

Child Rights in early years
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by

Iqbal Ahmed Detho
National Manager, SPARC

Presentation Plan

- History of Child Rights Evolution
- UN CRC
- Gaps in practice
- Challenges
- Conclusion
- Question-Answer session

Phases of Evolution

- 1901-1947
- 1948-1977
- 1978-1989
- 1989-2000
- 2001-onwards

1901-1947

- Ended the invisibility of children
- Attention on the issues of child labour, hazardous work, trafficking and sexual exploitation
- ILO conventions on minimum age, night work
- Geneva declaration on the rights of child-1924 (care/protection model)

Mankind owes to the child the best it has to give

1948-1977

- Universal Declaration of Human rights-art:25(2)
- Geneva conventions on the laws of war-Child as specific category of protected person
- UN declaration on the rights of child-1959(Social /Welfare model)
Child by reason of his physical and mental immaturity, needs special safeguards, including legal protection, before as well as after birth
- Two International Human rights covenants
- ICCPR-23&24,ICESCR-10
- Non-discrimination as general principle of Human rights
- Discrimination in education (UNESCO-60), employment and occupation (ILO-58)
- CERD and CEDAW-female and girl child

1978-1989

- 1978 Polish proposal in Commission on Human Rights (CHR) now renamed as Human rights council (HRC)
- 1979-1989 Drafting in the commission on human rights
- 1989 (20th November) General Assembly adoption.
- 1990 (2nd September) entry into force.
- 192 States Parties latest ratification - Timor Leste

1989-2000

World Declaration on the survival , Protection and Development of Children-1990

Vienna declaration and program of Action -1993,Art-21

ILO convention on WFCL-1999

- Landmines convention
- Optional Protocol on sale of children, child prostitution, child pornography entry into force 18 January 2002.
- Optional protocol on involvement of children in Armed conflicts entry into force 13 February 2002, Amendment of article 42 (2) came into force in 2002.

2001-onwards

- World summit for Child rights

A world fit for children-Out come document (GA Resolution 10th May 2002)

The Yokohama Global commitment 2001

WHY DO CHILDREN HAVE A SET OF HUMAN RIGHTS SPECIFIC TO THEM

- Children as Humans-Recognition that they are entitled to Human rights (not as property of their guardians)
- Children require additional protection

- MORAL AND LEGAL RECOGNITION OF THEIR EMOTIONAL, PHYSICAL AND PSYCHOLOGICAL VULNERABILITY

THEIR NEED FOR SPECIAL CARE.

- RECOGNITION OF THE OBLIGATION TO RESPECT AND ENSURE RESPECT FOR THEIR RIGHTS.

UN CONVENTION ON THE RIGHTS OF THE CHILD

- ORIGINS :-
- Invisibility of the child in general human rights law and its enforcement.
- Fragmentation of child – specific provisions.
- Significant gaps in the law.
- Lack of an advocacy and programming focus for children

DISTINCTIVE CHARACTERISTICS OF THE UNCRC.

- **UNIQUELY** addressing a phase of human development.
- Uniting civil, political, economic, social and culture rights and identifying child-specific rights.
- Organized around four core principles :
 - Non-discrimination-article 2
 - The child's rights to be heard-article 12
 - The best interests of the child-article 3
 - The child's rights to survival and development (Evolving capacity of the child)-article 6
- Bridging human rights and humanitarian law.
- Recognizing roles for civil society, UN agencies and others

EXCEPTIONAL ASPECTS OF THE IMPLEMENTATION PRACTICE OF THE UNCRC

- Near universal ratification from the outset
- Promoting innovative implementation tools
- Eg Governmental inter-departmental bodies
 - Government/civil society coordination bodies
 - Rights-audits/policy impact assessments
 - From national to local: Child Friendly Cities
 - Independent national child rights institutions
- Promoting innovative treaty body and reporting methodologies

- E.g Report preparation by states
 - The role of civil society
 - Procedures for consideration of reports
 - The role of Concluding Observations
- CRC informing other human rights instruments and mechanism

Regional level recognition of children's rights

- African Charter on the Rights and the Welfare of the Child (1999)
- Inter-American Court of Human Rights
 - Villagran Morales et al. V. Guatemala* (1999)
 - Advisory Opinion, "Legal Status and Human Rights of the Child"* (2002)

Council of Europe

European Convention on the Exercise of Children's Rights (1996)
Calls by Parliamentary Assembly for a European Omnibus Convention on Child Rights

Challenges for CRC in Human rights framework

- CRC creating space for human rights in hostile environments and complex emergencies
- Promoting of human rights compliance (formal and practical) by non-state armed groups (e.g South Sudan and Sierra Leone)
- Initiating efforts toward a culture of human rights

- CRC based advocacy to the fore in the push toward rights-based development and international development assistance
- CRC to the fore in introducing human rights to international policy formulation

CHALLENGES FACED BY THE UNCRC IMPLEMENTATION

- Notwithstanding near universal ratification of CRC the levels of human rights abuse of children remain at crisis levels across the globe
- At least five elements underlie the gap between obligation and implementation of the rights of the child:

- Gaps in law
 - Lack of will
 - Ignorance
 - Lack of resources
 - Weak enforcement
- Gaps in law e.g
 - A need to address specific groups including the girl child, indigenous, the disabled and IDP's

- The responsibility of non-State actors
- The responsibility of international organizations
- The responsibility of TNC and MNCs

Thank you