

## The Convention on the Rights of the Child

**Canada** has ratified the Convention on the Rights of the Child, as well as two of the three Optional Protocols to the Convention. Canada has neither signed nor ratified the Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure.

**Adoption:** The Convention was adopted and opened for signature, ratification and accession by UN General Assembly resolution 44/25, November 20, 1989.

**Entry into force:** September 2, 1990

**Number of signatories and ratifications/accessions:** There are 194 state parties to the Convention. Two states have signed but not ratified the Convention. One state has neither signed nor ratified the Convention.

On this page

- Summary information
- History
- Key Provisions
- Canada's commitments and responsibilities
- International monitoring and implementation

### Summary information

The Convention on the Rights of the Child was adopted by the General Assembly of the United Nations in 1989. It entered into force in September 1990 following ratification by the twentieth state party. This led to the establishment of the Convention's monitoring body, the Committee on the Rights of the Child.

The Convention sets out common standards and principles regarding children's rights that are universal in application. However, while laying down common standards, the Convention takes into account the different cultural, social, economic and political realities of individual States so that each State may seek its own means to implement the rights common to all.

There are three optional protocols to the convention:

- The [Optional Protocol to the Convention on the Rights of the Child on Involvement of Children in Armed Conflict](#);
- The [Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography](#);
- The [Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure](#).

## **History**

The Convention on the Rights of the Child was adopted by the General Assembly of the United Nations by its resolution 44/25 of 20 November 1989. This was the end of a process that had begun with the preparations for the 1979 UN International Year of the Child. That year, discussions started on a draft convention submitted by the government of Poland.

The drafting of the Convention took place in a working group set up by the United Nations Commission on Human Rights. Government delegates formed the core of the drafting group, but representatives of United Nations bodies and specialized agencies, as well as a number of non-governmental organizations, also took part in the deliberations.

The rights of children had been discussed before by the international community. Declarations on the rights of the child had been adopted by both the League of Nations (1924) and the United Nations (1959). Also, specific provisions concerning children had been incorporated in a number of human rights and humanitarian law treaties. Nevertheless, some States argued that there was a need for a comprehensive instrument dealing with children's rights that would be binding under international law.

The unanimous adoption of the Convention by the General Assembly in 1989 paved the way for the next stage: ratifications by States and the setting up of a monitoring committee. By September 1990, 20 States had ratified the Convention, leading to its entry into force.

In the same month, the World Summit for Children was held in New York on the initiative of UNICEF and six States (Canada, Egypt, Mali, Mexico, Pakistan and Sweden). By the end of 1990, 57 States had ratified the Convention. In 1993, the UN World Conference on Human Rights held at Vienna declared the goal of universal ratification by the end of 1995. By 31 December 1995, no less than 185 countries had ratified the Convention. This rapid progress in attracting states parties to the Convention is exceptional in the field of human rights.

## Key Provisions

The Convention is rooted in many of the foundational United Nations human rights documents, such as the Charter, the Universal Declaration, and the International Covenants, and aims to adapt these universally accepted principles to the specific circumstances of children. The crucial role of the family is emphasized as the “natural environment for the growth and well-being of children.

The treaty itself is structured to establish universal standards and principles applicable in all states, while allowing flexibility in implementation to take account of state parties’ varying cultural, social, economic and political realities.

The Convention enshrines four key principles that serve to guide national implementation. These are:

- 1) Non-discrimination. Art. 2, States Parties shall respect and ensure that the rights shall be enjoyed by all children within their jurisdiction, irrespective of his/her parent/guardian’s “race, colour, sex, language, religion, political or other opinion, national ethnic or social origin, property, disability, birth or other status.”
- 2) Best interests of the child. Art. 3 is intended to guide state social welfare institutions, courts of law, administrative authorities, etc. States Parties undertake that the best interests of the child shall be a primary consideration.
- 3) The right to life, survival and development. Art. 6 recognizes that every child has the inherent right to life and that States Parties shall ensure to the maximum extent possible the survival and development of the child.
- 4) The views of the child. Art. 12 provides that the views of children shall be given due weight in all matters affecting them “in accordance with the age and maturity of the child.”

The Convention’s detailed provisions cover the responsibilities of the state, the role of the family and in general reinforce rights and responsibilities set out in other human rights instruments while adapting their application to the particular circumstances of children.

Regarding the role of the family, the Convention provides the right of every child not to be separated from their parents except for their well-being. Parents shall have the primary responsibility for a child’s upbringing (with provisions for states providing “appropriate assistance”). Children also are provided the right to a name and nationality from birth.

Some of the key responsibilities of the state include:

- States shall protect children from physical or mental harm and neglect, including sexual abuse or exploitation.
- States will provide parentless children with suitable alternative care.

- Disabled children shall have the right to special treatment, education and care.
- States will ensure the highest attainable standard of health. Emphasis is placed on preventive measures, health education and reduction of infant mortality.
- States shall facilitate the reunification of families by permitting travel into or out of their territories.
- States shall protect children from economic exploitation and from work that may interfere with their education or be harmful to their health or well-being.

A number of provisions relate to the application to children of the state legal and penal system:

- Capital punishment or life imprisonment shall not be imposed for crimes committed before the age of 18.
- Children in detention shall be separated from adults; they shall not be tortured or suffer cruel or degrading treatment.
- Children involved in infringements of the penal law shall be treated in a way that promotes their sense of dignity and aims at reintegration into society.

Some other highlights from the Convention:

- Primary education shall be free and compulsory. Discipline in schools shall respect the child's dignity. Education should prepare the child for life in a spirit of understanding, peace and tolerance.
- Children shall be afforded time for rest, play, and equal opportunities for cultural and artistic activities.
- All efforts shall be made to eliminate the abduction and trafficking of children.
- No child under 15 shall take any part in hostilities.
- Children of minority and indigenous populations shall freely enjoy their own culture, religion and language.

### **Canada's commitments and responsibilities**

Canada has ratified the Convention as well as the Optional Protocols on Involvement of Children in Armed Conflict and on the Sale of Children, Child Prostitution and Child Pornography. The Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure, which establishes a process for children to bring complaints to the Committee on the rights of the Child, was opened for signature in 2012. Canada has neither signed nor ratified this optional protocol. The treaty establishes a Committee on the Rights of the Child which reported in October 2012 on further steps Canada could take to meet its obligations under the Convention.

Canada was among the early states party to the Convention, depositing its instrument of ratification on 13 December 1991.

Canadian reservations. Canada has made two reservations that qualify its acceptance of the provisions of the Convention.

- Regarding Article 21 (which sets out provisions governing systems of adoption to ensure that these “ensure the best interests of the child”), Canada has stated:

*With a view to ensuring full respect for the purposes and intent of article 20 (3) and article 30 of the Convention, the Government of Canada reserves the right not to apply the provisions of article 21 to the extent that they may be inconsistent with customary forms of care among aboriginal peoples in Canada.*

- Regarding Article 37 (c) (which sets out provisions such as arrest, detention, etc., circumstances where children are deprived of liberty), Canada has stated:

*The Government of Canada accepts the general principles of article 37 (c) of the Convention, but reserves the right not to detain children separately from adults where this is not appropriate or feasible.*

Canada has also ratified the Optional Protocols on Involvement of Children in Armed Conflict and on the Sale of Children, Child Prostitution and Child Pornography. The Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure, which establishes a process for children to bring complaints to the Committee on the rights of the Child, was opened for signature in 2012. Canada has neither signed nor ratified this optional protocol.

## **International monitoring and implementation**

The Convention on the Rights of the Child establishes the Committee on the Rights of the Child (CRC), which is a body of independent experts that monitors implementation of the Convention as well as its optional protocols that have entered into force (i.e. Optional Protocols on the involvement of children in armed conflict, and on the Rights of the Child on the sale of children, child prostitution and child pornography).

Reporting responsibilities. States parties undertake to submit to the Committee reports on measures they have adopted which give effect to the rights recognized in the Convention and on the progress in the enjoyment of children’s rights in their territories.

The Committee on the Rights of Child’s procedures aim for a constructive dialogue with governments, which are encouraged to adopt a problem-oriented and self-critical approach in their reports. States are asked to identify “factors and difficulties” affecting their efforts to give effect to the rights provided by the Convention. They are also asked to indicate “implementation priorities” for the coming five-year period.

The Committee meets three times a year. The Geneva-based UN Centre for Human Rights serves as a Secretariat for the Committee. The independent experts are appointed by the states parties to the Convention.

States parties are required to submit reports to the Committee two years after acceding to the Convention and then every five years thereafter. The Committee provides guidelines that contribute to uniformity in state reporting. The Committee examines submissions and provides its concerns and observations in the form of “concluding observations.”

In addition to the work of the Committee as the primary monitoring mechanism, a number of other international human rights bodies contribute to improving respect for the rights of the child in their particular areas of competence. These include many of the treaty bodies charged with monitoring adherence to the core international human rights treaties whose reports supplement information generated by the CRC.

Occasionally the Committee suggests to the UN General Assembly thematic discussions relating to key aspects of the Convention.

The Committee can involve other UN bodies and agencies either by seeking contributions to their reports or requesting assistance for states parties. Civil society organizations also contribute to the work of the CRC at the national and international levels.

The Committee’s most recent [report on Canada \(CRC/C/CAN/CO/3-4\)](#) was released 5 October, 2012. The report includes a number of recommendations for improvements to Canadian implementation of its obligations under the Convention. Widely reported were suggestions for remedying Canada’s Youth Criminal Justice Act following changes that left Canadian laws falling short of international standards. Canada was also chastised for failing to provide adequate social services to aboriginal children and for the disproportionate number of aboriginal children in the criminal justice system.

## **References**

[Office of the High Commissioner for Human Rights \(OHCHR\), Committee on the Rights of the Child](#)

[Convention on the Rights of the Child](#)

[Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography](#)

[Optional Protocol on Involvement of Children in Armed Conflict](#)

[Optional Protocol on a Communications Procedure](#)

[OHCHR Fact Sheet No. 10 \(rev 1\) The Rights of the Child](#)

[CRC/C/CAN/CO/3-4. Concluding observations on the combined third and fourth periodic report of Canada, adopted by the Committee at its sixty-first session \(17 September – 5 October 2012\).](#)

[Child Rights International Network](#)

[Canadian Coalition for the Rights of Children](#)