

Convention on the Rights of the Child

Summary: Also known as the CRC, CROC, or UNCRC, this treaty sets out the **civil, political, economic, social, health and cultural rights of children** (under 18 unless domestic law conflicts). State Parties are required to report to the UN Committee on the Rights of the Child. It has been ratified by every member of the United Nations except Somalia and the United States of America. Somalia's cabinet ministers had announced plans to ratify the treaty. Two optional protocols were adopted on 25 May 2000. The First Optional Protocol restricts the involvement of **children in military conflicts**, and the Second Optional Protocol prohibits the **sale of children, child prostitution and child pornography**. Both protocols have been ratified by more than 140 States. The treaty applies to **all children, regardless of nationality**.

PART I

Article 1 states that 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 contains non-discrimination and protection from discrimination clauses covering race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth, etc.

Article 3 In all actions, the best interests of the child shall be a primary consideration; secondary considerations; institutions.

Article 4 Legislative administrative, and other measures for the implementation of the rights recognized in the present Convention; economic, social and cultural rights, available resources and international co-operation.

Article 5 Responsibilities, rights and duties of parents or family; local custom.

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

Article 7 Rights of: registration immediately after birth; a name; a nationality; 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 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 provides that separation from parents against the will of the child only allowed when necessary for best interests Child; interested parties' right to participation in a proceeding; other separation regulations.

Article 10 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

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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 States Parties shall take measures to combat the illicit transfer and non-return of children abroad and shall promote the conclusion of bilateral or multilateral agreements or accession to existing agreements.

Article 12 Duty to consider the views of the child.

Article 13 Right to Freedom of expression; restrictions.

Article 14 Right to freedom of thought, conscience and religion; right of parents/guardians to provide direction; restrictions.

Article 15 Right to freedom of association and peaceful assembly; restrictions.

Article 16 Freedom from arbitrary or unlawful interference with privacy, family, or correspondence, nor to unlawful attacks on his or her honour and reputation, and protection of law.

Article 17 Access to information: media dissemination; intellectual co-operation; children's books; indigenous and minority groups; injurious information.

Article 18 The common and primary responsibility of parents/guardians; state assistance and services.

Article 19 Protection from physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse.

Article 20 Special protection and assistance for deprived children.

Article 21 Adoption: authorized and assisted by competent authorities; inter-country adoption; standards and safeguards; improper financial gain; international agreements.

Article 22 Refugee children and refugee seekers; reunification.

Article 23 Mentally and physically disabled children.

Article 24 addresses: the right to the highest attainable standard of health and access to treatment facilities; infant and child mortality; primary health care; disease and malnutrition; pre-natal and post-natal health care for mothers; health and nutrition information and education; preventive health care; traditional practices prejudicial to the health of children; international co-operation and developing countries.

Article 25 Periodic reviews of placement and treatment.

Article 26 The right to social security and insurance.

Article 27 The right to a standard of living adequate for the child's physical, mental, spiritual, moral and social development; responsibility of parents/guardians; state assistance; parents abroad.

Article 28 The right to education: equal opportunity; free and compulsory primary education; encouraging secondary education; accessible higher education; regulations; international co-operation.

Article 29 aim of education towards development of: the child's personality, talents and mental and physical abilities; respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations; 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; 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; respect for the natural environment.

Article 30 provides that 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 The right to rest and leisure, play and recreational activities, cultural life and the arts; equal opportunities.

Article 32 Duty to ensure protection against economic exploitation and work hazardous to education, health or physical, mental, spiritual, moral or social development, providing for:

- A minimum age or minimum ages for admission to employment;
- Appropriate regulation of the hours and conditions of employment;
- Appropriate penalties or sanctions to ensure effective enforcement of present article.

Article 33 Measures to prevent and prohibit use and trafficking of illegal substances.

Article 34 Duty to protect child from all forms of sexual exploitation and abuse, in particular take all appropriate national, bilateral and multilateral measures to prevent:

- The inducement or coercion of a child to engage in any unlawful sexual activity;
- The exploitative use of children in prostitution or other unlawful sexual practices;
- The exploitative use of children in pornographic performances and materials.

Article 35 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 mandates that each state party shall ensure that no child shall be:

- Subjected to torture or other cruel, inhuman or degrading treatment or punishment;
- Capital punishment nor life imprisonment without possibility of release;
- Deprived of his or her liberty unlawfully or arbitrarily. (arrest, detention or imprisonment of a child shall be in conformity with law and used only as a measure of last resort, for the shortest appropriate period of time)

- Imprisoned with adults;
- Deprived of contact with his or her family;
- deprived 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 Rules of international humanitarian law applicable armed conflicts; prohibition against taking part in hostilities or recruiting (for children under 15 years of age).

Article 39 Physical and psychological recovery, and social reintegration

Article 40 Children who are accused of or infringed penal law:

- Acts not yet prohibited at the time committed
- Guaranteed presumption of innocence until proven guilty according to law;
- Right to be informed promptly and directly of the charges and assistance;
- Right to a prompt and fair hearing;
- Rights during hearing;
- Right to have verdict reviewed by a higher competent, independent and impartial authority or judicial body according to law;
- Right to free assistance of an interpreter if needed;
- Right to have privacy fully respected at all stages of the proceedings.

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 minimum age below which children shall be presumed not to have the capacity to infringe the penal law;
- Whenever appropriate and desirable, measures for dealing with such children without resorting to judicial proceedings or institutional care;

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 Dissemination of information

Articles 43 through 55 omitted.