

An overview of Children's Rights under the United Nations Convention on the Rights of the Child (UNCRC)

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Abstract:

This paper explores the concept of children's rights, tracing its historical evolution from a time when children were largely considered the property of their parents to the modern era where they are recognized as rights-holding individuals. The central focus is the United Nations Convention on the Rights of the Child (UNCRC), the most comprehensive and widely ratified human rights treaty in history. The paper breaks down the core principles of the UNCRC—non-discrimination, the best interests of the child, the right to life, survival and development, and the right to participation—into simple, relatable terms.

It examines key areas of implementation, including education, protection from violence, and the challenges in the digital age. Finally, it discusses the ongoing challenges and the crucial role of governments, communities, and families in transforming the promises of the Convention into a reality for every child.

1. Introduction:

Why Do Children Need Special Rights?

For much of history, children were seen as miniature adults or as the property of their parents, particularly their fathers. They had few legal protections and their well-being was often left to the discretion of the adults in their lives. The industrial revolution, for instance, saw young children working in dangerous factories for long hours. The 20th century, however, marked a significant shift in thinking. The devastation of two world wars highlighted the vulnerability of children and led to a global consensus that children, due to their dependence and developmental needs, require special care and protection. Children's rights are not about giving children unlimited freedom to do whatever they want. Instead, they are a set of promises made by adults and governments to ensure that every child can grow up in a safe, healthy, and nurturing environment. These rights are based on the fundamental idea that children are human beings with their own dignity, who are entitled to certain things simply because they are children. This paper will argue that the international framework for children's rights, led by the UNCRC, represents a monumental achievement, but its full realization requires continuous effort at all levels of society.

2. Historical Context and Evolution

The journey toward a comprehensive child rights treaty began in the aftermath of World War I. Eglantyne Jebb, founder of Save the Children, drafted the 1924 Declaration of Geneva, which was the first international document to acknowledge that "mankind owes to the Child the best that it has to give." While the UN adopted a subsequent Declaration of the Rights of the Child in 1959, these documents were non-binding and largely aspirational. The push for a binding legal framework gained momentum in 1979, the International Year of the Child, when Poland proposed a draft convention. Over the next decade, a diverse working group of diplomats and NGOs collaborated to reconcile different

legal and cultural perspectives, eventually leading to the UN General Assembly's unanimous adoption of the UNCRC on November 20, 1989.

3. The Four Core Guiding Principles

The UNCRC is built upon four foundational principles that serve as the lens through which every other article must be interpreted. These principles ensure that the treaty is applied holistically rather than as a collection of isolated rights.

Non-Discrimination (Article 2)

This principle mandates that all rights within the Convention apply to every child, regardless of race, color, sex, language, religion, political opinion, national or social origin, property, disability, or birth status. It places a proactive obligation on states to identify the most marginalized groups of children—such as refugees, indigenous children, or children with disabilities—and ensure they have equal access to the protections offered by the law.

The Best Interests of the Child (Article 3)

Perhaps the most cited provision in family law globally, Article 3 requires that in all actions concerning children, whether undertaken by public or private social welfare institutions, courts, or legislative bodies, the “best interests of the child” must be a primary consideration. This creates a flexible yet powerful standard that forces decision-makers to evaluate how their choices impact the child’s well-being and development.

The Right to Life, Survival, and Development (Article 6)

Beyond simply ensuring that children are not killed, this article compels states to ensure the “maximum extent possible” the survival and development of the child. This includes holistic development—physical, mental, spiritual, moral, psychological, and social. It serves as the legal basis for state intervention in providing healthcare, nutrition, and a safe environment for growth.

Respect for the Views of the Child (Article 12)

This principle establishes the child’s right to participate in society. It states that children who are capable of forming their own views have the right to express those views freely in all matters affecting them. Crucially, these views must be given “due weight” in accordance with the age and maturity of the child. This article represents the shift from seeing the child as a passive recipient of care to an active participant in their own life.

4. Functional Categorization: The “3 Ps”

To simplify the 54 articles of the UNCRC for policy and advocacy, scholars often group them into the “3 Ps”: Provision, Protection, and Participation.

Provision

These rights focus on the resources and services necessary for a child to survive and thrive. This includes Article 24 (the right to the highest attainable standard of health), Article 28 (the right to education), and Article 27 (the right to an adequate standard of living). States are expected to use their

“maximum extent of available resources” to provide these essential services, acknowledging that economic development is a prerequisite for fulfilling these rights.

Protection

These articles are designed to safeguard children from specific forms of harm. Article 19 protects children from all forms of physical or mental violence, neglect, and exploitation. Other articles address specific threats, such as Article 32 (child labor), Article 34 (sexual exploitation), and Articles 37 and 38, which deal with the protection of children in the justice system and those affected by armed conflict.

Participation

This category empowers children to engage with the world around them. It includes Article 13 (freedom of expression), Article 14 (freedom of thought, conscience, and religion), and Article 15 (freedom of association). Participation rights are often the most difficult for states to implement, as they require a cultural shift in how adults perceive the authority and agency of children within the family and the community.

5. Monitoring and Accountability Mechanisms

The implementation of the UNCRC is overseen by the Committee on the Rights of the Child, a body of 18 independent experts based in Geneva. Unlike a court, the Committee does not have the power to penalize states directly; instead, it uses a reporting and monitoring process. Every five years, ratifying states must submit a progress report. The Committee also receives “shadow reports” from NGOs to get an unbiased view of the situation on the ground. Following a review, the Committee issues “Concluding Observations,” which highlight areas of concern and provide specific recommendations for legal and policy changes. Additionally, the Third Optional Protocol allows children to bring individual complaints to the Committee if their rights have been violated and domestic remedies have failed.

6. Critical Challenges and Implementation Gaps

Despite its universal acclaim, the UNCRC faces significant structural and cultural obstacles. One of the primary challenges is cultural relativism, where some states argue that international standards conflict with local traditions, religious laws, or family values. This often leads to “reservations,” where a country ratifies the treaty but opts out of specific articles (such as those regarding freedom of religion or gender equality). Furthermore, economic constraints in the Global South often make the “Provision” rights aspirational rather than actualized. Finally, the United States’ failure to ratify the treaty due to concerns over national sovereignty and parental rights remains a significant symbolic gap in the Convention’s universal authority.

7. Conclusion

The United Nations Convention on the Rights of the Child has been the catalyst for more legislative changes for children than any other international agreement. It has led to the banning of corporal punishment in dozens of countries, the dramatic reduction of child mortality, and the near-universalization of primary education. However, the gap between the legal text and the lived reality of

millions of children particularly those in conflict zones or extreme poverty remains vast. The future of the UNCRC depends not on further drafting, but on the political will of states to move beyond rhetoric and treat the “Best Interests of the Child” as a non-negotiable priority in global governance.

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