

UNITED NATIONS CHILDREN'S FUND and THE CONVENTION ON THE RIGHTS OF THE CHILD



Sampe Lhalungpa

UNICEF Representative in Turkmenistan



STRUCTURE OF THE PRESENTATION



- Brief background
- Structure of the Convention on the rights of the child
- General principles
- Uniqueness of the CRC

Development of children's rights

- Universal Declaration of Human Rights adopted in 1948
- Second Declaration of child rights adopted in 1959 by the UN general Assembly
- The year 1979 declared International Year of the Child
- Adoption of the Convention on the Rights of the Child



Structure of the Convention on the Rights of the Child

The preamble – provides the context of the Convention

- vulnerability of children
- family responsibility
- reaffirms legal protection for the child before and after birth
- importance of culture and traditions
- emphasises the vital role of international cooperation in securing children's rights



Structure of the Convention on the Rights of the Child

Part I

Consists of article 1-41

Sets out the rights of all children
which include:

- Civil rights and freedom
- Family care
- Alternative care
- Health and welfare
- Education
- Leisure, cultural activities
- Protective measures

(child labour, child trafficking, abuse
and exploitation, and juvenile
justice)



Structure of the Convention on the Rights of the Child



Part II

Comprises of articles 42-45, provides for the monitoring and implementation of the Convention:

- Governments' reporting obligation
- Monitoring role by specialised bodies; UNICEF and other competent bodies

Part III - Articles 46-54, covers the arrangements for entry into force.

General Principles of the CRC



The CRC builds on four general principles, which form the umbrella provisions of the Convention and are important for its overall framework;

These principles provide an approach to the rights of the child that can guide national programmes of implementation.

I. BEST INTEREST OF THE CHILD:

In all actions concerning children, the best interest of the child shall be the major consideration (Art.3)

General Principles

2. **PARTICIPATION:** Article 12 places an obligation on governments to ensure that children's (both boys and girls) views are sought and considered in all matters that affect their lives.
3. **NON DISCRIMINATION:** All rights apply to all children without exception irrespective of sex, age, colour, race, religion, or disability.
4. **SURVIVAL AND DEVELOPMENT:** Every child has a right to life. The state has an obligation to ensure the child's survival and development.

Qualities that make the CRC a unique instrument



1. Process of coming into force:
 - Legal definition of a child:
“A child is a person under 18, unless, under the law applicable to the child majority is attained earlier” (Art. 1)
 - In regard to economic, social and cultural rights, states shall undertake (appropriate legislative, administrative and other measures for implementation of the rights recognised in the Convention) to the maximum extent of their available resources (Art.4)

Qualities that make the CRC a unique instrument

- State parties shall ensure to the maximum extent possible the survival and development of the child (Art. 6 (2))
- State parties undertake to promote and encourage international cooperation with a view to achieving progressively the full realisation of the right recognized in this article (abolishing traditional practices prejudicial to the health of the child) Art. 24 (3)
- Parents and others responsible for the child have the primary responsibility to secure within their abilities and financial capabilities the conditions of living necessary for the child's development (Art 27 (2))
- State parties recognise the right of a child to education, and with a view to achieving this right progressively (Art. 28 (1))

Qualities that make the CRC a unique instrument

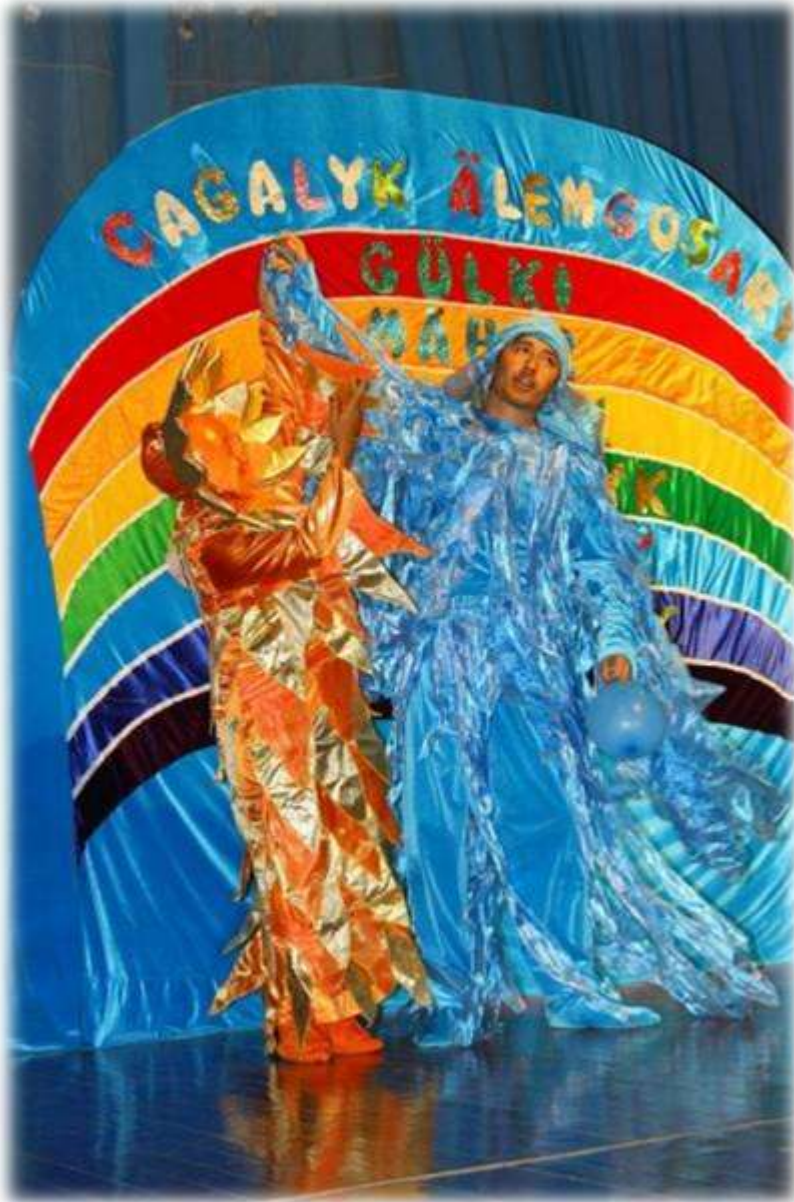
2. Holistic approach; Economic, social and cultural rights which have previously been dealt with separately from civil and political rights in human rights instruments are innovatively brought together in the CRC.
3. Constructive approach; The non-adversarial approach taken to children's rights. The implementation elements of the Convention stresses the need for dialogue, cooperation and constructive action that seeks to promote the spirit of partnership among all those working with and for children.

Using the CRC to make a reality of children's rights

- Fundamental reason for designing the CRC was to ensure the promotion as well as protection of children's well-being.
- Ensuring the promotion of human rights.
- Shift from traditional intervention of needs based approaches to the rights based approach for children.



Applying a rights-based approach



- Putting Children at the centre – recognizing them as rights holders and social actors
- Recognising Governments as primary DUTY Bearers accountable to their citizens including children
- Recognising parents as PRIMARY CARE GIVERS, protectors, guides and supporters
- Giving priority to children and child friendly environments
- Addressing inequalities (class, sex, ethnicity, age, etc.)
- Setting goals in terms of fulfillment of rights

Applying a rights-based approach

- Aiming for sustainable results for children by focusing on not only immediate but root causes of problems
- Using participatory and empowering approaches with children
- Building partnerships and alliances for promotion of the rights of the child
- Counting on international cooperation for a focus on those who are most at risk and discriminated against
- Remember the holistic perspective requires a multi-sectoral response
- Providing a long-term goal which is clearly set out in international legal frameworks shared by governments, donors and civil society
- Encouraging legal and other reform, such as establishment of regular monitoring mechanisms, which create a much greater likelihood of sustainable change

UNICEF Turkmenistan programmes under the CRC

Turkmenistan ratified the CRC in 1994, later two Optional Protocols

1. Survival

- Immunization
- Neonatal Care
- Safe Motherhood
- Nutrition
- PMTCT (HIV prevention)
- IMCI (Integrated Management of Childhood Illnesses)

2. Development

- Early Childhood Development
- Child-friendly Schools
- Social Policy
- Data collection



3. Protection

- Juvenile Justice
- Children with disabilities

4. Participation

- Literature for children
- Cultural events (puppets tours, concerts, contests)
- Participation through media (Gunesh magazine)



Issues to address



- HIV/AIDS
- Disability (Convention on the Rights of Persons with Disabilities ratified by Turkmenistan in 2008)
- Social policy for children – budgeting
- Juvenile justice
- Early childhood development

THANK YOU!

