



Early
Childhood
Ireland

Children's Rights

Early Childhood Ireland Explainers

What are Children's Rights?

The [United Nations Convention on the Rights of the Child \(UNCRC\)](#) sets out the minimum human rights to which every child should be entitled to. Rights are a series of legal promises to children and young people such as the right to health care and education, the right to be treated equally, and the right to be protected from harm.

Background

Children were historically viewed as smaller, feebler, and less intelligent versions of adults. It is believed that there was no concept of childhood as a distinct part of life before the 16th century. Children were still viewed as the personal property or extensions of their parents up to the first part of the 19th century. By the middle of the 19th century, France gave children special protection. Since 1841, laws were introduced to protect children in the workplace, and in 1881, French laws included the right for children to be educated.

As a result of socio-economic and technological changes in the early 20th century, as well as changes in the conceptualisation of childhood as an important part of life, several social movements developed with the aim of offering some form of protection to children. In 1919, Eglantyne Jebb and Dorothy Buxton founded Save the Children to help alleviate the starvation of children in Germany and Austria-Hungary during the Allied blockade of Germany during and after World War 1.

Jebb went on to draft the [Geneva Declaration on the Rights of the Child](#), which was adopted by the League of Nations in 1924. It outlines how all children should be afforded the right to:

- means for their development,
- special help in times of need,
- priority for relief, economic freedom, and protection from exploitation,
- an upbringing that instils social consciousness and duty.

As a result of World War II, the United Nations (UN) was founded, and in 1948 it established the International Children's Emergency Fund, UNICEF. That same year, the United Nations

General Assembly adopted a slightly expanded version of the **Declaration** that had seven points instead of five. These gave children the right to be protected beyond and above all considerations of race, nationality, and to be cared for with due respect for the family as an entity. The UN General Assembly then expanded on the **Declaration on the Rights of the Child** again in 1959, adopting a new version with 10 points. This new version was influenced by the shortcomings of the Geneva Declaration and by the fact that some members were ailing in their efforts to set these rights out in a Convention, which would be legally binding upon all ratifying nations. The new version included explicit references to a child's right to a name, a nationality, education, and protection from practices that may foster discrimination.

United Nations Convention on the Rights of the Child

The development of the United Nations Convention on the Rights of the Child (UNCRC) began in 1979 when discussions started on a draft Convention submitted by the Polish government. The drafting of the UNCRC was prepared by a working group set up by the UN Commission on Human Rights. The core of the drafting group was made up of government delegates, but representatives of UN bodies, specialised agencies, and Non-Governmental Organisations also took part in deliberations. The original draft Convention submitted by the Polish government went through significant alterations and was expanded throughout the process that lasted 10 years.

The United Nations General Assembly adopted the Convention and opened it for signing on 20 November 1989. 20 nations were required to sign the UNCRC for it to come into force. This number was reached in less than a year and the UNCRC came into force on 2 September 1990. Ireland signed the UNCRC on 30 September 1990 and ratified it on 28 September 1992. To date, 196 countries have ratified the Convention. This includes every member of the UN, except the United States of America.

The UNCRC contains 54 articles that cover the civil, political, economic, social and cultural rights that all children everywhere are entitled to :

- Definition of the child
- Non-discrimination
- Best interests of the child
- Implementation of the Convention
- Parental guidance and a child's evolving capacities
- Life, survival, and development
- Birth registration, name, nationality, and care
- Protection and preservation of identity
- Separation from parents
- Family reunification
- Abduction and non-return of children
- Respect for the views of the child
- Freedom of expression
- Freedom of thought, belief, and religion
- Freedom of association
- Right to privacy
- Access to information from the media
- Parental responsibilities and state assistance
- Protection from violence, abuse, and neglect
- Children unable to live with their family
- Adoption
- Refugee children
- Children with a disability
- Health and health services
- Review of treatment in care
- Social security

- Adequate standard of living
- Right to education
- Goals of education
- Children from minority or indigenous groups
- Leisure, play, and culture
- Child labour
- Drug abuse
- Sexual exploitation
- Abduction, sale, and trafficking
- Other forms of exploitation
- Inhumane treatment and detention
- War and armed conflicts
- Recovery from trauma and reintegration
- Juvenile justice
- Respect for higher national standards
- Knowledge of rights
- How adults and governments must work together to ensure all children can enjoy their rights
- Provision of expert advice and assistance on children's rights from UNICEF

In 2000, the UN General Assembly adopted **two optional protocols** to the UNCRC which States did not have to sign up to. If signed up to these optional protocols, States are obligated to take critical steps to prevent children from partaking in hostilities during armed conflict and to end the sale, sexual exploitation, and abuse of children. It is worth noting that Ireland has not yet ratified the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography.

Another **optional protocol** was adopted in 2011. This optional protocol allowed the Committee on the Rights of the Child to field complaints of child rights violations, including directly from children, and undertake investigations.

Committee on the Rights of the Child

The Committee on the Rights of the Child was created on 27 February 1991. It comprises 18 independent experts who monitor the implementation of the UNCRC by other States. It also monitors the implementation of the optional protocols.

All States are required to submit regular reports to the Committee on the implementation of the Convention. States have to submit an initial report within two years of ratifying the UNCRC, and then regular reports every five years. The Committee examines each report and then makes observations and recommendations to the State. For Ireland this last occurred in 2023. In January, a delegation from relevant government departments went to Geneva for a hearing before the Committee on the Rights of the Child. Prior to the hearing, Ireland submitted a **report** on their progress in implementing the UNCRC. Following the hearing, the Committee on the Rights of the Child released its **report** on Ireland's implementation of the UNCRC. In its report, the Committee expressed concern over the insufficient mental health services for children, the high number of children living in poverty, the low age of criminal responsibility, and access of children to justice.

The Committee can consider individual complaints that allege violations of the UNCRC and its first two optional protocols by states and also carry out inquiries into allegations of grave or systematic violations of rights under the UNCRC and its two optional protocols.

UNCRC General Comments

The UNCRC continues to evolve through the Committee's [General Comments](#). These are recommendations made by the Committee on any issue related to children which it believes that States should pay more attention to. In total, it has adopted 26 General Comment covering areas such as children in the streets situations, implementation of the rights of the child during adolescence, and international migration. Over the years, advocates have criticised the UNCRC for being too western and exclusive, but the General Comments have helped relieve some of these tensions. The most recent General Comment came in August 2023 and covers [children's rights and the environment with a focus on climate change](#). The [UNCRC General Comment No. 7](#) was adopted in September 2005 and covers the implementation of children's rights in early childhood.

