

Resource 16

The United Nations Convention on the Rights of the Child: A brief history

In Western societies, responsibility for the well being and protection of children has usually rested within each child's family. However, during the 1800s, society began to become aware of a community responsibility to protect children against adults that might harm them.

In 1853 the *New York Children's Society* was established to advocate for child protection and in 1875 the *Society for the Prevention of Cruelty to Children* was created. At that time, the major issue of concern for these groups was children's involvement in unsuitable and unsafe work (child labour).

In 1919, Eglantyne Jebb founded the *Save the Children Fund* in London. Miss Jebb was one of the first people to identify children as having rights. In the same year, the *Child Protection Committee of the League of Nations* was established, going on to draft the first declaration of the rights of the child in 1924.

At around the same time in Poland, Janusz Korczak was writing stories and working on behalf of children's rights. He believed that children were not very different from adults, and that children should be treated as respected, thinking and feeling, *fully human* beings. He believed that "children must be respected and loved, treated in fact as partners and friends."¹ When he died in 1942, Korczak left unfinished his own declaration about children's rights.

Following World War II, the *United Nations Children's Fund* was established to assist young war victims. In an attempt to prevent the atrocities of war, the United Nations began to identify universal human rights. On December 10, 1948 the United Nations General Assembly proclaimed the *Universal Declaration of Human Rights*.

The Declaration of Human Rights described motherhood and childhood as states of being requiring "special care and assistance". In Article 25.2 the Declaration states that "All children, whether born in or out of wedlock, shall enjoy the same social protection."² This was the first time that children's rights had been written into law.

Interest in and advocacy for children's rights began to gather strength, and finally resulted in the development of the *Convention on the Rights of the Child*. The Convention was adopted by the United Nations on November 20, 1989 and entered into force in international law on September 2, 1990.

Almost all of the world's countries, including Australia, have made a formal agreement to uphold the rights of children as listed in the Convention. However, it is important to note that many of these countries specified articles of the convention from which they should be exempt. Often these exemptions, named declarations or reservations, are related to aspects of a country's own laws, religion or traditional values. More information about the various declarations and reservations attached to various countries' ratification of the UN Convention can be found at http://www.unhchr.ch/html/menu3/b/treaty15_esp.htm

1 Lewowick, T. (1994). Janusz Korczak (1878-1942). *Prospects: The quarterly review of comparative education*, 24 (1/2), 37-38. Retrieved April 29, 2005 from <http://www.ibe.unesco.org/International/Publications/Thinkers/ThinkersPdf/korzake.PDF>

2 United Nations (1948). *Universal Declaration of Human Rights*, Article 25.2. Retrieved April 29, 2005 from <http://www.un.org/Overview/rights.html>