

CHILD RIGHTS IN THE COMMONWEALTH



20 YEARS OF THE CONVENTION ON THE RIGHTS OF THE CHILD

Edited by Dr Purna Sen
Research by Christina Hajdu



Commonwealth Secretariat

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Edited by Dr Purna Sen
Research by Christina Hajdu
Additional research and support by Jade Cochran



Commonwealth Secretariat

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London SW1Y 5HX
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Published by the Commonwealth Secretariat
Edited by Christabel Gurney
Designed by Michael Orton Designs
Printed by Hobbs the Printers Ltd, Totton, Hampshire

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Copies of this publication may be obtained from

Publications Section
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Tel: +44 (0)20 7747 6534

Fax: +44 (0)20 7839 9081

Email: publications@commonwealth.int

Web: www.thecommonwealth.org/publications

A catalogue record for this publication is available from the British Library.

ISBN (paperback): 978-1-84929-011-1

ISBN (e-book): 978-1-84859-059-5

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FOREWORD

The 1989 UN Convention on the Rights of the Child (CRC) is a fundamental instrument of human rights.

In the Commonwealth and the wider world, it provides a framework for protecting and promoting the rights of generations to come. In a young Commonwealth, in which an eighth of our 2 billion or so people are under five years old, we are more than ever conscious of its value.

Every government in the Commonwealth has ratified the CRC – the only human rights treaty to be universally ratified by our members. This bears witness to the Commonwealth commitment to uphold and protect the dignity and rights of its youngest citizens.

The Commonwealth, as a values-based organisation, also recognises the fact that the introduction of the CRC was a milestone in international law. It was the first legally binding international convention to outline commitments to human rights for all children. The 20th anniversary of the CRC invites us to take stock of how well the Convention is being implemented. In the end, international law is only as strong as the will and ability of governments to realise and implement their commitments to improve the lives of their citizens.

We fully recognise the positive impact of the CRC for children. It has seen children's parliaments established, legislation to protect children enacted and juvenile justice systems developed. Yet the challenge remains to observe both the spirit and the letter of the law, and to ensure the rights of children are firmly upheld.

I warmly commend this publication, which celebrates the CRC and its achievements. I value the fact that it presents the hopes and

sentiments of children, as well as of those working for children's rights. It quantifies how far we have come and how far we still have to go. In this task, the Commonwealth Secretariat stands ready to assist member countries as they continue their implementation of the CRC.

In 2009, the CRC shares its 20th anniversary with the 60th anniversary of the modern Commonwealth. Our slogan and exhortation to ourselves for the year is: 'the commonwealth@60 – serving a new generation'. We cannot mark the anniversaries without exploring how we can harness the vitality of our young population to generate improved development, and social and democratic dividends. The realisation of the rights set out in the CRC is more than a sound policy choice for the Commonwealth and a way of showing compassion for a vulnerable group. The Convention represents a collective practical commitment: all of our children have the right to see it achieved.

Kamalesh Sharma
Commonwealth Secretary-General

INTRODUCTION

Dr Purna Sen
Head of Human Rights
Commonwealth Secretariat

The Convention on the Rights of the Child: why rights for children?

In times past children were treated the same as adults – as workers, spouses or parents in their early years. Their bodies and energies were harnessed for the benefit of their families, communities or society as a whole.

Their small and nimble bodies have been preferred for work such as mining, where tunnels could best be negotiated by children because of their small physical frames, or agriculture, where extra hands in the fields have been invaluable. In the domestic sphere, babies and young children are still often taken care of by their (often only slightly) older siblings, to free up mothers to earn or undertake other domestic chores.

The onset of adolescence and sexual maturity has been treated as the signal that childbearing is not only possible, but appropriate. Young motherhood was the product of biological maturity and supported by cultural norms that meshed with biological development.

The emerging reconceptualisation of childhood, which started several decades ago, has meant that the treatment of all human beings as adults, even at an early stage of their lives, has been replaced by the notion that childhood is a time of development and learning, which needs special attention. The concept developed of childhood as a period when personhood is established, and of learning and protection. Children emerged as a distinct category of people for whom the expectations placed on adults are inappropriate.



Childhood has come to be seen as a time when protection and nurturing are needed and for which parents – and wider society – should take responsibility.

Yet this new conception of childhood, and the expectations and demands made of children, have even more significant implications than those suggested above. Consensus grew that the protection, nurturing and education that are appropriate in childhood should not be subject to the vagaries of adults who may or may not share this view. Rather, all children should be able to enjoy the special status and protection that have come to be accepted as befitting to childhood.

In 1989 this thinking shaped and was reflected in an international law agreed at the United Nations – the Convention on the Rights of the Child (CRC). The four core principles of the Convention are:

non-discrimination

devotion to the best interests of the child

the right to life, survival and development

respect for the views of the child

The text was broad, covering a range of issues, including health, education, family life, involvement in decisions both familial and beyond, freedom of thought and peaceful assembly. These are highlighted in the pages that follow.

The Convention was a milestone in the development of human rights. It acknowledged the modern understanding of childhood and formulated what children can expect as a set of rights, rather than welfare or kindness from adults. It defined childhood as being from birth until the age of 18 years. The Convention exemplified thinking that sought a gender inclusive approach, with language that speaks of ‘he or she’, ‘his or her’, and was the first international law to do so.

The CRC has two additional Protocols, adopted in 2000, that address specific concerns and are appended to the main treaty.

The Optional Protocol on the Involvement of Children in Armed Conflict (OP-AC) is an attempt to increase protection of children during armed conflict. The Protocol places states under an obligation to take all measures they can to prevent those under the age of 18 in their armed forces from taking a direct part in hostilities. While the CRC establishes 15 as the minimum age at which anyone





may be voluntarily recruited into the armed forces, the Protocol provides that states must raise this age. In addition, it prohibits compulsory recruitment to the armed forces of anyone under the age of 18.

The Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (OP-SC) builds on the right of children to protection from sexual exploitation conferred by the CRC by providing that states must comply with detailed requirements to end these particularly heinous violations of children's rights. It requires states to criminalise and punish all activities related to these abuses and to provide a range of support services for child victims. Further, the Protocol highlights the importance of increased public awareness and the value of international co-operation in combating these offences.

International laws set out standards and frameworks for countries to aspire to and implement. Governments draw up laws on the international stage that they must then domesticate through enacting national legislation and other measures.

The pursuit and achievement of the Millennium Development Goals (MDGs) are closely allied to progress on the rights of children. Shortfalls in education and health, and HIV/AIDS all have implications for children. The promotion of the MDGs also takes forward the implementation of the CRC.

Child Rights and the Commonwealth

The CRC enjoys widespread support from states all over the world – the current tally of those that have ratified it stands at 193. It enjoys universal support from Commonwealth members: it is the only one of the eight core human rights treaties that has been ratified by all 53 member states. Annex 1 shows the dates of ratification of the Convention by Commonwealth members and the countries which have ratified the Protocols. Twenty-four member states have ratified OP-AC and twenty-three have ratified OP-SC (as at October 2009).

Universal ratification across the Commonwealth shows how important the rights of children are to Commonwealth members. November 2009 marks the 20th anniversary of the adoption of the Convention, providing an opportunity for us to revisit its contents and to rededicate ourselves to the promise and aspirations it holds for the 831 million¹ children in the Commonwealth.

¹ Data from UNICEF, 2007



Much progress has been won for the rights of children in Commonwealth countries, yet serious challenges remain. Child labour blights too many lives; not all children enjoy a full education or access to health services; and child marriage (and consequent premature motherhood) remain prevalent in many countries. While we take this opportunity to mark the anniversary and disseminate the contents of the Convention more widely, this publication also highlights some

excellent progress on the rights of children across the Commonwealth and notes some of the outstanding challenges that still need to be met. The publication provides data and a commentary, together with the full text of the Convention.

The Human Rights Unit at the Commonwealth Secretariat recognises the achievements of member states in implementing the Convention and the challenges they still face. The universal commitment to the CRC is positive; the team remains available to assist with its further implementation.

Leading in Africa – Seychelles

Seychelles has seen striking health improvements in tandem with economic growth in the country. This has resulted in a fall in infant mortality from 17 per 1000 births in 1990 to 11.6 per 1000 births in 2007 – the lowest infant mortality rate among Commonwealth countries in Africa. The World Health Organization reports that access to reliable safe water supply is assured and almost all households have access to improved sanitary facilities. Successful public health campaigns have seen the eradication of malaria and cholera.

Since 1981, Seychelles has had free and compulsory education from Grades 1 to 9 (up to age 14–15). The literacy rate for school-age children has risen to over 98 per cent. Seychelles has the highest enrolment rates in Commonwealth Africa for primary and secondary school, at 99 and 94 per cent respectively.

Sources: WHO, Seychelles – National Profile of Children’s Environmental Health; UNICEF statistics, Country Report Seychelles; US State Department, CIA World Factbook.

Remarkable progress in Mauritius

In the mid-1980s, child mortality rates were as high as 26.5 per 1000 on the island of Mauritius and 55 per 1000 on Rodrigues island. Since then Mauritius has achieved rapid economic growth, malaria and polio have been eliminated and there is universal access to clean water. Children have universal access to primary education and all Mauritian children attend school until the age of 12. By 1990, the child mortality rate had been reduced to 20.9 and in 2007 it was 12.8.

The CRC has been widely disseminated by government agencies such as the National Children's Council, as well as by NGOs. National laws have been harmonised with the principles of the CRC.

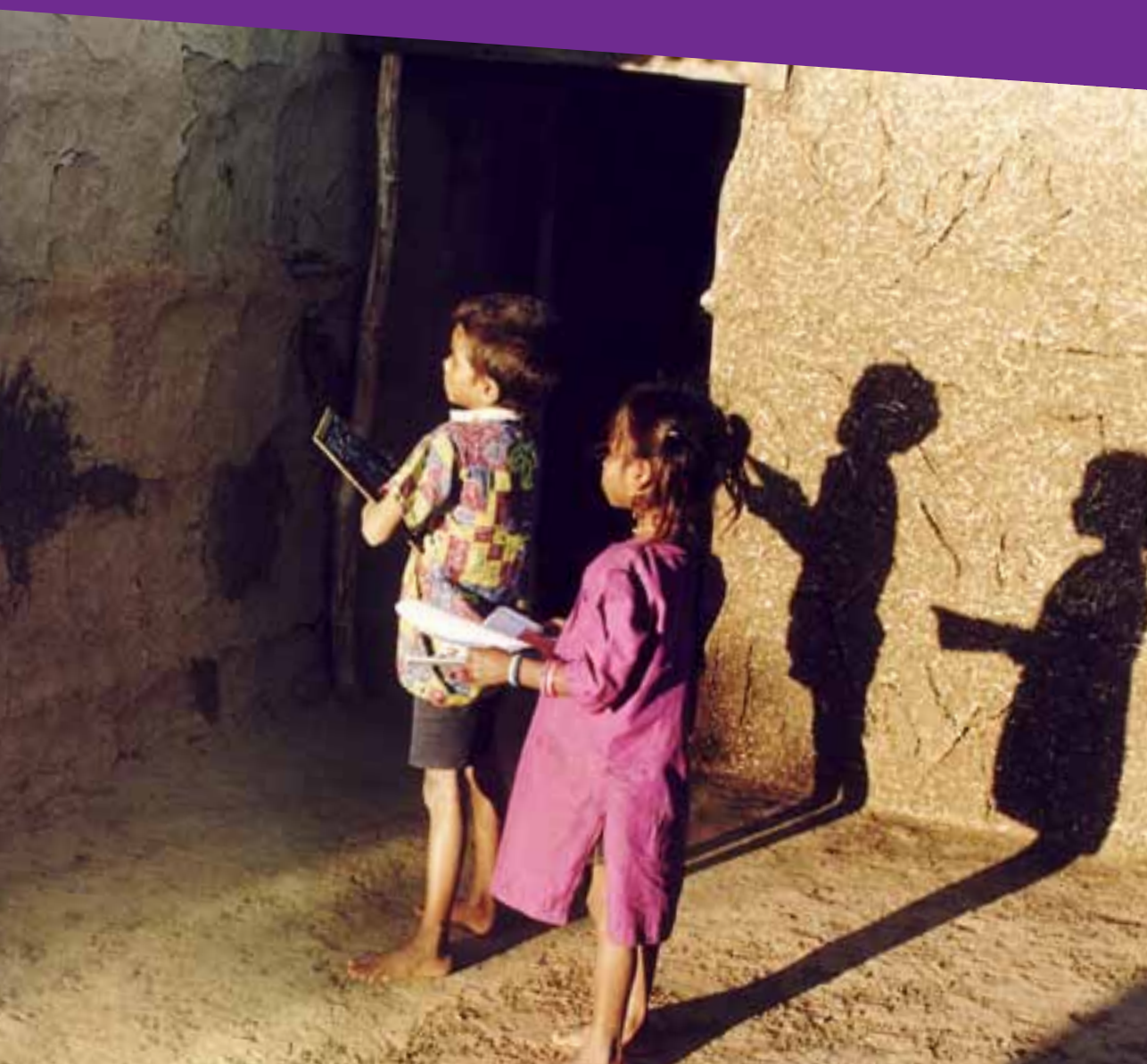
Mauritius also introduced an education for development policy to foster attitudes and concepts of solidarity, peace, tolerance, interdependence, social justice and environmental awareness among schoolchildren. It has high levels of primary school enrolment (95 per cent in total and 96 per cent for girls). The country also has the second highest level of secondary school enrolment of any African Commonwealth country, at 82 per cent.

Sources: UNICEF country background for Mauritius, UNICEF in Mauritius, Achievements and Constraints, 2003, UNICEF Statistics.





OVERVIEW OF THE CONVENTION ON THE RIGHTS OF THE CHILD



THE BEST INTERESTS OF THE CHILD

“... in all actions concerning children ... the best interests of the child shall be a primary consideration.” [ARTICLE 3]

“The Convention on the Rights of the Child stands as a universal standard for building a better world – a world in which the best interests of children are a primary concern of all. The challenge for the next 20 years is to build on the progress already achieved, working together to reach those children who are still being denied their rights to survival, development, protection and participation.”

ANN M VENEMAN
UNICEF EXECUTIVE DIRECTOR





PROTECTION AGAINST DISCRIMINATION

“States Parties shall ... ensure rights ... without discrimination of any kind, irrespective of the child’s or his or her parent’s or legal guardian’s race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.”

[ARTICLE 2]

“All children have the same rights everywhere. The 20th anniversary of the Convention on the Rights of the Child reminds us of the power and importance of children’s rights. Governments have promised these rights to their children, without discrimination (Article 2): we must make sure they deliver.”

DAVID BULL
EXECUTIVE DIRECTOR, UNICEF UK



RESPONSIBILITIES, RIGHTS AND DUTIES OF PARENTS

“States ... shall respect the responsibilities, rights and duties of parents.”

[ARTICLE 5]

“A child shall not be separated from his or her parents against their will.”

[ARTICLE 9]

“A child ... shall have the right to maintain on a regular basis ... personal relations and direct contacts with both parents.”

[ARTICLE 10]

“Both parents have common responsibilities for the upbringing and development of the child.”

[ARTICLE 18]

“As Trinidad and Tobago strives towards developed country status and a culture of peace and human rights, the development and well being of our most precious human resource, our children, is a priority. I am therefore pleased that the Commonwealth is commemorating the anniversary of this Convention.”

THE HONOURABLE PATRICK MANNING

PRIME MINISTER OF TRINIDAD AND TOBAGO AND COMMONWEALTH CHAIR-IN-OFFICE

CHILDREN'S RIGHT TO LIFE

“Every child has the inherent right to life.”

[ARTICLE 6]



“All too often the rights of young people are overlooked and overshadowed as a group with little representation, so it is more important than ever, with a growing role for young people in society, that their rights are firmly established, supported and upheld.”

RUPERT BAILEY, AGED 17

DEPUTY MEMBER OF YOUTH PARLIAMENT FOR GLOUCESTER AND FOREST OF DEAN, UK

RIGHT TO PRESERVE IDENTITY, OWN CULTURE AND RIGHT TO ACQUIRE NATIONALITY

“The child ... shall have ... the right to acquire a nationality.”

[ARTICLE 7]

“States Parties undertake to respect the right of the child to preserve his or her identity.”

[ARTICLE 8]

“In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child ... shall not be denied the right ... 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 30]

“Learning about my culture means I can follow in the footsteps of my ancestors”

TE ANIWA, AGED 12,
OTAKI SCHOOL, NEW ZEALAND





RIGHT TO FREEDOM OF EXPRESSION AND FREEDOM OF ASSOCIATION

“The child shall have the right to freedom of expression.”

[ARTICLE 13]

“States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child.”

[ARTICLE 12]

“States Parties recognize the rights of the child to freedom of association and to freedom of peaceful assembly.”

[ARTICLE 15]

“I’ve learned that children’s rights mean that my views are important and that adults should listen to me.”

ANNA, AGED 11
CHILDREN’S PARLIAMENT WESTERN ISLES, UK

RIGHT TO FREEDOM OF THOUGHT, CONSCIENCE AND RELIGION

“States Parties shall respect the right of the child to freedom of thought, conscience and religion.”

[ARTICLE 14]

“At school they teach us 5 + 5 equals 10. At Children’s Parliament they tell us why.”

CALUM, AGED 12
CHILDREN’S PARLIAMENT, FIFE, UK



PROTECTION AGAINST VIOLENCE, ABUSE AND EXPLOITATION

“States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse” and “all other forms of exploitation prejudicial to any aspects of the child’s welfare.”

[ARTICLES 34 AND 36]

“... protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation ... while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.”

[ARTICLE 19]

“States Parties shall take all appropriate ... measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.”

[ARTICLE 35]

“The CRC is already 20 years old! Yet children in several countries are being exploited and abused, and don’t have access to their fundamental rights. This anniversary should be dedicated to the call to states, having ratified the Convention, to account for their commitments.”

NAJAT MAALLA M’JID
UN SPECIAL RAPPOREUR ON THE SALE
OF CHILDREN, CHILD PROSTITUTION AND
CHILD PORNOGRAPHY



PROTECTION AND HUMANITARIAN ASSISTANCE

“A child temporarily or permanently deprived of his or her family environment ... shall be entitled to special protection and assistance provided by the State.” [ARTICLE 20]

“States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee ... whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance.” [ARTICLE 22]



“I have seen first-hand the suffering of displaced children around the world and have been inspired by their unflinching spirit and hope. The CRC is a reminder to us all of our responsibilities to protect displaced children, so they can grow up in an environment of safety, protection and understanding.”

ANGELINA JOLIE
UNHCR GOODWILL AMBASSADOR



RIGHTS OF PHYSICALLY AND MENTALLY DISABLED CHILDREN

“States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life” and “the right of the disabled child to special care.”

[ARTICLE 23]

“I congratulate all governments of the Commonwealth for ratifying the CRC. The Convention is not a list of aspirations; it is a list of rights. Our duties to our children cover their political, economic and social and cultural rights. Despite significant achievements made, children around the world are still victims of discrimination, violence, abuse, and exploitation. The anniversary of the CRC is a reminder to us all of how far we still need to go to achieve the true realisation of their rights. A renewed commitment is an obligation of every individual, every family, every state. It is an obligation of every single adult citizen.”

GRAÇA MACHEL
INTERNATIONAL ADVOCATE FOR WOMEN'S AND CHILDREN'S RIGHTS

“If it wasn't for my school, I would not have all the opportunities that I have right now.”

LULAMA MAKWA, AGED 17
BARTIMEA SCHOOL FOR THE DEAF AND BLIND, SOUTH AFRICA

RIGHT TO HEALTH

“States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health.”

[ARTICLE 24]



“With nearly 9 million children dying every year before the age of five mostly from preventable diseases, governments have clearly yet to deliver for children and to turn words into action. Additionally understanding the practical implications in particular for health care services, underlying conditions and social determinants of children’s health remains a challenge for many governments. In this context the nearly universal ratification of the CRC presents a

unique opportunity to the world’s children.

This implies the universal commitment of governments to realizing the right to health to the children of the world. The CRC not only accepts the necessary goals for the realization of the right to children’s health, but also gives these goals legitimacy and makes them legally binding.”

ANAND GROVER
UN SPECIAL RAPPOREUR ON THE RIGHT TO THE HIGHEST ATTAINABLE
STANDARD OF HEALTH

RIGHT TO AN ADEQUATE STANDARD OF LIVING

“States Parties recognize the right of every child to a standard of living adequate for the child’s physical, mental, spiritual, moral and social development.”

[ARTICLE 27]





RIGHT TO EDUCATION

“States Parties recognize the right of the child to education.”

[ARTICLE 28]

*“Education is neither a service nor a commodity.
It is a basic human right.”*

VERNOR MUÑOZ VILLALOBOS
UN SPECIAL RAPPORTEUR ON THE RIGHT TO EDUCATION

*“ I think children of all cultures should be educated and have the
right to be free to do what they want to do.”*

NEESON, AGED 10
OTAKI SCHOOL, NEW ZEALAND

RIGHT TO REST AND LEISURE

“States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.”

[ARTICLE 31]

“When children get involved in playing sport it can build their confidence and encourage them to be more tolerant and respectful – things that will last a lifetime. Children have a right to play and allowing them to have time and space for leisure and play helps their health, education and well being. As a UNICEF Ambassador I know that today, all over the world children’s rights are still being denied and this needs to stop. The world needs to stick to its promises to children and ensure that they have the best chances and opportunities in life.”

DAVID BECKHAM
UNICEF GOODWILL AMBASSADOR



PROTECTION AGAINST ECONOMIC EXPLOITATION

“States Parties recognize the right to the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child’s education, or to be harmful to the child’s health or physical, mental, spiritual, moral or social development.” [ARTICLE 32]

“Freedom from child labour – from work that deprives children of their childhood, their potential and their dignity, and is harmful to their physical and mental development – also calls for action to support decent work for parents.

The ILO is pleased to bring its 90 years experience of protecting children from exploitation in the world of work to common efforts today to ensure respect in word and deed for the rights of girls and boys everywhere, as set out in the UN Convention on the Rights of the Child.”

JUAN SOMAVIA
DIRECTOR-GENERAL, INTERNATIONAL LABOUR ORGANIZATION



PROTECTION AGAINST TORTURE OR OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT

“No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment.”

[ARTICLE 37]



“I was scared ... If I made a mistake I was beaten with a stick. When I said I wanted to go home I was told I never would ... I never got anything, no money, nothing; my family also got nothing.”

AHMED

A VICTIM OF TRAFFICKING FROM BANGLADESH TO THE UNITED ARAB EMIRATES AT THE AGE OF FIVE. HE HAS NOW BEEN RETURNED TO BANGLADESH (ANTI-SLAVERY INTERNATIONAL).



CHILDREN IN ARMED CONFLICT

“States Parties undertake to respect ... rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child.”

“States Parties shall take all feasible measures to ensure that [children] do not take a direct part in hostilities.” [ARTICLE 38]

“Children should not have their childhood brutally interrupted by adult wars. They must not be recruited or used as child soldiers to be cannon fodder. We must prevent their recruitment, punish those who are responsible and take all necessary measures to ensure that those who return are successfully reintegrated into their societies. We must remember to protect and care for our children even in the midst of war.”

RADHIKA COOMARASWAMY
SPECIAL REPRESENTATIVE OF THE UN SECRETARY-GENERAL
FOR CHILDREN AND ARMED CONFLICT

CHILD VICTIMS

“States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts.” [ARTICLE 39]

“Children have the right to live in safety. Imagine a world where that was true. Countless children were brutalised by the Sierra Leone civil war. I was one of the lucky ones. I was able to realise my rights and create a life I could only have imagined. Help us protect child rights.”

ISHMAEL BEAH
UNICEF ADVOCATE FOR CHILDREN AFFECTED BY WAR



CHILDREN ACCUSED OF INFRINGEMENTS OF PENAL LAW

“States Parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child’s sense of dignity and worth ... which takes into account of the child’s age and the desirability of promoting the child’s reintegration and the child’s assuming a constructive role in society.”

[ARTICLE 40]

“How the international system of criminal justice meets the Convention duties to prevent such widespread suffering is surely one of the defining issues of this century. Article 40 reflects and differentiates the minimum rights of a child when accused of crime. Each of these protected rights is basic, necessary and non-negotiable. Individuals in each jurisdiction must act so as to ensure that these fundamental rights are achieved in practice and not simply rehearsed in theory.”

MOHAMED HUSAIN
PRESIDENT, COMMONWEALTH LAWYERS
ASSOCIATION



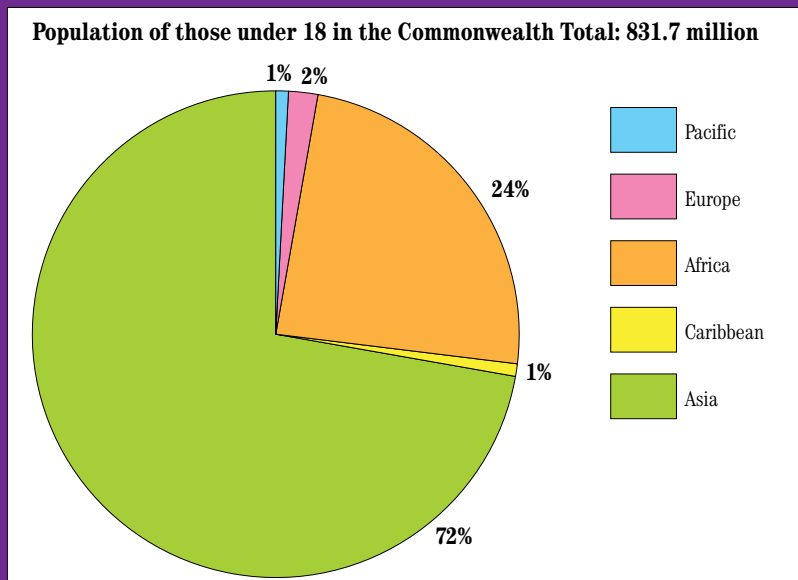




THE RIGHTS OF THE CHILD – SOME INFORMATION ABOUT THE COMMONWEALTH

The following pages present and discuss some key data on the lives of children across the Commonwealth. They are a mixture of good news and bad news: while major challenges remain in delivering the range of rights set out in the Convention, there have been great strides forward that have improved the lives of millions of children.

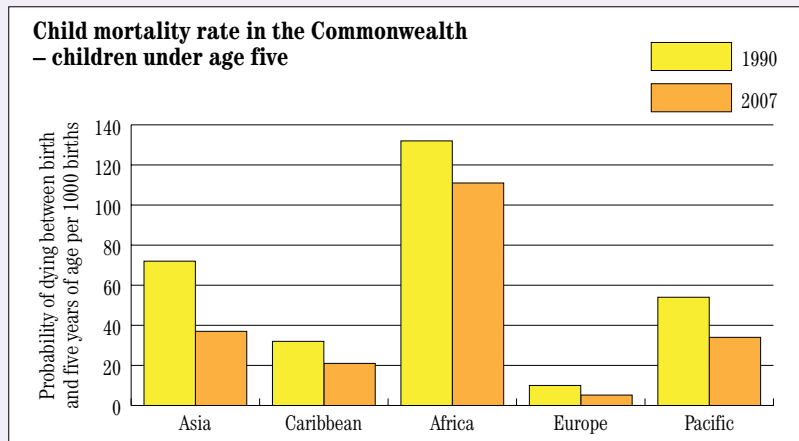
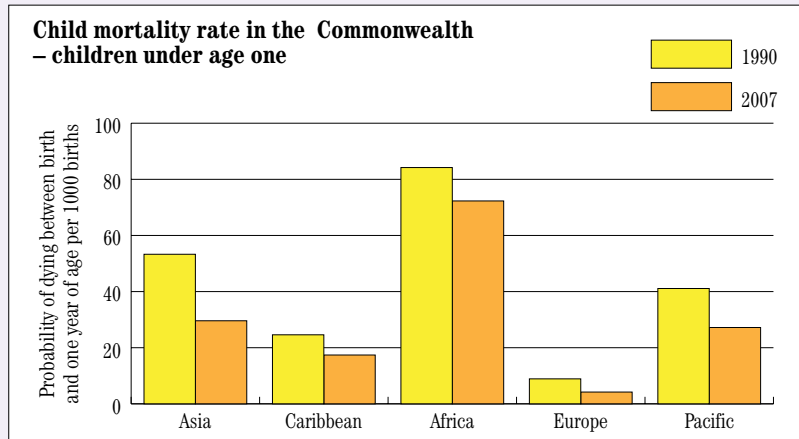
Data on children has not been historically uniform or consistent in quality. The data presented here collates what is reliable and relevant; the periods covered by the data vary according to what is available. Not all aspects of the Convention are addressed here: instead, key issues are briefly explored.



Life

Almost all Commonwealth countries witnessed a reduction in infant and child mortality rates in the period 1990–2007. The infant mortality rate measures deaths of those below the age of one; the rate for children relates to the period from birth to 5 years.

While infant and child mortality rates rose in four member states, they improved dramatically in Malawi, Bangladesh and Maldives during this period.

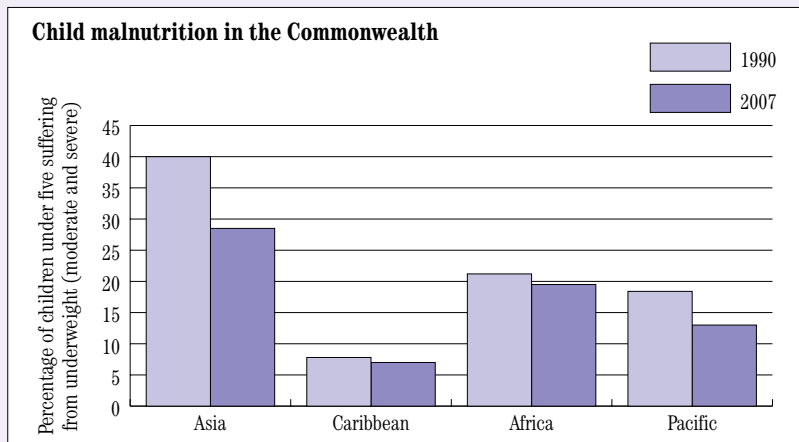


Data information for graphs: Source UNICEF, The State of the World's Children Report 2009 (data 1990 and 2007). Australia and New Zealand are classified as Pacific region countries, and Canada is included in the Caribbean grouping.

Health

Child malnutrition fell in the period 1999–2007 in all regions of the Commonwealth, although in some countries it remained level or increased. In one country more than one-third of children under five were recorded as being seriously under-nourished, according to UNICEF. In another, anaemia affects 74 per cent of children under the age of three and 90 per cent of adolescent girls.

South, south-east Asia and the Pacific region have recorded considerable falls in rates of child malnutrition. Malaysia and Bangladesh saw the largest falls; Ghana and Malawi also recorded significant drops.



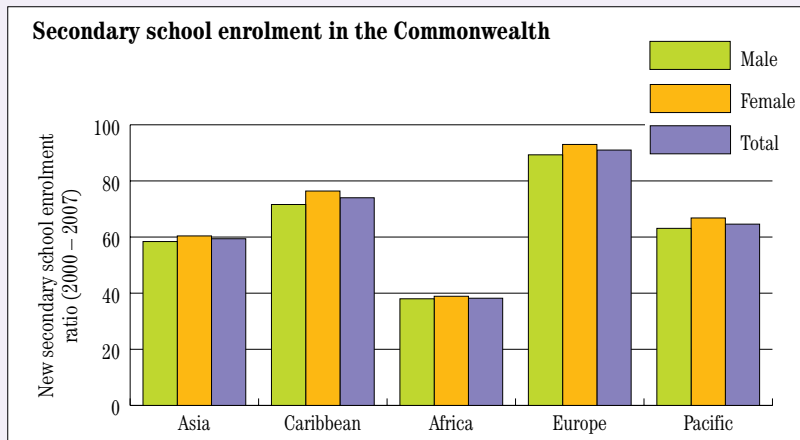
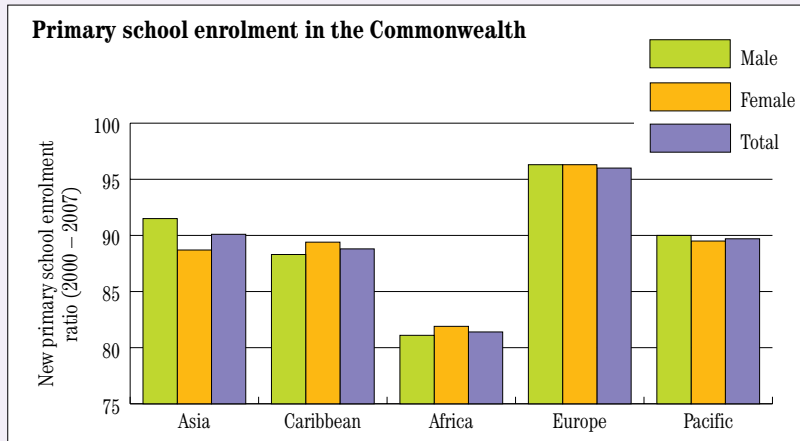
Data information for graph: Source UNICEF, *The State of the World's Children Report 2009* (data 2007); *The State of the World's Children Report 2000* (data 1999). No data were available for Australia, New Zealand, Canada and Europe. Calculations are based on incomplete data in the Pacific.

The number of babies who are underweight at birth remains a cause for concern in south Asia, four African and two Caribbean countries. Great improvements were noted in Papua New Guinea and Bangladesh in the period 1994–2007.

HIV/AIDS has a destructive effect across many Commonwealth states. Sexual abuse of children and mother-to-child transmission of HIV affects the health status of young people. Five Commonwealth countries each have an estimated 1 million or more children who have lost one or both parents to AIDS. In another country, an estimated 220,000 children are infected with HIV, while between 55,000 and 60,000 children are born every year to mothers who are HIV-positive (UNICEF data 2007).

Education

In the vast majority of Commonwealth countries there is a high enrolment rate in both primary and secondary schools.



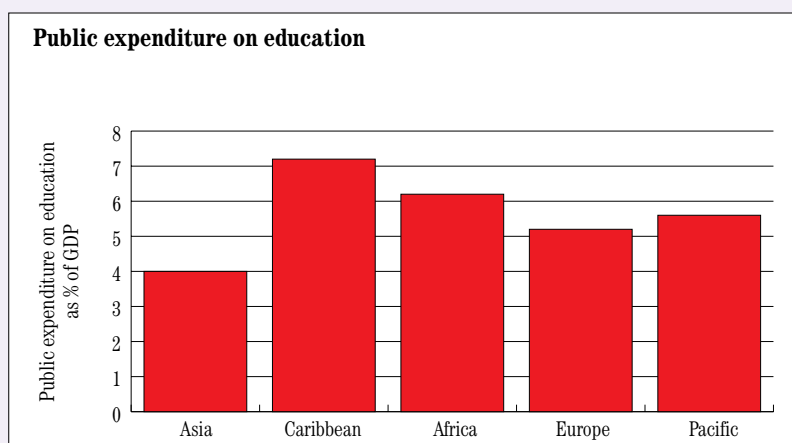
Net attendance means the percentage of children in the age group that officially corresponds to primary/secondary schooling who attend primary or secondary school.

Data information for graphs: Source UNICEF, The State of the World's Children Report 2009 (data 2007) (No data were available for enrolment in secondary school for Canada, Cameroon, Sri Lanka and Singapore and some countries in the Caribbean and Pacific regions. For primary school enrolment, no data were available for Singapore, Antigua and Barbuda, Guyana, Cameroon, Sierra Leone, Nauru, Papua New Guinea, Samoa and Tuvalu.)

In primary education, 23 countries have an enrolment rate of 90 per cent or higher, with two members – Canada and Malaysia – at 100 per cent. Gender differentials remain, most worryingly at levels of 17 percentage points in one state (where boys have a higher enrolment rate) and at 14 percentage points in another (where girls have a higher rate).

In secondary education, achievement for children is more equivocal. The spread of enrolment rates is wide – between 4 and 94 per cent, with 25 Commonwealth states having a rate of 50 per cent or over and 18 below 50 per cent (data are not available for every member state). The lowest enrolment rates are in Africa, followed by countries in the Pacific region and Asia. The highest rates are in Europe and the Caribbean, and in New Zealand, Brunei Darussalam and Seychelles. The gender gap is over ten points in three states; in all of them the enrolment rate is higher for girls than boys.

Investment in education is seen as an indicator of the commitment of governments to promote the right to education.



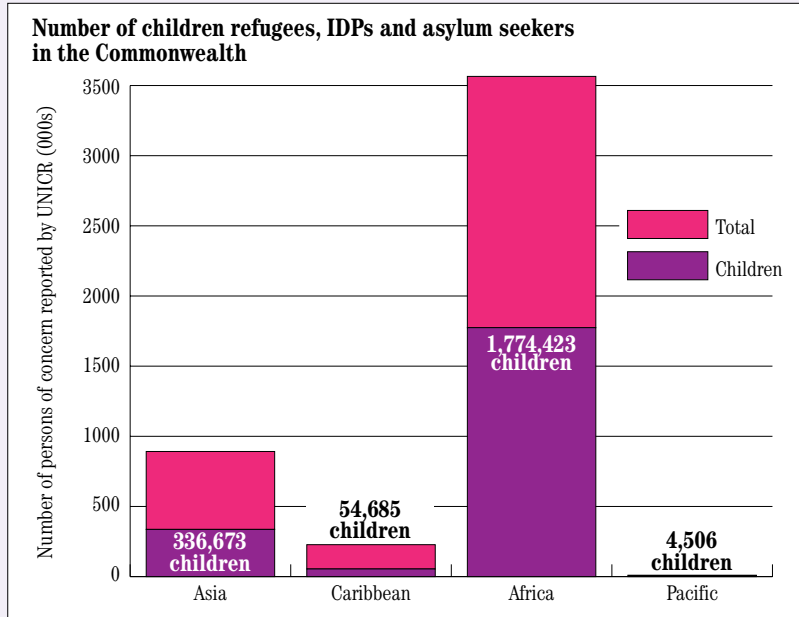
Data information for graph: Source UNESCO (data 2006–2007). (Data not available for Sri Lanka, Brunei, Cyprus and some countries in Africa, the Caribbean and the Pacific region.)

In 2005, the Committee on the Rights of the Child noted with appreciation that education is the largest single item in the Bahamas national budget and that primary and secondary education is free in public schools for all children. The Bahamas also has programmes that ensure that pregnant teenagers are given an opportunity to complete their education.

Displacement

Figures on the number of children who are displaced, refugees or seeking refugee status are not available for all member states.

Data from the UN High Commissioner for Refugees (UNHCR) show that in 21 member states a total number of 2,183,421 children are of concern to the agency; 1,433,480 of these children are located in two member states alone. The distress faced by children in these situations, including separation from their families and limited or no access to health or education, are all issues that link directly to the content of the CRC.

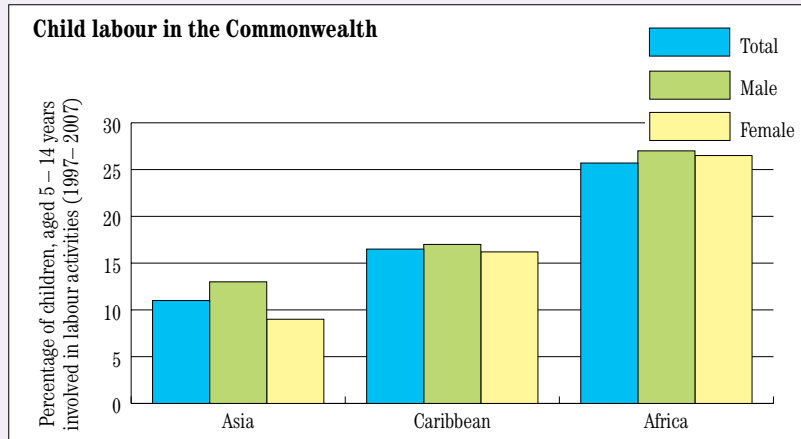


Data information for graph: Source UNHCR (2008). The graph shows the total number of persons of concern to UNHCR defined as refugees, asylum seekers, internally displaced persons, returnees, stateless persons and others of concern. In some cases, demographic indicators are only available for a proportion of the entire group and the percentage of children has been extrapolated to the entire population. Data are only available for one country in the Pacific region and two in the Caribbean, including Canada. Some countries provide only total data to UNHCR without a demographic breakdown (Australia, 23,078; NZ, 2,868; UK, 306,702; Malta, 4,834). These countries are therefore not included in the above graph.

Violence, abuse and exploitation

Globally, one in six children work, and 218 million children aged 5–17 are involved in child labour worldwide. 126 million children work in hazardous conditions. The highest number of child labourers are in the Asia/Pacific region, where there are 122 million working children. The highest proportion of child labourers is in sub-Saharan Africa, where 26 per cent of children are involved in work. (Child Rights Information Network, based on data from the International Labour Organization).

Statistics are not adequately available or reliable for the Commonwealth yet some information is notable. The country considered to have the largest number of child labourers in the world under the age of 14 is a Commonwealth member and is estimated to include 12.6 million children working in hazardous occupations (UNICEF). The proportion of working children aged 5–14 is estimated to be over 30 per cent in six Commonwealth states, including one where it is as high as 48 per cent.

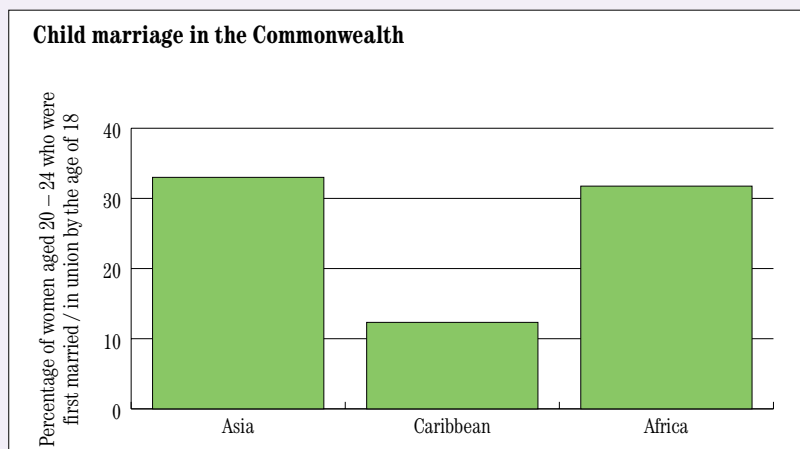


Data information for graph: Source UNHCR and ILO (1999–2007). Graph is compiled based on limited available data. Data are available for 20 countries in the Commonwealth, but unavailable for all European and Pacific region countries.

Attempts to address the issue of child labour include the Bangladesh Labour Law (2006) which specifically prohibits hazardous work for children below 18 years of age. In Ghana, units have been established in 20 districts to investigate child labour and there is a national programme on the elimination of the worst forms of child labour in cocoa-growing areas (Summary of Ghana Universal Periodic Review 2008, CRIN).

The practice of female genital mutilation remains prevalent in a number of Commonwealth states, although it has been recognised² as a harmful traditional practice and a form of violence against girls under Article 24 of the CRC. Surveys of mothers reporting at least one daughter being cut show varying response rates, reaching as high as 64 per cent in one member state.

Data on women aged 20–24 between 1998–2007 who reported being married below the age of 18 (see graph below) indicate rates of over 30 per cent in 11 Commonwealth member states, all in south Asia and Africa.



Data information for graph: Source UNICEF, State of the World’s Children Report 2009 (data 1998–2007). (Data not available for the Pacific region, south-east Asia, Seychelles and Mauritius. Only limited data available for countries in the Caribbean.)

Child trafficking across, from or to the Commonwealth is primarily for forced labour, marriage or exploitation in the sex industry. All regions of the Commonwealth are affected. While girls are a key target group, boys are also trafficked. Sex tourism is a feature in a number of states, both in terms of the tourists who buy and the children who sell/are sold. Often punishments meted out to convicted traffickers are largely inconsequential to them.

Important initiatives that have been taken to combat these forms of exploitation include Australian extraterritorial laws on child sex tourism which provide penalties of up to 17 years imprisonment for Australians convicted of sexually exploiting children under the age of 16. Jamaican efforts on prevention of trafficking and prosecution of traffickers have won praise. At the UN, the Secretary-General

² See also UN General Assembly Resolution 56/128, January 2001 on Traditional or Customary Practices Affecting the Health of Women and Girls. The Resolution reaffirms that: “Such harmful traditional or customary practices constitute a definite form of violence against women and girls and a serious violation of their human rights”.

appointed a Special Representative on Violence Against Children, following the recommendations of the UN Study on Violence Against Children 2006.

The physical punishment of children is increasingly seen as being in contradiction to the CRC. Many countries in the Commonwealth allow corporal punishment of children in schools and/or in the home. Yet debates and changes are ongoing – national debate on the issue is underway in Barbados and consultations and legal changes are underway in Belize. Some countries have amended their laws since they ratified the Convention. Tonga abolished corporal punishment in schools in 2002.

Participation and legislation

Several countries have instituted changes or new initiatives that take seriously the experiences, views and participation of children. Malawi has a National Child Parliament and is planning to decentralise this body to the district level, with the aim of increasing child participation (Committee on the Rights of the Child 2009).

Sierra Leone's Truth and Reconciliation Commission placed particular emphasis on children's participation. Confidential statements were provided by children in all districts of the country. Children, with the support of child protection agencies, testified at district hearings. A two-day thematic hearing on children was held in Freetown. Official submissions from children were provided to the Commission. A child-friendly version of the Commission's study was published. (Machel Study 10-year Strategic Review: Children and Conflict in a Changing World, UNICEF 2009).

Children's Commissions and advocates have been established and the constitutions of some Commonwealth countries have provisions dedicated to the protection of child rights, including Ghana, Uganda and Namibia (Laying the Foundations for Children's Rights, Philip Alston and John Tobin, UNICEF 2005). Children's Commissioners operate in Commonwealth countries, including Australia, Cyprus and New Zealand. Some National Human Rights Commissions have specific provisions to address the rights of children such as in the Maldives and the Child Rights Unit of the Malawi Human Rights Commission.

**ANNEX 1:
TABLE OF RATIFICATIONS OF CRC AND OPTIONAL
PROTOCOLS BY COMMONWEALTH COUNTRIES**



	Convention on the Rights of the Child		Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict		Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography	
	Signature	Ratification or Accession(a)	Signature	Ratification or Accession (a)	Signature	Ratification or Accession (a)
Antigua and Barbuda	12-Mar-1991	05-Oct-1993			18-Dec-2001	30-Apr-2002
Australia	22-Aug-1990	17-Dec-1990	21-Oct-2002	26-Sep-2006	18-Dec-2001	08-Jan-2007
The Bahamas	30-Oct-1990	20-Feb-1991				
Bangladesh	26-Jan-1990	03-Aug-1990	06-Sep-2000	06-Sep-2000	06-Sep-2000	06-Sep-2000
Barbados	19-Apr-1990	09-Oct-1990				
Belize	02-Mar-1990	02-May-1990	06-Sep-2000	01-Dec-2003	06-Sep-2000	01-Dec-2003
Botswana		14-Mar-1995 (a)	24-Sep-2003	04-Oct-2004		24-Sep-2003 (a)
Brunei Darussalam		27-Dec-1995 (a)				21-Nov-2006 (a)
Cameroon	25-Sep-1990	11-Jan-1993	05-Oct-2001		05-Oct-2001	
Canada	28-May-1990	13-Dec-1991	05-Jun-2000	07-Jul-2000	10-Nov-2001	14-Sep-2005
Republic of Cyprus	05-Oct-1990	07-Feb-1991	01-Jul-2008		08-Feb-2001	06-Apr-2006
Dominica	26-Jan-1990	13-Mar-1991		20-Sep-2002 (a)		20-Sep-2002 (a)
Fiji Islands*	02-Jul-1993	13-Aug-1993	16-Sep-2003		16-Sep-2005	
The Gambia	05-Feb-1990	08-Aug-1990	21-Dec-2000		21-Dec-2000	
Ghana	29-Jan-1990	05-Feb-1990	24-Sep-2003		24-Sep-2003	
Grenada	21-Feb-1990	05-Nov-1990				
Guyana	30-Sep-1990	14-Jan-1991				
India		11-Dec-1992 (a)	15-Nov-2004	30-Nov-2005	15-Nov-2004	16-Aug-2005
Jamaica	26-Jan-1990	05-Sep-1991	08-Sep-2000	09-May-2002	08-Sep-2000	
Kenya	26-Jan-1990	30-Jul-1990	08-Sep-2000	28-Jan-2002	08-Sep-2000	
Kiribati		11-Dec-1995 (a)				
Lesotho	21-Aug-1990	10-Mar-1992	06-Sep-2000	24-Sep-2003	06-Sep-2000	24-Sep-2003
Malawi		2-Jan-1991 (a)	07-Sep-2000		07-Sep-2000	07-Oct-2009
Malaysia		17-Feb-1995 (a)				
Maldives	21-Aug-1990	11-Feb-1991	10-May-2002	29-Dec-2004	10-May-2002	10-May-2002
Malta	26-Jan-1990	30-Sep-1990	07-Sep-2000	09-May-2002	07-Sep-2000	
Mauritius		26-Jul-1990 (a)	11-Nov-2001	12-Feb-2009	11-Nov-2001	
Mozambique	30-Sep-1990	26-Apr-1994		19-Oct-2004 (a)		6-Mar-2003 (a)

	Convention on the Rights of the Child		Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict		Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography	
	Signature	Ratification or Accession(a)	Signature	Ratification or Accession (a)	Signature	Ratification or Accession (a)
Namibia	26-Sep-1990	30-Sep-1990	08-Sep-2000	16-Apr-2002	08-Sep-2000	16-Apr-2002
Nauru**		27-Jul-1994 (a)	08-Sep-2000		08-Sep-2000	
New Zealand	01-Oct-1990	06-Apr-1993	07-Sep-2000	12-Nov-2001	07-Sep-2000	
Nigeria	26-Jan-1990	19-Apr-1991	08-Sep-2000		08-Sep-2000	
Pakistan	20-Sep-1990	12-Nov-1990	26-Sep-2001		26-Sep-2001	
Papua New Guinea	30-Sep-1990	02-Mar-1993				
St Kitts and Nevis	26-Jan-1990	24-Jul-1990				
St Lucia	30-Sep-1990	16-Jun-1993				
St Vincent and the Grenadines	20-Sep-1993	26-Oct-1993				15-Sep-2005 (a)
Samoa	30-Sep-1990	29-Nov-1994				
Seychelles		7-Sept-1990 (a)	23-Jan-2001		23-Jan-2001	
Sierra Leone	13-Feb-1990	18-Jun-1990	08-Sep-2000	15-May-2002	08-Sep-2000	17-Sep-2001
Singapore		5-Oct-1995 (a)	07-Sep-2000	11-Dec-2008		
Solomon Islands		10-Apr-1995 (a)	24-Sep-2009		24-Sep-2009	
South Africa	29-Jan-1993	16-Jun-1995	08-Feb-2002	24-Sep-2009		30-Jun-2003 (a)
Sri Lanka	26-Jan-1990	12-Jul-1991	21-Aug-2000	08-Sep-2000	08-May-2002	22-Sep-2006
Swaziland	22-Aug-1990	07-Sep-1995				
Tonga		6-Nov-1995 (a)				
Trinidad and Tobago	30-Sep-1990	05-Dec-1991				
Tuvalu		22-Sep-1995 (a)				
Uganda	17-Aug-1990	17-Aug-1990		6-May-2002 (a)		30-Nov-2001 (a)
United Kingdom	19-Apr-1990	16-Dec-1991	07-Sep-2000	09-Sep-2003	07-Sep-2000	20-Feb-2009
United Republic of Tanzania	01-Jun-1990	10-Jun-1991		11-Nov-2004 (a)		24-Apr-2003 (a)
Vanuatu	30-Sep-1990	07-Jul-1993	16-Sep-2005	26-Sep-2007	16-Sep-2005	17-May-2007
Zambia	30-Sep-1990	07-Jul-1993	29-Sep-2008		29-Sep-2008	

Source: UN Treaty Collection, current at 27 October 2009

* Fiji Islands was fully suspended from the Commonwealth in September 2009

**Nauru is a member in arrears



**ANNEX 2:
THE CONVENTION ON THE RIGHTS OF THE CHILD**

Convention on the Rights of the Child

Preamble

The States Parties to the present Convention,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Bearing in mind that the peoples of the United Nations have, in the Charter, reaffirmed their faith in fundamental human rights and in the dignity and worth of the human person, and have determined to promote social progress and better standards of life in larger freedom,

Recognizing that the United Nations has, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights, proclaimed and agreed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Recalling that, in the Universal Declaration of Human Rights, the United Nations has proclaimed that childhood is entitled to special care and assistance,

Convinced that the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community,

Recognizing that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding,

Considering that the child should be fully prepared to live an individual life in society, and brought up in the spirit of the ideals proclaimed in the Charter of the United Nations, and in particular in the spirit of peace, dignity, tolerance, freedom, equality and solidarity,

Bearing in mind that the need to extend particular care to the child has been stated in the Geneva Declaration of the Rights of the Child of 1924 and in the Declaration of the Rights of the Child adopted by the General Assembly on 20 November 1959 and recognized in the Universal Declaration of Human Rights, in the International Covenant on Civil and Political Rights (in particular in articles 23 and 24), in the International Covenant on Economic, Social and Cultural Rights (in particular in article 10) and in the statutes and relevant instruments of specialized agencies and international organizations concerned with the welfare of children,

Bearing in mind that, as indicated in the Declaration of the Rights of the Child, “the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth”,

Recalling the provisions of the Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally; the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules); and the Declaration on the Protection of Women and Children in Emergency and Armed Conflict, Recognizing that, in all countries in the world, there are children living in exceptionally difficult conditions, and that such children need special consideration,

Taking due account of the importance of the traditions and cultural values of each people for the protection and harmonious development of the child, Recognizing

the importance of international co-operation for improving the living conditions of children in every country, in particular in the developing countries,

Have agreed as follows:

PART I

Article 1

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

1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

Article 3

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.

3. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

Article 4

States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation.

Article 5

States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention.

Article 6

1. States Parties recognize that every child has the inherent right to life.

2. States Parties shall ensure to the maximum extent possible the survival and development of the child.

Article 7

1. The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right 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

1. 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

1. States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents, or one where the parents are living separately and a decision must be made as to the child's place of residence.

2. In any proceedings pursuant to paragraph 1 of the present article, all interested parties shall be given an opportunity to participate in the proceedings and make their views known.

3. States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests.

4. Where such separation results from any action initiated by a State Party, such as the detention, imprisonment, exile, deportation or death (including death arising from any cause while the person is in the custody of the State) of one or both parents or of the child, that State Party shall, upon request, provide the parents, the child or, if appropriate, another member of the family with the essential information concerning the whereabouts of the absent member(s) of the family unless the provision of the information would be detrimental to the well-being of the child. States Parties shall further ensure that the submission of such a request shall of itself entail no adverse consequences for the person(s) concerned.

Article 10

1. 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 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

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

Article 12

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.
2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

Article 13

1. The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.
2. The exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:
 - (a) For respect of the rights or reputations of others; or
 - (b) For the protection of national security or of public order (ordre public), or of public health or morals.

Article 14

1. States Parties shall respect the right of the child to freedom of thought, conscience and religion.
2. States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.
3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.

Article 15

1. States Parties recognize the rights of the child to freedom of association and to freedom of peaceful assembly.
2. No restrictions may be placed on the exercise of these rights other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.

Article 16

1. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, or correspondence, nor to unlawful attacks on his or her honour and reputation.

2. The child has the right to the protection of the law against such interference or attacks.

Article 17

States Parties recognize the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health.

To this end, States Parties shall:

- (a) Encourage the mass media to disseminate information and material of social and cultural benefit to the child and in accordance with the spirit of article 29;
- (b) Encourage international co-operation in the production, exchange and dissemination of such information and material from a diversity of cultural, national and international sources;
- (c) Encourage the production and dissemination of children's books;
- (d) Encourage the mass media to have particular regard to the linguistic needs of the child who belongs to a minority group or who is indigenous;
- (e) Encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being, bearing in mind the provisions of articles 13 and 18.

Article 18

1. States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.

2. For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children.

3. States Parties shall take all appropriate measures to ensure that children of working parents have the right to benefit from child-care services and facilities for which they are eligible.

Article 19

1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

Article 20

1. A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.

2. States Parties shall in accordance with their national laws ensure alternative care for such a child.

3. Such care could include, inter alia, foster placement, kafalah of Islamic law, adoption or if necessary placement in suitable institutions for the care of children. When considering solutions, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background.

Article 21

States Parties that recognize and/or permit the system of adoption shall ensure that the best interests of the child shall be the paramount consideration and they shall:

(a) Ensure that the adoption of a child is authorized only by competent authorities who determine, in accordance with applicable law and procedures and on the basis of all pertinent and reliable information, that the adoption is permissible in view of the child's status concerning parents, relatives and legal guardians and that, if required, the persons concerned have given their informed consent to the adoption on the basis of such counselling as may be necessary;

(b) Recognize that inter-country adoption may be considered as an alternative means of child's care, if the child cannot be placed in a foster or an adoptive family or cannot in any suitable manner be cared for in the child's country of origin;

(c) Ensure that the child concerned by inter-country adoption enjoys safeguards and standards equivalent to those existing in the case of national adoption;

(d) Take all appropriate measures to ensure that, in inter-country adoption, the placement does not result in improper financial gain for those involved in it;

(e) Promote, where appropriate, the objectives of the present article by concluding bilateral or multilateral arrangements or agreements, and endeavour, within this framework, to ensure that the placement of the child in another country is carried out by competent authorities or organs.

Article 22

1. States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties.

2. For this purpose, States Parties shall provide, as they consider appropriate, co-operation in any efforts by the United Nations and other competent intergovernmental organizations or non-governmental organizations co-operating with the United Nations to protect and assist such a child and to trace the parents or other members of the family of any refugee child in order to obtain information necessary for reunification with his or her family. In cases where no parents or other members of the family can be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason, as set forth in the present Convention.

Article 23

1. States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community.

2. States Parties recognize the right of the disabled child to special care and shall encourage and ensure the extension, subject to available resources, to the eligible child and those responsible for his or her care, of assistance for which application is made and which is appropriate to the child's condition and to the circumstances of the parents or others caring for the child.

3. Recognizing the special needs of a disabled child, assistance extended in accordance with paragraph 2 of the present article shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or others caring for the child, and shall be designed to ensure that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development.

4. States Parties shall promote, in the spirit of international cooperation, the exchange of appropriate information in the field of preventive health care and of medical, psychological and functional treatment of disabled children, including dissemination of and access to information concerning methods of rehabilitation, education and vocational services, with the aim of enabling States Parties to improve their capabilities and skills and to widen their experience in these areas. In this regard, particular account shall be taken of the needs of developing countries.

Article 24

1. States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.

2. States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures:

(a) To diminish infant and child mortality;

(b) To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care;

(c) To combat disease and malnutrition, including within the framework of primary health care, through, inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution;

(d) To ensure appropriate pre-natal and post-natal health care for mothers;

(e) To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breastfeeding, hygiene and environmental sanitation and the prevention of accidents;

(f) To develop preventive health care, guidance for parents and family planning education and services.

3. States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.

4. States Parties undertake to promote and encourage international co-operation with a view to achieving progressively the full realization of the right recognized in the present article. In this regard, particular account shall be taken of the needs of developing countries.

Article 25

States Parties recognize the right of a child who has been placed by the competent authorities for the purposes of care, protection or treatment of his or her physical or mental health, to a periodic review of the treatment provided to the child and all other circumstances relevant to his or her placement.

Article 26

1. States Parties shall recognize for every child the right to benefit from social security, including social insurance, and shall take the necessary measures to achieve the full realization of this right in accordance with their national law.
2. The benefits should, where appropriate, be granted, taking into account the resources and the circumstances of the child and persons having responsibility for the maintenance of the child, as well as any other consideration relevant to an application for benefits made by or on behalf of the child.

Article 27

1. States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.
2. The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development.
3. States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.
4. States Parties shall take all appropriate measures to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child, both within the State Party and from abroad. In particular, where the person having financial responsibility for the child lives in a State different from that of the child, States Parties shall promote the accession to international agreements or the conclusion of such agreements, as well as the making of other appropriate arrangements.

Article 28

1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:
 - (a) Make primary education compulsory and available free to all;
 - (b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;
 - (c) Make higher education accessible to all on the basis of capacity by every appropriate means;
 - (d) Make educational and vocational information and guidance available and accessible to all children;
 - (e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.
2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.

3. States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

Article 29

1. States Parties agree that the education of the child shall be directed to:

- (a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;
- (b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;
- (c) The development of 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;
- (d) The 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;
- (e) The development of respect for the natural environment.

2. No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principle set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

Article 30

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

- 1. States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.
- 2. States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.

Article 32

- 1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.
- 2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular:
 - (a) Provide for a minimum age or minimum ages for admission to employment;

- (b) Provide for appropriate regulation of the hours and conditions of employment;
- (c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.

Article 33

States Parties shall take all appropriate measures, including legislative, administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances as defined in the relevant international treaties, and to prevent the use of children in the illicit production and trafficking of such substances.

Article 34

States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

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

Article 35

States Parties shall take all appropriate 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

States Parties shall ensure that:

- (a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age;
- (b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;
- (c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances;
- (d) Every child deprived of his or her liberty shall have the right to 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

1. States Parties undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child.

2. States Parties shall take all feasible measures to ensure that persons who have not attained the age of fifteen years do not take a direct part in hostilities.
3. States Parties shall refrain from recruiting any person who has not attained the age of fifteen years into their armed forces. In recruiting among those persons who have attained the age of fifteen years but who have not attained the age of eighteen years, States Parties shall endeavour to give priority to those who are oldest.
4. In accordance with their obligations under international humanitarian law to protect the civilian population in armed conflicts, States Parties shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict.

Article 39

States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

Article 40

1. States Parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society.
2. To this end, and having regard to the relevant provisions of international instruments, States Parties shall, in particular, ensure that:
 - (a) No child shall be alleged as, be accused of, or recognized as having infringed the penal law by reason of acts or omissions that were not prohibited by national or international law at the time they were committed;
 - (b) Every child alleged as or accused of having infringed the penal law has at least the following guarantees:
 - (i) To be presumed innocent until proven guilty according to law;
 - (ii) To be informed promptly and directly of the charges against him or her, and, if appropriate, through his or her parents or legal guardians, and to have legal or other appropriate assistance in the preparation and presentation of his or her defence;
 - (iii) To have the matter determined without delay by a competent, independent and impartial authority or judicial body in a fair hearing according to law, in the presence of legal or other appropriate assistance and, unless it is considered not to be in the best interest of the child, in particular, taking into account his or her age or situation, his or her parents or legal guardians;
 - (iv) Not to be compelled to give testimony or to confess guilt; to examine or have examined adverse witnesses and to obtain the participation and examination of witnesses on his or her behalf under conditions of equality;
 - (v) If considered to have infringed the penal law, to have this decision and any measures imposed in consequence thereof reviewed by a higher competent, independent and impartial authority or judicial body according to law;
 - (vi) To have the free assistance of an interpreter if the child cannot understand or speak the language used;

(vii) To have his or her privacy fully respected at all stages of the proceedings.

3. 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) The establishment of a minimum age below which children shall be presumed not to have the capacity to infringe the penal law;

(b) Whenever appropriate and desirable, measures for dealing with such children without resorting to judicial proceedings, providing that human rights and legal safeguards are fully respected.

4. A variety of dispositions, such as care, guidance and supervision orders; counselling; probation; foster care; education and vocational training programmes and other alternatives to institutional care shall be available to ensure that children are dealt with in a manner appropriate to their well-being and proportionate both to their circumstances and the offence.

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

States Parties undertake to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike.

Article 43

1. For the purpose of examining the progress made by States Parties in achieving the realization of the obligations undertaken in the present Convention, there shall be established a Committee on the Rights of the Child, which shall carry out the functions hereinafter provided.

2. The Committee shall consist of eighteen experts of high moral standing and recognized competence in the field covered by this Convention.¹ The members of the Committee shall be elected by States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution, as well as to the principal legal systems.

3. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals.

4. The initial election to the Committee shall be held no later than six months after the date of the entry into force of the present Convention and thereafter every second year. At least four months before the date of each election, the Secretary-General of the United Nations shall address a letter to States Parties inviting them to submit their nominations within two months. The Secretary-General shall subsequently prepare a list in alphabetical order of all persons thus nominated, indicating States Parties which have nominated them, and shall submit it to the States Parties to the present Convention.

5. The elections shall be held at meetings of States Parties convened by the Secretary-General at United Nations Headquarters. At those meetings, for which two thirds of States Parties shall constitute a quorum, the persons elected to the Committee shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

6. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if renominated. The term of five of the members elected at the first election shall expire at the end of two years; immediately after the first election, the names of these five members shall be chosen by lot by the Chairman of the meeting.
7. If a member of the Committee dies or resigns or declares that for any other cause he or she can no longer perform the duties of the Committee, the State Party which nominated the member shall appoint another expert from among its nationals to serve for the remainder of the term, subject to the approval of the Committee.
8. The Committee shall establish its own rules of procedure.
9. The Committee shall elect its officers for a period of two years.
10. The meetings of the Committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Committee. The Committee shall normally meet annually. The duration of the meetings of the Committee shall be determined, and reviewed, if necessary, by a meeting of the States Parties to the present Convention, subject to the approval of the General Assembly.
11. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention.
12. With the approval of the General Assembly, the members of the Committee established under the present Convention shall receive emoluments from United Nations resources on such terms and conditions as the as the Assembly may decide.

Article 44

1. States Parties undertake to submit to the Committee, through the Secretary-General of the United Nations, reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made on the enjoyment of those rights
 - (a) Within two years of the entry into force of the Convention for the State Party concerned;
 - (b) Thereafter every five years.
2. Reports made under the present article shall indicate factors and difficulties, if any, affecting the degree of fulfilment of the obligations under the present Convention. Reports shall also contain sufficient information to provide the Committee with a comprehensive understanding of the implementation of the Convention in the country concerned.
3. A State Party which has submitted a comprehensive initial report to the Committee need not, in its subsequent reports submitted in accordance with paragraph 1 (b) of the present article, repeat basic information previously provided.
4. The Committee may request from States Parties further information relevant to the implementation of the Convention.
5. The Committee shall submit to the General Assembly, through the Economic and Social Council, every two years, reports on its activities.
6. States Parties shall make their reports widely available to the public in their own countries.

Article 45

In order to foster the effective implementation of the Convention and to encourage international co-operation in the field covered by the Convention:

(a) The specialized agencies, the United Nations Children's Fund, and other United Nations organs shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their mandate. The Committee may invite the specialized agencies, the United Nations Children's Fund and other competent bodies as it may consider appropriate to provide expert advice on the implementation of the Convention in areas falling within the scope of their respective mandates. The Committee may invite the specialized agencies, the United Nations Children's Fund, and other United Nations organs to submit reports on the implementation of the Convention in areas falling within the scope of their activities;

(b) The Committee shall transmit, as it may consider appropriate, to the specialized agencies, the United Nations Children's Fund and other competent bodies, any reports from States Parties that contain a request, or indicate a need, for technical advice or assistance, along with the Committee's observations and suggestions, if any, on these requests or indications;

(c) The Committee may recommend to the General Assembly to request the Secretary-General to undertake on its behalf studies on specific issues relating to the rights of the child;

(d) The Committee may make suggestions and general recommendations based on information received pursuant to articles 44 and 45 of the present Convention. Such suggestions and general recommendations shall be transmitted to any State Party concerned and reported to the General Assembly, together with comments, if any, from States Parties.

PART III

Article 46

The present Convention shall be open for signature by all States.

Article 47

The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article 48

The present Convention shall remain open for accession by any State.

The instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article 49

1. The present Convention shall enter into force on the thirtieth day following the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.

2. For each State ratifying or acceding to the Convention after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the deposit by such State of its instrument of ratification or accession.

Article 50

1. Any State Party may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to States Parties, with a request that they indicate whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that, within four months from the date of such communication, at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United

Nations. Any amendment adopted by a majority of States Parties present and voting at the conference shall be submitted to the General Assembly for approval.

2. An amendment adopted in accordance with paragraph 1 of the present article shall enter into force when it has been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of States Parties.

3. When an amendment enters into force, it shall be binding on those States Parties which have accepted it, other States Parties still being bound by the provisions of the present Convention and any earlier amendments which they have accepted.

Article 51

1. The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of ratification or accession.

2. A reservation incompatible with the object and purpose of the present Convention shall not be permitted.

3. Reservations may be withdrawn at any time by notification to that effect addressed to the Secretary-General of the United Nations, who shall then inform all States. Such notification shall take effect on the date on which it is received by the Secretary-General

Article 52

A State Party may denounce the present Convention by written notification to the Secretary-General of the United Nations. Denunciation becomes effective one year after the date of receipt of the notification by the Secretary-General.

Article 53

The Secretary-General of the United Nations is designated as the depositary of the present Convention.

Article 54

The original of the present Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations. In witness thereof the undersigned plenipotentiaries, being duly authorized thereto by their respective Governments, have signed the present Convention.

¹ The General Assembly, in its resolution 50/155 of 21 December 1995, approved the amendment to article 43, paragraph 2, of the Convention on the Rights of the Child, replacing the word "ten" with the word "eighteen". The amendment entered into force on 18 November 2002 when it had been accepted by a two-thirds majority of the States parties (128 out of 191).



ABOUT THE HUMAN RIGHTS UNIT

The Human Rights Unit of the Commonwealth Secretariat works to increase awareness of, respect for, and implementation of human rights in the Commonwealth. Declarations by leaders at the biennial Commonwealth Heads of Government meeting provide the mandate for the strategic framework on which the work of the Secretariat's Human Rights Unit is based. These declarations have reaffirmed the commitment of governments to the advancement of fundamental human rights as a core political value of the Commonwealth. The initiatives and activities of the Human Rights Unit continue to evolve to meet the needs and concerns of the Commonwealth.

The Human Rights Unit's programme activities support the attainment of the Secretariat's strategic goal of strengthening democracy and respect for human rights within the Commonwealth. In order to achieve this, the Human Rights Unit undertakes to:

- **Advocate for, and support the efforts of member countries to improve adherence to, compliance with, and implementation of international and regional human rights conventions;**
- **Strengthen (or assist in the establishment of) key institutions in member countries that protect and promote human rights, through technical assistance and policy advice;**
- **Promote human rights education and awareness, including through targeted programmes for the uniformed services, government agencies, the judiciary, the media, and universities – with a particular emphasis on young people;**
- **Assist countries, upon their request, to develop coherent and comprehensive national plans of action for the promotion and protection of human rights, in accordance with national priorities;**
- **Develop, publish and promote best practices on human rights across the Commonwealth;**
- **Collaborate with other international actors and participate in the UN human rights system (including the Human Rights Council);**
- **Advise the Commonwealth Secretary-General on issues related to human rights; and**
- **Integrate human rights standards into all Divisions of the Secretariat.**

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This publication celebrates a milestone in human rights: the twentieth anniversary of the UN Convention on the Rights of the Child (CRC). The CRC acknowledged the modern understanding of childhood; it formulated what children can expect as a set of rights as distinct from welfare or kindness from adults. It enjoys widespread support from states all over the world and is the only one of the eight core human rights treaties with universal support across all 53 Commonwealth member states.

This book examines the importance of child rights and provides an overview of the key themes of the CRC – these themes are brought to life with photos and quotes from children, prominent child rights activists and world renowned personalities. It also provides relevant statistics and data from Commonwealth countries. Much progress has been won for the rights of children in the Commonwealth yet challenges remain. In marking this anniversary of the CRC, this publication highlights the progress and achievements on child rights – outlining how far we have come and how far we still have to go.

ISBN 978-1-84929-011-1



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