



Children's Rights

Explained simply by logo!



Bundesministerium
für Familie, Senioren, Frauen
und Jugend



About this publication:

Published by:
Federal Ministry of Family Affairs,
Senior Citizens, Women and Youth
Public Relations Division
11018 Berlin
Germany
www.bmfsfj.de



Order from:
Publications Office of the German Federal Government
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E-mail: info@bmfsfjservice.bund.de

Main agency number: 115*
Access to the 115 sign-language telephone: 115@gebaerdentelefon.d115.de

Article number: 5BR156
Status: October 2014, 1st edition
Printed by: Bonifatius GmbH, Paderborn

Editor: Eva Radlicki
ZDF Children and Youth Editorial Dept.,
Section: Information/Logo!
55100 Mainz
Germany

Text: Benno Schick, Andrea Kwasniok, Nadja Stein

Title illustration and prepress: ZDF/3sat Grafik
Illustrations: ZDF/Logo!
Photos: ZDF

Production:
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This number is currently available in selected pilot regions, such as Berlin, Hamburg, Hesse,
North Rhine-Westphalia, and others. Further information can be found at www.115.de.

This brochure is part of the public relations work of the Federal Government.
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Women and Youth, Manuela Schwesig**

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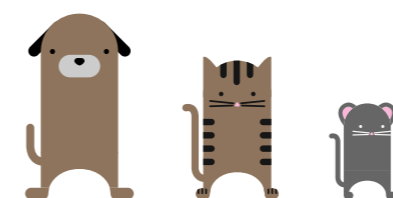
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Manuela Schwesig
Federal Minister of Family Affairs,
Senior Citizens, Women and Youth

**Dear Children and Young People,
Have you ever heard of children's rights?**

Children's rights are your own, personal rights. All of you have rights, no matter where you live, how old you are, how you look or what religion you practice. In this brochure, we would like to explain to you what children's rights really mean and show you situations in which they come into play. Perhaps reading the brochure will remind you of a time when you yourself have taken advantage of children's rights. Also when you read this brochure, you will probably discover several rights you didn't know about.

Foreword

It is important to know your rights! Because only then can you draw attention to these rights if someone violates them in everyday life. However, it is also important for adults to be familiar with children's rights. As Federal Minister of Youth, for example, I always have children's rights on my mind when I make decisions that influence the lives of children and youth. I ask myself each time: Have I given sufficient consideration to the Convention on the Rights of the Child? Are there any areas where we need to better implement the rights of children and youth?

An improvement was made recently in the implementation of children's rights: A complaints procedure entered into force on 14 April 2014 in Germany and nine additional countries. Children can now turn to the United Nations Committee on the Rights of the Child in Geneva if a country has violated their rights and fails to make up for such violations.

Children's rights improve the conditions under which children and young people live and grow. In this brochure, you will find brief stories and examples of children's rights. I hope you enjoy reading it and discovering your rights!

Yours sincerely,

Manuela Schwesig
Federal Minister of Family Affairs, Senior Citizens, Women and Youth



I. Introduction

What is the Convention on the Rights of the Child?

Children have rights!

Children have the right, for example, to live in peace, to be well cared for, to attend school and to have personal secrets. However, these rights are not always honoured.



Ten-year-old Samira fled her home country because of the war and violence there. Eight-year-old João must earn money to live on and therefore spends hours cleaning other people's shoes. Thirteen-year-old Lena is not permitted to join the youth fire department because she is a girl. Four-year-old Marcel has to live in a foster family because his mother cannot take care of him. Twelve-year-old Anna is frustrated because someone keeps secretly reading her mail. Five children, five very different situations. But for all five, special children's rights exist that are intended to protect and empower them in their situation.



To ensure that the rights of all children worldwide are protected as extensively as possible in the future, politicians and experts from almost all the countries around the world signed a convention, or agreement, on the rights of the child. That was on 20 November 1989. This agreement is called: the Convention on the Rights of the Child.

How did the Convention on the Rights of the Child develop?

The year 1979 was the “Year of the Child” all over the world. To mark this occasion, the government of the country of Poland proposed that the United Nations develop a Convention on the Rights of the Child.

The United Nations is an organisation in which virtually all States around the world participate. It promotes peace and fights poverty. The United Nations is abbreviated “UN” in this brochure.

Very many different countries are represented in the United Nations. They have widely differing ideas about which rights are most important for children. The only point on which the countries agreed was that children should be granted special basic rights. But they had very different views on how these basic rights should be defined. For example, the representatives of the various States in the United Nations were unable to decide at first which specific rights children should have. Several States called for more children’s rights, but many poor countries were against this, because some children’s rights are surprisingly expensive, for instance building schools for all children. Many poor countries simply do not have the money to implement such rights.



In total, negotiations on the rights of the child in the United Nations took ten years! However, the representatives of the States met only once a year. The Convention finally was completed in 1989.

But that was not the final step: Experts were of the opinion that several important things still were missing in the Convention on the Rights of the Child, and therefore three Optional Protocols now exist, meaning additions to the original Convention: The first two Optional Protocols are from the year 2000, the third from 2011. These Optional Protocols encompass additional, important children’s rights and a complaints procedure for children.



I think it would be good if children’s rights were observed all over the world. (Manuel, 9)

Where does the Convention on the Rights of the Child apply?

For the Convention on the Rights of the Child to really be valid in a given State, the decision-makers in that State must first approve it. In Germany, for example, the politicians in Parliament, called the “Bundestag”, had to vote on the Convention. And that is exactly what they did: They voted in favour of having the Convention on the Rights of the Child enter into force in Germany on 5 April 1992.

Today, a total of 193 States have approved or signed the Children's Rights Convention, meaning almost all the countries of the world – all except Somalia, South Sudan and the USA. Somalia has been so destroyed by fighting and war that no government existed there for a long time to vote on the Children's Rights Convention. South Sudan was only established as a country in 2011. Both States announced in late 2013 that they intend to soon sign the Children's Rights Convention. In the USA, the Senate has not approved the Convention. Some US politicians apparently fear that it would restrict the rights of parents too much.

The Children's Rights Convention applies to some two billion boys and girls! That's how many children live in the 193 States that have signed it.

Some passages in the Convention on the Rights of the Child are a little imprecise. Additional regulations therefore are needed within the States. For example, the Convention on the Rights of the Child says that poor children should be given assistance so that they have enough to wear and eat. But exactly what kind of assistance is not described in the Children's Rights Convention. Politicians and experts in each country must consider this aspect themselves and then draw up precise definitions. Frequently, State regulations and laws must be changed extra for children. In fact, States are required to do so as soon as they have signed the Children's Rights Convention.



To whom does the Convention on the Rights of the Child apply?

How old – or rather young – must a person be to receive protection as a child under the Children's Rights Convention? The answer is provided in the Children's Rights Convention (**Article 1**). It says: People under the age of 18 usually are considered to be children. There is, however, one exception: If the laws of a particular country set the age of adulthood lower.

Every State determines up to what age its people are considered children. In German law, for instance, it says that people reach the age of majority at 18, i.e. become adults. In other words, children in Germany are people under the age of 18. This is not the case in the Asian country of Nepal, however: People there are no longer children at 15 and therefore no longer protected by the Children's Rights Convention.

Although this is unfair, many of the poorer countries would otherwise never have agreed to any of the other articles. They say they cannot afford to protect all people up to the age of 18 as required by the Convention.

How can children get help?

Many countries have organisations and experts who make sure that the Children's Rights Convention is really observed within their borders. In Germany, for instance, over 100 organisations participate in the "National Coalition Deutschland e.V." (information on page 64), such as "Kindernothilfe" (an organisation that works to protect children's rights), the "Jugendvereinigung des Naturschutzbundes" (Youth Association of the Nature and Biodiversity Conservation Union) and the "Deutsche Sportjugend" (German Youth Athletic Association).

Furthermore, all countries that signed the Children's Rights Convention must repeatedly submit reports on what they have done to promote children's rights. These reports must be submitted to the United Nations Committee on the Rights of the Child. This UN committee is made up of 18 elected experts from different countries. They read the reports and check if the Children's Rights Convention is indeed being observed.

Kindernothilfe



However, the original Children's Rights Convention does not say precisely what children can do if their rights are not being protected. For example, it does not provide for a special "Children's Rights Agency". For this reason, a Third Optional Protocol to the Convention on the Rights of the Child was drawn up in December 2011. It deals with "individual complaints", which means that children can bring complaints directly to the UN Committee on the Rights of the Child if their rights are not being observed. However, the children must first have tried to assert their rights in their country, something that is very complicated since they need the help of their parents, lawyers or children's rights organisations. Once the UN Committee on the Rights of the Child has reviewed a complaint and determined that the State in question has indeed violated children's rights, it issues recommendations to that country about what it should do differently in the future to better observe children's rights.

The German Bundestag signed the Third Optional Protocol on 28 February 2013, making Germany the third country worldwide to approve the new complaints procedure.

National Coalition

Deutscher Kinderschutzbund



What does it say in the Convention on the Rights of the Child?

Treaties and legislative texts are often written in rather complicated language. Hardly anyone can understand them as they are, even most adults. The Children's Rights Convention is also written very complicatedly.

The Children's Rights Convention begins with a "preamble", meaning an introduction. That is followed by individual regulations, called "articles" (abbreviated "Art."). There is one article for each topic. The word-for-word, but complicated text of the Children's Rights Convention, as well as the Optional Protocols (officially referred to as "facultative protocols") can be found starting on page 71.

On the following pages, we have summarized the most important articles for you, and we explain them with the help of examples. The people in the examples represent real cases, so that you can familiarize yourself more effectively with your rights and ensure they are protected in the future.



II. Children's rights

1. Equal rights for all children

Lena has a dream: She wants to be a firefighter. Just like a lot of the boys in her town, she would like to join the volunteer fire department's youth group, wear a uniform, and hold the fire hose during an exercise. But the fire chief says: "No, you cannot join. You are a girl". Lena is furious, but she does not give up. She complains to the county fire inspector. And she is successful: Starting immediately, she is allowed to join the fire department's youth group.



Lena naturally has the same rights as the boys in her town, because all children have equal rights, regardless if they are boys or girls, no matter what their nationality, skin colour, religion or native language. No matter if they are disabled or not, or what their parents do for a living. All children have equal rights, and they must not suffer "discrimination" – meaning disadvantages – for any reason.

That is what it says in **Article 2** of the Children's Rights Convention, and it applies to all children in those countries that have signed the Convention.

So if someone disadvantages you, like the fire chief did Lena, that is "discrimination" and it is forbidden. In this case, you can complain and demand that your rights be respected.

Special protection for children with disabilities

There are children who need special protection, because they cannot think or talk as well as other children. They perhaps cannot walk, see or hear as well. These children have one or more disabilities, for instance they have been deaf or blind since birth, or they had a serious road accident, have been paralyzed ever since and can only get around in a wheelchair.

But no matter if they have mental, physical or emotional disabilities, these children have the same rights as all other children. However, they often are incapable of asserting their own rights, or they cannot make a complaint, like Lena did, when other people violate their rights.

Children with disabilities need special protection and special support, so that they can live just like other children. All States that signed the Children's Rights Convention have committed to providing such protection. That is what it says in **Article 23**.



In many kindergartens and schools in Germany, children with disabilities are therefore assisted by teachers or others with special training in this field. With their help, the children can participate in class and other programs together with children without disabilities. However, some of these children feel more comfortable in special child care facilities or schools, where they receive a more individualized education.

Protection for minorities

The Children's Rights Convention also grants special protection to children of minorities. Minorities are groups of people who, for instance, practice a different religion than the majority of people in a country, speak another language or belong to a specific ethnic group.



Juri's family is Sorbian, which is a Slavic ethnic group. He speaks German and has German citizenship. However, Juri also speaks the Sorbian language and knows the history of his people. He learned a great deal about it in a special school for Sorbian children.

One custom among the Sorbs is the "Bird Wedding", celebrated every year on 25 January. When the first birds "hold a wedding", i.e. build their nests, children who fed the birds through the winter get a reward. The children put empty plates and bowls on the window sill and get sweets and baked goods in gratitude for their efforts. At a celebration, Juri and other children re-enact the bird's wedding, complete with a bride and groom in traditional Sorbian dress and numerous children dressed as birds, all sitting around a wedding feast table.

Juri has the same rights as all other children of German nationality. However, Juri also has the right to live as is customary for his ethnic group. That is what it says in **Article 30** of the Children's Rights Convention. It means that Juri may speak his own language (Sorbian), attend a school for Sorbian children and celebrate special Sorbian holidays, as he was taught to do by his parents and grandparents.

This was not always possible in Germany. At the time of National Socialism, Sorbians and other minorities in Germany were not permitted to live as they chose. They were disadvantaged, and some minorities even had to fear for their lives. Today, minorities therefore are protected, also by children's rights.



I think it's important for all children to be able to go to school. I feel bad that a lot of children, especially in poorer countries, cannot go to school. (Anna, 10)

It is also very important for all children to have the same opportunities in school and vocational education, even if they cannot speak German very well, for example because they only recently came to Germany or because only little German is spoken in their families. For these children to keep up in school, special language classes are offered starting early in child day-care centres. Later, the children receive even more instruction in German, primarily in school and during their vocational education. Once they can speak and write German well, they have the chance to be just as good in school as native German children. And they later have the same opportunities to obtain a vocational training place or job.



2. Right to care and protection

Samira was born in a country beset by war and violence. Her family initially lived in a small village in the country, where they did not have much contact with the fighting. Eventually, however, an increasing number of attacks began occurring there, too, and the family was afraid to leave the house. Samira did not go to school for an entire year. Her parents finally fled with their children to a neighbouring country, where a relief organisation had set up a large refugee camp. Samira now lives with her three siblings and her parents in a small tent. It is not very comfortable, but at least they are in safety, have something to eat and Samira can even attend school again in the refugee camp.



Right to life

Every child has the right to life. The country in which a child is born must ensure that children can grow up in a world in which they can survive and develop healthily. That is what it says in **Article 6** of the Children's Rights Convention.

However, it is not always that easy. Many children are born in countries at war, or countries in which people are suffering from poverty and hunger. But even then, these countries must try to give children enough to eat and create a place where they can survive. Sometimes they need the help of the wealthier, safer and more peaceful countries.

Who am I?

As soon as a child is born, all the important information is filed in writing with a government agency: Name, date of birth, family and country of birth. The child obtains an identity, which is unique and

cannot be confused with anyone else. Even if a child gets lost or kidnapped, it can be found through its identity, parents and home country.

Every child has a right to an identity. Children have the right to know who they are, to which country they belong and who their parents are. That is what it says in **Articles 7** and **8** of the Children's Rights Convention.

My parents and I

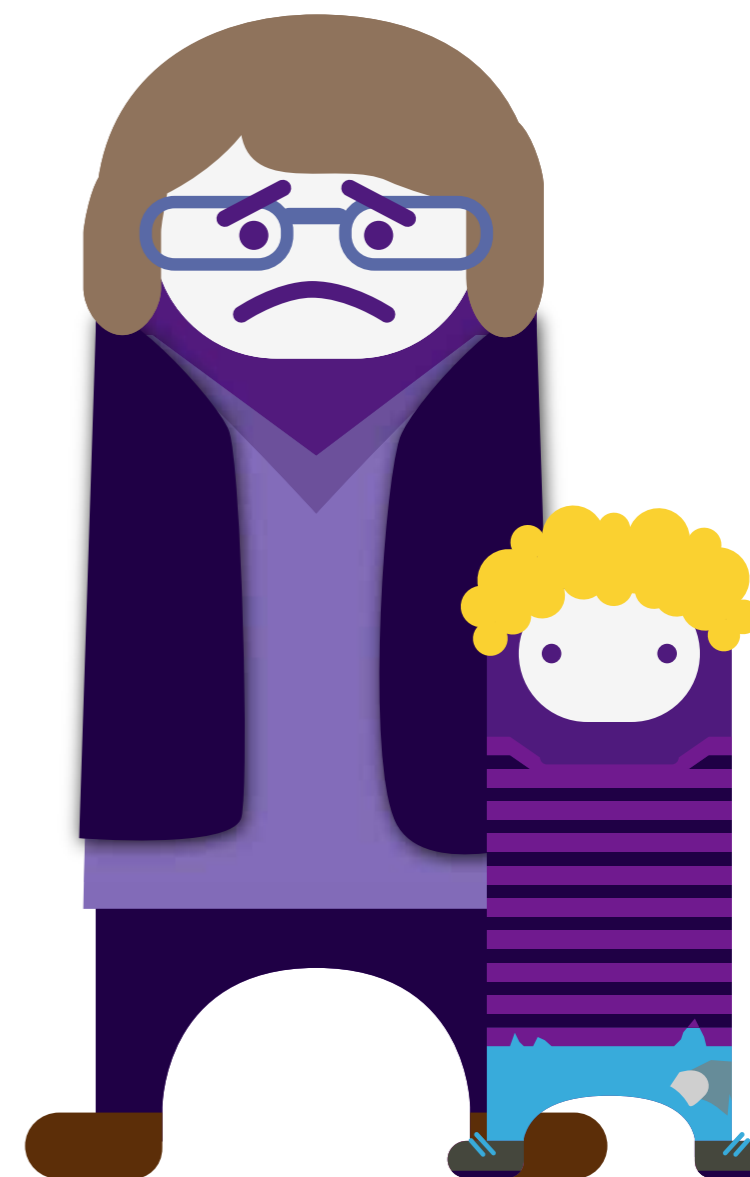
"Children ... have the right ... to know and to be cared for by their parents," says **Article 7** of the Children's Rights Convention. In other words: parents normally care for their children together, both the mother and the father.

The State is not to intervene in the parenting process. Rather, the State must respect the right and the duty of parents to raise their

children, as stated in **Article 5** of the Children's Rights Convention, because the State assumes that most parents know what is best for their children. Parents and children can decide themselves, for instance, whether or not a child should attend kindergarten. However, the State is responsible for supporting parents in raising their children, as formulated in **Article 18**. The State must, for example, provide a sufficient number of kindergarten places for children so that parents can work and know that their children are well cared for.

Marcel is four years old and lives with his mother; he has never seen his father. But his mother is very ill. She is very sad most of the time and has no energy to do anything. She takes a lot of pills, but is not getting better. Most days, she cannot manage to get Marcel ready and take him to kindergarten, play with him or make him something to eat. In these cases, Marcel spends the whole day watching television and must entertain himself. One time an aunt came to visit and noticed that Marcel had not been given anything to eat the whole day. She called Youth Services to ask for assistance. Now Marcel is living for a while with a foster family, until his mother has recovered.

Sometimes it is impossible for children to be raised by their own parents. Perhaps they live only with their mother or father, or they do not know either of their parents. Sometimes parents do not take good care of their children. In these cases, the State is permitted to intervene and to ensure that instead of the parents, a suitable person takes care of the children and ensures their well-being.



Separation from parents

If parents cannot take good care of their children, or even mistreat or seriously abuse them, a court of law can separate children from their parents, even if the parents are against it. That is what it says in **Article 9** of the Children's Rights Convention. A court only makes a decision of this kind if it is necessary for the protection of the children. The children are then placed in a foster family or special home.

Sometimes parents realize that they do not love each other anymore, or are not really compatible, and they decide to separate. Although they can continue to share the care of their children in the future, a decision must be made as to where the children should live: With the father, or mother, or alternately with both?

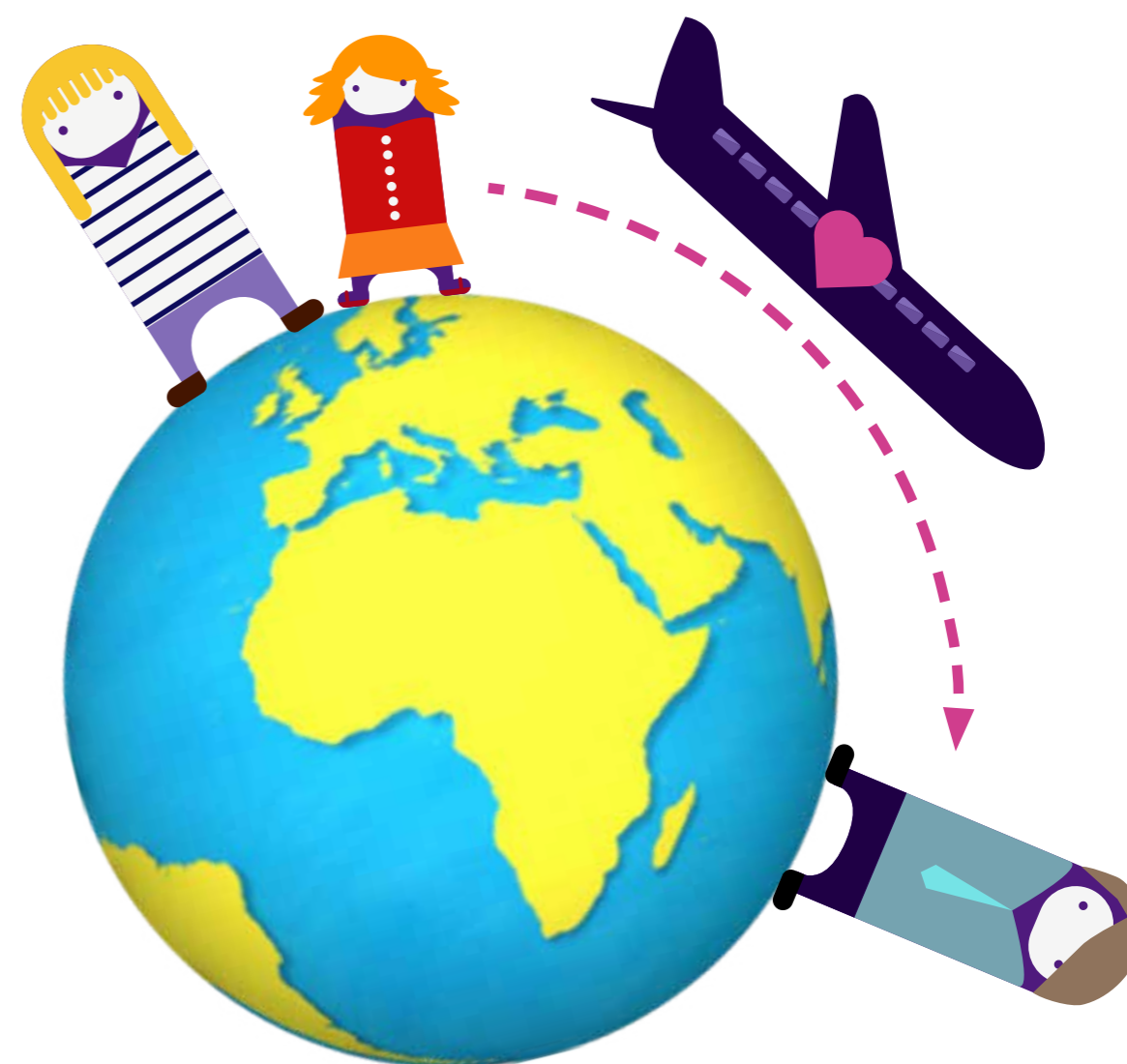
In this case, children have the right to say what would be best in their opinion, as stated in **Article 9**. They can discuss their best interests, wishes and even fears with the judge.

The parent with whom a child no longer lives is still permitted to see the child on a regular basis. The child can, for example, spend weekends or holidays with that parent.

Unfortunately, it can happen that a child does not know its parents at all. Perhaps they died when the child was a baby and it cannot remember them, or the child was given up for adoption because its parents were too young or too poor to raise it. Sometimes parents and children are separated because the parents committed a crime and are in jail. When a child is old and strong enough to bear the truth, it has a right to know who its parents are and what has happened to them. That, too, is written in **Article 9** of the Children's Rights Convention.

However, parents and children can be separated for other reasons as well.

Katharina's parents live in two different countries because of their jobs. Her father works for a German company in China. Her mother works as a teacher in the city of Frankfurt, Germany. Katharina lives with her mother. Her father can only see her when he has off from work or they go to visit him in the school holidays.

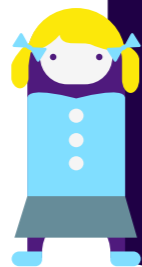


According to **Article 10** of the Children's Rights Convention, Katharina has the right to visit her father regularly. She must be permitted at any time to travel from her home country to the foreign country. However, to visit China she needs a visa, which is a form of permission for entering the country. The Chinese authorities should issue such visas for children like Katharina quickly and at any time – that is required by children's rights.

Adoption

Julia is five years old. She has been living in a children's home for four years, because her parents died in a car accident. She has no relatives. Julia would very much like to live in a real family, with a father, mother and her own room. Birgit and Stefan have been married for three years. They would like to have children of their own, but a doctor has determined that they cannot. Therefore they would like to adopt a child, which means taking in a child and living together with it as a family. Before they are allowed to adopt a child like Julia, Youth Services takes a very close look at Birgit and Stefan: Have they ever committed a crime? Do they earn enough money to support a child? Do they give the impression that they will be good to Julia?

Children's Home



The responsible government agencies must clarify these and many other questions before they can approve an adoption. If a married couple would like to adopt a child, government agencies evaluate in detail whether they are really suitable, because a child should only be permitted to be adopted if it is the best alternative for the child, as required by **Article 21** of the Children's Rights Convention.



After more than two years, Birgit and Stefan have passed all the reviews. They meet Julia for the first time. The three get along brilliantly and, soon after, Julia can move in with them and be adopted by them.

Help for living

Cedric's father has been unemployed for over a year. Although he receives some money every month, it is not enough to live on, because Cedric has four siblings. His mother has only what is known as a "mini job", in which she can work only a few hours each week and earn only a small sum of money. When Cedric needs new sneakers for school or money for a class trip, his parents cannot afford it.

All children have the right to food, housing and clothing, in other words to a certain standard of living, as required by **Article 27** of the Children's Rights Convention. Normally parents pay for a child's food, housing and clothing.

In Germany, all parents receive a refund from the government for a portion of these expenses, for example in the form of a child-care allowance ("Kindergeld"). If the parents still do not have enough money to live on, as in Cedric's case, the State must ensure that they receive additional assistance.

Everyone should have a right to a house, food and drink.

(Laura, 9)



Cedric's father has been to the Federal Unemployment Agency. He told the people there about his difficulties and asked for help. Now they are evaluating whether Cedric's father can receive more money for support and how they can help him in other ways to find work again.

In Germany, people are offered support in situations such as these. The government has purposely made provisions for doing so: Most people who have a job pay a small amount of the money they earn each month into a "social security fund".

Anyone who needs help, receives money from the social security fund. Assistance is available for various situations. For example, a person who loses his or her job receives money for a period time from unemployment insurance. For those who become ill, their health insurance pays for doctor bills, drugs or hospital stays. People who are old and no longer working receive money every month from pension insurance.

I think (...) the right to health care is very important. It would be great if people in Africa, for example, had this right, too. Because all children have the right to rights!!! (Antonia, 11)



The Children's Rights Convention in **Articles 24** and **26** states that all children around the world should have a right to support from social security, for instance when they are ill. However, this includes more than just payment for doctors and drugs: Governments must ensure that there are enough doctors, hospitals and drugs in the country to care for sick children. Furthermore, counselling centres should exist that teach parents, for example, how to provide their children with a healthy diet.

For many governments, however, it is not easy to provide children with an attractive and safe environment in which to grow up. Many children are born in countries at war, or where people go hungry. And some countries are so poor that they cannot manage on their own to give children enough to eat and a place where they can survive.

For these countries to also be able to fulfil the requirements of the Children's Rights Convention, the richer countries should help them, for instance by shipping drugs, building hospitals or sending doctors to help children and train new doctors.

3. Private rights

Privacy and secrecy of correspondence



Anna thinks it's a pain: She has already caught her older brother a few times secretly looking through her things. He even opened letters addressed to her. In the past, he has sat at her computer and read her e-mails and Facebook entries, to which really only her girlfriends have access. Anna's brother says he needs to "keep an eye on her" and therefore is allowed to check her mail and computer messages.

Anyone who sends a letter by regular mail or e-mail to a specific person wants to be sure: Only the recipient can open the letter or read the email. And anyone who receives a letter or e-mail from a girlfriend wants to be sure: It is for me only. Therefore, it is not OK for Anna's brother to snoop around in her things. And according to the Children's Rights Convention, parents, the government or others cannot secretly read Anna's letters, e-mails or sections of her Facebook page which are not visible to the general public. The reason: Children should be able to exchange their personal thoughts and even secrets. No one else has the right to read their mail. That is what it says in **Article 16**.

The Children's Rights Convention further states that children must be protected against other people for more than just reading letters or e-mails: They must also be protected when they want to be alone, for instance in their room. Children should not be constantly disturbed.

However, situations also exist in which parents are permitted to check up on their children. For example, perhaps Anna often tends to provoke physical fights. If she is in her locked room with a friend talking about who is to be their next victim, and her parents are suspicious, then the parents have a right to enter her room and check up on their daughter, because the Children's Rights Convention also states in **Articles 5** and **18** that parents are responsible for raising their children. And for this purpose, parents are permitted to monitor their children and also forbid them to do certain things.

Sports, play and leisure



Jonas, Paul and Nikolas are angry: They meet every day with a bunch of their friends on the football field to play ball. However, the town council is planning to sell the property, because the town desperately needs the money. For Jonas, Paul and Nikolas, it means they will have less fun and no opportunity to regularly play football in their free time because the next field is too far for them.

All children should be able to play, and not have to work hard.

(Sophie Alice, 10)



The Children's Rights Convention is ideal for these three football fans: It says that children have the right to play and leisure. If the playing field is sold, it will be much harder for the boys to have their rights fulfilled.

The right to play and leisure is very unique, because it is given only to children. A right like this has never before been included in an important convention for adults! **Article 31** also states that children have a right to relaxation and recreation.

However, the right to play is not so strong that a town would no longer be permitted to sell the playing field. This right only states that enough must be done to enable children to play. In other words, the children cannot demand that the town council take a specific action, for instance keep the playing field for them, at least not as long as other recreational opportunities exist.

Article 31 nevertheless gives the children an advantage: If they talk to the mayor or write him a letter, they can say: "Mr. Mayor, do you have another good playing field for us? One we can easily get to? We kindly ask you to observe the Convention on the Rights of the Child, because it says: Children must have sufficient opportunities to play!"



4. Public rights

Education



Ten-year-old Sita, a girl from Asia, must work for hours every day in a sewing factory. She must earn money. It is the only way her family can survive. She cannot go to school because of work. Emma, an eight-year-old girl in Germany, does not want to go to school. She does not get along with her school-mates and does not enjoy class.

Sita cannot go to school, Emma does not want to. But both of them should go, as required by the Children's Rights Convention in **Article 28**: All children must attend at least primary school, and it must be free. Only people who go to school can learn reading, arithmetic and many other important things. Only school can prepare children to qualify for gainful employment later on. It gives them greater opportunities to one day earn enough money for themselves and their family.

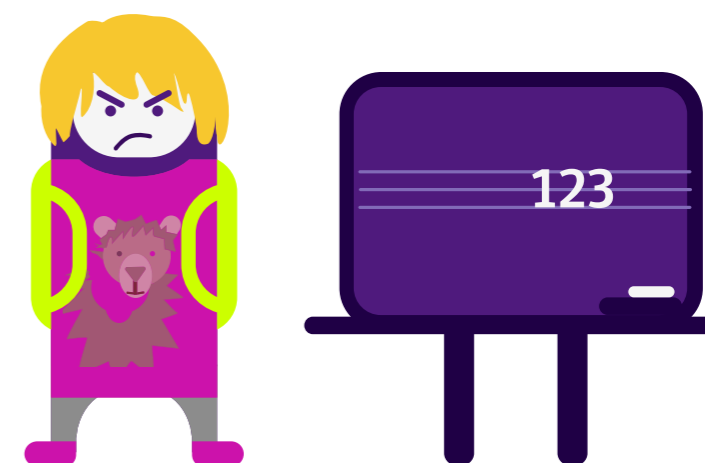
Bangladesh must make sure Sita goes to primary school, and Germany must make sure Emma goes to school. The country of Bangladesh, where Sita lives, has not yet fulfilled **Article 28** of the Children's Rights Convention. As this example shows, the Convention can only help the children of the world if the individual States see to it that children's rights are observed within their borders.



I wish children in other countries could also go to school like we do here in Germany.

(Marina, 8)

Because schooling children and young people costs States a lot of money, they were very careful in formulating **Article 28** of the Children's Rights Convention. They agreed only to stipulate that children must attend primary school. The Convention contains nothing about mandatory education after primary school; the individual States can decide on this issue themselves. Once Emma in Germany leaves primary school, mandatory education continues for her: Like all children in Germany, she must attend school for at least nine years as a rule. That's what it says in German law.

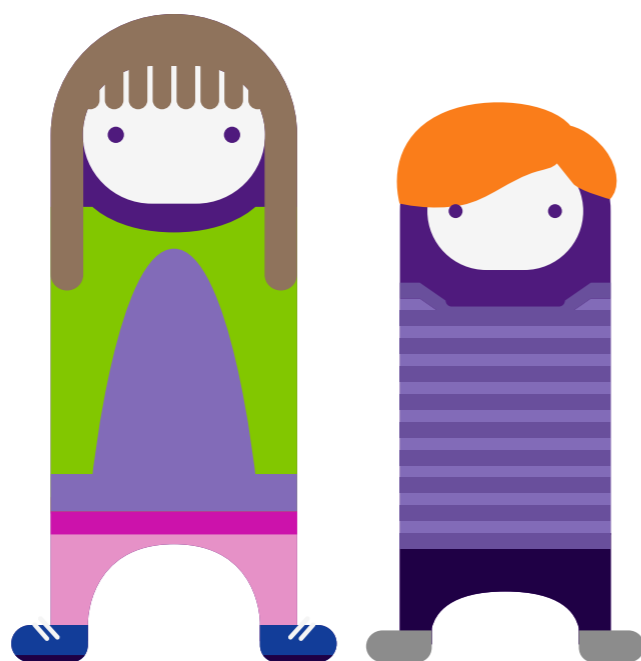


Religion

Lennart (6 years old) and Johanna (15 years old) from Germany are brother and sister. Neither is interested in church or religion. However, religion is very important to their parents. They want Lennart to sign up for First Communion at the Catholic Church and Johanna to prepare for Confirmation.

Article 14 of the Children's Rights Convention says, on one hand, that children have freedom of religion, meaning they should be able to decide themselves whether or not they want to attend church services or participate in First Communion or Confirmation.

On the other hand, the Children's Rights Convention also states that parents can provide religious "guidance" for their children, giving parents more of a say in the matter when their children are still young. But exactly what that means is not defined in the Convention.




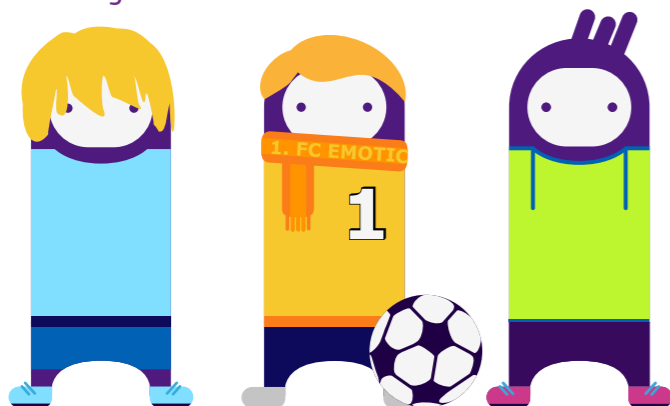
The individual States should have laws, or rules, for this purpose, as Germany does for instance. In Basic Law, Germany's most important law, it says that parents have the right to raise their children. They may, in other words, make decisions concerning their children's religious education. Furthermore, Germany has a law concerning the religious education of children from the year 1921. It says that children cannot decide which religion they want to practice until they are 14.

In the example of Lennart and Johanna, this means: The parents can decide that six-year-old Lennart must go to First Communion. Johanna, however, is already 15, the legal age for making decisions on religion. Under the law, she can make independent decisions concerning religion, including whether or not she wants to be confirmed.



Opinion

In the Children's Rights Convention, several articles emphasize that the opinions of children are important, for example **Article 13** on "Freedom of expression and information". Children should be permitted to express their opinion. They should be heard before city governments, government agencies, or courts of law that make decisions affecting them.



This applies to the example of football fans Jonas, Paul and Nikolas. They do not want to simply accept that the town plans to sell their playing field. They want to take action, so they make protest posters and contact the local newspaper. The editor of the newspaper advises them to talk with the town's Children's Affairs Commissioner. Now the boys hope they still have a chance to save their playing field.

When children can express their opinion to a Children's Parliament or a Children's Affairs Commissioner in their town, their opinion is more likely to be taken seriously by adults. What is more, children should be permitted to participate in and initiate demonstrations, just like adults – this, too, is a child's right.

The general right to express your opinion, and the right to demonstrate, already existed in most countries – for both adults and children. Often, however, the decisions in which children are permitted to have a say were not defined. For example, the UN Committee on the Rights of the Child criticized the German government: In Germany, it said, the laws do not specify frequently enough that children must be heard on issues of importance to them.

Information

In the Children's Rights Convention, it also says that the mass media – television, radio, newspapers, Internet, and book publishers – must be persuaded to produce broadcasts, articles, Internet sites and books created for children, because it is important for children to be able to obtain information. Only then can they form their own opinions.

The right of children to reports in the media is fulfilled in Germany. Many publishing houses exist that publish and sell both books and magazines for children. On television, programs for children are aired daily on the KiKA channel, and on the weekend on the channels ZDF and ARD. The Internet also has many offers especially for children, such as the website associated with ZDF's children's program at www.zdftivi.de

With logo!, the news program for children, the channels ZDF and KiKA fulfil a special task: logo! informs children daily about what is going on in the world. Many other children's shows, such as "pur+", "Löwen-zahn" and "stark!", also give children a great deal of information, enabling them to take part in discussions and form their own opinion.

The Federal Ministry of Family Affairs, Senior Citizens, Women and Youth also provides information on children's rights especially for children. For example, children can visit the website at www.kinder-ministerium.de to learn more about their rights.



5. Protection against exploitation and violence

Eleven articles in the Children’s Rights Convention deal with how children can be protected against violence and exploitation, for instance the sale of children, sexual abuse, torture, war and child labour.

Most States have realized: The original Children’s Rights Convention is inadequate for protecting children against particularly severe forms of violence and exploitation. Therefore, the United Nations in 2000 adopted two additional agreements. The “First Optional Protocol” addresses the participation of children in armed conflict and war. The purpose of the Second Optional Protocol is to protect children against the sale of children, child prostitution and child pornography.



Child labour

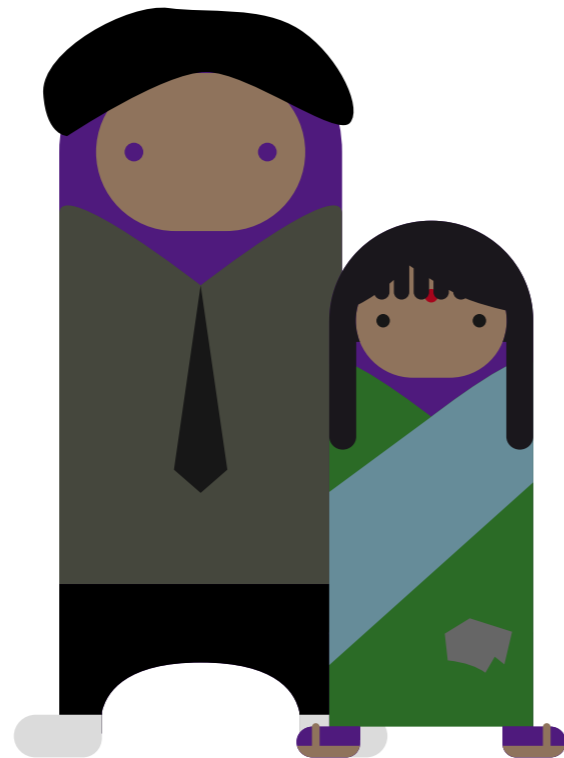
Luca has an expensive hobby: He likes to race his go-cart around a track and is a member of a go-cart club. He constantly needs new parts for his equipment and they really cost a lot! Luca therefore has found a job delivering newspapers twice a week. With the money he earns, he helps pay for his hobby.

Luca is 13 years old. According to German law, he may work if he has his parent’s permission – but only two hours a day and only if it does not affect his school performance. The Act on the Protection of Young People at Work (“Jugendarbeitsschutzgesetz”) governs the precise age at which, and how many hours a day, children in Germany are permitted to work. Its purpose is to protect their health and safety. The act also stipulates the types of work children are permitted to perform. The Occupational Safety and Health agency ensures that these rules are followed in practice.

Other countries do not have such laws, or are not very thorough about investigating child labour. It therefore still happens that children must work hard all day long. According to estimates, over 150 million children worldwide between the ages of five and 14 must earn their own living, or they must earn money to help their families.

Ten-year-old Sita from Asia works to survive. Her parents are so poor that they cannot feed Sita and her siblings. One day, a man came from the big city. He promised to care for Sita. Sita's parents saw no other option and sold their daughter to the man. With the money, the family managed to survive for a time. Sita now lives in a strange city. From morning to night she works in a factory sewing clothing together with numerous other children and youths. She also eats and sleeps in the place where she works. Sita receives no pay for her work.

The Children's Rights Convention aims to protect children like Sita, because she is being exploited. The work she does damages her health and her development. Sita really should be going to school and learning, so that she can later practice a profession and lead a better life than her parents. In her free time, Sita should have a chance to play with other children and relax. It is her right, according to **Article 31** of the Children's Rights Convention.



However, child labour must be banned for another reason as well: The factory owners and businesspeople should employ the parents in their factories. It is the only way the parents can earn enough money to feed their children and send them to school. Children do not earn as much as adults, meaning that it is cheaper for a factory owner to force children to work, than it is to hire adults.

I think all children should have enough to eat and be allowed to go to school. It's not fair that some children have to work instead of going to school.

(Lisa, 10)



All States that signed the Convention are called upon to establish laws that prevent exploitation through child labour. They must stipulate in precise terms the age at which children are permitted to work, what kind of work they may do and to what extent. This is required by **Article 32** of the Children's Rights Convention.



Sexual abuse

Sexual violence, frequently referred to as “sexual abuse”, is a subject only rarely talked about. But it is important to know how to recognize sexual abuse and what can be done to prevent it. Children and young people are never at fault if they are sexually abused. However, some children and young people think they are and feel ashamed – and that perfectly suits the adults who abused the children, because their victims do not speak out about it as a result.

Sexual abuse can already begin, for example, when an adult touches a girl or boy in way that is disagreeable to the child: An adult touches a child's genitals, for instance, or asks the child to touch his; an adult takes photos or videos in which a child is seen naked; an adult shares these photos or videos with others, sells them, or presses a child to watch sex videos with him; or an adult tries to force a child or young person to have sex with him – all of these examples are sexual abuse.

All States that signed the Children's Rights Convention want to protect children against sexual abuse and sexual exploitation – also in cases where the parents are the offenders. It is forbidden by law to abuse or kidnap children for the purpose of having them abused. This is the subject of **Articles 19, 34** and **35**, as well as the **Second Optional Protocol** of the Children's Rights Convention.

German laws likewise are very strict when it comes to sexual abuse and violence against children. Men, women and youths who do these things to children are punished.

It is very important to talk about abuse if it occurs – with a friend, your parents or another adult you can trust. And if you learn of abuse as a friend, it is important to encourage the victim to speak with an adult. You can also call a counselling centre, Youth Services or the police. A lot of important information for children can also be found on the Internet, for example at www.trau-dich.de.

Even if the offender comes from a child's own family – a father, brother, uncle or even mother – it is important to talk about it. This is the only way the offenders can be punished and the child and others can be better protected against such acts in future. More information on where to find help and who to contact is provided in Section IV, starting on page 63.

The Children's Rights Convention requires not only that children be protected and offenders punished, but also that children must receive assistance in order to recover from abuse more easily. That is what it says in **Article 39**. There are experts who can help children to cope with what happened.



Abuse by parents

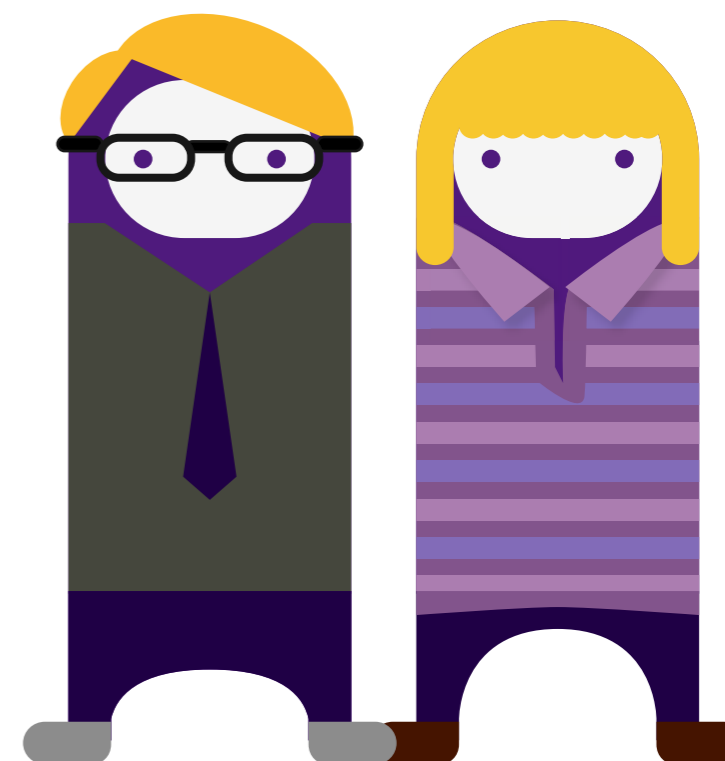
Luisa has run away from home. She cannot stand it there any longer. Luisa's father drinks every day, sometimes already in the morning. He has been unemployed for a long time. Now he sits at home with nothing to do. Her mother complains when her father drinks, then they fight and he drinks more. Sometimes he even hits Luisa in this condition, for example because she turned up her music too loud, he says, or because she "looked at him weird". Luisa finally packed her backpack and left. The people at Youth Services helped her. She is now living temporarily in a supervised group home together with other children and counsellors. A woman from Youth Services went to Luisa's home and spoke with her parents. Luisa's father now knows he is an alcoholic and needs help, for example by entering an alcohol rehabilitation program. Today he is sorry for hurting and humiliating Luisa the way he did.



When parents beat and abuse their children so severely that their life is at risk, or if they sexually abuse their children, then it is better for the children to be separated from their parents. While that is sad, Youth Services ensures that the children are placed in a foster family or home. Some find a new home in group living programs with social workers and other children who have similar problems.

The Children's Rights Convention requires that children be protected from any and all types of violence, as stated in **Article 19**. Up until a few years ago, decision-makers in Germany did not yet agree if this should also apply to parents who want to punish their child. For example, a slap was not banned as a method of parenting. In 2000, however, the German Bundestag changed this. It stipulated in the Child Raising Act: "Children have a right to a violence-free upbringing." In other words, a slap is no longer permitted in Germany. Other forms of violence also are forbidden.

If things get completely out of control between parents and children, sometimes the parents also need help. This may be because they have difficulty coping or problems they cannot solve on their own. Counselling centres exist for families, where they can discuss such problems and get help finding solutions.

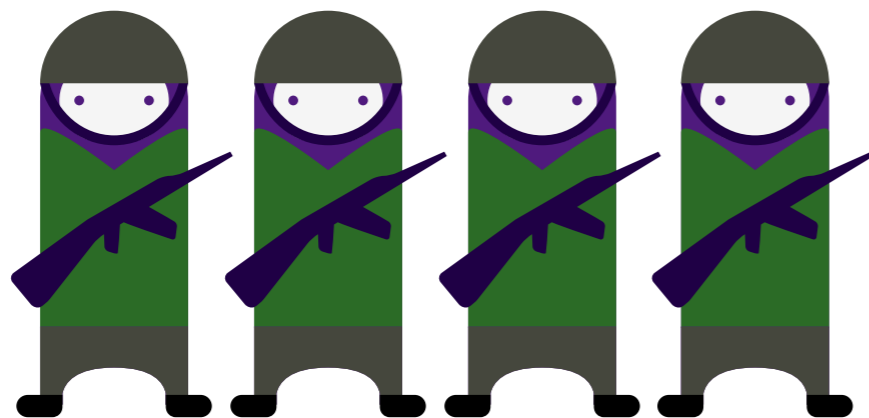


Children in armed conflict

Wars and military conflicts occur every year worldwide, mostly in Africa and Asia: Bombs explode, a lot of shooting takes place, people are injured or killed. In some countries, even children must go to war and fight as soldiers. Sometimes they are sent over fields to see if the enemy has laid any mines there. When children step on a mine in the field, it explodes. Many of the children die in such accidents, others are seriously injured and remain handicapped for the rest of their lives.

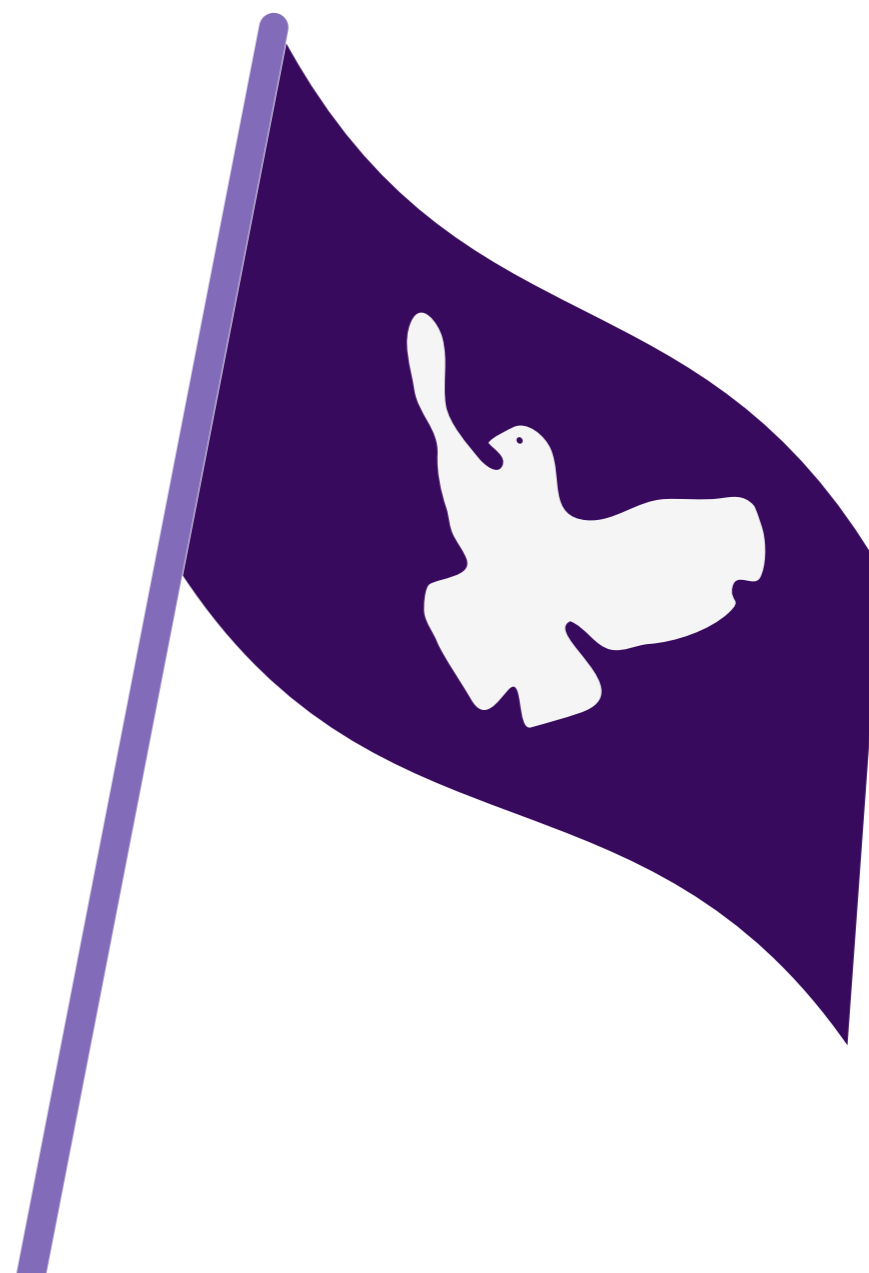
The experts and politicians who drew up the Children's Rights Convention originally wanted to prevent children from fighting in wars entirely, but that was difficult. **Article 38** of the Children's Rights Convention therefore says: A child sent to war as a soldier must be at least 15 years old.

Germany never agreed with this Article. German politicians believed that 15 was much too young and have been demanding for a long time that the age limit be raised. However, several countries that signed the Children's Rights Convention are at war themselves. Some of these countries use children as soldiers. If the article concerning the involvement of children in armed conflict were formulated more strictly, these countries probably would not have signed the other articles of the Children's Rights Convention.



Children are the ones who suffer most in a war and who are the least capable of helping themselves. Frequently their only choice is to flee to another, safer country.

To improve the situation of child soldiers, the United Nations in May 2000 concluded another agreement that expands the Children's Rights Convention. In this **First Optional Protocol**, it says that soldiers must be at least 16 years old, and between the ages of 16 and 18 they must be better protected than before. However, not all countries have signed and implemented this regulation. In Germany, the First Optional Protocol went into force on 13 January 2005.



Children as refugees

Samira, who fled her home country with her family, now lives in a neighbouring country, where a relief organisation has built a large refugee camp. Samira now lives with her three siblings and her parents in a small tent. It is not very comfortable, but at least they are in safety, have something to eat and Samira can even attend school again in the refugee camp. The family would most like to leave and go to a country in Europe. Samira's father would like to look for work there, rent an apartment and live there forever with his family in safety and peace. But it is not that simple.

A child who comes into a foreign country as a refugee should receive protection and assistance, no matter if the child has fled to that country with or without its parents. That's what it says in **Article 22** of the Children's Rights Convention.

It means that if a child enters a foreign country as a refugee, the State there must provide shelter and food. If a child has had to flee on its own, the State must also help the child search for its parents. If the child's parents cannot be found, then it is entitled to the same protection as a native child that has been separated from its parents.



Experts do not agree on whether this right is implemented in Germany as called for in the Children's Rights Convention. This right also deals with the question as to whether children and young people are given asylum. The word "asylum" comes from the Greek and basically means "refuge". In Germany, people who are persecuted in their home country and therefore must fear for their lives are granted asylum. They can be people who are oppressed, for example because they practice a different religion than the majority. Asylum can also be granted to people with political beliefs which their government does not like. In addition, people who cannot return to their home country because it is too dangerous there due to war, for instance, can usually remain in Germany for a time. This is set down in German law.

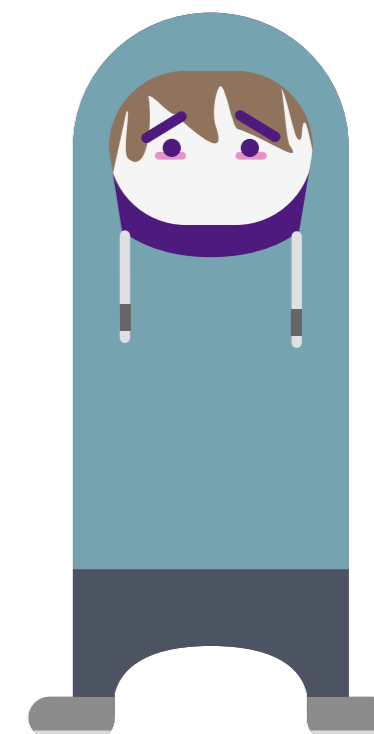
For refugees from foreign countries, it has become more difficult in recent years to be permitted to stay in Germany, including for children and young people. An amendment to the law in 1993 tightened the asylum regulations for refugees if they have travelled to Germany from another safe country. A safe country is one in which people are not persecuted. The refugees can be sent back to the safe country to submit an application for asylum there, for example a different State of the European Union. The UN Committee on the Rights of the Child has criticized these regulations, stating that they are too hard on children and young people. Exceptions do exist however: Children and young people who come to Germany without their parents can remain in Germany even if they come here from a safe country.



But many refugees are not persecuted at all; they simply are extremely poor. They have no work in their home country and frequently must go without food. They hope to find a better life in Germany. In this case, many politicians say: People who only come to Germany because they have no work or are poor in their home country, cannot be granted asylum. Asylum is only for people who suffer persecution. An asylum process determines whether a person fulfils the requirements and should be permitted to remain in Germany. Children at least 16 years of age can submit an application for asylum themselves. For younger children, the asylum application must be submitted by the parents or a representative appointed by a court of law. In future, however, all children and young people under 18 are to be appointed a representative who will support them through the asylum process.



Children and drugs



Being cool is the most important thing to Adrian. He is determined to be part of the “in” crowd in his school. When a friend brings a bottle of alcohol one day, the kids finish it off together; anyone who says “no” is out. Adrian goes along with it, even though the drink doesn’t taste good to him at first. After that they always have alcohol around. No get-togethers or parties take place without it anymore. Eventually drinking alcohol becomes totally normal for Adrian: He gets jumpy when he goes a day without it – Adrian is dependent on alcohol, addicted.

Alcohol, cigarettes and some medications are drugs, also called “addictive substances”. Anyone who regularly drinks alcohol, smokes or takes such drugs can become dependent on them, meaning he can no longer function without them. At some point he needs increasing quantities of the drug, although he knows it will make him ill. Many people die every year from addiction: Lung cancer from cigarettes, liver failure from alcohol, death due to an overdose of drugs like crystal meth.

Drugs are especially dangerous for children, because they are still growing and developing, both emotionally and physically. Drugs can impair that development. Therefore, children in particular must be protected against drugs, as required in **Article 33** of the Children's Rights Convention. The States that signed the Convention are called upon to create laws that forbid the drug trade and the use of drugs by children. A law in Germany specifies: Beer, wine and cigarettes must not be sold to children and young people under the age of 16. Beverages containing a lot of alcohol are prohibited for anyone under 18.

Furthermore, the States should educate children about the risks of drug abuse through the schools, youth centres, drug counselling centres and information flyers. If children have already come into contact with drugs, or perhaps are already addicted, they must have an opportunity to overcome their addiction with the help of doctors and special treatment methods.



Children as criminal offenders

Sometimes children are not the victims of a crime, but rather the offenders. They steal, fight and destroy; they do things that are forbidden and punishable by law. Perhaps no one taught them the difference between right and wrong, what you are allowed to do and what you are not. Perhaps they even do things to survive. Many children worldwide live on the street, without a home, without parents to take care of them.



João lives in a big city. Every day he goes out with a small box containing a tin of shoe polish, a brush and a rag. Every day he sets up on the corner of a busy shopping street and hopes for customers, who will pay him a bit to clean their shoes. On a good day, when he earns some money, he buys something to eat – for himself and the other children who, like him, live on the street. On a bad day, João becomes a thief in order to still his hunger. Sometimes he steals only something to eat or drink. Once in a while he takes someone's wallet. In the evening, the street children meet in a park, where they share what they have scraped together. It is also where they sleep.

Many of the police officers in the city where Joao lives do not like the street children. Often for this reason, a group of policemen shows up at night and takes the children to prison, where sometimes they are abused, tortured, sexually abused or even killed in some cases. "One less punk to dirty our streets," say the policemen who do such things.

Articles 37 and 40 of the Children's Rights Convention aim mainly at protecting children like João from being arrested and abused in prison. However, even children and young people who steal from the supermarket, break into a car or beat other children should have special protection from the police and courts.

The Children's Rights Convention therefore requires all States to establish a minimum age below which children are presumed not to have the "capacity to infringe on the penal law". This means: Only after a child reaches a specific age can he or she be held responsible for his or her crime, arrested and, for instance, tried by a court of law. Germany has defined a minimum age: Young people here can be held responsible for a crime as of the age of 14.

This is not the case in other countries. The Children's Rights Convention further requires that children or young people suspected of having committed a crime must be presumed innocent until proven guilty. In Germany, this is true not only for children and young people, but also for adults suspected of having committed a criminal offence.



If children or young people are arrested, they must not be abused by the police. If children or young people are put in prison, they must be separated from the adult prisoners. They must be permitted to stay in contact with their families through letters and visits. Children and young people suspected of having committed a crime need an adult who can help them defend themselves, for instance their parents, or a lawyer who represents them in court.

If it comes to a trial, children and young people should have a judge prepared to take their age and situation into account. Germany has special juvenile courts for such cases. Imprisonment should only be handed down as a sentence as a last resort. A death sentence or life imprisonment are not permitted.

According to the Children's Rights Convention, it is best when an attempt is made to punish the child or young person without a court trial or prison, because punishment should above all involve help. Such children should receive the support they need to lead an adult life free of violence and crime. Instead of prison, a judge in Germany therefore can require a young person to spend a certain amount of time regularly helping others.



You probably noticed:

It constantly says in this book

... should or
... they should ...

Although virtually all the countries of the world have signed the Children's Rights Convention, no one can force them to do what it says.

The Children's Rights Convention nevertheless is important: It stands up for the rights of children. And the more children and adults know about it, the greater the chance that many States will observe it. And the better things will be for all children around the world.



III. Quick reference:

10 most important children's rights
to remember and tell others

1. **Equality:** All children have equal rights, without discrimination.
2. **Health:** Children have the right to live healthy lives, be cared for and protected from living in hardship.
3. **Education:** Children should learn and be permitted to receive vocational education in line with their needs and abilities.
4. **Information, freedom of expression and participation:** Children have the right to get all the information they need and to share their own opinions. Children have the right to say what they think in all decisions that affect them and have their opinions taken into consideration.
5. **Leisure, play and relaxation:** Children must have free time; they should be permitted to play and relax.
6. **Parental care:** Every child has the right to be raised by its parents, even if the parents do not live together. If that is impossible, then foster parents, for example, should care for the child.
7. **Growing up without violence:** Children have the right to grow up and be raised without violence of any kind.
8. **Protection in war and as refugees:** Children in war and as refugees must have special protection.
9. **Protection against economic and sexual exploitation:** Children have the right to be protected against violence, abuse as well as sexual and economic exploitation.
10. **Disabled children have the right to special care and support:** Children with disabilities should receive special care and support so that they can lead full and active lives.



IV. How children can assert their own rights

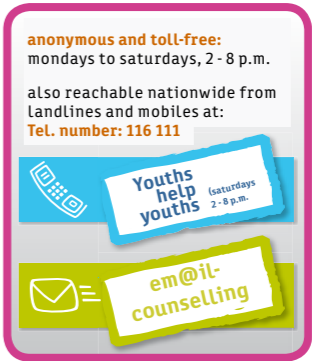
Personal rights

“I am being mobbed at school”; “My parents beat me a lot”; “I want to know about contraception.”

In cases such as these, it may be important to speak with someone and get advice, without anyone else finding out. A free helpline exists (“Nummer gegen Kummer”) for this purpose in Germany, which children and young people can call if they have a personal problem.

The helpline for children and young people can be reached from Monday to Saturday between 2:00 p.m. and 8 p.m. at: 0800 111 0333

The call is free!



The helpline for children and young people is a nationwide program sponsored by the “Nummer gegen Kummer e.V.” association, a member of the Deutscher Kinderschutzbund (German association for the protection of children). An adult counsellor answers the phone, who has been specially trained to talk with children and young people. The counsellors can only give callers advice over the telephone. Therefore they will often ask if there are any adults around who can help you, such as friends, teachers or doctors. Only in special cases do the counsellors ask if Youth Services should intervene. But that only happens if the caller himself wants it.



All calls are anonymous.

This means that the counsellors on the telephone will not tell anyone who called or what was discussed on the telephone. You do not have to tell your name! In addition, the adult counsellor cannot see your number in his or her display.

If you have an urgent problem on a Sunday, just look in the daily newspaper to see if the events page lists a child protection centre or an emergency telephone number specifically for children.



Political rights

“We desperately need a traffic light in front of our school”;
“We would like to have a half pipe for inline skating”; “I want to do something to fight poverty and environmental pollution”.

If you have any ideas or suggestions like these, you can take action in several different ways: Many towns and municipalities have children’s offices, commissioners or officers, or possibly children and youth parliaments. There you can get advice on what you can do to bring about change in your town or city.

Furthermore, numerous organisations exist in Germany that support the rights of children. Here are several of them:

National Coalition

The German National Coalition for the implementation of the UN Convention on the Rights of the Child (abbreviated: NC) is a group of over 110 organisations and associations that have joined forces to support children’s rights in Germany.

To spread the word on children’s rights, the NC regularly holds conferences and publishes information brochures for adults and children. NC experts also meet with the United Nations Committee on the Rights of the Child and report there what Germany is doing or not doing to promote children’s rights. For more on the work and members of the National Coalition, go to:

www.national-coalition.de



Lokales Bündnis für Familien (“Local Federation for Families”)

You may have a Local Federation for Families near you, which you can contact for assistance. This group includes several partners, its purpose being to improve the situation of children and parents locally through various projects, such as child day-care, holiday programs, playgrounds, hazards on the way to school and much more.

You can find out if this group has an office near you at the following Internet site under “Bündnisse A – Z”, put together by the Federal Ministry of Family Affairs, Senior Citizens, Women and Youth:



<http://www.lokale-buendnisse-fuer-familie.de>

Deutsches Kinderhilfswerk (German children's aid organisation)

The "Deutsches Kinderhilfswerk" is committed to ensuring that children's rights are observed, that fewer children live in poverty and that children have a say in many decisions. To help children learn more about their rights, it has a special Internet site on children's rights at:



www.kindersache.de (for children)

www.dkhw.de (for adults)

Deutsches Kinderhilfswerk e.V.
Leipziger Str. 116-118
10117 Berlin
Germany
Tel.: +49 (0)30 - 308693-0
E-mail: info@kindersache.de

"terres des hommes" aid organisation

The "terre des hommes" organisation (pronounced: "tear de some", French for "earth of humanity") works for a better life for children and young people in poor countries. You can help them in this effort, for example by participating in one of the organisation's Children's Rights Teams or – if such a team does not yet exist in your area – by establishing a new team. Contact:

www.tdh.de

terre des hommes

Help for Children in Distress

Ruppenkampstrasse 11 a
49084 Osnabrück
Germany
Tel.: +49 (0)541 - 7101-0
Fax: +49 (0)541 - 707233
E-mail: info@tdh.de



Deutscher Kinderschutzbund

(German organisation for the protection of children)

The "Deutscher Kinderschutzbund" works to protect children against violence and poverty, and for the implementation of children's rights in Germany. When children and their parents have problems, they can turn to one of the "Deutscher Kinderschutzbund's" local counselling centres. To find a centre near you, go to:



www.kinderschutzbund.de

Deutscher Kinderschutzbund Bundesverband e.V.

Bundesgeschäftsstelle
Schöneberger Str. 15
10963 Berlin
Germany
Tel.: +49 (0)30 - 214809 - 0
Fax: +49 (0)30 - 214809 - 99
E-mail: info@dksb.de

Kindernothilfe (German children's aid organisation)

"Kindernothilfe" aims to ensure that the rights of children are observed worldwide. To achieve this goal, it supports numerous projects around the globe, helping for instance more children in poor countries to grow up without violence and be able to attend school. For more information on this organisation, go to:

www.kindernothilfe.de

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UNICEF: Junior Ambassador program

UNICEF, the United Nations Children's Fund, helps children and young people to know their rights, and therefore holds the UNICEF Junior Ambassador of the Year competition every year. Anyone who works in support of children's rights and shares information on their activities can become a Junior Ambassador. For more information on the competition, go to:

www.juniorbotschafter.de
UNICEF JuniorBotschafter

Höninger Weg 104
50969 Köln
Germany
E-mail: juniorbotschafter@unicef.de



Information on children's rights on ZDFtivi

"tivi", the children and young people's program on Germany's channel ZDF, regularly provides information on children's rights.

The children's news program logo!, for example, airs daily reports on current events around the world. It covers topics such as agreements among politicians on children's rights, special actions on Child Protection Day and awards for people who support the interests of others in a special way. If you want to stand up for children's rights, and are planning a special activity, send an e-mail to:

logo@zdf.de or call: +49 (0)6131 - 706123.

The logo! children's news program airs daily on the KiKA channel:

From Saturday to Thursday at 7:50 p.m.

On Friday at 7.25 p.m. and

Monday to Friday as the news in brief at 2.08 p.m. and 4.15 p.m.

For up-to-date information, background reports, forums, quizzes, all recent broadcasts for streaming or as podcasts and much more, go to the Internet site at www.logo.de.



Die Welt und ich.



V. Text of the Convention:

Adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989
entry into force 2 September 1990, in accordance with article 49

Preamble

The States Parties to the present Convention,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Bearing in mind that the peoples of the United Nations have, in the Charter, reaffirmed their faith in fundamental human rights and in the dignity and worth of the human person, and have determined to promote social progress and better standards of life in larger freedom,

Recognizing that the United Nations has, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights, proclaimed and agreed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Recalling that, in the Universal Declaration of Human Rights, the United Nations has proclaimed that childhood is entitled to special care and assistance,

Convinced that the family, as the fundamental group of society and the natural

environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community,

Recognizing that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding,

Considering that the child should be fully prepared to live an individual life in society, and brought up in the spirit of the ideals proclaimed in the Charter of the United Nations, and in particular in the spirit of peace, dignity, tolerance, freedom, equality and solidarity,

Bearing in mind that the need to extend particular care to the child has been stated in the Geneva Declaration of the Rights of the Child of 1924 and in the Declaration of the Rights of the Child adopted by the General Assembly on 20 November 1959 and recognized in the Universal Declaration of Human Rights, in the International Covenant on Civil and Political Rights (in particular in articles 23 and 24), in the International Covenant on Economic, Social and Cultural Rights (in particular in article 10) and in the statutes and relevant instruments of specialized agencies and international organizations concerned with the welfare of children,

Bearing in mind that, as indicated in the Declaration of the Rights of the Child, „the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth“,

Recalling the provisions of the Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally; the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules); and the Declaration on the Protection of Women and Children in Emergency and Armed Conflict, Recognizing that, in all countries in the world, there are children living in exceptionally difficult conditions, and that such children need special consideration,

Taking due account of the importance of the traditions and cultural values of each people for the protection and harmonious development of the child, Recognizing the importance of international cooperation for improving the living conditions of children in every country, in particular in the developing countries,

Have agreed as follows:

PART I

Article 1

For the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.

Article 2

1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.
2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

Article 3

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.
3. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

Article 4

States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation.

Article 5

States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention.

Article 6

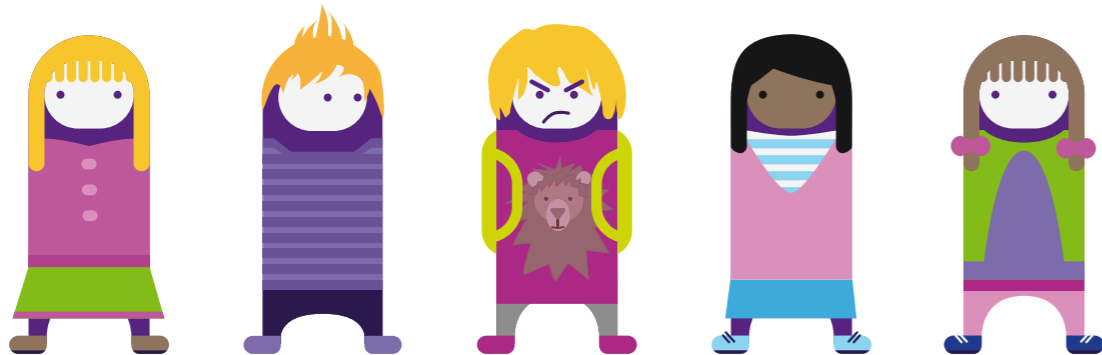
1. States Parties recognize that every child has the inherent right to life.
2. States Parties shall ensure to the maximum extent possible the survival and development of the child.

Article 7

1. The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents.
2. States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.

Article 8

1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.
2. Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity.



Article 9

1. States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents, or one where the parents are living separately and a decision must be made as to the child's place of residence.
2. In any proceedings pursuant to paragraph 1 of the present article, all interested parties shall be given an opportunity to participate in the proceedings and make their views known.
3. States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests.
4. Where such separation results from any action initiated by a State Party, such as the detention, imprisonment, exile, deportation or death (including death arising from any cause while the person is in the custody of the State) of one or both parents or of the child, that State Party shall, upon request, provide the parents, the child or, if appropriate, another member of the family with the essential information concerning the whereabouts of the absent member(s) of the family unless the provision of the information would be detrimental to the well-being of the child. States Parties shall further ensure that the submission of such a request shall of itself entail no adverse consequences for the person(s) concerned.

Article 10

1. In accordance with the obligation of States Parties under article 9, paragraph 1, applications by a child or his or her parents to enter or leave a State Party for the purpose of family reunification shall be dealt with by States Parties in a positive, humane and expeditious manner. States Parties shall further ensure that the submission of such a request shall entail no adverse consequences for the applicants and for the members of their family.
2. A child whose parents reside in different States shall have the right to maintain on a regular basis, save in exceptional circumstances personal relations and direct contacts with both parents. Towards that end and in accordance with the obligation of States Parties under article 9, paragraph 1, States Parties shall respect the right of the child and his or her parents to leave any country, including their own, and to enter their own country. The right to leave any country shall be subject only to such restrictions as are prescribed by law and which are necessary to protect the national security, public order (ordre public), public health or morals or the rights and freedoms of others and are consistent with the other rights recognized in the present Convention.

Article 11

1. States Parties shall take measures to combat the illicit transfer and non-return of children abroad.
2. To this end, States Parties shall promote the conclusion of bilateral or multilateral agreements or accession to existing agreements.

Article 12

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.
2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

Article 13

1. The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.
2. The exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:
 - (a) For respect of the rights or reputations of others; or
 - (b) For the protection of national security or of public order (ordre public), or of public health or morals.

Article 14

1. States Parties shall respect the right of the child to freedom of thought, conscience and religion.
2. States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.
3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.

Article 15

1. States Parties recognize the rights of the child to freedom of association and to freedom of peaceful assembly.
2. No restrictions may be placed on the exercise of these rights other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.



Article 16

1. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour and reputation.
2. The child has the right to the protection of the law against such interference or attacks.

Article 17

States Parties recognize the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health.

To this end, States Parties shall:

- (a) Encourage the mass media to disseminate information and material of social and cultural benefit to the child and in accordance with the spirit of article 29;
- (b) Encourage international co-operation in the production, exchange and dissemination of such information and material from a diversity of cultural, national and international sources;
- (c) Encourage the production and dissemination of children's books;
- (d) Encourage the mass media to have particular regard to the linguistic needs of the child who belongs to a minority group or who is indigenous;
- (e) Encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being, bearing in mind the provisions of articles 13 and 18.

Article 18

1. States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.
2. For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children.
3. States Parties shall take all appropriate measures to ensure that children of working parents have the right to benefit from child-care services and facilities for which they are eligible.

Article 19

1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.
2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of

child maltreatment described heretofore, and, as appropriate, for judicial involvement.

Article 20

1. A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.
2. States Parties shall in accordance with their national laws ensure alternative care for such a child.
3. Such care could include, inter alia, foster placement, kafalah of Islamic law, adoption or if necessary placement in suitable institutions for the care of children. When considering solutions, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background.

Article 21

States Parties that recognize and/or permit the system of adoption shall ensure that the best interests of the child shall be the paramount consideration and they shall:

- (a) Ensure that the adoption of a child is authorized only by competent authorities who determine, in accordance with applicable law and procedures and on the basis of all pertinent and reliable information, that the adoption is permissible in view of the child's status concerning parents, relatives and legal guardians and that, if required, the persons concerned have given their informed consent to the adoption on the basis of such counselling as may be necessary;

- (b) Recognize that inter-country adoption may be considered as an alternative means of child's care, if the child cannot be placed in a foster or an adoptive family or cannot in any suitable manner be cared for in the child's country of origin;
- (c) Ensure that the child concerned by inter-country adoption enjoys safeguards and standards equivalent to those existing in the case of national adoption;
- (d) Take all appropriate measures to ensure that, in inter-country adoption, the placement does not result in improper financial gain for those involved in it;
- (e) Promote, where appropriate, the objectives of the present article by concluding bilateral or multilateral arrangements or agreements, and endeavour, within this framework, to ensure that the placement of the child in another country is carried out by competent authorities or organs.

Article 22

1. States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties.



2. For this purpose, States Parties shall provide, as they consider appropriate, co-operation in any efforts by the United Nations and other competent intergovernmental organizations or non-governmental organizations co-operating with the United Nations to protect and assist such a child and to trace the parents or other members of the family of any refugee child in order to obtain information necessary for reunification with his or her family. In cases where no parents or other members of the family can be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason, as set forth in the present Convention.
- Article 23**
1. States Parties recognize that a mentally or physically 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.
 2. States Parties recognize the right of the disabled child to special care and shall encourage and ensure the extension, subject to available resources, to the eligible child and those responsible for his or her care, of assistance for which application is made and which is appropriate to the child's condition and to the circumstances of the parents or others caring for the child.
3. Recognizing the special needs of a disabled child, assistance extended in accordance with paragraph 2 of the present article shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or others caring for the child, and shall be designed to ensure that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development
 4. States Parties shall promote, in the spirit of international cooperation, the exchange of appropriate information in the field of preventive health care and of medical, psychological and functional treatment of disabled children, including dissemination of and access to information concerning methods of rehabilitation, education and vocational services, with the aim of enabling States Parties to improve their capabilities and skills and to widen their experience in these areas. In this regard, particular account shall be taken of the needs of developing countries.



Article 24

1. States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.
2. States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures:
 - (a) To diminish infant and child mortality;
 - (b) To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care;
 - (c) To combat disease and malnutrition, including within the framework of primary health care, through, inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution;
 - (d) To ensure appropriate pre-natal and post-natal health care for mothers;
 - (e) To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breastfeeding, hygiene and environmental sanitation and the prevention of accidents;
 - (f) To develop preventive health care, guidance for parents and family planning education and services.
3. States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.



4. States Parties undertake to promote and encourage international co-operation with a view to achieving progressively the full realization of the right recognized in the present article. In this regard, particular account shall be taken of the needs of developing countries.

Article 25

States Parties recognize the right of a child who has been placed by the competent authorities for the purposes of care, protection or treatment of his or her physical or mental health, to a periodic review of the treatment provided to the child and all other circumstances relevant to his or her placement.

Article 26

1. States Parties shall recognize for every child the right to benefit from social security, including social insurance, and shall take the necessary measures to achieve the full realization of this right in accordance with their national law.
2. The benefits should, where appropriate, be granted, taking into account the resources and the circumstances of the child and persons having responsibility for the maintenance of the child, as well as any other consideration relevant to an application for benefits made by or on behalf of the child.

Article 27

- 1. States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.
- 2. The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development.
- 3. States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.
- 4. States Parties shall take all appropriate measures to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child, both within the State Party and from abroad. In particular, where the person having financial responsibility for the child lives in a State different from that of the child, States Parties shall promote the accession to international agreements or the conclusion of such agreements, as well as the making of other appropriate arrangements.

Article 28

- 1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:
 - (a) Make primary education compulsory and available free to all;

- (b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;
- (c) Make higher education accessible to all on the basis of capacity by every appropriate means;
- (d) Make educational and vocational information and guidance available and accessible to all children;
- (e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.
- 2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.
- 3. States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

Article 29

- 1. States Parties agree that the education of the child shall be directed to:
 - (a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;
 - (b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;

- (c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;
- (d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;
- (e) The development of respect for the natural environment.
- 2. No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principle set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

Article 30

In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.

Article 31

- 1. States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.
- 2. States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.

Article 32

- 1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.
- 2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular:
 - (a) Provide for a minimum age or minimum ages for admission to employment;
 - (b) Provide for appropriate regulation of the hours and conditions of employment;
 - (c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.



Article 33

States Parties shall take all appropriate measures, including legislative, administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances as defined in the relevant international treaties, and to prevent the use of children in the illicit production and trafficking of such substances.

Article 34

States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

- (a) The inducement or coercion of a child to engage in any unlawful sexual activity;
- (b) The exploitative use of children in prostitution or other unlawful sexual practices;
- (c) The exploitative use of children in pornographic performances and materials.

Article 35

States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.

Article 36

States Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare.

Article 37

States Parties shall ensure that:

- (a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age;
- (b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;
- (c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances;
- (d) Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.

Article 38

1. States Parties undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child.
2. States Parties shall take all feasible measures to ensure that persons who have not attained the age of fifteen years do not take a direct part in hostilities.
3. States Parties shall refrain from recruiting any person who has not attained the age of fifteen years into their armed forces. In recruiting among those persons who have attained the age of fifteen years but who have not attained the age of eighteen years, States Parties shall endeavour to give priority to those who are oldest.
4. In accordance with their obligations under international humanitarian law to protect the civilian population in armed conflicts, States Parties shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict.

Article 39

States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

Article 40

1. States Parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society.
2. To this end, and having regard to the relevant provisions of international instruments, States Parties shall, in particular, ensure that:
 - (a) No child shall be alleged as, be accused of, or recognized as having infringed the penal law by reason of acts or omissions that were not prohibited by national or international law at the time they were committed;
 - (b) Every child alleged as or accused of having infringed the penal law has at least the following guarantees:
 - (i) To be presumed innocent until proven guilty according to law;
 - (ii) To be informed promptly and directly of the charges against him or her, and, if appropriate, through his or her parents or legal guardians, and to have legal or other appropriate assistance in the preparation and presentation of his or her defence;
 - (iii) To have the matter determined without delay by a competent, independent and impartial authority or judicial body in a fair hearing according to law, in the presence of legal or other appropriate assistance and, unless it is considered not to be in the best interest of the child, in particular, taking into account his or her age or situation, his or her parents or legal guardians;



- (iv) Not to be compelled to give testimony or to confess guilt; to examine or have examined adverse witnesses and to obtain the participation and examination of witnesses on his or her behalf under conditions of equality;
 - (v) If considered to have infringed the penal law, to have this decision and any measures imposed in consequence thereof reviewed by a higher competent, independent and impartial authority or judicial body according to law;
 - (vi) To have the free assistance of an interpreter if the child cannot understand or speak the language used;
 - (vii) To have his or her privacy fully respected at all stages of the proceedings.
3. States Parties shall seek to promote the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of, or recognized as having infringed the penal law, and, in particular:
 - (a) The establishment of a minimum age below which children shall be presumed not to have the capacity to infringe the penal law;
 - (b) Whenever appropriate and desirable, measures for dealing with such children without resorting to judicial proceedings, providing that human rights and legal safeguards are fully respected.
 4. A variety of dispositions, such as care, guidance and supervision orders; counselling; probation; foster care; education and vocational training programmes and other alternatives to institutional care shall be available to ensure that children are dealt with in a manner appropriate to their well-being and proportionate both to their circumstances and the offence.

Article 41

Nothing in the present Convention shall affect any provisions which are more conducive to the realization of the rights of the child and which may be contained in:

- (a) The law of a State party; or
- (b) International law in force for that State.

PART II

Article 42

States Parties undertake to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike.

Article 43

1. For the purpose of examining the progress made by States Parties in achieving the realization of the obligations undertaken in the present Convention, there shall be established a Committee on the Rights of the Child, which shall carry out the functions hereinafter provided.
2. The Committee shall consist of ten experts of high moral standing and recognized competence in the field covered by this Convention. The members of the Committee shall be elected by States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution, as well as to the principal legal systems.
3. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals.

4. The initial election to the Committee shall be held no later than six months after the date of the entry into force of the present Convention and thereafter every second year. At least four months before the date of each election, the Secretary-General of the United Nations shall address a letter to States Parties inviting them to submit their nominations within two months. The Secretary-General shall subsequently prepare a list in alphabetical order of all persons thus nominated, indicating States Parties which have nominated them, and shall submit it to the States Parties to the present Convention.
5. The elections shall be held at meetings of States Parties convened by the Secretary-General at United Nations Headquarters. At those meetings, for which two thirds of States Parties shall constitute a quorum, the persons elected to the Committee shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.
6. The members of the Committee shall be elected for a term of four years. They shall be eligible for reelection if renominated. The term of five of the members elected at the first election shall expire at the end of two years; immediately after the first election, the names of these five members shall be chosen by lot by the Chairman of the meeting.
7. If a member of the Committee dies or resigns or declares that for any other cause he or she can no longer perform the duties of the Committee, the State Party which nominated the member shall appoint another expert from among its nationals to serve for the remainder of the term, subject to the approval of the Committee.
8. The Committee shall establish its own rules of procedure.
9. The Committee shall elect its officers for a period of two years.
10. The meetings of the Committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Committee. The Committee shall normally meet annually. The duration of the meetings of the Committee shall be determined, and reviewed, if necessary, by a meeting of the States Parties to the present Convention, subject to the approval of the General Assembly.
11. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention.
12. With the approval of the General Assembly, the members of the Committee established under the present Convention shall receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide.

Article 44

1. States Parties undertake to submit to the Committee, through the Secretary-General of the United Nations, reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made on the enjoyment of those rights
 - (a) Within two years of the entry into force of the Convention for the State Party concerned;
 - (b) Thereafter every five years.
2. Reports made under the present article shall indicate factors and difficulties, if any, affecting the degree of fulfilment of the obligations under the present Convention. Reports shall also contain sufficient information to provide the Committee with a comprehensive understanding of the implementation of the Convention in the country concerned.



3. A State Party which has submitted a comprehensive initial report to the Committee need not, in its subsequent reports submitted in accordance with paragraph 1 (b) of the present article, repeat basic information previously provided.
4. The Committee may request from States Parties further information relevant to the implementation of the Convention.
5. The Committee shall submit to the General Assembly, through the Economic and Social Council, every two years, reports on its activities.
6. States Parties shall make their reports widely available to the public in their own countries.

Article 45

In order to foster the effective implementation of the Convention and to encourage international cooperation in the field covered by the Convention:

- (a) The specialized agencies, the United Nations Children's Fund, and other United Nations organs shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their mandate. The Committee may invite the specialized agencies, the United Nations Children's Fund and other competent bodies as it may consider appropriate to provide expert advice on the implementation of the Convention in areas falling within the scope of their respective mandates. The Committee may invite the specialized agencies, the United Nations Children's Fund, and other United Nations organs to submit reports on the implementation of the Convention in areas falling within the scope of their activities;

- (b) The Committee shall transmit, as it may consider appropriate, to the specialized agencies, the United Nations Children's Fund and other competent bodies, any reports from States Parties that contain a request, or indicate a need, for technical advice or assistance, along with the Committee's observations and suggestions, if any, on these requests or indications;
- (c) The Committee may recommend to the General Assembly to request the Secretary-General to undertake on its behalf studies on specific issues relating to the rights of the child;
- (d) The Committee may make suggestions and general recommendations based on information received pursuant to articles 44 and 45 of the present Convention. Such suggestions and general recommendations shall be transmitted to any State Party concerned and reported to the General Assembly, together with comments, if any, from States Parties.

PART III

Article 46

The present Convention shall be open for signature by all States.

Article 47

The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article 48

The present Convention shall remain open for accession by any State. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article 49

1. The present Convention shall enter into force on the thirtieth day following the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.
2. For each State ratifying or acceding to the Convention after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the deposit by such State of its instrument of ratification or accession.

Article 50

1. Any State Party may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to States Parties, with a request that they indicate whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that, within four months from the date of such communication, at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of States Parties present and voting at the conference shall be submitted to the General Assembly for approval.
2. An amendment adopted in accordance with paragraph 1 of the present article shall enter into force when it has been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of States Parties.
3. When an amendment enters into force, it shall be binding on those States Parties which have accepted it, other States Parties still being bound by the provisions of the present Convention and any earlier amendments which they have accepted.

Article 51

1. The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of ratification or accession.
2. A reservation incompatible with the object and purpose of the present Convention shall not be permitted.
3. Reservations may be withdrawn at any time by notification to that effect addressed to the Secretary-General of the United Nations, who shall then inform all States. Such notification shall take effect on the date on which it is received by the Secretary-General

Article 52

A State Party may denounce the present Convention by written notification to the Secretary-General of the United Nations. Denunciation becomes effective one year after the date of receipt of the notification by the Secretary-General.

Article 53

The Secretary-General of the United Nations is designated as the depositary of the present Convention.

Article 54

The original of the present Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations. IN WITNESS THEREOF the undersigned plenipotentiaries, being duly authorized thereto by their respective governments, have signed the present Convention.





OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE INVOLVEMENT OF CHILDREN IN ARMED CONFLICT

The States Parties to the present Protocol,

Encouraged by the overwhelming support for the Convention on the Rights of the Child, demonstrating the widespread commitment that exists to strive for the promotion and protection of the rights of the child,

Reaffirming that the rights of children require special protection, and calling for continuous improvement of the situation of children without distinction, as well as for their development and education in conditions of peace and security,

Disturbed by the harmful and widespread impact of armed conflict on children and the long-term consequences this has for durable peace, security and development,

Condemning the targeting of children in situations of armed conflict and direct attacks on objects protected under international law, including places generally having a significant presence of children, such as schools and hospitals,

Noting the adoption of the Statute of the International Criminal Court and, in particular, its inclusion as a war crime of conscripting or enlisting children under the age of 15 years or using them to participate actively in hostilities in both international and non-international armed conflicts,

Considering, therefore, that to strengthen further the implementation of rights recognized in the Convention on the Rights of the Child there is a need to increase the protection of children from involvement in armed conflict,

Noting that article 1 of the Convention on the Rights of the Child specifies that, for the purposes of that Convention, a child means every human being below the age of 18 years unless, under the law applicable to the child, majority is attained earlier,

Convinced that an optional protocol to the Convention raising the age of possible recruitment of persons into armed forces and their participation in hostilities will contribute effectively to the implementation of the principle that the best interests of the child are to be a primary consideration in all actions concerning children,

Noting that the twenty-sixth international Conference of the Red Cross and Red Crescent in December 1995 recommended, inter alia, that parties to conflict take every feasible step to ensure that children under the age of 18 years do not take part in hostilities,

Welcoming the unanimous adoption, in June 1999, of International Labour Organization Convention No. 182 on the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, which prohibits, inter alia, forced or compulsory recruitment of children for use in armed conflict,

Condemning with the gravest concern the recruitment, training and use within and across national borders of children in hostilities by armed groups distinct from the armed forces of a State, and recognizing the responsibility of those who recruit, train and use children in this regard, Recalling the obligation of each party to an armed conflict to abide by the provisions of international humanitarian law,

Stressing that this Protocol is without prejudice to the purposes and principles contained in the Charter of the United Nations, including Article 51, and relevant norms of humanitarian law,

Bearing in mind that conditions of peace and security based on full respect of the purposes and principles contained in the Charter and observance of applicable human rights instruments are indispensable for the full protection of children, in particular during armed conflicts and foreign occupation,

Recognizing the special needs of those children who are particularly vulnerable to recruitment or use in hostilities contrary to this Protocol owing to their economic or social status or gender,

Mindful of the necessity of taking into consideration the economic, social and political root causes of the involvement of children in armed conflicts,

Convinced of the need to strengthen international cooperation in the implementation of this Protocol, as well as the physical and psychosocial rehabilitation and social reintegration of children who are victims of armed conflict,

Encouraging the participation of the community and, in particular, children and child victims in the dissemination of informational and educational programmes concerning the implementation of the Protocol,

Have agreed as follows:

Article 1

States Parties shall take all feasible measures to ensure that members of their armed forces who have not attained the age of 18 years do not take a direct part in hostilities.

Article 2

States Parties shall ensure that persons who have not attained the age of 18 years are not compulsorily recruited into their armed forces.

Article 3

1. States Parties shall raise the minimum age for the voluntary recruitment of persons into their national armed forces from that set out in article 38, paragraph 3, of the Convention on the Rights of the Child, taking account of the principles contained in that article and recognizing that under the Convention persons under 18 are entitled to special protection.
2. Each State Party shall deposit a binding declaration upon ratification of or accession to this Protocol that sets forth the minimum age at which it will permit voluntary recruitment into its national armed forces and a description of the safeguards that it has adopted to ensure that such recruitment is not forced or coerced.
3. States Parties that permit voluntary recruitment into their national armed forces under the age of 18 shall maintain safegu-

ards to ensure, as a minimum, that:

- (a) Such recruitment is genuinely voluntary;
 - (b) Such recruitment is done with the informed consent of the person=s parents or legal guardians;
 - (c) Such persons are fully informed of the duties involved in such military service;
 - (d) Such persons provide reliable proof of age prior to acceptance into national military service.
4. Each State Party may strengthen its declaration at any time by notification to that effect addressed to the Secretary-General of the United Nations, who shall inform all States Parties. Such notification shall take effect on the date on which it is received by the Secretary-General.
 5. The requirement to raise the age in paragraph 1 of the present article does not apply to schools operated by or under the control of the armed forces of the States Parties, in keeping with articles 28 and 29 of the Convention on the Rights of the Child.

Article 4

1. Armed groups that are distinct from the armed forces of a State should not, under any circumstances, recruit or use in hostilities persons under the age of 18 years.
2. States Parties shall take all feasible measures to prevent such recruitment and use, including the adoption of legal measures necessary to prohibit and criminalize such practices.
3. The application of the present article under this Protocol shall not affect the legal status of any party to an armed conflict.

Article 5

Nothing in the present Protocol shall be construed as precluding provisions in the law of a State Party or in international instruments and international humanitarian law that are more conducive to the realization of the rights of the child.

Article 6

1. Each State Party shall take all necessary legal, administrative and other measures to ensure the effective implementation and enforcement of the provisions of this Protocol within its jurisdiction.
2. States Parties undertake to make the principles and provisions of the present Protocol widely known and promoted by appropriate means, to adults and children alike.

3. States Parties shall take all feasible measures to ensure that persons within their jurisdiction recruited or used in hostilities contrary to this Protocol are demobilized or otherwise released from service. States Parties shall, when necessary, accord to these persons all appropriate assistance for their physical and psychological recovery and their social reintegration.

Article 7

1. States Parties shall cooperate in the implementation of the present Protocol, including in the prevention of any activity contrary to the Protocol and in the rehabilitation and social reintegration of persons who are victims of acts contrary to this Protocol, including through technical cooperation and financial assistance. Such assistance and cooperation will be undertaken in consultation with concerned States Parties and relevant international organizations.
2. States Parties in a position to do so shall provide such assistance through existing multilateral, bilateral or other programmes, or, inter alia, through a voluntary fund established in accordance with the rules of the General Assembly.

Article 8

1. Each State Party shall submit, within two years following the entry into force of the Protocol for that State Party, a report to the Committee on the Rights of the Child providing comprehensive information on the measures it has taken to implement the provisions of the Protocol, including the measures taken to implement the provisions on participation and recruitment.
2. Following the submission of the comprehensive report, each State Party shall include in the reports they submit to the Committee on the Rights of the Child, in accordance with article 44 of the Convention, any further information with respect to the implementation of the Protocol. Other States Parties to the Protocol shall submit a report every five years.
3. The Committee on the Rights of the Child may request from States Parties further information relevant to the implementation of this Protocol.

Article 9

1. The present Protocol is open for signature by any State that is a party to the Convention or has signed it.

2. The present Protocol is subject to ratification and is open to accession by any State. Instruments of ratification or accession shall be deposited with the Secretary-General of the United Nations.
3. The Secretary-General, in his capacity as depositary of the Convention and the Protocol, shall inform all States Parties to the Convention and all States that have signed the Convention of each instrument of declaration pursuant to article 13.

Article 10

1. The present Protocol shall enter into force three months after the deposit of the tenth instrument of ratification or accession.
2. For each State ratifying the present Protocol or acceding to it after its entry into force, the present Protocol shall enter into force one month after the date of the deposit of its own instrument of ratification or accession.

Article 11

1. Any State Party may denounce the present Protocol at any time by written notification to the Secretary-General of the United Nations, who shall thereafter inform the other States Parties to the Convention and all States that have signed the Convention. The denunciation shall take effect one year after the date of receipt of the notification by the Secretary-General. If, however, on the expiry of that year the denouncing State Party is engaged in armed conflict, the denunciation shall not take effect before the end of the armed conflict.
2. Such a denunciation shall not have the effect of releasing the State Party from its obligations under the present Protocol in regard to any act that occurs prior to the date on which the denunciation becomes effective. Nor shall such a denunciation prejudice in any way the continued consideration of any matter that is already under consideration by the Committee prior to the date on which the denunciation becomes effective.

Article 12

1. Any State Party may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to States Parties, with a request that they indicate whether they favour a conference of States Parties for the purpose



of considering and voting upon the proposals. In the event that, within four months from the date of such communication, at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of States Parties present and voting at the conference shall be submitted to the General Assembly for approval.

2. An amendment adopted in accordance with paragraph 1 of the present article shall enter into force when it has been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of States Parties.
3. When an amendment enters into force, it shall be binding on those States Parties that have accepted it, other States Parties still being bound by the provisions of the present Protocol and any earlier amendments that they have accepted.

Article 13

1. The present Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.
2. The Secretary-General of the United Nations shall transmit certified copies of the present Protocol to all States Parties to the Convention and all States that have signed the Convention.





OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY

The States Parties to the present Protocol,

Considering that, in order further to achieve the purposes of the Convention on the Rights of the Child and the implementation of its provisions, especially articles 1, 11, 21, 32, 33, 34, 35 and 36, it would be appropriate to extend the measures that States Parties should undertake in order to guarantee the protection of the child from the sale of children, child prostitution and child pornography,

Considering also that the Convention on the Rights of the Child recognizes the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development,

Gravely concerned at the significant and increasing international traffic of children for the purpose of the sale of children, child prostitution and child pornography,

Deeply concerned at the widespread and continuing practice of sex tourism, to which children are especially vulnerable, as it directly promotes the sale of children, child prostitution and child pornography,

Recognizing that a number of particularly vulnerable groups, including girl children, are at greater risk of sexual exploitation, and that girl children are disproportionately represented among the sexually exploited,

Concerned about the growing availability of child pornography on the Internet and other evolving technologies, and recalling the International Conference on Combating Child Pornography on the Internet (Vienna, 1999) and, in particular, its conclusion calling for the worldwide criminalization of the production, distribution, exportation, transmission, importation, intentional possession and advertising of child pornography, and stressing the importance

of closer cooperation and partnership between Governments and the Internet industry,

Believing that the elimination of the sale of children, child prostitution and child pornography will be facilitated by adopting a holistic approach, addressing the contributing factors, including underdevelopment, poverty, economic disparities, inequitable socio-economic structure, dysfunctioning families, lack of education, urban-rural migration, gender discrimination, irresponsible adult sexual behaviour, harmful traditional practices, armed conflicts and trafficking of children,

Believing that efforts to raise public awareness are needed to reduce consumer demand for the sale of children, child prostitution and child pornography, and also believing in the importance of strengthening global partnership among all actors and of improving law enforcement at the national level,

Noting the provisions of international legal instruments relevant to the protection of children, including the Hague Convention on the Protection of Children and Cooperation with Respect to Inter-Country Adoption, the Hague Convention on the Civil Aspects of International Child Abduction, the Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in Respect of Parental Responsibility and Measures for the Protection of Children, and International Labour Organization Convention No. 182 on the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour,

Encouraged by the overwhelming support for the Convention on the Rights of the Child, demonstrating the widespread commitment that exists for the promotion and protection of the rights of the child,

Recognizing the importance of the implementation of the provisions of the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography and

the Declaration and Agenda for Action adopted at the World Congress against Commercial Sexual Exploitation of Children, held at Stockholm from 27 to 31 August 1996, and the other relevant decisions and recommendations of pertinent international bodies,

Taking due account of the importance of the traditions and cultural values of each people for the protection and harmonious development of the child,

Have agreed as follows:

Article 1

States Parties shall prohibit the sale of children, child prostitution and child pornography as provided for by the present Protocol.

Article 2

For the purpose of the present Protocol:

- (a) Sale of children means any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration;
- (b) Child prostitution means the use of a child in sexual activities for remuneration or any other form of consideration;
- (c) Child pornography means any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes.

Article 3

- 1. Each State Party shall ensure that, as a minimum, the following acts and activities are fully covered under its criminal or penal law, whether these offences are committed domestically or transnationally or on an individual or organized basis:
 - (a) In the context of sale of children as defined in Article 2:
 - (i) The offering, delivering or accepting, by whatever means, a child for the purpose of:
 - a. Sexual exploitation of the child;
 - b. Transfer of organs of the child for profit;
 - c. Engagement of the child in forced labour;
 - (ii) Improperly inducing consent, as an intermediary, for the adoption of a child in violation of applicable international legal instruments on adoption;
 - (b) Offering, obtaining, procuring or providing a child for child prostitution, as defined in Article 2;
 - (c) Producing, distributing, disseminating,

- importing, exporting, offering, selling or possessing for the above purposes child pornography as defined in Article 2.
- 2. Subject to the provisions of a State Party's national law, the same shall apply to an attempt to commit any of these acts and to complicity or participation in any of these acts.
- 3. Each State Party shall make these offences punishable by appropriate penalties that take into account their grave nature.
- 4. Subject to the provisions of its national law, each State Party shall take measures, where appropriate, to establish the liability of legal persons for offences established in paragraph 1 of the present Article. Subject to the legal principles of the State Party, this liability of legal persons may be criminal, civil or administrative.
- 5. States Parties shall take all appropriate legal and administrative measures to ensure that all persons involved in the adoption of a child act in conformity with applicable international legal instruments.

Article 4

- 1. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences referred to in Article 3, paragraph 1, when the offences are committed in its territory or on board a ship or aircraft registered in that State.
- 2. Each State Party may take such measures as may be necessary to establish its jurisdiction over the offences referred to in Article 3, paragraph 1, in the following cases:
 - (a) When the alleged offender is a national of that State or a person who has his habitual residence in its territory;
 - (b) When the victim is a national of that State.
- 3. Each State Party shall also take such measures as may be necessary to establish its jurisdiction over the above-mentioned offences when the alleged offender is present in its territory and it does not extradite him or her to another State Party on the ground that the offence has been committed by one of its nationals.
- 4. This Protocol does not exclude any criminal jurisdiction exercised in accordance with internal law.

Article 5

- 1. The offences referred to in Article 3, paragraph 1, shall be deemed to be included as extraditable offences in any extradition treaty existing between States Parties and shall be included as extraditable offences

- in every extradition treaty subsequently concluded between them, in accordance with the conditions set forth in those treaties.
- 2. If a State Party that makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, it may consider this Protocol as a legal basis for extradition in respect of such offences. Extradition shall be subject to the conditions provided by the law of the requested State.
- 3. States Parties that do not make extradition conditional on the existence of a treaty shall recognize such offences as extraditable offences between themselves subject to the conditions provided by the law of the requested State.
- 4. Such offences shall be treated, for the purpose of extradition between States Parties, as if they had been committed not only in the place in which they occurred but also in the territories of the States required to establish their jurisdiction in accordance with Article 4.
- 5. If an extradition request is made with respect to an offence described in Article 3, paragraph 1, and if the requested State Party does not or will not extradite on the basis of the nationality of the offender, that State shall take suitable measures to submit the case to its competent authorities for the purpose of prosecution.

Article 6

- 1. States Parties shall afford one another the greatest measure of assistance in connection with investigations or criminal or extradition proceedings brought in respect of the offences set forth in Article 3, paragraph 1, including assistance in obtaining evidence at their disposal necessary for the proceedings.
- 2. States Parties shall carry out their obligations under paragraph 1 of the present Article in conformity with any treaties or other arrangements on mutual legal assistance that may exist between them. In the absence of such treaties or arrangements, States Parties shall afford one another assistance in accordance with their domestic law.

Article 7

- States Parties shall, subject to the provisions of their national law:
- (a) Take measures to provide for the seizure and confiscation, as appropriate, of:

- (i) Goods such as materials, assets and other instrumentalities used to commit or facilitate offences under the present Protocol;
- (ii) Proceeds derived from such offences;
- (b) Execute requests from another State Party for seizure or confiscation of goods or proceeds referred to in subparagraph (a) (i);
- (c) Take measures aimed at closing, on a temporary or definitive basis, premises used to commit such offences.

Article 8

- 1. States Parties shall adopt appropriate measures to protect the rights and interests of child victims of the practices prohibited under the present Protocol at all stages of the criminal justice process, in particular by:
 - (a) Recognizing the vulnerability of child victims and adapting procedures to recognize their special needs, including their special needs as witnesses;
 - (b) Informing child victims of their rights, their role and the scope, timing and progress of the proceedings and of the disposition of their cases;
 - (c) Allowing the views, needs and concerns of child victims to be presented and considered in proceedings where their personal interests are affected, in a manner consistent with the procedural rules of national law;
 - (d) Providing appropriate support services to child victims throughout the legal process;
 - (e) Protecting, as appropriate, the privacy and identity of child victims and taking measures in accordance with national law to avoid the inappropriate dissemination of information that could lead to the identification of child victims;
 - (f) Providing, in appropriate cases, for the safety of child victims, as well as that of their families and witnesses on their behalf, from intimidation and retaliation;
 - (g) Avoiding unnecessary delay in the disposition of cases and the execution of orders or decrees granting compensation to child victims.
- 2. States Parties shall ensure that uncertainty as to the actual age of the victim shall not prevent the initiation of criminal investigations, including investigations aimed at establishing the age of the victim.
- 3. States Parties shall ensure that, in the treatment by the criminal justice system of children who are victims of the offences described in the present Protocol, the best interest of the child shall be a primary consideration.



- States Parties shall take measures to ensure appropriate training, in particular legal and psychological training, for the persons who work with victims of the offences prohibited under the present Protocol.
- States Parties shall, in appropriate cases, adopt measures in order to protect the safety and integrity of those persons and/or organizations involved in the prevention and/or protection and rehabilitation of victims of such offences.
- Nothing in the present Article shall be construed as prejudicial to or inconsistent with the rights of the accused to a fair and impartial trial.

Article 9

- States Parties shall adopt or strengthen, implement and disseminate laws, administrative measures, social policies and programmes to prevent the offences referred to in the present Protocol. Particular attention shall be given to protect children who are especially vulnerable to these practices.
- States Parties shall promote awareness in the public at large, including children, through information by all appropriate means, education and training, about the preventive measures and harmful effects of the offences referred to in the present Protocol. In fulfilling their obligations under this Article, States Parties shall encourage the participation of the community and, in particular, children and child victims, in such information and education and training programmes, including at the international level.
- States Parties shall take all feasible measures with the aim of ensuring all appropriate assistance to victims of such offences, including their full social reintegration and their full physical and psychological recovery.
- States Parties shall ensure that all child victims of the offences described in the present Protocol have access to adequate procedures to seek, without discrimination, compensation for damages from those legally responsible.
- States Parties shall take appropriate measures aimed at effectively prohibiting the production and dissemination of material advertising the offences described in the present Protocol.

Article 10

- States Parties shall take all necessary steps to strengthen international cooperation

by multilateral, regional and bilateral arrangements for the prevention, detection, investigation, prosecution and punishment of those responsible for acts involving the sale of children, child prostitution, child pornography and child sex tourism. States Parties shall also promote international cooperation and coordination between their authorities, national and international non-governmental organizations and international organizations.

- States Parties shall promote international cooperation to assist child victims in their physical and psychological recovery, social reintegration and repatriation.
- States Parties shall promote the strengthening of international cooperation in order to address the root causes, such as poverty and underdevelopment, contributing to the vulnerability of children to the sale of children, child prostitution, child pornography and child sex tourism.
- States Parties in a position to do so shall provide financial, technical or other assistance through existing multilateral, regional, bilateral or other programmes.

Article 11

Nothing in the present Protocol shall affect any provisions that are more conducive to the realization of the rights of the child and that may be contained in:

- The law of a State Party;
- International law in force for that State.

Article 12

- Each State Party shall submit, within two years following the entry into force of the Protocol for that State Party, a report to the Committee on the Rights of the Child providing comprehensive information on the measures it has taken to implement the provisions of the Protocol.
- Following the submission of the comprehensive report, each State Party shall include in the reports they submit to the Committee on the Rights of the Child, in accordance with Article 44 of the Convention, any further information with respect to the implementation of the Protocol. Other States Parties to the Protocol shall submit a report every five years.
- The Committee on the Rights of the Child may request from States Parties further information relevant to the implementation of this Protocol.

Article 13

- The present Protocol is open for signature by any State that is a party to the Convention or has signed it.
- The present Protocol is subject to ratification and is open to accession by any State that is a party to the Convention or has signed it. Instruments of ratification or accession shall be deposited with the Secretary-General of the United Nations.

Article 14

- The present Protocol shall enter into force three months after the deposit of the tenth instrument of ratification or accession.
- For each State ratifying the present Protocol or acceding to it after its entry into force, the present Protocol shall enter into force one month after the date of the deposit of its own instrument of ratification or accession.

Article 15

- Any State Party may denounce the present Protocol at any time by written notification to the Secretary-General of the United Nations, who shall thereafter inform the other States Parties to the Convention and all States that have signed the Convention. The denunciation shall take effect one year after the date of receipt of the notification by the Secretary-General of the United Nations.
- Such a denunciation shall not have the effect of releasing the State Party from its obligations under this Protocol in regard to any offence that occurs prior to the date on which the denunciation becomes effective. Nor shall such a denunciation prejudice in any way the continued consideration of any matter that is already under consideration by the Committee prior to the date on which the denunciation becomes effective.

Article 16

- Any State Party may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to States Parties, with a request that they indicate whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that, within four months from the date of such communication, at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the

auspices of the United Nations. Any amendment adopted by a majority of States Parties present and voting at the conference shall be submitted to the General Assembly for approval.

- An amendment adopted in accordance with paragraph I of the present Article shall enter into force when it has been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of States Parties.
- When an amendment enters into force, it shall be binding on those States Parties that have accepted it, other States Parties still being bound by the provisions of the present Protocol and any earlier amendments that they have accepted.

Article 17

- The present Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.
- The Secretary-General of the United Nations shall transmit certified copies of the present Protocol to all States Parties to the Convention and all States that have signed the Convention.



Optional Protocol to the Convention on the Rights of the Child on a communications procedure



The States parties to the present Protocol,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, the recognition of the inherent dignity and the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Noting that the States parties to the Convention on the Rights of the Child (hereinafter referred to as “the Convention”) recognize the rights set forth in it to each child within their jurisdiction without discrimination of any kind, irrespective of the child’s or his or her parent’s or legal guardian’s race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status,

Reaffirming the universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms,

Reaffirming also the status of the child as a subject of rights and as a human being with dignity and with evolving capacities,

Recognizing that children’s special and dependent status may create real difficulties for them in pursuing remedies for violations of their rights,

Considering that the present Protocol will reinforce and complement national and regional mechanisms allowing children to submit complaints for violations of their rights,

Recognizing that the best interests of the child should be a primary consideration to be respected in pursuing remedies for violations of the rights of the child, and that such remedies should take into account the need for child-sensitive procedures at all levels,

Encouraging States parties to develop appropriate national mechanisms to enable a child whose





rights have been violated to have access to effective remedies at the domestic level,

Recalling the important role that national human rights institutions and other relevant specialized institutions, mandated to promote and protect the rights of the child, can play in this regard,

Considering that, in order to reinforce and complement such national mechanisms and to further enhance the implementation of the Convention and, where applicable, the Optional Protocols thereto on the sale of children, child prostitution and child pornography and on the involvement of children in armed conflict, it would be appropriate to enable the Committee on the Rights of the Child (hereinafter referred to as “the Committee”) to carry out the functions provided for in the present Protocol,

Have agreed as follows:

Part I General provisions

Article 1 Competence of the Committee on the Rights of the Child

1. A State party to the present Protocol recognizes the competence of the Committee as provided for by the present Protocol.
2. The Committee shall not exercise its competence regarding a State party to the present Protocol on matters concerning violations of rights set forth in an instrument to which that State is not a party.
3. No communication shall be received by the Committee if it concerns a State that is not a party to the present Protocol.

Article 2
General principles guiding the functions of the Committee
In fulfilling the functions conferred on it by the present Protocol, the Committee shall be guided by the principle of the best interests of the child. It shall also have regard for the rights and views of the child, the views of the child being given due weight in accordance with the age and maturity of the child.

Article 3
Rules of procedure
1. The Committee shall adopt rules of procedure to be followed when exercising the

- functions conferred on it by the present Protocol. In doing so, it shall have regard, in particular, for article 2 of the present Protocol in order to guarantee child-sensitive procedures.
2. The Committee shall include in its rules of procedure safeguards to prevent the manipulation of the child by those acting on his or her behalf and may decline to examine any communication that it considers not to be in the child's best interests.

Article 4
Protection measures
1. A State party shall take all appropriate steps to ensure that individuals under its jurisdiction are not subjected to any human rights violation, ill-treatment or intimidation as a consequence of communications or cooperation with the Committee pursuant to the present Protocol.

2. The identity of any individual or group of individuals concerned shall not be revealed publicly without their express consent.

Part II Communications procedure

Article 5
Individual communications
1. Communications may be submitted by or on behalf of an individual or group of individuals, within the jurisdiction of a State party, claiming to be victims of a violation by that State party of any of the rights set forth in any of the following instruments to which that State is a party:

- (a) The Convention;
- (b) The Optional Protocol to the Convention on the sale of children, child prostitution and child pornography;
- (c) The Optional Protocol to the Convention on the involvement of children in armed conflict.

2. Where a communication is submitted on behalf of an individual or group of individuals, this shall be with their consent unless the author can justify acting on their behalf without such consent.

Article 6
Interim measures
1. At any time after the receipt of a communication and before a determination on the merits has been reached, the Committee may transmit to the State party concerned for its urgent consideration a request that the

- State party take such interim measures as may be necessary in exceptional circumstances to avoid possible irreparable damage to the victim or victims of the alleged violations.
2. Where the Committee exercises its discretion under paragraph 1 of the present article, this does not imply a determination on admissibility or on the merits of the communication.

Article 7
Admissibility
The Committee shall consider a communication inadmissible when:

- (a) The communication is anonymous;
- (b) The communication is not in writing;
- (c) The communication constitutes an abuse of the right of submission of such communications or is incompatible with the provisions of the Convention and/or the Optional Protocols thereto;
- (d) The same matter has already been examined by the Committee or has been or is being examined under another procedure of international investigation or settlement;
- (e) All available domestic remedies have not been exhausted. This shall not be the rule where the application of the remedies is unreasonably prolonged or unlikely to bring effective relief;
- (f) The communication is manifestly ill-founded or not sufficiently substantiated;
- (g) The facts that are the subject of the communication occurred prior to the entry into force of the present Protocol for the State party concerned, unless those facts continued after that date;
- (h) The communication is not submitted within one year after the exhaustion of domestic remedies, except in cases where the author can demonstrate that it had not been possible to submit the communication within that time limit.

Article 8
Transmission of the communication
1. Unless the Committee considers a communication inadmissible without reference to the State party concerned, the Committee shall bring any communication submitted to it under the present Protocol confidentially to the attention of the State party concerned as soon as possible.

2. The State party shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that it may have provided. The State party

shall submit its response as soon as possible and within six months.

Article 9
Friendly settlement
1. The Committee shall make available its good offices to the parties concerned with a view to reaching a friendly settlement of the matter on the basis of respect for the obligations set forth in the Convention and/or the Optional Protocols thereto.

2. An agreement on a friendly settlement reached under the auspices of the Committee closes consideration of the communication under the present Protocol.

Article 10
Consideration of communications
1. The Committee shall consider communications received under the present Protocol as quickly as possible, in the light of all documentation submitted to it, provided that this documentation is transmitted to the parties concerned.

2. The Committee shall hold closed meetings when examining communications received under the present Protocol.
3. Where the Committee has requested interim measures, it shall expedite the consideration of the communication.
4. When examining communications alleging violations of economic, social or cultural rights, the Committee shall consider the reasonableness of the steps taken by the State party in accordance with article 4 of the Convention. In doing so, the Committee shall bear in mind that the State party may adopt a range of possible policy measures for the implementation of the economic, social and cultural rights in the Convention.
5. After examining a communication, the Committee shall, without delay, transmit its views on the communication, together with its recommendations, if any, to the parties concerned.

Article 11
Follow-up
1. The State party shall give due consideration to the views of the Committee, together with its recommendations, if any, and shall submit to the Committee a written response, including information on any action taken and envisaged in the light of the views and recommendations of the Committee. The State party shall submit its response as soon as possible and within six months.





2. The Committee may invite the State party to submit further information about any measures the State party has taken in response to its views or recommendations or implementation of a friendly settlement agreement, if any, including as deemed appropriate by the Committee, in the State party's subsequent reports under article 44 of the Convention, article 12 of the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography or article 8 of the Optional Protocol to the Convention on the involvement of children in armed conflict, where applicable.

Article 12

Inter-State communications

1. A State party to the present Protocol may, at any time, declare that it recognizes the competence of the Committee to receive and consider communications in which a State party claims that another State party is not fulfilling its obligations under any of the following instruments to which the State is a party:
 - (a) The Convention;
 - (b) The Optional Protocol to the Convention on the sale of children, child prostitution and child pornography;
 - (c) The Optional Protocol to the Convention on the involvement of children in armed conflict.
2. The Committee shall not receive communications concerning a State party that has not made such a declaration or communications from a State party that has not made such a declaration.
3. The Committee shall make available its good offices to the States parties concerned with a view to a friendly solution of the matter on the basis of the respect for the obligations set forth in the Convention and the Optional Protocols thereto.
4. A declaration under paragraph 1 of the present article shall be deposited by the States parties with the Secretary-General of the United Nations, who shall transmit copies thereof to the other States parties. A declaration may be withdrawn at any time by notification to the Secretary-General. Such a withdrawal shall not prejudice the consideration of any matter that is the subject of a communication already transmitted under the present article; no further communications by any State party shall be received under the present article after the notification of withdrawal of the declaration has

been received by the Secretary-General, unless the State party concerned has made a new declaration.

Part III Inquiry procedure

Article 13

Inquiry procedure for grave or systematic violations

1. If the Committee receives reliable information indicating grave or systematic violations by a State party of rights set forth in the Convention or in the Optional Protocols thereto on the sale of children, child prostitution and child pornography or on the involvement of children in armed conflict, the Committee shall invite the State party to cooperate in the examination of the information and, to this end, to submit observations without delay with regard to the information concerned.
2. Taking into account any observations that may have been submitted by the State party concerned, as well as any other reliable information available to it, the Committee may designate one or more of its members to conduct an inquiry and to report urgently to the Committee. Where warranted and with the consent of the State party, the inquiry may include a visit to its territory.
3. Such an inquiry shall be conducted confidentially, and the cooperation of the State party shall be sought at all stages of the proceedings.
4. After examining the findings of such an inquiry, the Committee shall transmit without delay these findings to the State party concerned, together with any comments and recommendations.
5. The State party concerned shall, as soon as possible and within six months of receiving the findings, comments and recommendations transmitted by the Committee, submit its observations to the Committee.
6. After such proceedings have been completed with regard to an inquiry made in accordance with paragraph 2 of the present article, the Committee may, after consultation with the State party concerned, decide to include a summary account of the results of the proceedings in its report provided for in article 16 of the present Protocol.
7. Each State party may, at the time of signature or ratification of the present Protocol or accession thereto, declare that it does not recognize the competence of the Com-

mittee provided for in the present article in respect of the rights set forth in some or all of the instruments listed in paragraph 1.

8. Any State party having made a declaration in accordance with paragraph 7 of the present article may, at any time, withdraw this declaration by notification to the Secretary-General of the United Nations.

Article 14

Follow-up to the inquiry procedure

1. The Committee may, if necessary, after the end of the period of six months referred to in article 13, paragraph 5, invite the State party concerned to inform it of the measures taken and envisaged in response to an inquiry conducted under article 13 of the present Protocol.
2. The Committee may invite the State party to submit further information about any measures that the State party has taken in response to an inquiry conducted under article 13, including as deemed appropriate by the Committee, in the State party's subsequent reports under article 44 of the Convention, article 12 of the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography or article 8 of the Optional Protocol to the Convention on the involvement of children in armed conflict, where applicable.

Part IV

Final provisions

Article 15

International assistance and cooperation

1. The Committee may transmit, with the consent of the State party concerned, to United Nations specialized agencies, funds and programmes and other competent bodies its views or recommendations concerning communications and inquiries that indicate a need for technical advice or assistance, together with the State party's observations and suggestions, if any, on these views or recommendations.
2. The Committee may also bring to the attention of such bodies, with the consent of the State party concerned, any matter arising out of communications considered under the present Protocol that may assist them in deciding, each within its field of competence, on the advisability of international measures likely to contribute to assisting States parties in achieving progress in the implementation of the rights recognized in

the Convention and/or the Optional Protocols thereto.

Article 16

Report to the General Assembly

The Committee shall include in its report submitted every two years to the General Assembly in accordance with article 44, paragraph 5, of the Convention a summary of its activities under the present Protocol.

Article 17

Dissemination of and information on the Optional Protocol

Each State party undertakes to make widely known and to disseminate the present Protocol and to facilitate access to information about the views and recommendations of the Committee, in particular with regard to matters involving the State party, by appropriate and active means and in accessible formats to adults and children alike, including those with disabilities.

Article 18

Signature, ratification and accession

1. The present Protocol is open for signature to any State that has signed, ratified or acceded to the Convention or either of the first two Optional Protocols thereto.
2. The present Protocol is subject to ratification by any State that has ratified or acceded to the Convention or either of the first two Optional Protocols thereto. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.
3. The present Protocol shall be open to accession by any State that has ratified or acceded to the Convention or either of the first two Optional Protocols thereto.
4. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General.

Article 19

Entry into force

1. The present Protocol shall enter into force three months after the deposit of the tenth instrument of ratification or accession.
2. For each State ratifying the present Protocol or acceding to it after the deposit of the tenth instrument of ratification or instru-





ment of accession, the present Protocol shall enter into force three months after the date of the deposit of its own instrument of ratification or accession.

Article 20

Violations occurring after the entry into force

1. The Committee shall have competence solely in respect of violations by the State party of any of the rights set forth in the Convention and/or the first two Optional Protocols thereto occurring after the entry into force of the present Protocol.
2. If a State becomes a party to the present Protocol after its entry into force, the obligations of that State vis-à-vis the Committee shall relate only to violations of the rights set forth in the Convention and/or the first two Optional Protocols thereto occurring after the entry into force of the present Protocol for the State concerned.

Article 21

Amendments

1. Any State party may propose an amendment to the present Protocol and submit it to the Secretary-General of the United Nations. The Secretary-General shall communicate any proposed amendments to States parties with a request to be notified whether they favour a meeting of States parties for the purpose of considering and deciding upon the proposals. In the event that, within four months of the date of such communication, at least one third of the States parties favour such a meeting, the Secretary-General shall convene the meeting under the auspices of the United Nations. Any amendment adopted by a majority of two thirds of the States parties present and voting shall be submitted by the Secretary-General to the General Assembly for approval and, thereafter, to all States parties for acceptance.
2. An amendment adopted and approved in accordance with paragraph 1 of the present article shall enter into force on the thirtieth day after the number of instruments of acceptance deposited reaches two thirds of the number of States parties at the date of adoption of the amendment. Thereafter, the amendment shall enter into force for any State party on the thirtieth day following the deposit of its own instrument of acceptance. An amendment shall be binding only on those States parties that have accepted it.

Article 22

Denunciation

1. Any State party may denounce the present Protocol at any time by written notification to the Secretary-General of the United Nations. The denunciation shall take effect one year after the date of receipt of the notification by the Secretary-General.
2. Denunciation shall be without prejudice to the continued application of the provisions of the present Protocol to any communication submitted under articles 5 or 12 or any inquiry initiated under article 13 before the effective date of denunciation.

Article 23

Depositary and notification by the Secretary-General

1. The Secretary-General of the United Nations shall be the depositary of the present Protocol.
2. The Secretary-General shall inform all States of:
 - (a) Signatures, ratifications and accessions under the present Protocol;
 - (b) The date of entry into force of the present Protocol and of any amendment thereto under article 21;
 - (c) Any denunciation under article 22 of the present Protocol.

Article 24

Languages

1. The present Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.
2. The Secretary-General of the United Nations shall transmit certified copies of the present Protocol to all States.





Children's Rights

“Children shouldn’t be bothered all the time!”

This idea naturally is expressed a bit more complicatedly in the Convention on the Rights of the Child, because laws usually are written in pretty complicated language. But the ZDF children's news show logo! has now explained children's rights in simple terms for everyone to understand.

Find out what children's rights are all about!

And have fun along the way!



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Zweites Deutsches Fernsehen - Anstalt des öffentlichen Rechts

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