

Children Have the Right to Have Rights



by Caius Brandão

The United Nations Convention on the Rights of the Child (CRC) has forged a fundamental shift of paradigm in program and public policy design. Whereas in most countries the needs-based approach has historically guided services and policies for children, the

objects of public policies or beneficiaries of charitable services, they tend to become disempowered and submissive to their benefactor — be it the government, multilateral organizations, or private institutions.

1989 to ensure the survival and full development of all children around the world.² Once a country joins a convention, it must ratify it by promoting the necessary changes to adapt its national legal framework accordingly. To date, 192 out of 194 signatory countries have already ratified the CRC.³ Although the ratification of the CRC is crucial, it is only the first move toward its *de facto* implementation.

CRC sets out a new perspective based on the human rights of all children.

Increasingly, however, the active participation of children and families has been proven to be a key success factor in program and policy design, implementation, and evaluation.¹ Furthermore, it allows children and families to become subjects of their own lives and aware of their rights-holders condition. Thus, they no longer expect favors. On the contrary, they are empowered to demand their rights. In practice, this means placing responsibilities and holding people and institutions accountable for their unrealized rights.

To monitor, evaluate, and cooperate with countries' implementation efforts, the UN has created the Committee on the Rights of the Child, formed by elected child experts from distinct continents of the globe. Every five years, each State is required to submit to the Committee a comprehensive official report on the current status of children's rights in its territory and the initiatives taken to improve the conditions for their survival and full development. Once the government has submitted its report, the organized civil society from that particular country may present the Committee an alternative report. Both documents constitute an important monitoring tool to assess the progress made by each nation and identify priorities for action.

Charity is often the motivation behind services and policies tailored to meet specific needs of children. Despite their well-intended efforts, such initiatives usually lack the means to tackle the underlying causes of problems relating to child survival and development. When children and families are seen as mere

Changing from the needs-based to the rights-based approach in program and policy development is not an easy task. In this regard, the CRC can be used as a frame of reference to influence child development practitioners, advocates, and policymakers.

Understanding the CRC

The CRC is a legally binding treaty adopted by the United Nations (UN) in

The CRC is driven by the following over-arching principles:

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a) **Non-discrimination:** Countries are required to take the necessary actions to protect all children from discrimination based on “race, color, sex, language, religion, political, or other opinion; national, ethnic, or social origin; property, disability, birth, or other status” (Article 2 of the CRC). In short, all children should enjoy the same rights without exception.

b) **Best interests of the child:** Government — including the executive, legislative, and judiciary powers — and private institutions must always act according to the child's best interest. Thus, a child's well-being is put forth as a priority. In addition, the government is made responsible for providing adequate care for children when their parents or guardians are not able to do so.

c) **Survival and development:** Every child has the right to life and to develop to his or her fullest potential. State parties/countries are responsible for protecting children's lives and creating the necessary conditions for their optimal development. Issues such as nutrition and safety, in addition to appropriate care and education, among others, are specifically addressed by the CRC.

d) **Participation:** According to children's evolving capacities, every child has the right to participation and expression of his or her ideas. State parties must create the necessary conditions for children to form their own views and opinions and express them freely. Children's voices must be heard and taken into account, particularly in administrative and judicial proceedings affecting their lives.

The CRC is considered a comprehensive international human rights treaty because it encompasses civil, economic, political, and social rights. In addition to its overarching principles, the rights

enshrined by the CRC can be organized in three other categories, as shown in the following chart:

who usually must rely on others for the realization of their most basic rights.

Categories	Articles	Issues Addressed
Overarching Principles	2	Non-Discrimination
	3	Best interest of the child
	6	Survival and development
	12	Participation
Survival and Development	5; 9; 10; 18; 20	Family life
	7	Name and nationality
	8	Preservation of Identity
	23	Disabled children
	24; 25	Health care
	26	Social security
	27	Standard of living
	28; 29	Education
	30	Ethnic minorities
	31	Leisure and culture
	42	Knowledge of rights
Protection	11; 35	Sale, abduction, and trafficking
	19	Violence
	21	Adoption
	22	Refugee children
	32	Child Labor
	33	Drug abuse
	36	Exploitation
	37	Detention and punishment
	38	Armed conflicts
	39	Rehabilitation
	40	Juvenile justice
Participation	13	Freedom of Expression
	14	Religious freedom
	15	Freedom of Association
	16	Privacy
	17	Access to information

The CRC and the young child

Article 1 of the CRC defines a child as “every human being below the age of 18 years” and Article 2 extends its provision to all children without exception. Nevertheless, discrimination based on age is widespread, particularly against young children.

In January of 2005, the Committee on the Rights of the Child published the *General Comment No. 7 — Implementing Child Rights in Early Childhood*.⁴ General comments are official documents prepared by the Committee to disseminate its interpretation of human rights provisions on specific issues. Since there has been a lack of adequate information

provided by countries' reports about the situation of young children, the Committee decided to use its prerogative of publishing a general comment to underline the importance of early childhood for the full implementation of the CRC.

The definition of early childhood varies greatly, due to cultures and school systems from distinct countries. Seeking to establish a common ground of understanding, the Committee defines early childhood as "the period from birth to the age of 8 years." Thus, States are called for complying with their obligations under the CRC according to this definition of early childhood.

Under the light of CRC's over-arching principles as seen above, the *General Comment No. 7* clearly states the human rights of all young children. Its analytical content provides evidence-based arguments for the promotion and protection of such rights, even when they seem to crash with local traditions. Thus, in addition to encouraging State parties to adopt a "positive agenda" for the implementation of the CRC in regard to young children's rights, the *General Comment No. 7* is quite instrumental to early childhood practitioners and advocates.

A call for action

The full implementation of the CRC is still a dream — far from becoming a reality in most countries. Countries must go beyond the rights rhetoric and take concrete and immediate actions to implement and/or reform their existing systems through which the situation of children can be improved. The public education, health, and social security systems are the most obvious examples. However, a set of integrated policies for children and families among all or most offices from the executive power (ministries, federal development banks, government foundations, etc.) is usually necessary to address complex issues.

Furthermore, only coordinated efforts from all levels of the executive (federal, state, and municipal) and government powers (executive, judiciary, and legislative) will effectuate systemic reforms.

The United Nations holds the CRC State parties responsible for their adherent obligations in protecting and promoting children's rights. On the other hand, the organized civil society has a crucial role in monitoring and cooperating with government efforts and, when necessary, pressuring it to comply with its international commitments.

Some countries like Brazil, Cote d'Ivoire, Egypt, and Mali have formed national coalitions of private children's rights organizations to monitor the CRC implementation process.⁵ Their monitoring efforts constitute in themselves an important advocacy strategy. Furthermore, they systematically collect and analyze country-level data on the conditions of children, evaluate effectiveness of public policies, and set out specific suggestions for actions in priority areas. Next, their work results in alternative reports submitted to the UN Committee on the Rights of the Child.

In addition to assisting their governments to unveil current status of children's rights, civil society organizations have also a cooperating role to play in the design and evaluation of programs and policies for children and families. Plus, within a favorable political scenario, large-scale public-private partnerships can greatly contribute to the advancement of children's issues.

Children's best interests must be at the core of priorities from society as a whole. When this does not happen, however, child advocates must take action. Well-planned, articulated, and financed children's rights advocacy efforts can influence countries to comply with their commitments to implement the CRC. Often enough

government officials tend to be more sensitive to public opinion (national and international) and evidence-based advocacy. Whereas political confrontations with the government may at times be needed, it is not always the more appropriate approach. The best strategy for a successful children's rights advocacy campaign is the formation of alliances among all sectors of society.

The CRC as a tool for advocacy

Advocacy can be understood as a means to influence the actions and attitudes of people and institutions toward a particular idea or social issue. However obvious the very concept that children have the right to have rights may seem, it is still a cause for debate. Misinformation or radically conservative views are usually the grounds for the notion that children cannot be holders of rights. With the status of being an international human rights treaty ratified by the vast majority of UN member states, the CRC has become a powerful instrument for children's rights advocates. Its internationally agreed theoretical framework has allowed children's rights organizations around the globe to develop a common language and establish compatible objectives. Consequently, the CRC has forged local, national, and regional coalitions, as well as a worldwide social movement for the human rights of all children.

Some online resources

The official text of the United Nation's Convention on the Rights of the Child www.unhcr.ch/html/menu2/6/crc/treaties/crc.htm

The official text of the Committee on the Rights of the Child's General Comment No. 7 www.ohchr.org/english/bodies/crc/docs/AdvanceVersions/GeneralComment7Rev1.pdf

Office of the United Nations High
Commissioner for Human Rights
www.ohchr.org/english/

UNICEF
www.unicef.org/index.php

Child Rights Information Network
www.crin.org

Endnotes

- 1 www.everychildmatters.gov.uk/participation/ (9 March 2007)
- 2 www.unhchr.ch/html/menu2/6/crc/treaties/crc.htm (11 March 2007)
- 3 www.unhchr.ch/html/menu2/6/crc/treaties/status-crc.htm
(11 March 2007)
- 4 www.crin.org/resources/infoDetail.asp?ID=8043&flag=report
(8 March 2007)
- 5 www.crin.org/NGOGroupforCRC/ViewOrgsByC.asp?typeID=7
(9 March 2007)

A few things you can do

- Children should grow up knowing their rights. If you are a school teacher you can use the CRC to develop creative, informative, and fun activities with children.
- Listen to children before making decisions that may affect their lives. Adults must create real opportunities for children to form and express their views.
- Family members must also understand their rights and duties under the CRC. You can create interactive workshops to discuss their role and, particularly, the role of the government in promoting and protecting children's rights.
- Get your community involved in denouncing the violation of children's rights. Community-based advocacy campaigns tend to be very effective when negotiating with local government agencies.
- Find out what your government has done so far to implement the CRC. You may also identify leading national and international non-government organizations working to monitor the CRC's implementation process in your country and volunteer yourself to strengthen their efforts.