Book Review


The United Nations Convention on the Rights of the Child (CRC) is the most widely ratified human rights treaty. Compared to other UN human rights treaties, it remains relatively young, having entered into force in 1990. Over the last 30 plus years, the work of the UN Committee on the Rights of the Child (the Committee), including treaty body reporting processes, General Comments and decisions on individual complaints, has helped shine more light on the interpretation of the CRC. The book, Monitoring State Compliance with the UN Convention on the Rights of the Child: An Analysis of Attributes (Monitoring State Compliance with the CRC) is unique in its aim to distil and capture this body of analysis with reference to each Article of the CRC.

Monitoring State Compliance with the CRC brings together leading international child rights academics and scholars to provide practical interpretation of the CRC. The book organises Articles of the CRC in nine thematic clusters, broadly aligned with those established by the Committee in its reporting guidelines to States Parties. The consistency of the analysis provides a readily accessible source of information, easily enabling the reader to move from one Article to the next. Each Article is helpfully considered using a consistent format, which includes:
- an overview of the CRC Article;
- views of children on the impact and relevance of the CRC Article – especially important given the book’s aspirations to give effect to the CRC;
- an explanation of the implication of general principles to the CRC in understanding the CRC Article;
- a list of Articles in the CRC where there is a particular focus on that subject Article;
– a list of other relevant international instruments that have a bearing on either the
– history or the implementation of the Article;
– a short legal analysis with a view to providing a comprehensive understanding of its meaning and implications; and
– references to enable further research and analysis.

This structure is of great use to the reader, whether they are new to the CRC or having extensive experience in its interpretation.

It is important to note that *Monitoring State Compliance with the CRC* does not set out to be a thorough analytical commentary of the CRC, and other books that were published in recent years have done this job (Tobin, 2019; Vandenhole *et al.* 2019). However, for anyone who is interested in undertaking further analysis, the reference list for each Article is helpfully detailed, including journal articles, books, General Comments and other materials that can be pursued for more detail. The practical reach of *Monitoring State Compliance with the CRC* is what makes it such a valuable resource for a variety of audiences that use the CRC, especially those in practice.

From my perspective, having prepared treaty body reporting processes for multiple states, whether it is the CRC or other human rights treaties, analysis of individual Articles and applying to a particular set of circumstances can be a detailed and resource intensive exercise. That process is necessary to ensure that your arguments are convincing and will have a better opportunity of being heard, as well as being reflected in concluding observations issued by the Committee. Making the CRC more accessible and easier to understand for civil society organisations, states and other key stakeholders is an important function and aspiration of the Committee. *Monitoring State Compliance with the CRC* helps to support this purpose, which it notes in the introduction ‘provides a policy instrument’ for the reader, that in my view will make it easier for civil society organisations and states to prepare their analysis.

For civil society organisations working in the child rights space, *Monitoring State Compliance with the CRC* could be a practical tool too, especially so for smaller and more specialised organisations and members of child rights coalitions for child rights reporting and analysis. In cases where there is dispersed or more specific expertise in a field, having a resource that neatly captures the normative content of the CRC can minimise additional external consultation and time involved in analysis. For child rights reporting, it would be a valuable pre-reading and reference material. That includes under the new simplified reporting procedure, which is becoming increasingly common, through making submissions on the list of issues prior to reporting and contributing to the preparation of the “constructive dialogue”, which is when the Committee
meets states officials in Geneva. On child rights analysis, *Monitoring State Compliance with the CRC* could assist civil society organisations and governments to prepare national action plans on children’s rights, monitoring and evaluation of laws and government policies to ensure consistency with the CRC, and the development of child rights indicators.

*Monitoring State Compliance with the CRC* is also structured in a way to be of particular use to those who operate in a rights monitoring or reporting space within governments. Even governments with considerable sized bureaucracies and resources, may not have specialised staff working on child rights reporting or analysis. Often this function may sit within one department, but handled by a general team covering human rights issues and reporting. *Monitoring State Compliance with the CRC* provides a helpful resource for government officials when preparing their state party reports and responding to feedback from civil society organisations on draft reports. It provides a useful addition to a compendium of materials, in addition to the Guidelines for periodic reports (CRC/C/58/Rev.3) that government officials should have at their disposal. States need to be outlining how they are implementing the CRC, working through the clusters of rights, including with reference to General Comments. For often time poor and resource burdened government officials, *Monitoring State Compliance with the CRC* is an authoritative shortcut in the best sense of the word.

Another space where *Monitoring State Compliance with the CRC* may be of assistance is through engaging with business and states on business and child rights. Integrating children’s rights into responsible business conduct is essential for sustainable development. Mechanisms to support responsible business conduct have become a necessary part of doing business in many jurisdictions, such as environmental, social and governance reporting, and supply chain due diligence. Ten years on from the Children’s Rights and Business Principles (CRBP) and General Comment No. 16 on *State obligations regarding the impact of the business sector on children’s rights*, there is more discourse and analysis to draw upon. States are aware of the need to have adequate legal and institutional frameworks to respect, protect and fulfil children’s rights, and to provide remedies in case of violations in the context of business activities and operations. *Monitoring State Compliance with the CRC* provides additional assistance in understanding the CRC in conjunction with other relevant materials, such as the CRBP. In doing so, helping to provide a greater understanding of how the CRC addresses relevant rights, such as the right to protection of privacy (Article 16, Christian Whalen), the right to access diverse information (Article 17, Gerison Lansdown), and the right to protection from all forms of sexual
exploitation and sexual abuse (Article 34, Adem Arkadas-Thibert), among other child rights.

It is helpful to see throughout that *Monitoring State Compliance with the CRC* is reflective of some of the latest developments in child rights discourse and lived circumstances. For example, in Chapter 4, Ziba Vaghri, discusses Article 6 on the right to life, survival and development. As the only right defined as inherent in the CRC, it occupies a particularly important role, especially so given the exceptionally high standard involved by a state in justifying any failure to protect the right. Helpfully, the overview and analysis of the attributes of Article 6 highlights the way in which it links the CRC in its entirety, by referring to a holistic concept of children's health and wellbeing, including actions that involve protecting a child from undue interference of the right to life. That can include measures linking both the right to life, with the right to survival. One area where this is given attention is environmental pollution and climate change. Further on in *Monitoring State Compliance with the CRC*, and turning to Article 24 on the right to health (Christian Whalen), clear links are then provided on how that intersects with Article 6 on the right to life, including the responsibility of states to provide the minimum basic standards of child health, and its intersection with the environment. This is even more relevant given the current focus of the Committee on the development of General Comment No. 26 on *Children’s Rights and the Environment with a Special Focus on Climate Change*. That will provide further, authoritative guidance on how children’s rights are impacted by the environmental crisis and what governments must do to uphold these rights.

*Monitoring State Compliance with the CRC* is a unique and valuable contribution to the literature on the CRC. It is one of the most accessible and easy to digest comprehensive resources on the CRC available, avoiding the pitfalls of more traditional legal academic literature. I highly recommend its use by governments, civil society organisations and anyone else looking for an authoritative reference source on the CRC.

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References


UNCRC, General Comment No.16 16 on *State obligations regarding the impact of the business sector on children’s rights* (2013).