General Assembly Third Committee

Topic B: Implementation of the Convention on the Rights of the Child

The Convention on the Rights of the Child (CRC) is the most widely and rapidly adopted treaty in the history of the United Nations.\(^1\) Despite the initial enthusiasm, the international community still faces many issues in realizing the rights enshrined within the CRC. Member States often fail to adopt and enforce policies protecting children due to lack of logistical capacity or lack of political will, which has led to tens of millions of children living without quality education, healthcare, and safety precautions.\(^2\) The CRC also has optional protocols which aim to highlight and mitigate the worst forms of abuse and neglect towards children. The final optional protocol also provides a complaints mechanism to report violations of children’s rights. The optional protocols, however, do not have nearly the same amount of support, signatures, or ratifications as the CRC, which leads to further difficulties in upholding children’s rights.\(^3\)

Background:

The fulfilment of children’s rights was initially legally addressed in the mid-19th century with the development of laws to protect children in the workplace.\(^4\) As globalization and education spread, medical, social, and judicial protections emerged throughout the world.\(^5\) In 1924, the League of Nations adopted the Declaration on the Rights of the Child, which was the first international legal document concerning children’s rights.\(^6\) After the establishment of the United Nations (UN), the Universal Declaration of Human Rights was the first UN document to recognize that mothers and children have unique rights situations and are entitled to special care and assistance. In 1959, the UN General Assembly adopted the Declaration on the Rights of the Child, which focuses on the universality of rights, political rights, and social safety nets for children.\(^7\) The General Assembly adopted the CRC in 1989 and, subsequently, its three Optional Protocols.

The CRC has completely revolutionized how children are viewed and treated on the international scale. Under this document, children are their own legal and distinct individuals with a specific set of rights, rather than tools to utilize.\(^8\) The general principles laid out within the CRC center

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5 Ibid.
6 Ibid.
around non-discrimination; the right to life, survival, and development; children’s right to be heard; and keeping the children’s best interests at the center of consideration. The CRC defines the child as a person below the age of 18, unless the laws of a particular country set the legal age for adulthood younger. The CRC does, however, encourage Member States that define adulthood as younger than 18 to reconsider their policy, in order to ensure universality and equality in considering children’s rights.

The Convention covers a number of social, cultural, economic, and political rights for children. The political rights center around the right to a name and nationality, rights to legal protection against abuse and neglect, and protections against utilizing children as a weapon of war. The economic rights include the right to development, the right to an adequate standard of living, and the right to be protected from economic exploitation. The CRC mainly focuses on around the social and cultural rights of children, which range from the right to quality education to the right to expression and leisure, as well as various protections for vulnerable populations, such as indigenous and disabled children. Due to the overlapping nature of many of these rights, the CRC considers children’s rights to be interlocking and emphasizes the need to consider these rights as a whole.

Advancing the CRC

Since the adoption of the CRC, there have been three Optional Protocols to support the convention. These Optional Protocols are entitled the Optional Protocol to the UN Convention on the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography, the Optional Protocol to the UN Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, and the Optional Protocol to the UN Convention on the Rights of the Child on a Communications Procedure. Though these optional protocols are not as widely ratified as the CRC itself, they provide important goals and mechanisms in order to achieve universal achievement of children’s rights. The first two optional protocols were adopted in 2000

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13 Ibid.
14 Ibid.
and entered into force in 2002. These were developed in order to subsidize and emphasize points made in the original Convention.

The Optional to the UN Convention on the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography builds upon the work of the CRC and other documents, including the Hague Convention on the Protection of Children and Co-Operation in respect of Intercountry Adoption, the Hague Convention on the Civil Aspects of International Child Abduction, the Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children, and the International Labor Organization Convention No. 182 on the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour. Each of these documents emphasizes the importance of protecting children against labor, enslavement, and sexual exploitation. They also highlight the importance of holding parties that are responsible for the neglect and abuse of children accountable for their actions. All of the goals and ideas from these preceding documents coalesce within the Optional to the UN Convention on the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography, a document which defines and prohibits the sale of children, child prostitution, and child pornography.

The Optional Protocol to the UN Convention on the Rights of the Child on the Involvement of Children in Armed Conflict is very similar to the Optional to the UN Convention on the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography in that its actions are catered to a specific epidemic involving the abuse and exploitation of children. This optional protocol builds upon the Rome Statute of the International Criminal Court, citing that the use of children under the age of 15 is a war crime in an effort to emphasize the severity of the use of children in armed conflict. The protocol emphasizes the importance of military personnel that are involved in active conflict situations should be at least 18 years old. It is not as widely ratified


18 Ibid.


20 Ibid.


22 Ibid.
as the CRC or the first optional protocol, but there is a considerably large acceptance of this protocol within the international community.

The Optional Protocol to the UN Convention on the Rights of the Child on a Communications Procedure is very different than the CRC’s first two optional protocols. It establishes a complaints mechanism for States Party to the CRC and this protocol.\(^{23}\) It grants both Member States and children the ability to submit complaints regarding specific violations of the CRC and its first two protocols against any other Member State that is party to the third protocol.\(^{24}\) The Committee on the Rights of the Child is charged with considering any complaints received as quickly as possible.\(^{25}\) In accordance with the protocol, the Committee must take into account current and developing policies on the protection of children, as well as the capacity of Member States to implement any recommendations given.\(^{26}\) Upon concluding a review of a submitted complaint, the Committee releases a statement on the complaint and a number of recommendations to mitigate any future violations of the CRC and the first two protocols.\(^{27}\)

**Current Issues:**

Due to the unprecedented acceptance and quick ratification of the CRC, there is a large global framework in place to advance children’s rights. Many States party to the convention have enacted legislation and mechanisms to ensure the protection and realization of these rights; however, there remains a significant number of obstacles blocking Member States from achieving full realization of the CRC.\(^{28}\) Intergovernmental bodies such as the Committee on the Rights of the Child, the United Nations Children’s Fund (UNICEF), and the Office of the United Nations High Commissioner for Human Rights work in conjunction with regional and national human rights instruments in order to uphold the CRC and its optional protocols.

The Committee on the Rights of the Child is the primary body responsible for monitoring and implementing the CRC and its optional protocols. It is responsible for ensuring that children can enjoy their human rights and live with dignity, respect and equality.\(^ {29}\) It consists of independent


\(^{26}\) Ibid.

\(^{27}\) Ibid.


experts that work to examine, report upon, and improve children’s rights situations in States party to the CRC. In its three annual sessions, the Committee examines reports from ten States party to the CRC and discusses issues with delegates from the Member States at hand. The Committee also gathers a list of common children’s rights issues that are prevalent in different Member States and regions. This enables the Committee to not only prepare recommendations for individual Member States, but also to share information and collect solutions for regional and global trends in children’s rights. The Committee on the Rights of the Child also reports upon their findings and recommendations to the General Assembly Third Committee once a year.

A significant and useful tool for the realization of children’s rights is the Implementation Handbook for the Convention on the Rights of the Child. This document, which is more than 800 pages, was prepared for UNICEF in order to assist the international community in achieving universal children’s rights. It lays out specific steps that Member States can take in order to implement the entirety of the CRC and address the needs of all children. It includes specific priorities and achievable goals, as well as appropriate time frames and budgets for achieving such goals. It encourages widespread consultation with non-governmental organizations and civil society, as well as the direct involvement of children in decision-making processes.

In order to fully realize children’s rights, it is important for Member States to develop permanent bodies or mechanisms to promote coordination, monitoring, and evaluation of activities involving children. This includes ensuring adoption of national, regional, and global legislation that is compatible with the CRC. Emphasis on vulnerable populations, such as children that are abused; have special needs; or are of racial, cultural, or religious minority groups are prioritized within the Implementation Handbook for the Convention on the Rights of the Child, as they are already facing larger obstacles and oppressions than other children.

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31 Ibid.
32 Ibid.
33 Ibid.
36 Ibid.
37 Ibid.
39 Ibid.

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The *Implementation Handbook for the Convention on the Rights of the Child* also has a number of logistical recommendations for the protection of children. These include improving the visibility of children in government at national and local levels and analyzing spending and budgetary issues affecting children.\(^{41}\) These measures often reflect upon the commitment and effectiveness of implementation efforts of Member States, as they directly affect the quality and quantity of work done to preserve and bolster children’s rights. There is also a large emphasis on data collection and information dissemination regarding children’s rights.\(^{42}\) This assists Member States in reporting upon children’s rights, which is essential in filling gaps of CRC-related legislation and practices of Member States.\(^{43}\)

**Future Outlook:**

Sustainable development starts with safe, healthy, and well-educated children. Many of the Millennium Development Goals were not fully achieved, which leaves the international community at a deficit moving forward into the Sustainable Development Goals (SDGs). UNICEF has emphasized the importance of Member States reaffirming their commitments to existing frameworks in order to continue the realization of the rights of children.\(^{44}\) Due to the universality of development, all of the goals laid out within the SDGs are relevant to implementing the CRC. The international community must work towards effective monitoring systems of SDG indicators in order to hold parties accountable for actions that negatively impact children’s rights and to bolster Member States’ ability to be effective in their response. Children’s rights will play a key role in the fulfilment of the post-2015 development agenda.

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\(^{43}\) Ibid.

Focus Questions:

1. Has your Member State ratified the CRC? Its optional protocols?
2. What is your Member State doing well regarding children’s rights? Where can you improve?
3. What roadblocks exist for your Member State in achieving universal children’s rights?
4. Is your Member State a member of a regional body that has taken any actions in regards to children’s rights?
5. What are some shared children’s rights issues in your geographic bloc? Your economic bloc?
6. Based on your political, economic, and social environment, what does your Member State most need to address within this topic?
7. How can the international community encourage stronger implementation of the CRC and other children’s rights mechanisms?
Bibliography


