

# PART 1. INTRODUCTION AND BACKGROUND

In 1999, the international community celebrated the tenth anniversary of the adoption of the *Convention on the Rights of the Child* (CRC) by the General Assembly of the United Nations. This is the first international, legally binding instrument to guarantee the full range of human rights to children. The CRC recognises that children are members of the global community and should thus be able to enjoy the same rights as adults, while making provision for the particular vulnerabilities of developing minds and bodies.

Children had not been left out of earlier human rights law, which acknowledged in many documents that they are especially vulnerable and therefore require extra protection as well as specific provision for their survival and development. Children were mentioned in the UN *Universal Declaration of Human Rights* of 1948, in Article 25 (2), which states that 'Motherhood and children are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection'. Other Declarations and Covenants of both the United Nations and other international bodies, such as the European Social Charter, echoed this shared concern regarding protection. The 1959 UN *Declaration of the Rights of the Child* stated in its preamble that 'mankind owes to the child the best it has to give' and interpreted this in a series of protections, benefits and priorities. In addition, international humanitarian law treaties have recognised the special vulnerability of children, for example in situations of armed conflict.

The first global charter protecting the rights of children, as a distinct group was a Declaration of the League of Nations, made in 1924 and known as the *Declaration of Geneva*. It was proposed and drafted originally by Eglantyne Jebb the founder of both the Save the Children movement and the International Peace Union. Nevertheless, this brief Declaration was based on ideas of child welfare, rather than child rights, assuming that children require adult protection in order to ensure the exercise of their rights. These ideas persisted through the re-drafting of the Declaration during the lifetime of the League of Nations, as well as in the 1959 UN *Declaration of the Rights of the Child*. Thus children continued to be seen as objects of international human rights law and not as subjects of rights.

A major change in attitude of the world community was catalysed by the activities of the United Nations International Year of the Child in 1979. Following this, the United Nations Commission on Human Rights began to consider a proposal of the Polish government for a Convention on the Rights of the Child. Ten years later, after a

long drafting period, the Convention was adopted by the United Nations General Assembly. It is unique among human rights documents, because it contains in one document, provisions not only for Civil and Political Rights, but also for Economic, Social and Cultural Rights.

In the decade since it was adopted the CRC has had three main effects:

- Children are seen as subjects of rights, with their own ideas and opinions;
- Children are seen as people who contribute to society, rather than objects of concern or passive victims; and finally,
- More and better information is sought about all aspects of children's lives.

A further outcome has been the development of a wide range of new, supplementary international human rights agreements concerning children. These include optional protocols to the CRC itself, on sexual exploitation and on children affected by armed conflict. In addition, Convention 182 adopted by the 1999 International Labour Conference on 'worst forms' of child labour<sup>1</sup> and the 1997 UN Convention on anti-personnel<sup>2</sup> mines have both been the subject of widespread debates that would almost certainly not have taken place without the stimulus of the CRC. Other less well-known, international agreements that were drawn up for children during the 1990s expand the rights provided for children in the spheres of justice (Beijing & Riyad Rules), adoption (Hague Convention) and education (Jomtien Declaration).<sup>3</sup>

Because it has been ratified by almost all United Nations member states, the CRC is more effective than previous human rights treaties. It is now impossible for research, policy-making or programming concerning children to proceed without using the CRC as the guiding framework.

## 1.1 From Indignation to Action: The International Bureau for Children's Rights

Despite the almost universal acceptance of the CRC, children's rights continue to be violated or not achieved. According to UNICEF, although many millions of children are now healthier, better nourished and have greater access to better quality education than ever before in history, 'a number of goals remain out of reach for hundreds of millions of children throughout the world.' The problems faced by

1. ILO Convention 182, *Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour*, adopted by the 87th Session of the International Labour Conference, 17:06:1999 (not yet in force).

2. *Convention on the prohibition of the use, stockpiling, production and transfer of anti-personnel mines and their destruction*, 18 September 1997 (United Nations).

3. United Nations Standard Minimum Rules for the Administration of Juvenile Justice (*Beijing Rules*) Resolution 40 / 33 29 November 1985, 96th plenary session; United Nations Guidelines for the Prevention of Juvenile Delinquency (*The Riyadh Guidelines*) GA res 45/112 (December 14, 1990); Hague Convention of 29 May 1993 on Protection of Children and Co-operation in respect of Intercountry Adoption (Convention #33); *The World Declaration on Education for All and the Framework for Action to Meet Basic Learning Needs*, adopted at the World Conference on Education for All, held at Jomtien, Thailand, from 5 to 9 March 1990