PART ONE

KNOW YOUR RIGHTS

‘It is better to light a candle than curse the darkness.’

Chinese proverb, and the motto of Amnesty International

YOUR RIGHTS

If you are a child or a young person, you have your own set of human rights. Child rights are human rights especially designed for children and young people. You have had them since the moment you were born. You will have them until you reach what is called 'the **age of majority**', which in most countries is eighteen years old.

They are precious freedoms and protections, your own set of laws. They exist to look after you, to help you flourish, and so your voice can be heard. They are part of a body of international human rights, to which you are entitled because you are human.

Child rights are positive. They aspire to the very best for all children and young people, everywhere.

They are yours, no matter who you are or where you live. Whatever your gender, sexuality, gender identity, race, ethnicity, colour, faith or culture, whether you're rich or poor, disabled or non-disabled, neurodiverse or neurotypical, living with your own family, in a care home, on the streets or in a refugee camp, these rights belong to you. Equally. No one has more or fewer child rights than anyone else.

Your rights are **inalienable**. This means that no one is allowed to take them away from you. But be aware: you may face many attempts to deny you your rights.

Your rights can be upheld by law. But they need defending. There will be those who think they would be better off if you had fewer rights. They may try to **violate** or **abuse** them. Governments and other authorities are supposed to step in and help you, but they don't always do this.

Some legal language: states and governments violate rights. Individuals and companies abuse them. The term abuser is also used for someone who tries to control you in an intimate or sexual way.

You may hear some people say that human rights are dangerous, too political or inappropriate for children to know, or that they are foreign imports. This isn't true. Rights are beneficial and they are yours, regardless of anyone's politics or beliefs. The danger comes when they are not respected.

You are a rights holder. You need to know what your rights are so you can stand up for them, for yourself and others. Standing up for others is also called **solidarity**. In essence, solidarity is a value, a shared sense of humanity, that enables people to connect with others and support them, no matter their differences.

This book is a manual for you to know, understand and claim your rights.

WHO IS A CHILD?

The law considers you a child until you reach the 'age of majority'. That is the threshold of adulthood, when you become accountable in the eyes of the law and can vote in local and often national elections. It may also be the age at which you can get married, have a driving licence and work, although these vary between countries. In most places, you reach the age of majority when you turn eighteen, which is what the United Nations **Committee on the Rights of the Child** recommends (see page 22 for more information about the Committee). Some countries, like Austria and Brazil, have changed the regulations to give you more of a voice, enabling you to vote in national elections when you are sixteen, though you are still legally a child entitled to child rights and protections. In Iran, however, boys reach the age of majority at fifteen lunar years, while for girls it is nine lunar years. This means that Iran's laws do not protect children and young people for as long – for example, child marriage can be forced on girls as young as nine. Much is determined by cultural norms in your country. These can bring advantages and disadvantages to you as an individual, but it's also worth reflecting on how these norms benefit those in authority.

As a teenager, you may be a young person nearing adulthood, but in the eyes of the law you have child rights. When you become an adult, you will still have human rights – just not child rights.

There are about 2.3 billion children in the world, nearly a third of the total human population. Make the most of your rights. Know them and claim them.

Oppression is a power system that keeps privilege for those in dominant groups. It takes place on many different levels across society. On a *personal* level, for example, someone may carry beliefs about others based on class, race or gender; they might not articulate these beliefs, but they still affect their opinions and actions. On an *interpersonal* level, someone's beliefs might make them treat others as if they are less important. On an *institutional* level, there are often rules and policies (written and unwritten) that exclude people or stop them feeling welcome. At the *cultural* level, oppressive beliefs are sent out far and wide on a daily basis through the media, books, government announcements and so on. They are part of shaping widespread views that can make people accept oppression unthinkingly. It becomes a vicious circle.

A SHORT HISTORY OF CHILD RIGHTS

Human rights are laws that are rooted in globally accepted ethical values, such as equality, dignity and justice. They are how you expect to be treated as a person. Human rights provide a structure of agreed rules that protect you from oppression and abuse of power. They are informed by the moral teachings of most faiths and cultural traditions.

Child rights give you extra protection as a child or young person. They come to you mainly (but not only) through the United Nations Convention on the Rights of the Child of 1989.

WHEN CHILDREN (AND MOST ADULTS) HAD NO RIGHTS

All human rights have been hard-won. People have fought and died for them for hundreds of years.

In 539 BCE, Cyrus the Great, the first king of ancient Persia, issued what may be the earliest **charter** of human rights. He ordered slaves to be freed, stated that everyone had the right to choose their own religion and said that people of all races were equal.

His decrees were recorded on a baked-clay cylinder in the Akkadian language with cuneiform script, now known as the Cyrus Cylinder.

The idea of human rights spread quickly to India, Greece and eventually Rome. The following centuries saw the rise of more documents asserting rights, such as Magna Carta (Great Charter) in 1215, which embedded some rights into English law. It excluded most ordinary people but influenced later human rights law.

Throughout history, many adults and children did not enjoy rights. Most families were very poor and needed their children to bring in food and money.

Large numbers of children laboured from the age of three in fields, at home and, later, in factories. They were hungry, exhausted and uneducated. Malnutrition stunted the growth of many. Lack of education and play made it impossible to develop properly.

From the 18th century, activists in different countries began to campaign for child rights, and against terrible working conditions. They argued that the **state** (meaning local and national governments) had a duty to step in and protect vulnerable children, and that children had a right to be educated. New laws were made because of these campaigns. They included the UK's Factory Act of 1833, which banned using children under the age of nine in factories. In 1881, India's Factory Act outlawed the employment of children under seven.

Gradually, attitudes towards children began to change around the world. Campaigners pushed hard for the right to education because they knew it could help unlock a child's potential. The United States introduced free primary education for all children by 1870. Two years later, Japan did the same. By the end of the 19th century, children in many developed countries were given free primary education.

THE RISE OF HUMAN RIGHTS

In the first quarter of the 20th century, World War One claimed about 16 million lives in over thirty countries. The global influenza pandemic that immediately followed killed another 50 million. Huge numbers of children were orphaned.

> 'All wars, whether just or unjust, disastrous or victorious, are waged against the child.'
>
> *Eglantyne Jebb, 1919*

Campaigners were deeply concerned for the welfare of children. In 1924 they achieved the first ever international child rights charter – the Geneva Declaration of the Rights of the Child. This was drafted by Eglantyne Jebb, who also founded the Save the Children Fund. The main aim of the Declaration was to give children the essentials for survival and development: food, healthcare, education, clean water and help in times of need. It was a real step forward. But it still viewed children as less capable beings who were unable to speak for themselves.

A few years later came World War Two, the deadliest military conflict in history. It caused the deaths of about 75 million people between 1939 and 1945. On one side were Germany, Italy and Japan, known as the Axis powers; on the other were the Allied forces, including the United States, Great Britain, the Soviet Union, France and China.

> 'Children are not the people of tomorrow, but people today. They are entitled to be taken seriously. They have a right to be treated by adults with tenderness and respect, as equals. They should be allowed to grow into whoever they were meant to be – the unknown person inside each of them is our hope for the future.'
>
> *Janusz Korczak, 1927, educator and child rights campaigner who chose not to save himself but marched with Jewish orphans into Treblinka death camp.*

Many of the millions of deaths were caused by the **Holocaust**, carried out by the German Nazi party and their collaborators in European countries. This was a **genocide**, the deliberate mass killing of an entire group of people in the attempt to wipe them out of existence. During the Holocaust the Nazis murdered six million

Jewish people across the entire continent of Europe, including about 1.5 million children. They also killed people with disabilities, gay people, Gypsy, Roma and Sinti people, anyone who opposed them politically (mainly communists, trade unionists and social democrats), as well as people whose religious beliefs conflicted with their ideology.

> Anne Frank was a Jewish girl who in 1942 went into hiding with her family during the Nazi occupation of the Netherlands. Two years later they were discovered, and captured by the Nazis. In 1945 Anne died in the inhumane conditions of the Bergen-Belsen **concentration camp**. Anne wrote a world-famous diary about her thoughts and experiences, which has contributed to much greater awareness of the dangers of **discrimination** like **anti-Semitism**. She wrote, 'How wonderful it is that nobody need wait a single moment before starting to improve the world.'

Many other deaths were caused by intensive aerial bombing raids carried out by both sides. Allied forces' bombing raids, for example, killed about 410,000 German civilians and destroyed entire cities, from Berlin to Hamburg. German bombing raids known as 'the Blitz' killed nearly 40,000 British people (including over 5,000 children) in just eight months between 1940 and 1941.

Germany surrendered in May 1945 but the war continued in Asia. In August that year, US forces dropped two nuclear bombs on the Japanese cities of Hiroshima and Nagasaki. At least 214,000 people died, including thousands of children. Japan surrendered soon after, ending the war.

After the war, world leaders came together in the United Nations to say 'never again'. For the first time they agreed on global human rights that would help to prevent atrocities. In 1948 the Universal Declaration of Human Rights (UDHR) was born. It was truly radical. It offered hope and a lifetime of legal protection to everyone from birth to death. It gave people a powerful legal tool to fight oppressors.

> The **United Nations,** or **'UN'**, is an international body, a place where all the countries of the world are supposed to come together to prevent war and promote social justice and freedom.

The UDHR sets visionary standards that have helped countless people gain greater freedom and security. It helps prevent human rights abuses and sets clear standards for justice. However, it is often disobeyed

and disregarded by governments all over the world. Article 1 famously says, 'We are all born free and equal', yet this is not most people's reality. Human rights are not set in stone. We have to continue to fight for them.

> 'Surely it is more intelligent to hope rather than to fear, to try rather than not to try. For one thing we know beyond all doubt: nothing has ever been achieved by the person who says "it can't be done."'

Eleanor Roosevelt, 1960, chair of the United Nations Human Rights Commission and a driving force behind the UDHR

Over the years other human rights agreements were established through the UN, focusing on the needs of more marginalised people such as women, refugees and those with disabilities. They are all important for children as well as adults, but they tend to ignore children's particular needs. There was one exception: the 1959 Declaration of the Rights of the Child, which defined basic rights to protection, education, healthcare, shelter and good nutrition.

Core UN human rights treaties

Refugee Convention (1951)
International Convention on the Elimination of all Forms of Racial Discrimination (1966)
International Covenant on Civil and Political Rights (1966)
International Covenant on Economic, Cultural and Social Rights (1966)
Convention on the Elimination of All Forms of Discrimination against Women (1979)
Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (1984)
Convention on the Rights of the Child (1989)
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990)
International Convention for the Protection of All Persons from Enforced Disappearances (2006)
Convention on the Rights of Persons with Disabilities (2006)

Africa is the first continent to adopt its own child rights charter, the African Charter on the Rights and Welfare of the Child, 1990. All fifty-four African countries have also ratified the Convention (see below). The African Charter builds on the Convention's principles and highlights issues of special importance in Africa, such as protecting children who are internally displaced, whose guardian is in prison, and who become pregnant while still at school. It has its own committee to which children, or adults acting on their behalf, can bring complaints.

THE UN CONVENTION ON THE RIGHTS OF THE CHILD

'The child should be . . .
brought up in the spirit of peace,
dignity, tolerance, freedom,
equality and solidarity.'

UN Convention on the Rights of the Child, 1989

At last, in 1989, came the Convention on the Rights of the Child. For the first time ever, governments all over the world agreed that the rights of children should have the same recognition as those of adults. They also said that for any society to be strong, its children need to flourish. Under the terms of the Convention, governments are obliged to meet children's basic needs and help every child reach their full potential.

In order to work out how to protect the rights of children, bearing in mind their specific needs, the drafters of the Convention had to address what can place children at risk. It is this: children depend on adults. Dependency brings benefits, but it also has risks. It can make you vulnerable.

In an ideal childhood, you are loved and looked after by adults and all your needs are met. You grow, you thrive, you spread your wings. But this does not always happen. The adults you depend on may not be able to support you. They may be poor, without enough food to give you. They might be ill and unable to look after you properly. Some adults may deliberately abuse you. On top of this, social inequality exists everywhere. You may be discriminated against for many reasons, such as for being a girl, or if you belong to an **Indigenous** group. You may struggle to have enough food and water, because your water source has been poisoned by a chemical company, for example. Your country may be affected by government mismanagement or corruption. You may be living through a war. There

are a whole host of possible scenarios that are not under your control and that can make you vulnerable.

PRECIOUS FREEDOMS

In its entirety, the Convention has 54 **Articles**, each of which applies everywhere, in the home and wider society. They include your rights, a set of rules for governments to uphold them, as well as procedures of the UN Committee on the Rights of the Child. The Committee is a body of eighteen independent child rights experts who regularly monitor how well governments are protecting child rights in their countries.

The Convention looks at childhood in the round, so all of your rights are interlinked and none of them is more important than the others. It makes governments responsible for upholding your rights and for working with other adults to ensure you can enjoy them. Everywhere, parents and guardians have a duty to support all your rights and you have the right to participate in all decisions that affect you. The Convention recognises that as children develop, you have less need for protection because you are increasingly able to take on responsibility. Children in different environments and cultures, with diverse life experiences and capabilities, will mature at different ages. The legal term for this is your **evolving capacities**. It means that you will have increasing autonomy (independence) as you mature.

The Convention is the most ratified human rights treaty in the world, meaning that nearly all governments have signed it and are legally bound to uphold it. This shows that its importance is almost universally accepted. The United States of America is the only country that hasn't ratified it. However, many child rights apply through other US laws and international human rights treaties, so the courts and the government still have to consider the best interests of children. If you live in the United States, you are not unprotected.

Some countries uphold children's rights by embedding the Convention's rules into their own national laws. This is called **direct incorporation**, sometimes known as **domestic incorporation**. It means that child rights are integrated into all legislation that affects children, such as in schools, hospitals and local authorities. It gives you more of a say in how rights are put into practice.

However, other governments have applied what are called **reservations** to certain rights. Reservations can be used as get-out clauses, allowing those governments not to uphold some rights fully.

THE GENERAL PRINCIPLES

Your rights are underpinned by four General Principles. These are fundamental, because the makers of the Convention used them in all their discussions. They also make a very useful lens to help understand your rights.

They are:

- The right to life, survival and development.
- Equality and non-discrimination.
- The right to be heard and to participate.
- The best interests of the child.

The General Principles say very clearly that children are not the passive property of adults. You have a part to play in decision-making, alongside your parents and other adults. You are people with equal dignity and are entitled to respect. Traditionally, people often talk about children in future terms, as if your right to participate in decisions only comes later. '*When you grow up, you can . . .*' The Convention, however, recognises that everyone misses out if the world only pays attention to adults' perspectives. Children and young people have valid, unique and important insights to offer right now.

YOUR RIGHTS ARE EQUAL AND INTERLINKED

No one child right is more important than another. They are all connected. For children and young people to flourish, you need *all* your rights.

Sometimes it's hard to see rights as equal. If you don't have enough food, hunger will be at the forefront of your mind. If you are being physically abused, the pain can feel overwhelming. Being denied an education is immeasurably unfair. The impact of any denial of rights can be long-lasting and its legacy can also affect your own future children, if you become a parent.

It can be tempting to believe that *my* rights are more important than *yours*, especially for anyone in a difficult situation. Desperation can easily cause misdirection of anger. Sometimes called **scapegoating**, this is blaming people who are just as badly off as you, if not worse, rather than holding those in power to account. It often leads to conflict. Tradition and culture can also play a part in how people think about and approach rights.

Knowledge is key. Knowing your rights makes it easier to understand how they connect, what's stopping you from enjoying them, and how to claim them.

Child rights overlap and interlink and all of them are underpinned by the General Principles. The Convention includes 54 rights, or Articles, of which Articles 41 to 54 are about how adults and governments must work together to make sure you can enjoy all your rights.

This book takes Articles 1 to 40 and groups them into core themes. We also look at Article 42 because it says that all governments have an obligation to educate children and adults about child rights.

These are your rights

Life, dignity and health

You have the right to life and an adequate standard of living, including housing, food, water, a clean climate, health and healthcare.

Equality and non-discrimination

You have equal rights with all other children in the world, no matter your race, ethnicity, gender, sexuality, religion, language, parental politics, your own political opinion, wealth, poverty or if you have a disability.

Participation

You have the right to be heard and to participate in all decisions affecting you, including in court. You have the right to receive information.

Identity

You have the right to a name and nationality. This is your legal identity that enables you to access all your other rights.

Safe place

You have the right to a safe place to live and to be cared for, including if you are a refugee, migrant, living on the streets, orphaned, adopted or fostered.

Protection from harm

You have the right not to be tortured or to be treated in a cruel, inhuman or degrading way. You have the right not to be subjected to mental, emotional or physical abuse, dangerous work, forced labour, drugs or sex trafficking.

Bodily integrity

You have the right to be protected from sexual abuse, female genital mutilation (also known as cutting) and early or forced marriage.

Protection from armed violence

You have the right to life and to be protected from war and armed conflict. If you're underage you should not be asked to fight or take part in war.

Criminal justice and liberty

You have the right not to be punished in a cruel, harmful or degrading way. You are entitled to a fair hearing and judges must consider your age and needs. You should receive support to help you recover from abuse.

Privacy

You have the right to privacy and to be protected from bullying, intimidation, harassment, threats and attacks on your reputation.

Minority and Indigenous rights

You have the right to enjoy your own culture, practise your religion and use your languages if you belong to a minority or Indigenous group.

Education

You have the right to information, a good education and schooling to help develop your personality, talents and abilities. You have the right to information and guidance. You have the right to know your rights.

Play

You have the right to play, rest, choose your own friends, share ideas and enjoy the arts and culture.

Freedom of thought

You have the right to your own ideas. You can choose to follow your own faith or none.

Voice and peaceful protest

You have the right to express your views and to join with others to do so, including in peaceful protest. You are entitled to seek out and receive information.

THE OPTIONAL PROTOCOLS

Since the Convention came into being, three optional protocols have been added to provide extra protection and safety measures. Governments choose whether or not they will **ratify** these. If your government hasn't done so, you have the right to campaign to make any of the protocols law in your country.

OPTIONAL PROTOCOL 1 (OP 1) ON THE INVOLVEMENT OF CHILDREN IN ARMED CONFLICT

This aims to strengthen the Convention's existing protections against being recruited to fight in wars and conflict. By 2020, 170 countries out of 197 had ratified OP 1. A further ten countries had signed but not yet ratified, which means they intend to make it binding on them at a time in the future. Seventeen had neither signed nor ratified.

OPTIONAL PROTOCOL 2 (OP 2) ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY

This aims to protect you from sexual exploitation and abuse. By 2020, 176 countries had ratified OP 2, nine had signed but not yet ratified, and twelve had taken no action.

OPTIONAL PROTOCOL 3 (OP 3) ON A COMMUNICATIONS PROCEDURE

This came into force in 2014. It allows you, or someone on your behalf, to lodge a complaint with the United Nations Committee on the Rights of the Child about violations of your rights, when your own country's legal system hasn't resolved the issue. Governments that ratify it enshrine the 'right to complain' in law and enable children and young people to have more consistent and reliable access to their rights. OP 3 is essential as the UN does not have an international police force with a remit to enforce child rights, which means that it is up to children, or adults on your behalf, to do this. OP 3 makes it easier because it aids international scrutiny of a government's actions as well as upholding your right to a voice. By 2020, 47 states and countries out of 197 had ratified OP 3.