



Implementing the United Nations Convention on the Rights of the Child

Global Successes and Challenges

by Edna Runnels Ranck, with Pam Boulton and Ellen Hall
 World Forum Foundation Working Group on Children's Rights



This is the second of three articles by members of the World Forum Foundation's Working Group on Children's Rights (WGCR), which together explain the core principles of the United Nations Convention on the Rights of the Child (UNCRC), explore a range of children's rights issues, and invite you to join our project.

The first article, "A Beginning — Images of Rights: Children's Perspectives Project" (*Exchange*, March/April 2016) introduced the UNCRC, the Working Group on Children's Rights, and the Images of Rights Project. This article will discuss the history of children's rights and the development of the UNCRC, including its three categories:



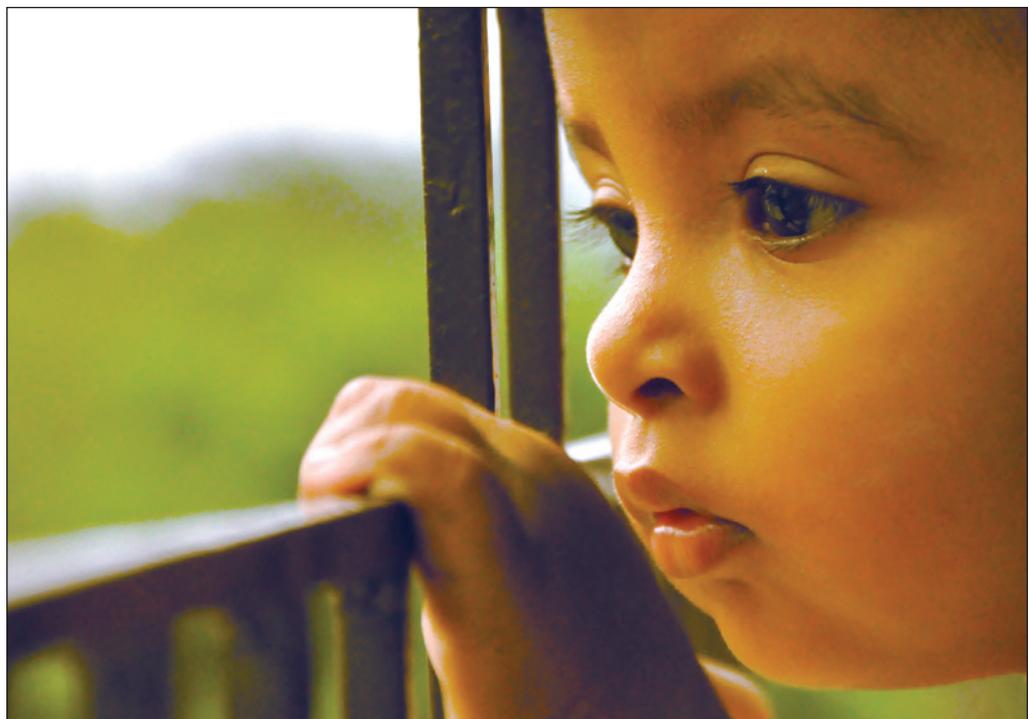
Edna Ranck, Ed.D., is a past president of OMEP-USA and former director of public policy and research for NACCRRRA, now Child Care Aware of America. She is an early education historian and a consultant in Washington, DC, for early childhood education best practices, public policy, and advocacy. Contact edna.ranck@verizon.net.



Pam Boulton, Ed.D., is an Instructor for the Center for Early Childhood Professional Development and Leadership in the UW-Milwaukee School of Continuing Education and is the Milwaukee Director for the Wisconsin Early Childhood Association (WECA). Pam focuses on leadership development within the early childhood field.



Ellen Hall, PhD, Founder and Executive Director, Boulder Journey School and Boulder Journey School Teacher Education Program in Boulder, Colorado. Her research focuses on Boulder Journey School's applied philosophy of supportive social learning and on children's rights, with an emphasis on children's right to participation.



Provision, Protection, and Participation. The article also highlights how several countries have implemented the UNCRC. Early in 2017, the third article will address strategies for action on behalf of children's rights and remind readers to continue contributing to the project.

Past as Prologue

Discussion about children's rights began in the late 19th century, largely as a result of changing views of and beliefs about children, particularly in Western Europe and North America. Writers and thinkers like Kate Douglas Wiggin in the United States (Wiggin, 1898) and Ellen Key in Sweden (Key, 1909) published writings on children's rights at the turn of the 20th century. These and other writings acknowledge not only children's inherent rights, but also the denial of rights because of ignorance or limited knowledge about child development (Hall & Rudkin, 2011). International recognition of children's rights began with the League of Nations' Geneva Declaration of the Rights of the Child in 1924, and continued with the United Nations declarations on human rights in 1948 and children's rights in 1959.

In 1979, Hillary Rodham (Clinton), formerly a staff attorney with the Children's Defense Fund (CDF) and author of law review articles on children's rights, wrote "...in the field of children's rights, we are not dealing primarily with existing legal rights but with children's needs and interests and attempts to transform these into enforceable rights" (Rodham, 1979, p. 21). Rodham described children's competency and responsibility commensurate with recognized rights. Her work offered glimmers of concern expressed a decade later in the UNCRC: "Interested adults [advocates] should be alerted to the work that must be done to inform the public and decision

makers about children's needs, interests, rights, and responsibilities and to secure positive action" (p. 35).

Today's World and Children's Rights

By 1989, decades of consideration of children's rights culminated with the declaration of the United Nations Convention on the Rights of the Child (www.ohchr.org/Documents/ProfessionalInterest/crc.pdf). One hundred and ninety-five members of the United Nations have since ratified the UNCRC; only the United States has not. (For information about the United States' efforts toward ratification, go to www.childrightscampaign.org)

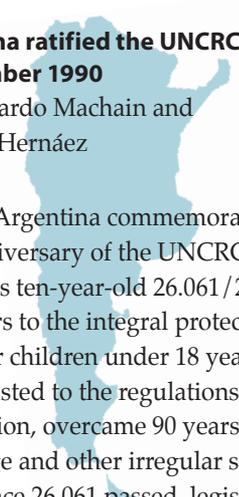
Each of the 54 articles that follow the 12-point Preamble of the UNCRC fall into one of three categories of children's rights:

- "Provision is the right of access to resources, skills, and services that are necessary for children to survive and thrive.
- "Rights of Protection stipulate that all children be free from exploitation and abuse by adults or institutions that seek to threaten their health or dignity.
- "Rights of Participation acknowledge that children should be actively involved and engaged in their communities, including the processes that lead to the realization of their rights, and thus have a direct impact on decisions that affect them" (Greenwood, et al., 2016, p. 20).

Asked to comment on the effect of the UNCRC in their country, World Forum Community members offered the following:

Argentina ratified the UNCRC on 4 December 1990

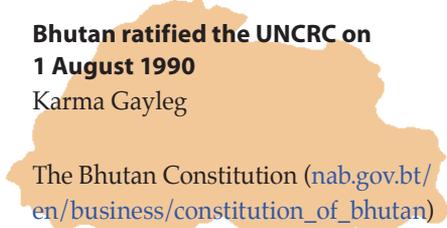
José Eduardo Machain and Carmen Hernández



In 2015, Argentina commemorated the 25th anniversary of the UNCRC, as well as its ten-year-old 26.061/2005 law that refers to the integral protection of rights for children under 18 years. This law, adjusted to the regulations of the Convention, overcame 90 years of child patronage and other irregular situations. Since 26.061 passed, legislative reforms have expanded childhood rights: the right to vote at 16 years old, the universal allowance per child for social protection, communication rights for childhood, and criminal law prohibiting child labor. Other rights include gender identity, obligatory early childhood education for four-year-olds, and breast feeding promotion, all implemented at the national and provincial levels. Since the approval of the National Education Law (26.206/2006), early school education has been established as a pedagogical unit serving children from 45 days old to five years old. This led to a 24.2% increase in enrollment in 2011-2013, almost 100% attendance of three- and four-year-old children.

Bhutan ratified the UNCRC on 1 August 1990

Karma Gayleg



The Bhutan Constitution (nab.gov.bt/en/business/constitution_of_bhutan) places great importance on children's rights: "The State shall endeavor to take appropriate measures to ensure that children are protected against all forms of discrimination and exploitation, including trafficking, prostitution, abuse, violence, degrading treatment, and economic exploitation." (Article 9[18]). Principal 4 of the Child Care and Protection Bill of Bhutan, 2011 (mindbank.info/item/5709), solidifies the country's position on UNCRC Article 2: that children shall be treated fairly and

equally with respect and dignity and shall not be discriminated against on the grounds of “race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth, or other status.” The practical application of the article is articulated in all policies related to children. The national policy for early childhood development emphasizes the right to holistic programmes and services for all children, including those with special needs, which is earnestly being followed in policy and practice.

Japan ratified the UNCRC on 22 April 1994

Mari Mori

The Japanese government and agencies related to children have endeavored to promote and protect the precious lives of all children. Domestic laws provide that all children are entitled to national health care insurance coverage. Health examinations are provided free of charge at elementary and secondary schools with nine years of compulsory education. After experiencing the Great East Japan Earthquake in 2011, non-governmental organizations (NGOs) collaborated with UNICEF and Save the Children to support children’s mental health services, play space, and social welfare. However, corporal punishment by parents; child pornography; and discrimination based on gender, ethnicity, poverty, and special needs are major issues we continue to work on.

Malaysia ratified the UNCRC on 17 February 1995

Anne Sivanathan

Article 23 of the UNCRC recognizes that a “disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance, and facilitate the child’s active participation in the community.” Malaysia is falling behind in meeting the needs and upholding the rights of children with disabilities. Our

Media References on Issues of Children’s Rights

Children’s rights issues appear in leading newspapers and electronic sources, although not always specifically mentioning children’s rights. A few important media references to rights are included here:

Ryan, J. E. (January 2006). “A Constitutional Right to Preschool,” in *California Law Review*, 94(1). Available:

<http://scholarship.law.berkeley.edu/californialawreview/vol94/iss1/2>

Ryan’s article is of interest to educators in the United States in the context of expanding Pre-K programs and services in public and public charter schools. A constitutional right to preschool also raises the issue of group care and education of children under three years of age.

Dvorak, P. (2012, May 19). Transgender at five. *The Washington Post*.

This and other columns about Tyler published since 2012 have described a Maryland family’s journey from their daughter’s announcement at the age of two that “she was a boy.” Not everyone, even in their family, believed a transgender child has the right to claim a gender different from biology. Tyler is now nine and in the third grade of a public school. He has attended a preschool and four years of elementary school as a boy. The transgender family group begun by his parents has 30 members. The latest column reported Tyler’s views of laws determining the use of public bathrooms.

Healy, J., et al. (2016, May 5). One Week in April, Four Toddlers Shot and Killed Themselves. *The New York Times*.

That two- and three-year-old children can shoot and kill themselves and others (two two-year-olds have shot and killed their mothers in the past year) is almost unbelievable. Does a child not have the right to be protected from easy exposure to lethal firearms?

Markon, J. (2016, March 6). Toddlers representing selves in court? Justice Department official says three- and four-year-olds can learn immigration law. *The Washington Post*.

The Editorial Board. (2016, March 8). Migrant children deserve a voice in court. *The New York Times*.

Markon, J. (2016, March 16). Former judges attack claim that toddlers can represent selves. *The Washington Post*.

The articles and editorial report on distortion or misunderstanding of the rights of children who have no court-appointed legal representation. The consensus is that the judge who claimed he had taught preschool children of three or four to defend themselves, most of whom did not speak English, was in error (not everyone agreed) and that the government needed to appoint a court-ordered attorney for the children. A law introduced in Congress to accomplish that goal has not yet passed.

“Images of Rights: Children’s Perspectives Project”

The mission of the World Forum Foundation Working Group on Children’s Rights (WFF/WGCR) is to promote the rights of the child through study, reflection, and dissemination of information about the multiple perspectives and contexts for children’s rights.

Children’s daily experiences of the rights of provision, protection, and participation form the fabric of their lives. These rights are not experienced as the political, debated processes through which adults make decisions and form policies, but in a more elemental way. Feeling safe, having food and shelter, having a sense of place and community and family, are integral to a child’s sense of well-being. When these basic needs are lacking or insecure, children are aware of it. Whether or not they can verbally articulate their rights, children experience the presence or absence of rights viscerally in their everyday lives, and they have the capacity to express these experiences and understandings through the images they make and the stories they tell.

By collecting photos of children’s art in any media from around the world, the Images of Rights: Children’s Perspectives Project will give visibility to how children express their experiences of rights. With each photo, we will ask for the child’s story about his art and a significant adult’s interpretations on how it relates to provision, protection, and participation. Once collected, we will make the photos available through the World Forum website and other media, as a tool to engage families, educators, politicians, UN and nongovernmental organization officials, and community leaders. By giving visibility to the ways that children experience their rights to provision, protection, and participation, we hope to initiate deeper dialogues on children’s rights, and in doing so, better understand how to provide for children’s well-being through the application of the UNCRC.

We invite you to contribute.

Learn more, submit children’s artwork and stories, and view our gallery: worldforumfoundation.org/images-of-rights

Protection:
The House Protects
the Animals

“The house protects the animals from the rain and snow. They do not like to be cold. The animals stay inside. The bears are the moms and daddies. They keep the little animals warm and if the babies get lost, they get them back.”
(Boy, age 4, United States)



Protection: Response to Earthquake in Nepal

“This is a picture drawn by a child immediately after an earthquake in Nepal. The children were requested to reflect their feelings at the time of earthquake. This picture tells that she was afraid and running for a safe place. She was thinking about the house, as many casualties happened due to building collapse. She was running away from the house to herself.”

(Girl, age 5, Nepal)



Protection: In Case You Get Lost

“The lake and swings and sandbox in case you get lost.”
(Girl, age 3, United States)



Participation: I Have All My Friends in My Head

“I have all my friends in my head.”
(Girl, age 4, United States)

Federal Constitution does not legally acknowledge disabled children and even if not 'legal' to do so, discrimination happens. Children with disabilities are mentioned in the national policy for children, but the provisions of The Child Act of 2001 and The Disability Act of 2008 are not strong enough to meet the developmental needs of children. Thus, a huge gap remains in fulfilling the rights of children with disabilities. While Special Needs Schools and mainstream Preschool Primary/Secondary schools are available, insufficient numbers of schools and classrooms are available, largely because of a lack of funds, knowledge, priorities, and commitment. Malaysia must learn to 'see the child and not the disability!'

Nepal ratified the UNCRC on 14 September 1990

Kishor Shrestha

To ensure children's rights and guarantee the protection of children, the Government of Nepal has promulgated "Nepal's Children's Act (1992) and "Child Labour Prohibition and Regulation Act (2000)." The Children's Act established the Central Child Welfare Board (CCWB) and District Child Welfare Boards (DCWB) in each district. The CCWB supervises, monitors, and takes necessary actions to ensure the protection of children. Every year, it prepares and submits to the Government of Nepal a nation-wide report based on the reports of DCWBs. To ensure children's rights of participation in decision-making, the government has established Child Clubs and Child Rights Forums. To date, 19,454 child clubs and forums, 66 district level child networks, 95 area-specific child networks, and 1,244 local village level (VDC) child networks have been established.

Norway ratified the UNCRC on 8 January 1991

Lita Haddal

Article #12: Norway made history when it incorporated the UNCRC into Norwegian law in 2003, superceding existing law so that the entire UNCRC is now law (Law No. 86, August 1, 2003).

Articles #13 and #14 have had ramifications for early childhood educators who adhere to a national curriculum framework, laying guidelines on values, content, and tasks in child care. Specific language addresses children's rights to participate in and decide over their lives spent in child care (Ministry of Education and Research, March 1, 2006).

Article #19: 1) Strengthened the Parent and Child Act, prohibiting spanking as a disciplinary measure and making it punishable by law. (Article 30[3] of the Parent and Child Act, amended 2010.) 2) Authorized the 1981-mandated Children's Ombud (ombudsman) to be the watchdog for the CRC, promoting and safeguarding children's interests in proposed legislation and political decisions. The Ombud has a dedicated telephone number and website for children and youth to contact about their problems, thereby giving their issues a more prominent place on the political agenda.

Singapore ratified the UNCRC on 5 October 1995

Lily Wong

The Singapore Ministry of Family Services (formerly Community Development and Sports) published a booklet in 2002 recognizing the need for children in Singapore to understand the concept of rights... and be empowered to act on behalf of their own rights and those of others. The booklet was distributed to all preschools, families, social service centers, children and youth centers, and schools. All teacher education for ECCE

institutes must include the study of the UNCRC.

The UNCRC articles are presented in a simplified manner... to have children understand the notion of children's rights: 1) Children will not be discriminated against; 2) Children have the right to survival in all aspects of their lives; 3) The best interests of the child must be a primary consideration in all decisions and actions affecting... children; and 4) Children should be allowed to express their opinions, especially in matters concerning them.

Uganda ratified the UNCRC on 17 August 1990

Hilda Kalekyezi Nankunda

The government of Uganda domesticated the UNCRC (1989) into the Constitution of Uganda (1995) under Article 34. Policy development in the social sector also recognizes provisions of the UNCRC. However, there has been inadequate law enforcement and implementation of policies. The Children's Act of 2003 resulted in the establishment of the Children and Family Protection Units (CFPUs) as a department in the police institution as one way of enhancing promotion, protection, and respect for children's rights. CFPUs are in all districts and police posts in the country. Literature and discussion with two districts revealed these units are poorly facilitated to receive and manage children's cases, and they are inadequately funded. They are not accessed by children for redress; however, the CFPUs are close to the children and have potential to ensure protection of children's rights.

Conclusion

It is clear that the UNCRC contributes to worldwide efforts to ensure children's rights, and that it also takes intentional work on the part of all of us to make these efforts successful. In keeping with

the mission of the World Forum Foundation Working Group on Children's Rights, we invite you to study current articles on the topic, including this series of three articles, the Beginnings Workshop on Children's Rights (*Exchange*, May/June 2009), and Focusing on Rights (*Exchange*, July/August 2013), which contains numerous articles on children's rights. We encourage you to reflect on other sources about children's rights, and we ask you to help us disseminate information and perspectives about children's rights by contributing to the Images of Rights: Children's Perspectives Project. Visit worldforumfoundation.org/images-of-rights to learn more about the project and how to submit photos of artwork from children in your family, neighborhood, or classroom, which illustrate how children experience provision, protection, and participation. These submissions will become part of a global gallery of images and stories to expand our understanding of children's rights by thoughtfully observing the experiences and expressions of the children themselves.

The Working Group on Children's Rights invites you to join our sessions at the 2017 World Forum on Early Care and Education to convene in Auckland, New Zealand, May 9–12, 2017. Please read more: www.worldforumfoundation.org

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