



Our Rights

A
Rights are for ALL children.
UNIVERSAL

B
Rights are there at BIRTH.
INHERENT

C
Rights CANNOT be taken away.
INALIENABLE

D
Rights DO NOT have to be earned.
UNCONDITIONAL

E
All rights are EQUALLY important.
INDIVISIBLE

Article 24
Every child has the right to the best possible health.
Governments must provide good quality health care, clean water, nutritious food and a clean environment and education of health and well-being.

24
HEALTH, WATER, FOOD, ENVIRONMENT

Child safety week
child accident prevention trust
6-12 June 2022

What are the rules as a pedestrian?

How do we keep safe on the roads?

What can we do to keep the air less polluted?

13 CLIMATE ACTION

Rule of Law
Understanding rules and why they are important. Following rules to develop order.



MYTHS AND MISCONCEPTIONS

About the UN Convention on the Rights of the Child



Introduction

This booklet breaks down some of the common myths and misconceptions about children's rights.

As an international legal treaty, the Convention on the Rights of the Child (the Convention or CRC) may sometimes seem complex and difficult to interpret in practice. This can lead to misunderstandings about what each right means and how the Convention applies in practice.

While we want the Convention to be accessible to everyone, it is important not to oversimplify it. This booklet seeks to deepen your understanding of the Convention by clarifying common misconceptions that can arise.

Common misconceptions about children's rights

1. Children have the right to be loved
2. Children have the right to be happy
3. Children have the right to have friends
4. Children have the right to have toys
5. Children have the right to make mistakes
6. With rights come responsibilities
7. Some rights are more important than others
8. Rights help to control children's behaviour at school
9. Rights tell children how to behave towards other children
10. Children's rights come from UNICEF
11. When you turn 18, you have new human rights that are just for adults
12. The Convention is out of date
13. The Convention is not part of UK law so it has no power

MISCONCEPTIONS EXPLAINED

1 & 2. Children have the right to be loved and to be happy

Incorrect - being loved and happy seem like the most obvious 'rights' children and young people should have but these are not listed in the CRC's 54 articles. The CRC is a legal document with clear duties on how rights should be respected and fulfilled, and emotions such as love and happiness are impossible to legislate for or put into law. However many articles of the CRC are about the conditions, resources, protections and freedoms that a child needs to grow up feeling happy and loved. The introduction to the Convention recognises that "the child [...] should grow up in a family environment, in an atmosphere of happiness, love and understanding".

3. Children have the right to have friends

Incorrect - children have the right to meet with other children (for example under Article 15 on freedom of association) but we cannot legislate for people's affinity to others, so it cannot be a legal requirement for children to have friends.

4. Children have the right to have toys

Incorrect - the Convention does say that every child has the right to play, relax and take part in cultural and artistic activities (Article 31) but this right does not include a child's right to have their own toys. However, the Committee on the Rights of the Child recommends that States should allocate adequate human and financial resources to ensure children and young people can enjoy their right to rest, leisure and play.

5. Children have the right to make mistakes

Incorrect - although making mistakes is a valuable part of the learning process and an important part of growing up, it is not a specific right in the Convention. But keep in mind that the human rights principle of dignity means children should be treated with dignity and respect at all times, including when 'they make mistakes'.

6. With rights come responsibilities

Inaccurate - there is a common misunderstanding that children's rights are linked with responsibilities. But this is not correct. Children's rights, like all human rights, are unconditional. This means there are no conditions attached to rights. Rights can never be a reward for the fulfilment of a responsibility, and they can never be taken away because a 'responsibility' hasn't been met. Everyone has human rights, so both adults and children should be encouraged to respect each other's rights, but this does not mean that a child's rights are dependent on them respecting the rights of others. This is why in a rights respecting school we speak of rights and respect, and not about rights and responsibilities.

7. Some rights are more important than others

Inaccurate - a key aspect of the Convention is that it must be considered as a whole and that all rights are connected. This means children should enjoy all the rights in the Convention and that no right is more important than another. Some nuances are useful to note:

- General principles: four articles of the CRC are seen as distinct because they play a fundamental role in realising all the rights in the Convention. They are called 'general principles' and are non-discrimination (article 2); best interests of the child (article 3), life, survival and development (article 6) and respect for the views of the child (article 12).
- Balancing rights: it can happen that adults, as duty bearers, sometimes need to balance one right with another. For example, a child may be separated from his or her parents in specific circumstances if this is in the child's best interests.
- Restricting rights: there are also some rights that can be subject to restrictions, which would then usually be defined by law or a set of rules. For example, the right to freedom of expression (article 13) might be restricted if someone claims their right to freedom of expression to abuse other people and/or deny them their rights.

Remember that in all these circumstances, any action or decision that could stop a child from enjoying their rights should only happen in specific instances, within a time limit and with the child's best interests in mind. The child's right to be heard and taken seriously must also be respected at all times, and all actions must be done in a way that respects the child's dignity.

8. Rights help to control children's behaviour at school

Inaccurate - when children know about the Convention and learn in an environment that respects their rights, they gain a deeper understanding of other people's rights and the need to respect them. This in turn improves relationships at all levels as well as behaviour and attitudes. However, the rights in the Convention should not be used to control children nor be considered as a bargaining tool for positive attitudes or behaviour. Keep in mind that there are no conditions attached to rights and rights cannot be taken away or earned.

9. Rights tell children how to behave towards other children

Inaccurate - in our experience with rights respecting schools, we have seen that when children learn about their rights, their relationship with other children (and adults) tends to improve, as they develop a stronger sense of empathy and an awareness of how their actions can impact on others. Some rights in the Convention talk about children's relationship with each other (for example in article 15 on freedom of association) or the need to not stop other people from enjoying their rights in the exercise of your own rights (for example in article 14 on freedom of thought, belief and religion) but the aim of the Convention is not to define and put a duty on a child's relationship with other children.

10. Children's rights come from UNICEF

Incorrect - the Convention on the Rights of the Child is a United Nations treaty. It is not the property of UNICEF, and its articles are not 'UNICEF rights'. What is true is that UNICEF's work is guided by the Convention and that, as the world's leading children's organisation, UNICEF is mandated by the United Nations General Assembly "to advocate for the protection of children's rights, to help meet

their basic needs and to expand their opportunities to reach their full potential". UNICEF is also the only agency explicitly named in the Convention (article 45) and we were part of the working group, alongside other organisations, governments and individuals from across the world, that drafted the text of the Convention.

11. When you turn 18, you have new human rights that are just for adults

Incorrect - all people, regardless of age, have human rights. The rights of the child apply from birth, until the age of 18. This means that when children reach the age of legal majority and cease to be protected under the CRC, they continue to be protected by other human rights treaties. This includes the International Bill of Human Rights which consists of the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights.

12. The Convention is out of date

Inaccurate - the Convention took years to develop and was adopted by the UN General Assembly in 1989. While the text of the Convention itself (its Preamble and 54 articles) has not been changed since, the Convention as a whole is a living instrument that has evolved over time and adapted itself to many new realities that children face. There are regular reviews as to how the Convention should be interpreted and how governments must implement the Convention. For example, the Committee on the Rights of the Child, the body of experts that monitors the implementation of the Convention, regularly publishes statements called General Comments. These aim to clarify and elaborate on specific articles or themes that are relevant to children's rights. The Committee also organises Days of General Discussions on specific topics to deepen the understanding of certain areas of children's rights, for example on violence against children, digital media and children's rights and children and the environment. In addition, there are a number of agreements that add further unique rights for children which are optional for countries, called "Optional Protocols". Put together, these various mechanisms and texts help to keep the Convention a legal instrument that is alive and constantly evolving.

13. The convention is not part of UK law so it has no power

Inaccurate - the UK ratified (agreed to follow) the Convention in 1991. This means the CRC should be referred to in decision-making, whether in courts or by public bodies. Some countries have already incorporated the CRC into their nations legal system. At the time of writing this document (July 2023), the Scottish Government are working towards incorporation of large parts of the CRC into Scots law. It should be noted that many UK laws provide a higher standard for children than is set out in the convention, and these must always take precedence. Approximately every five years, the government has to report on the status of children's rights in the UK to the UN Committee on the rights of the child. The committee then gives them recommendations on how to better protect, respect and fulfil children's rights and often highlights where the government has failed to realise children's rights. These reports - which are in the public domain - and mechanisms have a strong impact despite not being legally binding. It also provides an effective tool for advocacy and campaigning by civil society organisations.

