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Securing Children's rights is the best investement ever!

How to use the UN Convention on the Rights of the Child as a tool to make a better world for children?

Experiences from Norway.

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An investement for the present and
for the future

- A childhood lasts a lifetime
- A childhood lasts for generations



Eglantyne Jebb: "Every war is a war against the Child" (1919)



- Eglantyne was the founder of Save the Children and as early as 1923 she made a draft of what would later become the declaration on the rights of the child.
- She felt strongly that all children should have independent rights. "Even the children of our enemies have rights."



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The Declaration of the Rights of the Child in 1924

- "The mankind owes to the child the best it has to give"



Friedrich Ebert Stiftung Seminar in
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The CRC is special



- The UN Convention on the Rights of the Child is special. Children are particularly vulnerable, and in need of extra protection.
- Incorporating the UN Convention on the Rights of the Child sends the signal that children are to receive special protection and also underline the responsibility of the state to secure all children their rights.



General principles in the Convention of great importance:

- Article 2: Non-discrimination
- Article 3: The best interest of the child
- Article 6: The right to life and development
- Article 12: The right to express his or her view

- These four principles are important for interpreting most of the other articles. F.ex. "The best interest of the child" is important for interpreting the entire Convention.



Challenges:

- **Despite laws - The Convention is vague and states general principles, which makes it necessary to interpret the understanding of the right of the child in each case.**
- **The understanding of CRC is dynamic. This means that national legislation has to be interpreted in light of the CRC and its development, this might give less predictability.**



The Conventions is an important presupposition, but it is not enough:

- There is widespread recognition that the Convention has achieved a new visibility for the rights of children world wide, -and that it has led to advances on many issues in many regions. But there is also ample evidence, for instance from the reporting process under the Convention and from UN agencies and NGOs, that the rights of millions of children are not adequately respected and that States' legal obligations are in many cases not being fulfilled.



Reporting to the UN is an essential tool

- The reporting system established by the Convention is acknowledged to be one of the most effective in the UN system.
- The Convention on the Rights of the Child (CRC) is the only international human rights treaty with a mandatory reporting procedure which does not have, in addition, an existing or draft communications procedure.
- Norway has reported three times, and has every time got severe critics in the concluding observations



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Ex. from the Concluding Observations to Germany february2004 (64rec):

- The Committee advised the State to incorporate the Convention into the Basic Law
- ..to ensure that all national and Länder laws fully conform with the Convention
- ...to establish an adequate permanent national mechanism to coordinate the implementation of the Convention at the federal level, between the federal and the Länder levels and between the Länder
- *The problems of sexual abuse and violence*
- *The Discrimination of foreign Children*
- *The lack of securing CRC rights for Refugee Children*



The incorporation and display of the Convention in Norwegian legislation have both been very important.

- Already in connection with the ratification of the Convention on the Rights of the Child (1991), Norwegian legislation was considered by the government to be in compliance with the Convention on the Rights of the Child.
- The incorporation of the Convention on the Rights of the Child in Norwegian law through the Human Rights Act, entered into force on 1 October 2003.



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The Convention on the Rights of the Child takes precedence:

- The Convention on the Rights of the Child thereby applies as Norwegian law and will have precedence if any conflict should arise between the Convention and national legislation.



- **WHY incorporation?**

- ***Incorporating*** the Convention as Norwegian law particularly because such incorporation is assumed to give the strongest signal that the Norwegian authorities take the Convention seriously.
- It strengthens the legal position of children. Among other things, establishing by law the principle contained in Article 3 of the Convention that the best interests of the child must be a core consideration in *all* matters relating to children.
- The principle of precedence laid down in the Human Rights Act, also gives the provisions of the Convention additional force under Norwegian law.



- ***Implementing*** the Convention on the Rights of the Child in relevant legislation, which is also expressed in the form of guidelines, circulars, etc., makes the rules concerning the rights of the child more easily accessible to users of the regulations and will thereby ensure improved implementation of the Convention in practice.
- Following the incorporation of the CRC - arguments in connection to CRC are more frequently used in courts and in rulings.
- We also see that the Parliament also refers a lot to the CRC in the debates.



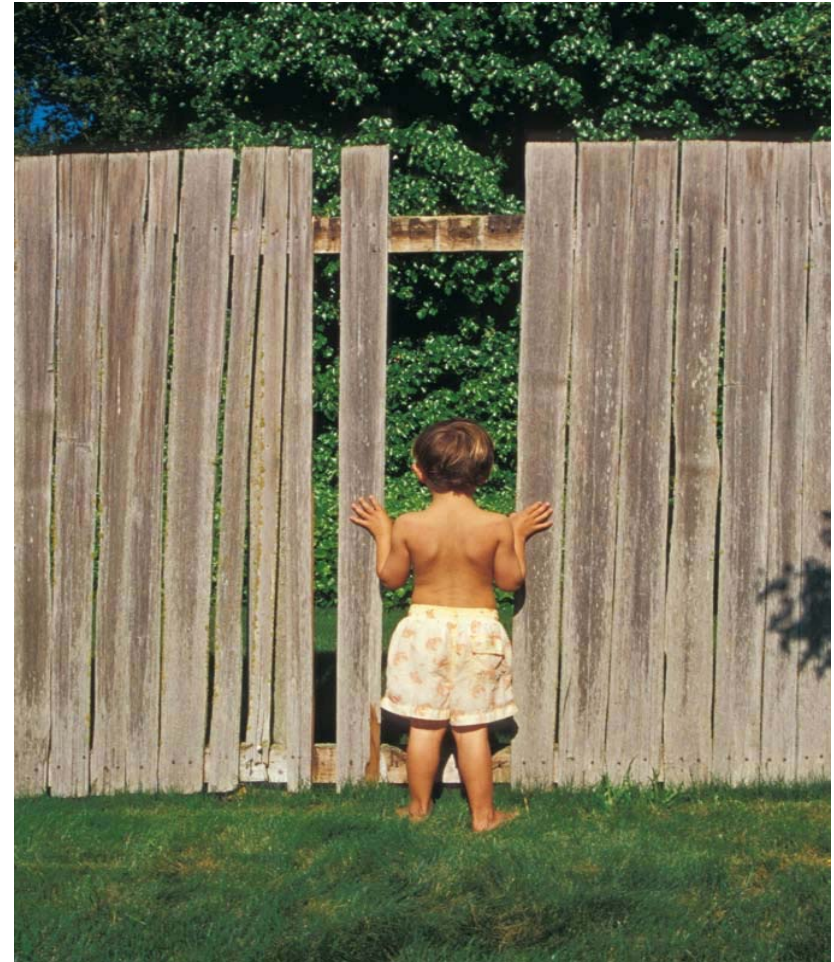
Incorporation has made a big impact in Norway

- It sends an important signal
- The Convention has gained power and validity
- National legislation is in compliance with the Convention
- The Convention is often referred to in court rulings, in public debates, in Parliament etc.
- Incorporation has built competence on the Convention
- Incorporation has provided more power and potential to NGOs and pressure groups



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It takes a village to raise a child



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