

Convention on the Rights of the Child -- Summary

The development of the Convention on the Rights of the Child (CRC) was undertaken as part of the celebration of the 1979 United Nations International Year of the Child. Over a 10-year drafting period, the Convention developed into a comprehensive human rights treaty for children. It was unanimously adopted by the United Nations General Assembly on November 20, 1989, and became international law in 1990, after the 20th nation state ratified it. It has since been ratified by all the world's governments, except Somalia (which has not had a functioning government able to ratify it) and the United States of America.

The CRC recognizes that in addition to the human rights which belong to everyone, children have additional rights to special consideration based on their physical and mental immaturity. It spells out the basic human rights that children everywhere have: the right to survival; to develop to the fullest; to protection from harmful influences, abuse and exploitation; and to participate fully in family, cultural and social life. The four core principles of the Convention are non-discrimination; devotion to the best interests of the child; the right to life, survival and development; and respect for the views of the child.

The Convention protects children's rights by setting standards in health care; education; and legal, civil and social services which provide a benchmark against which the efforts of each government to improve the lives of children can be measured. Every five years governments that have ratified the treaty must report to the UN Committee on the Rights of the Child. The Committee reviews their progress, meets with government representatives, and listens to the views of non-governmental organizations (NGOs), before making recommendations about how each country could do better.

All the provisions of the CRC are important for children in conflict with the law, especially those that provide a right to education, adequate health care and protection from physical and sexual abuse. Some that are of specific relevance for juvenile justice advocacy include:

- **Definition of child** Article I defines every human being under the age of 18 as a child
- **Best interests of the child.** Article 3 requires that "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."
- **Elimination of Inhuman and Degrading Treatment and Punishment.** Article 37 (a) of the CRC prohibits cruel and unusual

punishment for juveniles, and specifically prohibits the death penalty and life without parole for juveniles.

- **Detention as a Measure of Last Resort.** Article 37 (b) of the CRC states that no child shall be deprived of liberty arbitrarily; arrest, detention or imprisonment shall be used only as a measure of last resort and for the shortest appropriate period of time. Article 40 calls for measures dealing with children outside of the judicial system where possible and always in a manner proportionate both to their circumstances and the offence.
- **Treating Children with Humanity and in an Age Appropriate Manner.** Article 37 (c) that every child confined shall be treated with humanity and respect for their inherent human dignity, in a manner which takes account of the needs of the child's age. Article 40(1) calls for children accused or adjudicated 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 takes into account the desirability of promoting the child's reintegration and assuming of a constructive role in society.
- **Providing Legal Assistance.** Article 37(d) requires every child to have prompt access to legal assistance and the right to challenge their imprisonment before a court.
- **General Legal Safeguards.** Article 40 details general requirements to ensure due process and ensure privacy rights.

More information about the Convention and the campaign for US ratification is available on the web page of [the Campaign for US Ratification of the CRC](#).