> Resul Cesur, Joseph J., Sabia Erdal Tekin, “The Psychological Costs of War: Military Combat and Mental Health,” April 2015, The Institute for the Study of Labor, <https://docs.iza.org/dp5615.pdf>.

<sup>55</sup> “Q&A: The Convention on the Rights of the Child,” Human Rights Watch, 2009, <https://www.hrw.org/news/2009/11/18/qa-convention-rights-child>.

<sup>56</sup> Ibid.

<sup>57</sup> Ibid.

this structure is that it simply focuses on reporting while not establishing tangible mechanisms to ensure accountability.

One concern about the CRC's effectiveness lies in the fact that some of the countries with the worst conditions for children—as of 2016, Afghanistan, South Sudan, Syria, Yemen, and Somalia<sup>58</sup>—have ratified it. Allowing these countries to ratify without having any marked improvements for children's rights according to the Convention may allow for the use of the CRC as “a facade for governments that abuse children's rights.”<sup>59</sup> Many of the countries that have joined the Convention also included certain reservations or declarations that undermined the very purpose and effectiveness of the CRC. For instance, some countries like Afghanistan, Algeria, Egypt, Saudi Arabia, Iran, and Iraq have “attached reservations stating that the Convention would not apply to provisions that they deem incompatible with Islamic Shari'a law or values,” which could allow for broad interpretations allowing for child marriage and unequal educations.<sup>60</sup>

## ***Conclusion***

While this section has presented numerous key debates and points of issues with the Convention, debate does not have to—and should not—be limited to these topics. As long as delegates stay away from Article 2, Article 23, Article 30, Article 34, Article 35, and Article 39, we encourage you to use this section to become aware of some of the nuances in the CRC, synthesize the central issues, and come up with your own unique and creative position.

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<sup>58</sup>Becker, Jo, “Dispatches: Five of the Worst Places for Children,” 2016, Human Rights Watch, <https://www.hrw.org/news/2016/06/03/dispatches-five-worst-places-children>.

<sup>59</sup>Blanchfield, Luisa, “The United Nations Convention on the Rights of the Child,” July 27, 2015, CRS Reports, <https://crsreports.congress.gov/product/pdf/R/R40484/25>.

<sup>60</sup>Ibid.

## History of the Problem

### *Western Historical Conceptions of Childhood*

Though the concept of childhood is relatively new, the idea of legal rights for children is even more recently conceived. The way that people think about and raise children has made significant leaps over time. In Germany during the **High Middle Ages**, for example, people did not believe that the treatment of children would shape how they grew into adults. Rather, they believed that traits people had during their childhood indicated what they would become as adults.<sup>61</sup> In America during the 17th and early 18th centuries, a child was seen as an unformed adult, and in raising children, “the aim was to get the young child upright [...] The implication was that childhood was a stage of life to be passed through as rapidly as possible.”<sup>62</sup> Rather than a focus on the children and protecting children’s experiences, people were essentially waiting for children to become ‘adults’ or at least adultlike as fast as possible.

### *Industrial Revolution and Children*

This conception that children were small adults resulted in kids shouldering immense responsibilities in the late 18th and throughout the 19th century as many countries experienced industrial growth. **Industrialism** resulted in the rise of many new types of industries, which meant more jobs.<sup>63</sup> However, many of these roles were usually in factories, mines, or other hostile environments and rather labor intensive.<sup>64</sup> While, in the US, there was a rising **labor movement** fighting for workers’ rights during this period, there were not many existing regulations for the quickly growing enterprises. This meant workdays were long and conditions were treacherous.<sup>65</sup> Long hours ensured that both parents were often out of the home and at work. Because families needed as much money as they could get to survive, childcare was not an option. Thus, children were employed to bring in extra income. Children made up a large part of the workforce, as they could be paid less, were less

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<sup>61</sup> Cunningham, Hug, “Histories of Childhood,” 1998, *The American Historical Review* 103, no. 4 (October): 1195-1208. <https://www.jstor.org/stable/2651207>.

<sup>62</sup> Ibid.

<sup>63</sup> “Teaching with Primary Sources - Childhood Lost: Child Labor During the Industrial Revolution,” n.d. Eastern Illinois University, Accessed July 18, 2022, <https://www.eiu.edu/eiutps/childhood.php>.

<sup>64</sup> Ibid.

<sup>65</sup> Ibid.

likely to organize against their bosses, and could carry out small, delicate tasks that bigger adult workers might not be able to.<sup>66</sup> In early 19th century Britain, “the average age at which children started work [...] was 10 years old,” and in some regions that average age was even lower at about eight and a half years old.<sup>67</sup> By the end of the century, in 1900, in the United States, “18 percent of all American workers were under the age of 16.”<sup>68</sup>

These working children experienced extremely difficult labor and sometimes abuse. The dangers in factories ranged from the fast-moving machines that could easily catch onto children’s “little fingers, arms and legs” to the long-term exposure to toxins that could cause illness.<sup>69</sup> Children working in rural areas experienced long shifts in extreme temperatures and tasks that required the use of dangerous tools.<sup>70</sup> In addition to the physical dangers of work, due to the lack of oversight and regulation, these children could easily be mistreated. According to George Edwards, a child laborer in the mid-1800s and future member of parliament in the UK, “all poor boys in those days were badly treated.”<sup>71</sup> But despite the ubiquitous abuse of these children, there was little recourse to seek justice for the children or their families.

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<sup>66</sup>History.com Editors, “Child Labor - Laws, Definition & Industrial Revolution - History,” 2020, [https://www.history.com/topics/industrial-revolution/child-labor#section\\_2](https://www.history.com/topics/industrial-revolution/child-labor#section_2).

<sup>67</sup>Griffin, Emma, and John Forster, “Child labour,” 2014, The British Library, <https://www.bl.uk/romantics-and-victorians/articles/child-labour>.

<sup>68</sup>History.com Editors, “Child Labor - Laws, Definition & Industrial Revolution - History,” 2020, [https://www.history.com/topics/industrial-revolution/child-labor#section\\_2](https://www.history.com/topics/industrial-revolution/child-labor#section_2).

<sup>69</sup>“Teaching with Primary Sources - Childhood Lost: Child Labor During the Industrial Revolution,” n.d. Eastern Illinois University, Accessed July 18, 2022, <https://www.eiu.edu/eiutps/childhood.php>.

<sup>70</sup>Ibid.

<sup>71</sup>Griffin, Emma, and John Forster, “Child labour,” 2014, The British Library, <https://www.bl.uk/romantics-and-victorians/articles/child-labour>.



Figure 5: American child laborers.<sup>72</sup>

### ***International Dialogue Leading up to the Convention and During its Drafting***

The **dialogue** leading up to the Convention can be traced back to the Declaration of Geneva, a document adopted by the League of Nations in 1924 to protect children's rights in times of disaster. The Declaration of Geneva was the first explicit international recognition of children's rights.<sup>73</sup> However, the Declaration did not see children as rights holders, only as subjects to be protected.<sup>74</sup> After World War II in 1959, the section on children's rights in the Declaration of Geneva was revised and adopted as the Declaration of the Rights of the Child by the 78 governments present in the United Nations at the time.<sup>75</sup>

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<sup>72</sup> Google image result for <https://cdn4.picryl.com/photo/1908/01/01/rhodes-mfg-co-lincolnton-nc-national-child-labor-committee-no-282-girl-on-left-1024.jpg>. Accessed August 31, 2022. <https://images.app.goo.gl/7wJpAuhN7uy9pC8E7>.

<sup>73</sup> "Legislative History of the Convention on the rights of the child." 2007. OHCHR. <https://www.ohchr.org/sites/default/files/Documents/Publications/LegislativeHistorycrc1en.pdf>.

<sup>74</sup> Ibid.

<sup>75</sup> Smith, Jacqueline, "Towards an International Convention on the Rights of the Child," 1987, SIM Newsletter, no. 20 (December), 3-9, <https://heinonline-org.proxy.uchicago.edu/HOL/Page?handle=hein.journals/nethqur20&div=4&id=&page=&collection=journals>.

The Declaration of 1959 arrived after the United Nations Charter and the Universal Declaration of Human Rights (1948) paved the way for defining human rights in a binding fashion. The Declaration of the Rights of the Child gained a lot of publicity around its twentieth anniversary, as it coincided with the 1979 International Year of the Child.<sup>76</sup> Dialogue around this time asserted that the conception of rights in the 1959 Declaration was too restrictive.<sup>77</sup> Furthermore, many expressed that a single convention should house the provisions of all earlier human rights instruments and all existing protections for the rights of the child.<sup>78</sup> A convention, rather than a declaration, would provide a stronger basis for national and international accountability and legal action against violations.<sup>79</sup> While some thought existing instruments provided sufficient protection, states were generally in support of drafting such a convention.<sup>80</sup>

With Poland being the first nation to draft a convention largely based on the declaration, the United Nations General Assembly requested the Commission on Human Rights to draft the Convention on the Rights of the Child in 1979. They hoped to adopt it in 1989, on the thirtieth anniversary of the Declaration of the Rights of the Child. One aspect the Poland draft lacked was the qualities of a legal instrument, as it mentioned no method of implementation of its contents. By 1980, Poland revised the draft to be more comprehensive and better fit the **requirements of a convention**.<sup>81</sup> It was not easy for the Poland Committee to come to a conclusion on the contents of the Convention. For example, the Committee could not agree on whether to include a separate article on the rights of a child born out of wedlock. They also attempted to be cognizant of the pluralistic laws and cultural traditions that existed and governed communities around the world. Lengthy discussions ensued about whether provisions that were already established as universal rights in other treaties, like the International Covenant on Civil and Political Rights, should be reiterated in the CRC as the rights of a child.

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<sup>76</sup> Ibid.

<sup>77</sup> Ibid.

<sup>78</sup> Ibid.

<sup>79</sup> Ibid.

<sup>80</sup> Ibid.

<sup>81</sup> Ibid.



## ***The Convention***

In 1989, world leaders came together to try to solve the continuing disputes surrounding children by committing their countries to these children in a written document. The Convention explicitly rebuked historical conceptions of childhood, establishing that “children are not just objects who belong to their parents and for whom decisions are made, or adults in training. Rather, they are human beings and individuals with their own rights.”<sup>82</sup> This groundbreaking convention also included a list of articles specifically providing certain rights for children. The Convention tried to cover four main areas: “the participation of children in decisions that affect their future (which incorporates the idea of a child's ‘evolving capacities’); the protection of children against discrimination and all forms of neglect and exploitation; the prevention of harm to children; and the provision of assistance for children's basic needs.”<sup>83</sup> The importance of the treaty is evident in the fact that it has become the most ratified human rights treaty in history.<sup>84</sup> However, despite a large number of ratifications of the Convention, the treaty is not fully executed or even enforced and certain issues have arisen that are not fully covered or even addressed in the treaty.<sup>85</sup> The specifics of these issues will be discussed in the next section.

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<sup>82</sup>“Convention on the Rights of the Child,” 2021, UNICEF. <https://www.unicef.org/child-rights-convention#learn>.

<sup>83</sup>Todres, Jonathan, “Emerging Limitations on the Rights of the Child: the U.N. Convention on the Rights of the Child and Its Early Case Law,” *Hum. Rts. L. Rev.* 159 (1998), <https://core.ac.uk/download/pdf/234558888.pdf>.

<sup>84</sup>“Convention on the Rights of the Child,” 2021, UNICEF. <https://www.unicef.org/child-rights-convention#learn>.

<sup>85</sup>*Ibid.*

## Possible Solutions

### *Introduction*

Now that you have heard about the goals and the many problems of the Convention on the Rights of the Child, it is time to think about ways to solve these issues. This section will provide some examples of solutions that this committee should try to incorporate into the final resolution. This section simply provides delegates with some ways to address these complex issues that have been suggested by policymakers and scholars. However, delegates may disagree with these methods of addressing the CRC, and there are certainly many more solutions that are not included in this background guide that delegates can and will discuss throughout the conference.

### *Balancing Parental and Child Rights*

One of the major conflicts detailed above in the Statement of the Problem section is that the CRC fails to comprehensively address the tension between the rights of the child and the rights of the parent of the child. This balance is one of the major concerns of the United States; in a Congressional Report on the CRC, it was proposed that “[t]o alleviate concerns regarding parental rights, [...] the Clinton Administration proposed a ‘private conduct’ reservation which stated that the United States ‘does not accept any obligation under the Convention to regulate private conduct except as mandated by the Constitution and U.S. law.’”<sup>86</sup> Another potential way to address parental rights is to explicitly define it. And if defining the term “parental rights,” consider what that should include and what that should exclude. When do parental rights override child rights, or are parental rights in support of child rights? In considering this balance, also make sure to reflect on which rights seem universal regardless of the country and which seem to vary based on cultural traditions or economic development.

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<sup>86</sup> Blanchfield, Luisa, “The United Nations Convention on the Rights of the Child,” July 27, 2015, CRS Reports, <https://crsreports.congress.gov/product/pdf/R/R40484/25>.

## ***Respecting Cultural Relativism***

The issue with cultural relativism and the CRC appears to lie mostly in the implementation of certain articles, as the articles themselves (with a few exceptions noted in the Statement of the Problem Section) are often broad enough to appear to include different cultural practices.<sup>87</sup> This means that the people in charge of interpreting the CRC contribute to this western bias and perhaps one solution could involve including more non-western voices in the expert committee that reviews countries' reports and makes recommendations. The CRC uses the method of reporting and awareness to promote change, so perhaps improving the awareness of the decision-makers themselves would aid in decreasing the western bias apparent in the recommendations and interpretations of the CRC Committee.

## ***Enforcement***

While certain enforcement mechanisms are outside of the scope of a UN treaty, making certain standards clearer and stricter and potentially including greater incentives to promote children's rights are two potential ways to address the enforcement issue. In reaching a solution for enforcement, it is important to strike the right balance. The creation of enforcement guidelines that are too strict could result in certain countries being unwilling to ratify a treaty for fear that it would require too many specific policy changes or leave them too vulnerable to international litigation or legal challenges. Too lax could result in stagnancy in children's rights and leave millions of children unprotected.

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<sup>87</sup>Harris-Short, Sonia. 2001. "Listening to 'the Other'? The Convention on the Rights of the Child." In Melbourne Journal of International Law. [https://law.unimelb.edu.au/\\_\\_data/assets/pdf\\_file/0007/1680217/Harris-Short.pdf](https://law.unimelb.edu.au/__data/assets/pdf_file/0007/1680217/Harris-Short.pdf).

## Glossary

**Cultural Relativism** - "Cultural relativism is the view that ethical and social standards reflect the cultural context from which they are derived."<sup>88</sup>

**Dialogue** - "[A]n exchange of ideas and opinions."<sup>89</sup>

**Ethnocentrism** - "thinking one's own group's ways are superior to others" or "judging other groups as inferior to one's own."<sup>90</sup>

**High Middle Ages** - Period of time specific to Europe between the 1000s-1300s CE.

**Industrialism** - "the process of converting to a socioeconomic order in which industry is dominant"<sup>91</sup>

**Infanticide** - "the killing of a newborn"<sup>92</sup>

**Labor movement** - "Labor unions are associations of workers formed to protect workers' rights and advance their interests. Unions negotiate with employers through a process known as collective bargaining. The resulting union contract specifies workers' pay, hours, benefits, and job health and safety policies."<sup>93</sup> "The labor movement in the United States grew out of the need to protect the common interest of workers."<sup>94</sup>

**Postnatal** - The period after giving birth.

**Prenatal** - The period before birth, during pregnancy.

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<sup>88</sup>"Cultural Relativism." n.d. Carnegie Council for Ethics in International Affairs. Accessed July 18, 2022. <https://www.carnegiecouncil.org/explore-engage/key-terms/cultural-relativism>.

<sup>89</sup>"Dialogue Definition & Meaning." n.d. Merriam-Webster. Accessed July 18, 2022. <https://www.merriam-webster.com/dictionary/dialogue>.

<sup>90</sup> Barger, Ken, "Ethnocentrism," Indiana University Indianapolis, last updated April 5, 2022, <https://anthkb.sitehost.iu.edu/ethnocen.htm>.

<sup>91</sup> "Industrialization," Accessed August 9, 2022, <https://www.britannica.com/topic/industrialization>.

<sup>92</sup> "Infanticide," Accessed August 9, 2022, <https://www.britannica.com/topic/infanticide>.

<sup>93</sup> Sandroff, Ronni, "The History of Unions in the United States," last updated May 15, 2022, <https://www.investopedia.com/financial-edge/0113/the-history-of-unions-in-the-united-states.aspx>.

<sup>94</sup> "Labor Movement," last updated March 31, 2020, <https://www.history.com/topics/19th-century/labor>.

**Requirements of a Convention** - Rather than a statement of general principles (this definition might resemble that of a declaration), a convention is a legal instrument that imposes obligations on States Parties after ratification.<sup>95</sup>

**States Parties** - "countries that have ratified or acceded to the international treaty. Through ratification or accession, a country agrees to be legally bound by the treaty's provisions."<sup>96</sup>

**Western liberalism** - "[P]olitical doctrine that takes protecting and enhancing the freedom of the individual to be the central problem of politics. Liberals typically believe that government is necessary to protect individuals from being harmed by others, but they also recognize that government itself can pose a threat to liberty."<sup>97</sup>

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<sup>95</sup>Smith, Jacqueline, "Towards an International Convention on the Rights of the Child," 1987, SIM Newsletter, no. 20 (December), 3-9, <https://heinonline-org.proxy.uchicago.edu/HOL/Page?handle=hein.journals/nethqur20&div=4&id=&page=&collection=journals>.

<sup>96</sup>"Convention on the Elimination of All Forms of Discrimination against Women Twentieth Anniversary," United Nations Department of Public Information, accessed August 9, 2022, <https://www.un.org/womenwatch/daw/cedaw/cedaw20/list.htm#:~:text=States%20parties%20are%20countries%20that,by%20the%20treaty's%20provisions>.

<sup>97</sup>Girvetz, Henry K. 1998. "liberalism | Definition, History, & Facts | Britannica." Encyclopedia Britannica. <https://www.britannica.com/topic/liberalism>.

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## APPENDIX: CONVENTION ON THE RIGHTS OF THE CHILD

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*Adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989 entry into force 2 September 1990, in accordance with article 49<sup>98</sup>*

### **Preamble**

The States Parties to the present Convention,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Bearing in mind that the peoples of the United Nations have, in the Charter, reaffirmed their faith in fundamental human rights and in the dignity and worth of the human person, and have determined to promote social progress and better standards of life in larger freedom,

Recognizing that the United Nations has, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights, proclaimed and agreed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Recalling that, in the Universal Declaration of Human Rights, the United Nations has proclaimed that childhood is entitled to special care and assistance,

Convinced that 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

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<sup>98</sup> Convention on the Rights of the Child (1990). <https://www.ohchr.org/sites/default/files/crc.pdf>.

necessary protection and assistance so that it can fully assume its responsibilities within the community,

Recognizing that 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,

Considering that the child should be fully prepared to live an individual life in society, and brought up in the spirit of the ideals proclaimed in the Charter of the United Nations, and in particular in the spirit of peace, dignity, tolerance, freedom, equality and solidarity,

Bearing in mind that the need to extend particular care to the child has been stated in the Geneva Declaration of the Rights of the Child of 1924 and in the Declaration of the Rights of the Child adopted by the General Assembly on 20 November 1959 and recognized in the Universal Declaration of Human Rights, in the International Covenant on Civil and Political Rights (in particular in articles 23 and 24), in the International Covenant on Economic, Social and Cultural Rights (in particular in article 10) and in the statutes and relevant instruments of specialized agencies and international organizations concerned with the welfare of children,

Bearing in mind that, as indicated in the Declaration of the Rights of the Child, "the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth",

Recalling the provisions of the Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally; the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules) ; and the Declaration on the Protection of Women and Children in Emergency and Armed Conflict,

Recognizing that, in all countries in the world, there are children living in exceptionally difficult conditions, and that such children need special consideration,

Taking due account of the importance of the traditions and cultural values of each people for the protection and harmonious development of the child,

Recognizing the importance of international cooperation for improving the living conditions of children in every country, in particular in the developing countries,

Have agreed as follows:

## ***PART I***

Article 1 For the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.

Article 2 1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without 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. 2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

Article 3 1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration. 2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures. 3. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

Article 4 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.

Article 5 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.

Article 6 3 1. States Parties recognize that every child has the inherent right to life. 2. States Parties shall ensure to the maximum extent possible the survival and development of the child.

Article 7 1. 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. 2. States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.

Article 8 1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference. 2. Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity.

Article 9 1. States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Such determination may be necessary in a particular case such as one

involving abuse or neglect of the child by the parents, or one where the parents are living separately and a decision must be made as to the child's place of residence. 2. In any proceedings pursuant to paragraph 1 of the present article, all interested parties shall be given an opportunity to participate in the proceedings and make their views known. 3. States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests. 4. Where such separation results from any action initiated by a State Party, such as the detention, imprisonment, exile, deportation or death (including death arising from any cause while the person is in the custody of the State) of one or both parents or of the child, that State Party shall, upon request, provide the parents, the child or, if appropriate, another member of the family with the essential information concerning the whereabouts of the absent member(s) of the family unless the provision of the information would be detrimental to the well-being of the child. States Parties shall further ensure that the submission of such a request shall of itself entail no adverse consequences for the person(s) concerned.

Article 10 1. In accordance with the obligation of States Parties under article 9, paragraph 1, applications by a child or his or her parents to enter or leave a State Party for the purpose of family reunification shall be dealt with by States Parties in a positive, humane and expeditious manner. States Parties shall further ensure that the submission of such a request shall entail no adverse consequences for the applicants and for the members of their family. 2. A child whose parents reside in different States shall have the right to maintain on a regular basis, save in exceptional circumstances personal relations and direct contacts with both parents. Towards that end and in accordance with the obligation of States Parties under article 9, paragraph 1, States Parties shall respect the right of the child and his or her parents to leave any country, including their own, and to enter their own country. The right to leave any country shall be subject only to such restrictions as are prescribed by law and which are necessary to protect the national security, public order (ordre public), public health or morals or the rights and freedoms of others and are consistent with the other rights recognized in the present Convention.

Article 11 1. States Parties shall take measures to combat the illicit transfer and non-return of children abroad. 2. To this end, States Parties shall promote the conclusion of bilateral or multilateral agreements or accession to existing agreements.

Article 12 1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child. 2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

Article 13 1. The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice. 2. The exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary: (a) For respect of the rights or reputations of others; or (b) For the protection of national security or of public order (ordre public), or of public health or morals.

Article 14 1. States Parties shall respect the right of the child to freedom of thought, conscience and religion. 2. States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child. 3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.

Article 15 1. States Parties recognize the rights of the child to freedom of association and to freedom of peaceful assembly. 2. No restrictions may be placed on the exercise of these rights other than those imposed in conformity with the law and which are necessary in a democratic

society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.

Article 16 1. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour and reputation.  
2. The child has the right to the protection of the law against such interference or attacks.

Article 17 States Parties recognize the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health. To this end, States Parties shall: (a) Encourage the mass media to disseminate information and material of social and cultural benefit to the child and in accordance with the spirit of article 29; (b) Encourage international co-operation in the production, exchange and dissemination of such information and material from a diversity of cultural, national and international sources; (c) Encourage the production and dissemination of children's books; (d) Encourage the mass media to have particular regard to the linguistic needs of the child who belongs to a minority group or who is indigenous; (e) Encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being, bearing in mind the provisions of articles 13 and 18.

Article 18 1. States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern. 2. For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children. 3. States Parties shall take all appropriate measures to ensure that children of working parents have the right to benefit from child-care services and facilities for which they are eligible.

Article 19 1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child 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. 2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

Article 20 1. A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State. 2. States Parties shall in accordance with their national laws ensure alternative care for such a child. 3. Such care could include, inter alia, foster placement, kafalah of Islamic law, adoption or if necessary placement in suitable institutions for the care of children. When considering solutions, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background.

Article 21 States Parties that recognize and/or permit the system of adoption shall ensure that the best interests of the child shall be the paramount consideration and they shall: (a) Ensure that the adoption of a child is authorized only by competent authorities who determine, in accordance with applicable law and procedures and on the basis of all pertinent and reliable information, that the adoption is permissible in view of the child's status concerning parents, relatives and legal guardians and that, if required, the persons concerned have given their informed consent to the adoption on the basis of such counselling as may be necessary; (b) Recognize that inter-country adoption may be considered as an alternative means of child's care, if the child cannot be placed in a foster or an adoptive family or cannot in any suitable manner be cared for in the child's country of origin; (c) Ensure that the child concerned by inter-country adoption enjoys safeguards and standards equivalent to those existing in the case of national adoption; (d) Take all appropriate measures to ensure that, in inter-country



adoption, the placement does not result in improper financial gain for those involved in it; (e) Promote, where appropriate, the objectives of the present article by concluding bilateral or multilateral arrangements or agreements, and endeavour, within this framework, to ensure that the placement of the child in another country is carried out by competent authorities or organs.

Article 22 1. States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties.

2. For this purpose, States Parties shall provide, as they consider appropriate, co-operation in any efforts by the United Nations and other competent intergovernmental organizations or nongovernmental organizations co-operating with the United Nations to protect and assist such a child and to trace the parents or other members of the family of any refugee child in order to obtain information necessary for reunification with his or her family. In cases where no parents or other members of the family can be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason , as set forth in the present Convention.

Article 23 7 1. States Parties recognize that a 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. 2. States Parties recognize the right of the disabled child to special care and shall encourage and ensure the extension, subject to available resources, to the eligible child and those responsible for his or her care, of assistance for which application is made and which is appropriate to the child's condition and to the circumstances of the parents or others caring for the child. 3. Recognizing the special needs of a disabled child, assistance extended in accordance with paragraph 2 of the present article shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or others caring for the child, and shall be designed to ensure that

the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development 4. States Parties shall promote, in the spirit of international cooperation, the exchange of appropriate information in the field of preventive health care and of medical, psychological and functional treatment of disabled children, including dissemination of and access to information concerning methods of rehabilitation, education and vocational services, with the aim of enabling States Parties to improve their capabilities and skills and to widen their experience in these areas. In this regard, particular account shall be taken of the needs of developing countries.

Article 24 1. States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services. 2. States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures: (a) To diminish infant and child mortality; (b) To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care; (c) To combat disease and malnutrition, including within the framework of primary health care, through, inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution; (d) To ensure appropriate pre-natal and post-natal health care for mothers; (e) 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; (f) To develop preventive health care, guidance for parents and family planning education and services. 3. States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children. 4. States Parties undertake to promote and encourage international co-operation with a view to achieving progressively the full realization of the right recognized in the

present article. In this regard, particular account shall be taken of the needs of developing countries.

Article 25 States Parties recognize the right of a child who has been placed by the competent authorities for the purposes of care, protection or treatment of his or her physical or mental health, to a periodic review of the treatment provided to the child and all other circumstances relevant to his or her placement.

Article 26 1. States Parties shall recognize for every child the right to benefit from social security, including social insurance, and shall take the necessary measures to achieve the full realization of this right in accordance with their national law. 2. The benefits should, where appropriate, be granted, taking into account the resources and the circumstances of the child and persons having responsibility for the maintenance of the child, as well as any other consideration relevant to an application for benefits made by or on behalf of the child.

Article 27 1. States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development. 2. The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development. 3. States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing. 4. States Parties shall take all appropriate measures to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child, both within the State Party and from abroad. In particular, where the person having financial responsibility for the child lives in a State different from that of the child, States Parties shall promote the accession to international agreements or the conclusion of such agreements, as well as the making of other appropriate arrangements.

Article 28 1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular: (a)

Make primary education compulsory and available free to all; (b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need; (c) Make higher education accessible to all on the basis of capacity by every appropriate means; (d) Make educational and vocational information and guidance available and accessible to all children; (e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates. 2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention. 3. States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

Article 29 1. States Parties agree that the education of the child shall be directed to: (a) The development of the child's personality, talents and mental and physical abilities to their fullest potential; (b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations; (c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own; (d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin; (e) The development of respect for the natural environment. 2. No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principle set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

Article 30 In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.

Article 31 1. States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts. 2. States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.

Article 32 1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development. 2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular: (a) Provide for a minimum age or minimum ages for admission to employment; (b) Provide for appropriate regulation of the hours and conditions of employment; (c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.

Article 33 States Parties shall take all appropriate measures, including legislative, administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances as defined in the relevant international treaties, and to prevent the use of children in the illicit production and trafficking of such substances.

Article 34 States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent: (a) The inducement or coercion of a child to engage in any unlawful sexual activity; (b) The exploitative use of children in

prostitution or other unlawful sexual practices; (c) The exploitative use of children in pornographic performances and materials.

Article 35 States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.

Article 36 States Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare.

Article 37 States Parties shall ensure that: (a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age; (b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time; (c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances; (d) Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.

Article 38 1. States Parties undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child. 2. States Parties shall take all feasible measures to ensure that persons who have not attained the age of fifteen years do not take a direct part in hostilities. 3. States Parties shall refrain from recruiting any person who has not attained the age of fifteen years into their armed forces. In recruiting among those persons who have attained the age of fifteen years but who

have not attained the age of eighteen years, States Parties shall endeavour to give priority to those who are oldest. 4. In accordance with their obligations under international humanitarian law to protect the civilian population in armed conflicts, States Parties shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict.

Article 39 States Parties shall take all appropriate measures to promote 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. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

Article 40 1. States Parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society. 2. To this end, and having regard to the relevant provisions of international instruments, States Parties shall, in particular, ensure that: (a) No child shall be alleged as, be accused of, or recognized as having infringed the penal law by reason of acts or omissions that were not prohibited by national or international law at the time they were committed; (b) Every child alleged as or accused of having infringed the penal law has at least the following guarantees: (i) To be presumed innocent until proven guilty according to law; (ii) To be informed promptly and directly of the charges against him or her, and, if appropriate, through his or her parents or legal guardians, and to have legal or other appropriate assistance in the preparation and presentation of his or her defence; (iii) To have the matter determined without delay by a competent, independent and impartial authority or judicial body in a fair hearing according to law, in the presence of legal or other appropriate assistance and, unless it is considered not to be in the best interest of the child, in particular, taking into account his or her age or situation, his or her parents or legal guardians; (iv) Not to be compelled to give testimony or to confess guilt; to examine or have examined adverse

witnesses and to obtain the participation and examination of witnesses on his or her behalf under conditions of equality; (v) If considered to have infringed the penal law, to have this decision and any measures imposed in consequence thereof reviewed by a higher competent, independent and impartial authority or judicial body according to law; (vi) To have the free assistance of an interpreter if the child cannot understand or speak the language used; (vii) To have his or her privacy fully respected at all stages of the proceedings. 3. States Parties shall seek to promote the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of, or recognized as having infringed the penal law, and, in particular: (a) The establishment of a minimum age below which children shall be presumed not to have the capacity to infringe the penal law; (b) Whenever appropriate and desirable, measures for dealing with such children without resorting to judicial proceedings, providing that human rights and legal safeguards are fully respected. 4. A variety of dispositions, such as care, guidance and supervision orders; counselling; probation; foster care; education and vocational training programmes and other alternatives to institutional care shall be available to ensure that children are dealt with in a manner appropriate to their well-being and proportionate both to their circumstances and the offence.

Article 41 Nothing in the present Convention shall affect any provisions which are more conducive to the realization of the rights of the child and which may be contained in: (a) The law of a State party; or (b) International law in force for that State.

## ***PART II***

Article 42 States Parties undertake to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike.

Article 43 1. For the purpose of examining the progress made by States Parties in achieving the realization of the obligations undertaken in the present Convention, there shall be established a Committee on the Rights of the Child, which shall carry out the functions hereinafter provided. 2. The Committee shall consist of ten experts of high moral standing and recognized competence in the field covered by this Convention. The members of the



Committee shall be elected by States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution, as well as to the principal legal systems. 3. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals. 4. The initial election to the Committee shall be held no later than six months after the date of the entry into force of the present Convention and thereafter every second year. At least four months before the date of each election, the Secretary-General of the United Nations shall address a letter to States Parties inviting them to submit their nominations within two months. The Secretary-General shall subsequently prepare a list in alphabetical order of all persons thus nominated, indicating States Parties which have nominated them, and shall submit it to the States Parties to the present Convention. 5. The elections shall be held at meetings of States Parties convened by the Secretary-General at United Nations Headquarters. At those meetings, for which two thirds of States Parties shall constitute a quorum, the persons elected to the Committee shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting. 6. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if renominated. The term of five of the members elected at the first election shall expire at the end of two years; immediately after the first election, the names of these five members shall be chosen by lot by the Chairman of the meeting. 7. If a member of the Committee dies or resigns or declares that for any other cause he or she can no longer perform the duties of the Committee, the State Party which nominated the member shall appoint another expert from among its nationals to serve for the remainder of the term, subject to the approval of the Committee. 8. The Committee shall establish its own rules of procedure. 9. The Committee shall elect its officers for a period of two years. 10. The meetings of the Committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Committee. The Committee shall normally meet annually. The duration of the meetings of the Committee shall be determined, and reviewed, if necessary, by a meeting of the States Parties to the present Convention, subject to the approval of the General Assembly. 11. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention. 12.

With the approval of the General Assembly, the members of the Committee established under the present Convention shall receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide.

Article 44 1. States Parties undertake to submit to the Committee, through the Secretary-General of the United Nations, reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made on the enjoyment of those rights (a) Within two years of the entry into force of the Convention for the State Party concerned; (b) Thereafter every five years. 2. Reports made under the present article shall indicate factors and difficulties, if any, affecting the degree of fulfilment of the obligations under the present Convention. Reports shall also contain sufficient information to provide the Committee with a comprehensive understanding of the implementation of the Convention in the country concerned. 3. A State Party which has submitted a comprehensive initial report to the Committee need not, in its subsequent reports submitted in accordance with paragraph 1 (b) of the present article, repeat basic information previously provided. 4. The Committee may request from States Parties further information relevant to the implementation of the Convention. 5. The Committee shall submit to the General Assembly, through the Economic and Social Council, every two years, reports on its activities. 6. States Parties shall make their reports widely available to the public in their own countries.

Article 45 In order to foster the effective implementation of the Convention and to encourage international cooperation in the field covered by the Convention: (a) The specialized agencies, the United Nations Children's Fund, and other United Nations organs shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their mandate. The Committee may invite the specialized agencies, the United Nations Children's Fund and other competent bodies as it may consider appropriate to provide expert advice on the implementation of the Convention in areas falling within the scope of their respective mandates. The Committee may invite the specialized agencies, the United Nations Children's Fund, and other United Nations organs to submit reports on the implementation of the Convention in areas falling within the scope of their activities; (b) The Committee shall transmit, as it may consider

appropriate, to the specialized agencies, the United Nations Children's Fund and other competent bodies, any reports from States Parties that contain a request, or indicate a need, for technical advice or assistance, along with the Committee's observations and suggestions, if any, on these requests or indications; (c) The Committee may recommend to the General Assembly to request the Secretary-General to undertake on its behalf studies on specific issues relating to the rights of the child; (d) The Committee may make suggestions and general recommendations based on information received pursuant to articles 44 and 45 of the present Convention. Such suggestions and general recommendations shall be transmitted to any State Party concerned and reported to the General Assembly, together with comments, if any, from States Parties.

### ***PART III***

Article 46 The present Convention shall be open for signature by all States.

Article 47 The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article 48 The present Convention shall remain open for accession by any State. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article 49 1. The present Convention shall enter into force on the thirtieth day following the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession. 2. For each State ratifying or acceding to the Convention after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the deposit by such State of its instrument of ratification or accession.

Article 50 1. Any State Party may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to States Parties, with a request that they indicate whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In

the event that, within four months from the date of such communication, at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of States Parties present and voting at the conference shall be submitted to the General Assembly for approval. 2. An amendment adopted in accordance with paragraph 1 of the present article shall enter into force when it has been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of States Parties. 3. When an amendment enters into force, it shall be binding on those States Parties which have accepted it, other States Parties still being bound by the provisions of the present Convention and any earlier amendments which they have accepted.

Article 51 1. The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of ratification or accession. 2. A reservation incompatible with the object and purpose of the present Convention shall not be permitted. 3. Reservations may be withdrawn at any time by notification to that effect addressed to the Secretary-General of the United Nations, who shall then inform all States. Such notification shall take effect on the date on which it is received by the Secretary-General

Article 52 A State Party may denounce the present Convention by written notification to the Secretary-General of the United Nations. Denunciation becomes effective one year after the date of receipt of the notification by the Secretary-General.

Article 53 The Secretary-General of the United Nations is designated as the depositary of the present Convention.

Article 54 The original of the present Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations. IN WITNESS THEREOF the undersigned plenipotentiaries, being duly authorized thereto by their respective governments, have signed the present Convention.