The Convention on the Rights of the Child (CRC) was adopted unanimously by the United Nations (UN) General assembly in 1989, and is thus a young member of the family of the UN human rights conventions. CRC is unique in many ways, first of all because it is the only human rights convention that is solely about child rights. It entered into force with unprecedented rapidity, only seven months after it was adopted, and it is now ratified by all States in the world except the USA and Somalia. What is special about the Convention is also that it is the first international human rights treaty that covers the whole range of civil, political, economic, social and cultural rights, and it is the longest of United Nation human rights treaties in force.

In 2000 the General Assembly adopted two optional protocols to the Convention, one about the involvement of children in armed conflict and one about sale of children, child prostitution and child pornography, both entered into force in 2002.

It is difficult to be an opponent to the goal of making a better world for children. Most governments with a reasonable long-time perspective also understand that their children are the future of a country, and that investing in children is the most sensible investment a country can make. This was probably the main reason for the warm embracement of the Convention; to ratify the Convention has been “politically correct”. However, it might also be said that the possibility of making reservations according to Article 51 is the reason why some States found it possible to ratify. Many States have made reservations, and some of them have such a wide scope that they certainly are in conflict with international law and Article 51(2) as being incompatible with the object and purpose of the Convention.

The CRC established an innovative approach to the rights of the child: For the first time the human rights of the child was expressly recognised in a Convention; it is about empowerment as well as protection. Some of the articles, especially the ones about civil rights and freedoms, were clearly controversial. It may look as if the drafters themselves

* Member of the UN Committee on the Rights of the Child, professor emeritus and former rector of the University of Oslo.
were worried that they were being too radical in some of the articles; in the preamble the emphasis is on the traditional values, that the family is a fundamental group in society, that childhood is entitled to special care and assistance, that the traditions and cultural values of all people are of importance, etc. Nothing in the preamble points to the fact that the child is the subject of human rights, including civil and political rights and especially the right to be heard. However, this represents the real novelty of the Convention.

The Committee of the Rights of the Child

Monitoring of the implementation of the CRC outside the State Party of the CRC is primarily carried out by the CRC Committee through the State Parties’ reporting to and having dialogue with the Committee. There is no individual complaints procedure as with some of the other UN conventions. The Committee now has 18 members, all elected by the State Parties, which for this Committee is nearly the equivalent of the UN General Assembly. According to Article 43(2) the members shall be “experts of high moral standing and recognized competence in the field covered by this Convention”, and they “shall serve in their personal capacity”.

Independence is not expressly mentioned, and being a civil servant has not been a hindrance for election. This has been criticised by among others Amnesty. However, the members of the Committee have agreed that they would refrain from participating in any aspect of the considerations of the reports submitted by their own State, except for correcting obvious mistakes as regards facts.

The work of the Committee

As with the other UN human rights conventions, little is said in the Convention about monitoring. The word “monitoring” is not mentioned at all. But it follows from Article 43 that a Committee shall be established “for the purpose of examining the progress made by the State Parties in achieving the realization of the obligation undertaken in the present Convention”. The wording here is quite similar to the one in Article 17 of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

State Parties submit to the CRC Committee report on the measures they have adopted to give effect to the rights recognised in the CRC, and on the progress made on the enjoyment of these rights. Each State Party must submit its initial report within two years after the ratification, and then every fifth year. Article 44(a) is about co-operation with other UN organisations, and United Nations Children’s Fund (UNICEF) is the only organisation expressly mentioned. The co-operation with UNICEF is invaluable for the Committee in the monitoring of the State Parties, both as regards reports from UNICEF regarding the individual State Parties, and even more important, in connection with the implementation of the concluding observations from the Committee. Also the UNICEF Innocenti Research Centre is conducting valuable work regarding the CRC.