

## INTRODUCTION

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### **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decades ago, has meant that the treatment of all human beings as adults, even at an early stage of their lives, has been replaced by the notion that childhood is a time of development and learning, which needs special attention.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 million<sup>1</sup> children in the Commonwealth.

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<sup>1</sup> 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.



